

JOURNAL of THE SENATE State of West Virginia

EIGHTY-SIXTH LEGISLATURE

Regular Sixty-Day Session, 2023

First Extraordinary Session, 2023

VOLUME I



NOTE: The first volume of this three-volume Official Senate Journal starts with proceedings proper of the First Regular Session of the Eighty-Sixth Legislature from January 11, 2023, to March 11, 2023, ending with page 1272 of the Regular Session.

The Index of the Official Journal and the proceedings of the First Extraordinary Session of 2023 are shown in Volume III.

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EIGHTY-SIXTH LEGISLATURE

Regular Sixty-Day Session, 2023



NOTE: The First Regular Session of the Eighty-Sixth Legislature convened on January 11, 2023, and concluded the sixty-day constitutional session with final adjournment at 11:49 p.m., March 11, 2023.

This session 4,323 bills were introduced in the two houses.

Members of the Senate, officers, and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF
LEE CASSIS, *Senate Clerk*

STAFF

Kristin Jones, *Assistant Clerk*

Lori Nichols, *Journal Clerk*

Xris Hess, *Bill History Clerk*

Jocelyn Ellis, *Bill Clerk*

SENATE OF WEST VIRGINIA
MEMBERS, OFFICERS, AND STANDING COMMITTEES

REGULAR SESSION, 2023

OFFICERS

President: Craig Blair, (R), Martinsburg
President pro Tempore: Donna J. Boley, (R), St. Marys
Clerk: Lee Cassis, Charleston
Sergeant at Arms: David Lavender, Hurricane
Doorkeeper: Jeffrey L. Branham, Cross Lanes

District	Name	Address
First	*Laura Wakim Chapman, (R)	Wheeling
	Ryan W. Weld, (R)	Wellsburg
Second	*Charles H. Clements, (R)	New Martinsville
	Michael J. Maroney, (R)	Glen Dale
Third	*Michael T. Azinger, (R)	Vienna
	Donna J. Boley, (R)	St. Marys
Fourth	Amy N. Grady, (R)	Leon
	*Eric J. Tarr, (R)	Scott Depot
Fifth	Robert H. Plymale, (D)	Huntington
	*Michael A. Woelfel, (D)	Huntington
Sixth	*Mark R. Maynard, (R)	Wayne
	Chandler Swope, (R)	Bluefield
Seventh	Rupie Phillips, (R)	Lorado
	*Mike Stuart, (R)	South Charleston
Eighth	*Mark Hunt, (R)	Charleston
	¹ Glenn D. Jeffries, (R)	Red House
Ninth	*Rollan A. Roberts, (R)	Beaver
	David Stover, (R)	Maben
Tenth	*Vince S. Deeds, (R)	Renick
	Jack David Woodrum, (R)	Hinton
Eleventh	*Bill Hamilton, (R)	Buckhannon
	Robert L. Karnes, (R)	Helvetia
Twelfth	Patrick S. Martin, (R)	Jane Lew
	*Ben Queen, (R)	Bridgeport
Thirteenth	Mike Caputo, (D)	Rivesville
	*Michael A. Oliverio II, (R)	Morgantown
Fourteenth	Randy E. Smith, (R)	Thomas
	*Jay Taylor, (R)	Grafton
Fifteenth	Craig Blair, (R)	Martinsburg
	*Charles S. Trump IV, (R)	Berkeley Springs
Sixteenth	*Jason Barrett, (R)	Martinsburg
	Patricia Puertas Rucker, (R)	Harpers Ferry
Seventeenth	Eric Nelson, Jr., (R)	Charleston
	*Tom Takubo, (R)	Charleston

*Elected in 2022 to full four-year term.

¹ Changed party affiliation from Democrat to Republican on December 1, 2022.

Democrats	3
Republicans	31
Total	34

SENATE COMMITTEES

STANDING COMMITTEES OF THE SENATE

2023

AGRICULTURE AND NATURAL RESOURCES

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Deeds, Grady, Jeffries, Karnes, Phillips, Smith, Stuart, Swope, Taylor, Woodrum, and Woelfel.

BANKING AND INSURANCE

Senators Azinger (*Chair*), Oliverio (*Vice Chair*), Barrett, Boley, Clements, Maroney, Nelson, Queen, Tarr, and Plymale.

CONFIRMATIONS

Senators Boley (*Chair*), Chapman (*Vice Chair*), Azinger, Martin, Phillips, Takubo, Tarr, Weld, and Caputo.

ECONOMIC DEVELOPMENT

Senators Jeffries (*Chair*), Martin (*Vice Chair*), Chapman, Hamilton, Hunt, Nelson, Oliverio, Queen, Roberts, Stover, Stuart, Swope, Tarr, and Plymale.

EDUCATION

Senators Grady (*Chair*), Clements (*Vice Chair*), Azinger, Boley, Chapman, Deeds, Maynard, Oliverio, Roberts, Stover, Taylor, Trump, and Plymale.

ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Queen (*Vice Chair*), Barrett, Boley, Karnes, Martin, Nelson, Oliverio, Phillips, Stover, Stuart, Swope, Taylor, and Caputo.

ENROLLED BILLS

Senators Woodrum (*Chair*), Roberts (*Vice Chair*), Jeffries, Maynard, and Woelfel.

SENATE COMMITTEES

FINANCE

Senators Tarr (*Chair*), Phillips (*Vice Chair*), Barrett, Boley, Clements, Jeffries, Maroney, Nelson, Oliverio, Queen, Roberts, Smith, Swope, Takubo, Woodrum, and Plymale.

GOVERNMENT ORGANIZATION

Senators Woodrum (*Chair*), Barrett (*Vice Chair*), Hamilton, Hunt, Jeffries, Maroney, Phillips, Queen, Smith, Stuart, Swope, Weld, and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Takubo (*Vice Chair*), Azinger, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Roberts, Rucker, Tarr, Weld, and Plymale.

INTERSTATE COOPERATION

(Vacancies)

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Chapman, Deeds, Hamilton, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Swope, Takubo, Taylor, Caputo, and Woelfel.

MILITARY

Senators Weld (*Chair*), Deeds (*Vice Chair*), Chapman, Clements, Maroney, Smith, Taylor, and Caputo.

OUTDOOR RECREATION

Senators Maynard (*Chair*), Taylor (*Vice Chair*), Chapman, Deeds, Grady, Martin, Rucker, Smith, Stover, Stuart, and Caputo.

PENSIONS

Senators Nelson (*Chair*), Hunt (*Vice Chair*), Azinger, Barrett, Clements, Grady, Hamilton, Oliverio, Queen, and Plymale.

SENATE COMMITTEES

RULES

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Grady, Maroney, Nelson, Tarr, Trump, Weld, Woodrum, and Woelfel.

SCHOOL CHOICE

Senators Rucker (*Chair*), Maynard (*Vice Chair*), Boley, Deeds, Karnes, Roberts, Woodrum, and Woelfel.

TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Stuart (*Vice Chair*), Barrett, Hunt, Jeffries, Karnes, Oliverio, Phillips, Roberts, Swope, and Plymale.

WORKFORCE

Senators Roberts (*Chair*), Jeffries (*Vice Chair*), Karnes, Maroney, Martin, Nelson, Smith, Stover, Tarr, Weld, and Caputo.

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023

WEDNESDAY, JANUARY 11, 2023

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Legislature assembled in the state capitol in the City of Charleston on this the eleventh day of January, 2023, for the first annual session of the eighty-sixth Legislature.

The Senate met in its chamber at 12 Noon.

Pending organization of the Senate by the election of a President, under the provisions of section twenty-four, article six of the Constitution, the Senate was called to order by the Honorable Donna J. Boley, a senator from the third senatorial district, being the oldest member present in point of continuous service.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

GLENN D. JEFFRIES
STATE SENATOR
8TH SENATORIAL DISTRICT



STATE CAPITOL, ROOM W-204
1900 KANAWHA BUILDING EAST
CHARLESTON, WV 25305-6000
504-357-7866

December 1, 2022

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

Dear Mr. Clerk,

Please be advised that I changed my party registration from Democrat to Republican on December 1, 2022.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn D. Jeffries".

Senator Glenn D. Jeffries
8th Senatorial District

The Honorable Mac Warner, Secretary of State, appeared at the bar of the Senate and presented the official returns of the election held on the eighth day of November, 2022, for members of the Senate for the State of West Virginia.

**CANDIDATES FOR STATE SENATOR
FOR THE STATE OF WEST VIRGINIA
APPEARING TO HAVE BEEN ELECTED**

NOVEMBER 8, 2022

First Senatorial District: Laura Wakim Chapman, of the County of Ohio;

Second Senatorial District: Charles H. Clements, of the County of Wetzel;

Third Senatorial District: Michael T. Azinger, of the County of Wood;

Fourth Senatorial District: Eric J. Tarr, of the County of Putnam;

Fifth Senatorial District: Michael A. Woelfel, of the County of Cabell;

Sixth Senatorial District: Mark R. Maynard, of the County of Wayne;

Seventh Senatorial District: Mike Stuart, of the County of Kanawha;

Eighth Senatorial District: Mark Hunt, of the County of Kanawha;

Ninth Senatorial District: Rollan A. Roberts, of the County of Raleigh;

Tenth Senatorial District: Vince S. Deeds, of the County of Greenbrier;

Eleventh Senatorial District: Bill Hamilton, of the County of Upshur;

Twelfth Senatorial District: Ben Queen, of the County of Harrison;

Thirteenth Senatorial District: Michael A. Oliverio II, of the County of Monongalia;

Fourteenth Senatorial District: Jay Taylor, of the County of Taylor;

Fifteenth Senatorial District: Charles S. Trump IV, of the County of Morgan;

Sixteenth Senatorial District: Jason Barrett, of the County of Berkeley;

Seventeenth Senatorial District: Tom Takubo, of the County of Kanawha.

From the foregoing official returns of the election of members of the Senate, it appears that the persons therein named were elected to the Senate at the election held on the Tuesday next after the first Monday in November, 2022.

Whereupon,

On the call of the roll of the Senate, the following members and members-elect answered to their names:

Azinger, Barrett, Blair, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum.

Thirty-two present and prospective members having answered to their names, the Chair declared the presence of a quorum.

The following members-elect came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by

the Constitution, which oaths were administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia: Laura Wakim Chapman, of the County of Ohio; Charles H. Clements, of the County of Wetzel; Michael T. Azinger, of the County of Wood; Eric J. Tarr, of the County of Putnam; Michael A. Woelfel, of the County of Cabell; Mark R. Maynard, of the County of Wayne; Mike Stuart, of the County of Kanawha; Mark Hunt, of the County of Kanawha; Rollan A. Roberts, of the County of Raleigh; Vince S. Deeds, of the County of Greenbrier; Robert L. Karnes, of the County of Randolph; Ben Queen, of the County of Harrison; Michael A. Oliverio II, of the County of Monongalia; Jay Taylor, of the County of Taylor; Charles S. Trump IV, of the County of Morgan; Jason Barrett, of the County of Berkeley; and Tom Takubo, of the County of Kanawha.

The Senate then proceeded to its biennial organization.

The first order of business in the organization of the Senate being the election of a President,

For that office, Senator Trump nominated the Honorable Craig Blair, of the County of Berkeley; seconded by Senator Grady.

On motion of Senator Woelfel, nominations for the office of President were closed and Senator Blair was elected President of the Senate by acclamation.

Whereupon, the Chair appointed Senators Queen, Deeds, and Chapman a committee to escort the President-elect to the Chair.

A standing ovation was then accorded the President-elect, as he proceeded to the rostrum accompanied by the foregoing select committee.

Whereupon, Senator Blair qualified as President, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

Senator Blair (Mr. President) assumed the Chair and addressed the Senate as follows:

MR. PRESIDENT: You'll have to forgive me ladies and gentlemen, I'm not used to addressing the Senate from the podium in this fashion, but I want to take a few minutes to do just that.

Again, thank you to my fellow senators.

Charles, you said I worked hard. I like to think I worked smart for us. And that's one of the key ingredients.

We've made tremendous success over the last two years together in this chamber. And the new members in this chamber, you're going to be part of the greater success. The groundwork that's been laid before us by the members of this body, we're going to continue and make that success exponential for the people of West Virginia. I know that. I know that by knowing each and every one of you.

Recently, well, not recently, but over the last year, we've been called the swamp. You're anything but. I know each and every one of you well. And you're wonderful people. You're wonderful representatives of your district. And I've taken a lot of exception to that statement. Do not believe a word of that.

Ladies and gentlemen in the galleries, do not believe a word of that. The people that are in this chamber representing you are some of the most outstanding people there is in the State of West Virginia.

And we're going to do great things together.

I'll add one more thing to it and that is two years ago—and I believe I was standing back there—I said that I wanted 400,000 people to move to the State of West Virginia. That's what our goal was. Ladies and gentlemen, over the last two years, more people have moved to West Virginia than moved out. First time in a . . . probably in my lifetime. The problem with that equation is, is that we still lost population because more people are passing than being born.

But the work that we do here will keep our number one export, our youth, in this state because we're going to continue the path of

providing gainful employment to the people of West Virginia, our youth, so that they don't have to leave to go somewhere else to find opportunity. And we're succeeding in those roles.

There were over six huge companies to locate in West Virginia over the last year. I'll use the word "exponential". We want to see that happen in this coming year . . . and the following year . . . and the following year. It changes the world for everything that we do.

And senators, you are the leaders of that. I am not. I do nothing but facilitate your will.

Let's get to work.

Thank you ladies and gentlemen for allowing me to fulfill this role of representing you.

At the request of Senator Takubo, and by unanimous consent, the foregoing acceptance remarks by Senator Blair (Mr. President) were ordered extended in the Journal.

The next order of business being the election of a Clerk,

For that office, Senator Weld nominated the Honorable Lee Cassis, of the County of Kanawha; seconded by Senator Takubo.

On motions of Senator Woelfel, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Cassis.

The President then announced the vote and declared that Mr. Cassis, having received all the votes cast, had been unanimously reelected Clerk of the Senate.

Whereupon, Mr. Cassis qualified as Clerk, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

The next order of business being the election of a Sergeant at Arms,

For that office, Senator Clements nominated the Honorable David Lavender, of the County of Putnam; seconded by Senator Jeffries.

On motions of Senator Woelfel, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Lavender.

The President then announced the vote and declared that Mr. Lavender, having received all the votes cast, had been unanimously reelected Sergeant at Arms of the Senate.

Whereupon, Mr. Lavender qualified as Sergeant at Arms, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

The last order of business in the biennial organization of the Senate being the election of a Doorkeeper,

For that office, Senator Grady nominated the Honorable Jeffrey L. Branham, of the County of Kanawha; seconded by Senator Nelson.

On motions of Senator Woelfel, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Branham.

The President then announced the vote and declared that Mr. Branham, having received all the votes cast, had been unanimously reelected Doorkeeper of the Senate.

Whereupon, Mr. Branham qualified as Doorkeeper, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

With the completion of organization of the Senate, by the election of officers for the eighty-sixth Legislature,

At the request of Senator Takubo, unanimous consent being granted, the Clerk was authorized to notify the House of Delegates and Governor that the Senate has assembled, with a quorum present, and organized by the election of officers as required by the Constitution and is ready to proceed with the business of this session.

The first organizing resolution was then offered, Senator Takubo submitting the following:

Senate Resolution 1—Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate be adopted as follows and shall govern the proceedings of the Senate during the eighty-sixth Legislature, subject to amendment as provided in the rules:

QUORUM

1. A majority of the members elected to the Senate shall constitute a quorum and a quorum shall be necessary to proceed to business, but two members may adjourn, and three members may order a call of the Senate, send for absentees and make any order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any member until his or her name shall have been twice called.

2. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the Senate. This rule shall apply, as well to the first meeting of the Senate at the legal time of meeting, as to each day of the

session, after the hour has arrived to which the Senate stood adjourned.

OFFICERS

3. The Senate, at the commencement of each new Legislature, shall elect as its officers a President, Clerk, Sergeant at Arms and Doorkeeper. If at any time the President is obligated to act as Governor pursuant to Article VII, Section 16 of the Constitution of West Virginia, the Senate shall immediately elect one of its remaining members to serve as Acting President. The Acting President shall act and serve at all times when the duly elected President is acting as Governor and shall perform all of the duties of the office of Senate President without limitation, including any duties imposed by the Constitution of West Virginia, any statute, the Senate Rules and any adopted Joint Rules of the Senate and House of Delegates, and he or she shall receive the compensation and expenses of the President of the Senate as provided in article two-a, chapter four of the Code of West Virginia. The Acting President shall not be in the line of succession to act as Governor under the provisions of Article VII, Section 16 of the Constitution of West Virginia. The majority vote of all the members elected to the Senate shall be necessary for the election of these officers and the vote shall be by voice vote and be recorded in the Journal.

4. The President of the Senate or Acting President shall appoint a President *pro Tempore*, who, during the absence of the President or Acting President, if any, shall preside and perform all the duties of the President.

5. The presiding officer may call a member to the chair who shall perform the duties of the chair until the presiding officer returns to the chair, but no member by virtue of such appointment shall preside for a longer period than three consecutive legislative days.

6. The Clerk of the Senate shall not allow any records or papers to be taken from the table or out of his or her custody except by a chair of a committee to which they may have been referred and then only upon a proper receipt therefor and except as required by

these rules or by the Joint Rules of the Senate and House of Delegates.

ORDER OF BUSINESS AND PROCEDURE

7. The order of business of the Senate shall be:

1. To read, correct and approve the Journal.
2. Introduction of guests.
3. To dispose of communications from the House of Delegates and the Executive.
4. To receive reports from standing committees.
5. To receive reports from select committees.
6. To receive bills, resolutions, motions and petitions.
7. To act upon unfinished business of the preceding day and resolutions lying over from the previous day, and no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
8. Senate and House bills and joint resolutions on third reading.
9. Senate and House bills and joint resolutions on second reading.
10. Senate and House bills and joint resolutions on first reading.
11. Introduction of guests.
12. Remarks by members of the Senate.
13. Miscellaneous business.

8. Every member desiring to speak shall stand in his or her own place, address the presiding officer and, upon being recognized,

shall proceed, confining oneself to the question under debate, avoiding all indecorous or disrespectful language. The presiding officer may recognize the member by name; but no member in debate or remarks shall designate another by name.

9. Any member may call for a division of any question before the vote thereon is taken, if it comprehend propositions so distinct in substance that, one being taken away, a substantive proposition will remain for the decision of the Senate, but the member calling for the division of a question shall state in what manner it shall be divided. A motion to strike out and insert is not divisible.

10. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition and shall not prevent a subsequent motion to simply strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

11. No question shall be debated until it has been propounded by the presiding officer. The presiding officer, after calling a member to assume the chair, the mover of the question, the chair of the committee that reported the matter or the sponsor of the bill or resolution, in that order of preference, shall have the right to explain his or her views in preference to any other member.

12. No member shall speak more than twice upon the same question without leave of the Senate or more than once until every member choosing to speak shall have spoken, except that the mover of the question shall have the right to close the debate thereon.

13. While the presiding officer is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

BILLS AND RESOLUTIONS

14. No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be

given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by two-thirds vote of the members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

Standing and select committees of the Senate may originate a bill or joint resolution and report the same after the forty-first day.

No Senate concurrent resolution requesting the naming of transportation infrastructure shall be introduced from the floor at any time or introduced in the Senate after the forty-first day. No concurrent resolution requesting the naming of transportation infrastructure may be adopted by the Senate after the fifty-fifth day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

15. Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than twelve o'clock ~~meridian~~ noon on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "By Request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited and corrected as to form by the Clerk and reported by the Clerk to the Senate on

the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

Any member who is a co-sponsor of a bill or resolution may be removed as a sponsor of the bill or resolution by submitting a request to the Clerk prior to the bill being enrolled or the resolution being adopted.

Any member may be added as a co-sponsor of a bill or resolution by submitting a request to the Clerk prior to the bill or resolution being reported from the last committee to which it was referred.

The electronic version of a bill or resolution shall be changed to include the addition or removal of a sponsor, but the addition or removal of a sponsor shall only be included in a printed version if a subsequent printing is otherwise required.

15a. Prior to any committee reporting a bill to the floor, any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, if available.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required, which shall conform to the requirements as to form and content as prescribed by the Clerk.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

15b. Upon the introduction of any legislation which has a potential impact on the state's economy, the presiding officer may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including, but not limited to, West Virginia University and Marshall University, a review of the proposed legislation for purposes of preparing a "Jobs

and Wages Impact Statement". Any such statement shall be based on generally accepted methodology and shall conform to the requirements as to form and content as prescribed by the Clerk: *Provided*, That the Clerk shall prescribe that all Jobs and Wages Impact Statements shall include an analysis of both the jobs that are projected to be gained or lost if the legislation is adopted and any wage impact associated with the projected job changes, including wage increases or decreases in existing jobs, wages of jobs lost, wages of new jobs and the net impact on wages.

The phrase "Jobs and Wages Impact Statement" or the initials "JWS" must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. No act is void or voidable if it does not contain a "Jobs and Wages Impact Statement" even when requested.

16. All concurrent and simple resolutions when introduced shall lie on the table at least one day, and then be referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

It is hereby declared to be the policy of the Senate that concurrent resolutions be limited to the general purposes of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

Concurrent resolutions shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Concurrent resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs

generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

17. Unless otherwise directed by the Committee on Rules all bills, resolutions or business originating in the Senate shall be considered at the appropriate order of business in the order in which they are introduced, and all bills and resolutions received from the House of Delegates shall be introduced in the order in which they are received and shall be considered at the appropriate order of business in their numerical order.

18. All bills and joint resolutions introduced shall be read by their titles and referred to the appropriate committee and shall be treated in committee as resolutions of inquiry. If the committee reports a bill or resolution different, either by amendment or substitution, from the one introduced, it shall be received and treated by the Senate as the original bill or resolution. All Senate bills and joint resolutions reported by a committee shall be made available, with the proposed committee amendments on the foot thereof, and shall be then read a first time, unless in any of the aforesaid cases the Senate directs otherwise by majority vote of the members present. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

18a. Any bill, resolution or business which does not follow the procedures of Rule Nos. 17 and 18 shall remain in the possession of the Committee on Rules.

19. All bills shall be read on three different days, unless in case of urgency, by four-fifths vote of the members present, taken by yeas and nays, on each bill, this rule be dispensed with. Joint resolutions proposing amendments to the Constitution of West Virginia shall be read on three different days which readings shall not be suspended.

20. All engrossed bills shall be fully and distinctly read when put upon their passage.

21. On each reading of the bill the Clerk shall state whether it is the first, second or third reading of such bill, but no bill shall be put upon its second reading until the same shall have been made available to the members of the Senate at least one day previous to such reading, unless the Senate directs otherwise by majority vote of the members present.

21a. Upon motion of any member, on any legislative day or the day preceding, the Senate may, by two-thirds vote of those present, establish a period of time known as "Bill Reading Docket".

Such motion shall state each bill to be read, the time and order for such bill reading docket to commence and to conclude, and may provide for the adjournment or recess of the Senate for not more than one legislative day, during which reading of the docket no motion, except a motion to postpone the reading of the bills, by two-thirds vote of those elected, shall be heard. A quorum shall not be required during the reading of the docket. Any and all members requesting that a bill be read shall be present at all times in the Chamber during its reading.

All bills read on the bill reading docket shall be considered as having been read fully and distinctly.

22. On the first reading of a bill, a motion to reject the bill shall be in order.

23. If a committee shall have reported adversely to a bill or resolution, the presiding officer immediately after the report of said committee is read shall put the question, "Shall the bill be rejected?" or "Shall the resolution be rejected?" which question shall have precedence over all motions, except a motion to adjourn.

24. A bill or joint resolution shall be amended only on second reading: *Provided*, That after the passage of a bill or adoption of a joint resolution, amendments to its title may be offered. When a bill or joint resolution is being read for amendment, it shall be read

section by section on the demand of any two members. When the amendments which may be moved shall be disposed of, the question shall be taken on ordering a Senate bill or joint resolution to be engrossed and ordered to third reading and on ordering a House bill or joint resolution to third reading. If a Senate bill or joint resolution should be ordered to its engrossment and third reading, and amendments thereto have been made, the bill or joint resolution shall be changed to conform to the amendments and become the engrossed bill or joint resolution. If no amendments are made, the original bill or joint resolution may be ordered to its third reading and shall become the engrossed bill or joint resolution. All Senate bills or joint resolutions so ordered shall be jacketed, endorsed with their number, title, by whom introduced, and if the bill or joint resolution is finally passed or adopted, the date of its passage or adoption and the signature of the Clerk. If a Senate bill or joint resolution should be passed or adopted by the House and returned to the Senate without amendments, or if amended, and the amendments should be agreed to, the bill or joint resolution shall be enrolled by the Clerk. Enrolled Senate bills shall be delivered to the Joint Committee on Enrolled Bills. In the case of a House bill or joint resolution on second reading if the same be amended, the amendment or amendments shall be noted in full and attached to the bill or joint resolution at the proper place by the Clerk before the bill or joint resolution is returned to the House, and all amendments shall appear in the Senate Journal.

25. When a bill or joint resolution is put upon its passage or adoption, respectively, the presiding officer shall propound the question, "Shall the bill pass?" or "Shall the resolution be adopted?" On the passage or adoption, respectively, of every bill or joint resolution, the vote shall be taken by yeas and nays.

26. When a Senate bill or Senate joint resolution passed by the Senate shall be amended by the House of Delegates, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on by yeas and nays in the Senate. In all such cases the affirmative majority vote of all the members elected to the Senate shall be necessary.

COMMITTEES

27. At the commencement of each Legislature, the following standing committees shall be appointed: ~~and shall consist of the number of members indicated in the parentheses following the name of the committee:~~

- ~~1. On Agriculture and Rural Development (11).~~
- ~~2. On Banking and Insurance (13).~~
- ~~3. On Confirmations (9).~~
- ~~4. On Economic Development (14).~~
- ~~5. On Education (14).~~
- ~~6. On Energy, Industry and Mining (13).~~
- ~~7. On Enrolled Bills (5).~~
- ~~8. On Finance (17).~~
- ~~9. On Government Organization (14).~~
- ~~10. On Health and Human Resources (13).~~
- ~~11. On Interstate Cooperation (7).~~
- ~~12. On the Judiciary (17).~~
- ~~13. On the Workforce (11).~~
- ~~14. On Military (9).~~
- ~~15. On Natural Resources (13).~~
- ~~16. On Pensions (7).~~
- ~~17. On Rules (11); (the presiding officer of the Senate is to be ex officio chair).~~
- ~~18. On Transportation and Infrastructure (9).~~

1. On Agriculture and Natural Resources.
2. On Banking and Insurance.
3. On Confirmations.
4. On Economic Development.
5. On Education.
6. On Energy, Industry, and Mining.
7. On Enrolled Bills.
8. On Finance.
9. On Government Organization.
10. On Health and Human Resources.
11. On Interstate Cooperation.
12. On the Judiciary.
13. On Military.
14. On Outdoor Recreation.
15. On Pensions.
16. On Rules (the presiding officer of the Senate is to be ex officio chair).
17. On School Choice.
18. On Transportation and Infrastructure.
19. On the Workforce.

28. All standing committees shall be appointed by the President. All standing committees shall consist of not less than five nor more than 17 members. The President shall designate the chair of each standing committee and may also designate a vice chair of any standing committee.

The chair of each standing committee of the Senate shall cause a record to be kept of every meeting of such committee, wherein shall be entered:

(a) The time and place of each committee meeting and every hearing had before the committee.

(b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee and the interest represented by him or her.

(d) The vote of each member of the committee when a yea and nay vote is taken.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his or her absence at any former meeting of the committee; and, in the absence of any such explanatory note, the presumption shall be that his or her absence was without reasonable cause.

The chair of each standing committee shall, upon request, make the record of any yea and nay vote taken, in open or executive session, available for public inspection no later than the next legislative day after the close of the standing committee meeting at which such yea and nay vote was taken.

The several standing committees may report bills, resolutions, amendments, or any proposal originating therein, as well as committee substitutes for Senate bills, resolutions, or other proposals, which may be referred to additional committees. A committee substitute, with the consent of the original sponsor, shall carry the name of the original sponsor. Reports of committees shall be advisory only. All committees shall submit their reports to the Senate in writing and the same shall be recorded in the Journal.

On the adjournment of each session of the Legislature, ~~the chair~~ of the respective committees shall deliver to the Clerk of the Senate the record ~~book~~ herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his or her office.

28a. Every committee shall have authority, upon its own motion adopted by a majority of the members present and voting, to administer oaths to any witness appearing before the committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the Senate, and the Senate may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena, the witness may be questioned by the chairman and members of the committee. The Clerk of the Senate, the chairman of the committee and, in the absence of the chairman, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

29. The presiding officer shall refer bills and resolutions introduced, and such other matters as the presiding officer shall deem appropriate, to standing or select committees.

30. Select committees shall consist of not less than three nor more than five members, unless the Senate directs otherwise by majority vote of the members present.

31. The Committee on Rules shall examine the oaths taken by each member and the evidence of their election and report to the Senate.

The Committee on Rules shall report in all cases of privileges and contested elections, the principles and reasons on which their resolutions are founded.

The Committee on Rules shall see that all papers belonging to the Clerk's Office are properly labeled and filed and that the books belonging to the office are chronologically arranged.

32. All meetings of Senate standing committees, other than executive sessions, shall be open to the public, and an executive session may be held only by majority vote of the members present.

33. When the Senate shall resolve itself into the Committee of the Whole, the presiding officer shall leave the chair and appoint a member to preside in the committee.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the number of times speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded in the Journal of the Senate, except so far as reported to the Senate by the chair of the committee.

34. Any bill, resolution or business may, by majority vote of the members present, be withdrawn from the committee to which it had been referred or be taken from the table, and placed upon the calendar of the Senate in such order of business as the Senate may direct: *Provided*, That those bills, resolutions or business referred to the Committee on Rules under authority of Rule ~~No.~~ 17 may by two-thirds vote of the members present be withdrawn from the Committee on Rules.

DECORUM AND DEBATE

35. If a member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Senate, for words spoken in debate if any other member has spoken or other business has intervened after the words spoken and before the exception to them was taken.

36. While the presiding officer is reporting or putting a question, no one shall entertain private discourse or walk into, out of or across the Chamber. When a member is addressing the presiding officer, no one shall entertain private discourse or pass between the member and the presiding officer.

37. No member or other person except the Clerk and the Clerk's assistants shall visit or remain by the Clerk's table while the yeas and nays are being taken.

38. During any debate, any Senator, though he or she has spoken to the matter, may arise and speak to the orders of the Senate, if they be transgressed, in case the presiding officer does not.

38a. Smoking and the use of other tobacco products shall be prohibited in the Chamber.

38b. The use of electronic devices in the Chamber shall be limited to official legislative business when at all possible and any such devices shall be muted at all times.

38c. Proper business dress attire shall be worn by all those admitted to the floor of the Chamber while the Senate is in session, which includes a coat and tie for men.

MOTIONS

39. When a question is pending, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone the question to a different day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

These several motions shall have precedence in order in which they are arranged.

40. The following motions shall be decided without debate, and shall not be amended:

1. To adjourn.
2. To fix the time to which the Senate shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three different days.
6. To recess.

41. There shall be a motion for the previous question, which being ordered by a majority of the members present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit with or without instructions to a standing or select committee. A motion to lay upon the table pending a motion for the previous question shall be in order only when the previous question has been moved on the second or third reading of a bill.

A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RECONSIDERATION OF VOTE

42. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. Any member may make the motion to reconsider, when the yeas and nays have not been taken. If the Senate refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next succeeding day of actual session. A motion to reconsider shall not be withdrawn without leave of the Senate.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the Senate until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been adopted, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon.

VOTING

43. Every member within the Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member

directly and not as one of a class, or the Senate excuses him or her. A member may raise an inquiry to the presiding officer regarding whether he or she should not vote or should be excused from voting on a particular matter, but the member may still be required to vote. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted. No members may pair on any question.

44. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days; on setting the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of West Virginia; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of a Senate bill or Senate joint resolution amended by the House; on all questions where a specific vote is required by the Constitution of West Virginia, the Joint Rules of the Senate and House of Delegates, or by these rules; on the passage of a bill; and on quorum calls: *Provided*, That the yeas and nays shall be taken on demand of any member on any question unless another member objects. Upon any such objection the presiding officer shall inquire of the membership if the demand for the yeas and nays is sustained. If the demand is so sustained by one tenth of the members present, the yeas and nays shall be taken, and, if the demand is not sustained by one tenth of the members present, then the yeas and nays shall not be taken.

The result of all votes taken by yeas and nays shall be recorded in the Journal. When the yeas and nays are recorded in the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, with the names of the Senators voting yea or nay, and those absent.

When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical

order; excepting, however, the name of the presiding officer, which shall be called last.

After completion of a roll call vote, no member shall speak to explain his or her vote. A member's vote explanation shall not be recorded in the daily Journal. A member may have his or her vote explanation recorded in the bound Journal provided the member obtains the floor and makes this request immediately following announcement of the results of the roll call vote and disposition of the matter and delivers his or her written vote explanation to the Clerk within three legislative days during the session or, if there are less than three legislative days remaining in the session, within seventy-two hours after adjournment *sine die*. The Clerk shall note on the daily Journal for the day of the roll call vote that the member has reserved the privilege of having his or her vote explanation recorded later in the bound Journal.

45. On all roll calls of the yeas and nays when the voting machine is not used, and before the result is announced, the Clerk shall at the request of any member read either the names of those who voted yea or of those who voted nay, whichever is the smaller number, and the names of those absent and not voting, if any, and shall announce that all others voted either yea or nay, whichever is the larger number. In the event of a tie vote, the Clerk shall upon such request read the names of those who voted yea and the names of those absent and not voting, if any, and shall announce that all others voted nay. At that time any member shall have the right to correct any mistake committed in enrolling his or her name. The vote then shall be announced and the count recorded in the Journal.

45a. The voting machine may be used in taking the yeas and nays on any question, including quorum calls. When the machine is used for quorum calls, a member shall indicate "present" by use of the green "yea" button.

When using the voting machine, the presiding officer shall announce the question to be voted upon and direct the Clerk to prepare the machine. The presiding officer shall then state, "The members will now vote." After reasonable time has been given for all members to vote, the presiding officer shall ask, "Have all

members voted?" The presiding officer shall then direct the Clerk to close the machine and ascertain the result. The presiding officer shall promptly announce the result. Voting shall be continuous and shall be permitted until the result thereof is announced by the presiding officer: *Provided*, That any vote cast after the machine has been closed shall be stated by the presiding officer as having been cast and such shall be recorded in the Journal: *Provided, however*, That no vote may be cast after the vote has been announced.

While the members are voting and before the machine is closed, the wall display boards shall continuously display the vote of each member and the total pending vote.

Under no circumstance shall a member or nonmember vote on behalf of another member.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine.

MESSAGES

46. The Clerk of the Senate may interchange messages with the Clerk of the House of Delegates at any time.

47. Messages may be received in any stage of business except when the presiding officer is reporting or putting a question or while the yeas and nays are being taken. Messages and reports received by the Clerk, which do not require action by the Senate, shall be considered received by the Senate and filed with the Clerk and shall be recorded in the Journal.

48. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of its passage or rejection, with the bill or resolution shall be communicated to the House of Delegates.

JOURNAL

49. The Journal of the Senate shall be daily prepared by the Clerk and shall be read, corrected and approved the succeeding day. It shall be published under the supervision of the Clerk and

made available to the members without delay. After the Journal has been approved and fully marked for corrections, regular bound volumes of the Journal from the type so corrected shall be printed. In addition thereto six copies shall be printed with a certificate at the end thereof signed by the presiding officer and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound and bear the imprint on the ~~back~~ spine, "Official Journal of the Senate of West Virginia", with designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

ABSENCE OF MEMBERS

50. No member shall absent himself or herself from the service of the Senate during its sittings without leave of the Senate, except in case of his or her sickness or other unavoidable cause which may prevent his or her attendance.

POWER OVER MEMBERS

51. No Senator shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the matter is examined by the Committee on Rules and reported to the Senate, unless by order of the presiding officer.

52. The Senate may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense.

POWER OVER OTHERS

53. The Senate may punish by imprisonment any person not a member for disrespectful behavior in its presence, for obstructing any of its officers in the discharge of their duties, or for any assault, threat, or abuse of any member for words spoken in debate, but such imprisonment shall not extend beyond the termination of the session. The presiding officer may order the removal from the

Chamber of any person using audible devices or recording devices from the galleries.

GUESTS AND PRIVILEGE OF THE FLOOR

54. No person except members of the House of Delegates, former members of the West Virginia Legislature who are not lobbyists, duly accredited representatives of the press, radio and television and legislative officers, employees, and interns engaged in the proper discharge of their duties shall be admitted to the floor of the Chamber while the Senate is in session. The rear or east balcony of the Chamber shall be reserved for guests of the members of the Senate, and admission thereto shall be by pass signed by the presiding officer and the member seeking admission of the guest.

LOBBYING

55. No person, not a member of the Senate, shall, when the Senate is in session, seek in any manner whatsoever, including electronic communications, to influence the vote or opinion of any Senator on any subject of legislative consideration, under penalty of disbarment from the Chamber for the remainder of the legislative session. No employee of the Senate shall, at any time, engage in such activity, under penalty of immediate dismissal by the Committee on Rules.

NOMINATIONS AND CONFIRMATIONS

56. Unless the Senate directs otherwise by majority vote of the members present, when nominations shall be made in writing to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination shall be forthwith certified in a formal communication signed by the presiding officer and attested by the Clerk.

57. The phrase "next meeting of the Senate" contained in Article VII, Section 9 of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited to, any regular session, any extraordinary session called during any recess or adjournment of the Legislature, during any impeachment proceeding or any time the Senate is convened for the purpose of electing a presiding officer.

CONSTITUTIONAL AMENDMENT

58. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate.

ADJOURNMENT

59. When the Senate adjourns each day, it shall stand adjourned to 11 o'clock A.M. the next day, unless the Senate directs otherwise by majority vote of the members present, and every member shall keep his or her seat until the presiding officer leaves the chair.

AMENDING RULES

60. All propositions to amend these standing rules or any order of the Senate shall be by resolution and be at once referred, without debate, to the Committee on Rules and shall be reported therefrom within seven legislative days. Any such resolution may be adopted by majority vote.

SUSPENSION OF RULES OR ORDERS

61. Unless there be unanimous consent, no standing rule or order of the Senate shall be suspended except by two-thirds vote of the members present.

PARLIAMENTARY PROCEDURE

62. In all cases not provided for by the Rules of the Senate or any adopted Joint Rules of the Senate and House of Delegates, the Senate shall be governed by *Jefferson's Manual and Rules of the House of Representatives of the United States Congress* and practices thereunder.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and adopted.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to permit the Senators to have members of their families as guests during today's session.

At the request of Senator Takubo, unanimous consent being granted, at 12:41 p.m., the Senate recessed for the purpose of making introductions.

The Senate reconvened at 12:49 p.m. and, at the request of Senator Takubo, unanimous consent being granted, proceeded to the sixth order of business.

Senator Tarr offered the following resolution:

Senate Resolution 2—Relating to the mailing of bills and journals.

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

Senator Tarr offered the following resolution:

Senate Resolution 3—Authorizing the appointment of permanent and per diem employees for the First Regular Session of the Eighty-Sixth Legislature and payment of their compensation.

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

Senator Takubo offered the following resolution:

Senate Concurrent Resolution 1—Adopting joint rules of the Senate and House of Delegates

Resolved by the Legislature of West Virginia:

That the joint rules of the Senate and House of Delegates to be adopted as follows and shall govern the proceedings of the eighty-sixth Legislature, subject to amendment as provided in the standing rules of the Senate and the House of Delegates:

Joint Assembly

1. Whenever there shall be a joint assembly of the two houses, a brief account of the proceedings shall be entered upon the Journal of each house, except in the joint assembly for counting votes for state officers.

Joint Assembly to Open and Publish Election Returns

2. As soon as the Senate, being organized, is informed that the House of Delegates is ready to proceed, as provided by Article VII, Section 3 of the Constitution of West Virginia, to open and publish the returns of the election for state officers, the Senate, preceded by its presiding officer and other officers, shall repair in a body to the hall of the House of Delegates. Upon their arrival the Sergeant at Arms of the House of Delegates shall announce the presence of the Senate. The presiding officer of the Senate shall then address the Speaker of the House, stating that a majority of the Senate has assembled in the hall of the House of Delegates to be present at the opening and publishing of the returns of the elections for State officers, held on the _____ day of _____. The Speaker

of the House of Delegates shall invite the presiding officer of the Senate to a seat upon his right, and the other members of the Senate and officers thereof to take seats assigned to them, and after announcing that a majority of the House of Delegates is present, shall then open and publish the returns of said election, proceeding by counties in alphabetical order, the Clerks of the two houses each taking down the returns as announced by the Speaker, to be entered upon the Journal of the House, and when completed and tabulated the Speaker shall announce the votes received by each person voted for, for each of said offices, and those receiving the largest number of votes, shall be by him declared duly elected; and the Senate shall then return to its hall, and if any two or more candidates for any of said offices have an equal and the highest number of votes for the same office, the two houses shall immediately proceed to choose one of such persons for said office by a joint vote, as provided by Article VII, Section 3 of the Constitution of West Virginia.

Disagreement and Conference

3. (a) Whenever a measure of one house is amended in the other and the house in which it originated shall refuse to concur in the amendment, the house amending the measure may either insist or recede therefrom. But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur. If said house refuses to concur, the other house may either recede from or insist upon its amendment, and a motion to recede shall take precedence of a motion to insist. The motion to lay on the table or to postpone indefinitely shall not be in order in respect to the motion to recede from or to insist.

A motion to recede having failed shall be equivalent to the adoption of a motion to insist and shall be so entered upon the Journal. A motion to insist being decided in the negative shall be equivalent to the adoption of a motion to recede and shall be so entered upon the Journal. If the motion to insist prevails, the house so insisting shall request a committee of conference on the subject of disagreement and shall appoint a committee therefor. The other house may thereupon appoint such committee. Unless a different

number is agreed upon, such conference committee shall consist of ~~five~~ three members from each house.

Such committee shall consider and report upon only the subject matter of the amendment or amendments which were in disagreement, with necessary consequential changes. The committee shall meet at a convenient time, to be agreed upon by their Chairs, and upon notifying all conferees of the time and place of any such meeting, and having conferred freely, shall report to their respective houses the result of the conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the house ~~which refused to concur~~ of origin, and there acted upon; and such action, with the papers referred, shall be immediately reported by the Clerk to the other house. In case of disagreement, the papers shall remain with the house in which the measure originated. If an agreement is reached, the report shall be made and signed in duplicate by at least a majority of the conferees from each house, one of the duplicates being retained by the conferees of each house.

(b) Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty-ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the

conference report may be taken up for immediate consideration at any time by a two-thirds vote of the members of that house present.

With respect to any conference agreed to within the first fifty-one days of a regular session, the conference committee shall report to each house within seven days of agreement to conference or be discharged, except that upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the presiding officer of each house may extend the conference not to exceed an additional three days. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

With respect to any conference agreed to after the fifty-first day of a regular session, or any time during any extraordinary session, the conference committee shall report to each house within three days after agreement to conference or be discharged, except that such conference may be extended by concurrent resolution duly adopted by a majority of those present and voting in each house, for a period not to exceed one additional day. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

Any conference committee which fails to report within the time limits established by this rule shall be deemed to be discharged, and the papers referred shall remain with the house in which the measure originated.

~~Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report~~

~~at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the conference report may be taken up for immediate consideration at any time by a two thirds vote of the members of that house present.~~

Nothing herein shall affect the right of the presiding officer of either house to appoint or discharge any conference committee as heretofore provided, such right to appoint and discharge such committee being subject to the rules of each respective house.

The provisions of subsection (b) above shall not apply to the Budget Bill.

Messages Between the Houses

4. When a message is sent by one house to the other, it shall be communicated by the Clerk thereof to the Clerk of the house to which it is sent, but no message shall be received during a call of the roll. The Clerk of one house may communicate a message to the Clerk of the other at any time.

Bill Processing

5. (a) Legislation recommended by the Governor or by executive departments or agencies is requested to be filed in the respective Clerks' offices, and a copy sent to Legislative Services, no later than the tenth day of each regular session of a Legislature.

(b) No bill or joint resolution shall be considered on third reading in its house of origin after the fiftieth day, unless authorization shall be granted by a concurrent resolution adopted by a two-thirds vote of the members present of both houses: *Provided*, That the Budget Bill, or any salary or supplementary appropriation bills, may be considered at any time.

(c) This rule may be suspended by adopting a concurrent resolution approved by a two-thirds majority of those present and voting in each house. A house desiring to suspend this rule may adopt a concurrent resolution and proceed as if the concurrent resolution had been adopted in both houses and the rule suspended. Any bill or joint resolution passed pursuant to such concurrent resolution may be communicated to the other house with the concurrent resolution or at any time after the concurrent resolution has been communicated to the other house. The other house may proceed to consider such bill or joint resolution only after adopting the concurrent resolution. The provisions of this rule shall not apply to any extended regular session or to any extraordinary session.

Processing of Bills Authorizing the Promulgation of Proposed Legislative Rules; Duplication and Distribution of Proposed Legislative Rules.

5a. A "bill authorizing the promulgation of proposed legislative rules" or a "bill of authorization" is a measure intended to be enacted as general law, which incorporates by reference a proposed legislative rule, with or without amendments or substitutions set forth in the bill, and which authorizes the promulgation and implementation of the proposed legislative rule. The processing of bills authorizing the promulgation of proposed legislative rules shall be governed by the standing rules of the Senate and the House of Delegates, which are supplemented by the provisions of this joint rule. In the case of any conflict between this rule and a standing rule of the Senate or the House of Delegates, the provisions of this rule shall control.

(1) The requirement of either house that bills shall be presented in duplicate applies to bills authorizing the promulgation of proposed legislative rules, but does not apply to the proposed legislative rule which the bill incorporates by reference. Of the duplicate copies, only the designated original copy shall have appended thereto the full text of the proposed legislative rule as finally approved by the agency seeking permission for its promulgation. Other copies of the full text of the proposed

legislative rule shall be made available to members of the Legislature as hereinafter provided.

(2) Copies of the full text of each proposed legislative rule shall be reproduced by printing or duplication by the Clerk prior to, or as soon as is reasonably practicable after, the introduction of the bill which would authorize by law the promulgation of the proposed legislative rule. Prior to such printing or duplication, a notation shall be affixed to the proposed legislative rule which identifies the bill number of the introduced bill which would authorize its promulgation and which also identifies the committee or committees of the house to which the bill is to be referred by the presiding officer following its introduction. Otherwise, the copies printed or duplicated shall conform to the copy of the proposed legislative rule appended to the original bill, so as to facilitate the consideration and amendment of the rule throughout the legislative process.

(3) The Clerk shall furnish to any member, upon his or her request, without cost, one copy of the full text of a proposed legislative rule as reproduced by the Clerk in accordance with the provisions of subsection (2) of this Joint Rule. For any request for an additional copy or copies of the proposed legislative rule, the member requesting the copy or copies shall pay to the Clerk, in advance, a charge which the Clerk has reasonably determined to be adequate to cover the actual cost of the printing or duplication: *Provided*, That the provisions herein for the Clerk to furnish a member with an additional copy or copies, with a cost charged, may not interfere with or delay the prompt and otherwise timely consideration of bills of authorization by the house or its committees or subcommittees.

(4) Whenever the standing rules of either house require the printing or reprinting of a bill, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no printing or reprinting of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required, other than the printing required by subsection (2) of this Joint Rule.

(5) Whenever the standing rules of either house require a bill to be read, or fully and distinctly read, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no reading of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required.

One House to Notify Other of Rejection of Bill

6. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be sent to the house in which the same shall have been passed.

Record of Bills and Resolutions

7. The Clerks of the two houses shall keep separate records or registers, in which shall be recorded every action taken by the Senate and House on each bill and resolution.

Clerks to Endorse Bills or Resolutions

8. The Clerks of the two houses shall endorse on each bill or resolution a statement of any action taken by their respective bodies.

Messages to be in Writing

9. Messages to either house of the action of the other shall be in writing, signed by the Clerk of the house sending the message.

Each House to Have Control of Own Printing

10. Each house may order the printing of documents without the consent of the other.

Joint Committees

11. Joint standing committees of the Senate and House shall be appointed as follows:

(1) *Joint Committee on Enrolled Bills* — To consist of five members from each house.

(2) *Joint Committee on Joint Rules* — To consist of the presiding officers and two members of each house, to be appointed by the presiding officers.

(3) *Joint Committee on Pensions and Retirement* —

(a) The Joint Committee on Pensions and Retirement shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

(b) The committee shall consist of seven members of the Senate to be appointed by the presiding officer of the Senate and seven members of the House of Delegates to be appointed by the presiding officer of the House of Delegates. If possible, no more than five of the seven members appointed by the presiding officers of the Senate and the House of Delegates, respectively, may be members of the same political party.

(c) The committee shall make a continuing study and investigation of retirement benefit plans applicable to nonfederal government employees in this state. The powers and duties of the committee include, but are not limited to, the following:

(1) Studying retirement benefit plans applicable to nonfederal government employees in the State of West Virginia, including, without limitation, federal plans available to such employees;

(2) Making recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;

(3) Considering all aspects of pension planning and operation, and making recommendations designed to establish and maintain sound pension policy as to all funds;

(4) Filing a report to each regular session of the Legislature concerning activities conducted between sessions;

(5) Analyzing each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness and adherence to sound pension policy, and reporting of its findings in regard thereto to the Legislature; and

(6) Maintaining reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.

(d) The committee shall hold meetings at such times and places as it may designate. The presiding officer of each house shall appoint a cochair of the committee. When the Legislature is not in session, the committee shall meet and conduct its business as a joint committee.

When the Legislature is in session, in addition to joint meetings, the members of either house may meet separately from members of the other house to conduct committee business concerning pension and retirement related legislation introduced or originated in that house. When the members meet separately, they may function as other committees of that house. As far as practicable, relevant information, including actuarial letters or notes, gathered by members meeting separately from the other house shall be sent to the cochair of the other house if it is considering the same or similar legislation.

12. Other joint committees may be created by concurrent resolution or by approval of the presiding officers of each house.

Engrossed Bills to Be Filed with Clerk of the House

13. All engrossed bills passed by, and joint and concurrent resolutions adopted by, both houses shall be filed with the Clerk of the House of Delegates to be kept with the rolls of the Legislature and to be used in printing and publishing the Acts of the Legislature.

Joint Committee on Enrolled Bills

14. The Joint Committee on Enrolled Bills shall consist of five members of the Senate and five members of the House of Delegates, to be appointed by the presiding officer of each house, ~~whose duty it shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions. It shall be in order for the Joint Committee on Enrolled Bills to report at any time.~~

Printing Enrolled Bills

15. After a bill has been passed by both houses, the text from which it was originally printed shall be corrected as to any typographical errors that may not previously have been corrected and to include any amendments that may have been made by either house since the last printing of the bill. After the text has been so corrected, not less than ~~fifty~~ five copies of the bill shall be printed. One of the copies, when properly authenticated, shall become the Enrolled Bill. In the case of enrolled bills authorizing the promulgation of a proposed legislative rule, a copy of the full text of the proposed legislative rule which the bill incorporates by reference shall be appended to the bill which has been properly authenticated and designated to be the Enrolled Bill. The copy appended to the Enrolled Bill shall conform to the copy of the full text of the proposed legislative rule appended to the introduced bill. Copies of the proposed legislative rule are not to be appended to the additional copies of the Enrolled Bill. Following action by the Governor, or the failure or refusal of the Governor to approve or disapprove a bill of authorization, the copy of the Enrolled Bill with the proposed legislative rule appended is the copy of the bill filed with the Secretary of State in accordance with the provisions of Rule 19 of these Joint Rules.

Authentication of Enrolled Bills

~~16. Enrolled Bills shall be authenticated by the signature of the Chair of the House Committee and the Chair of the Senate~~

~~Committee, composing such Joint Committee on Enrolled Bills, but in the absence of such Chair another member of the committee may act in his stead, and they shall require all bills and joint resolutions before such authentication to be free from interlineations or erasures and destroy any previous enrollment containing any interlineations or erasures. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall be endorsed on the bill. After enrolled bills and joint resolutions are authenticated as aforesaid, they shall be signed by the presiding officer of each house.~~

16. Enrolled Bills shall be authenticated by the signature of the Clerk of each house, whose duty it shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions.

All bills and joint resolutions shall be free from interlineations or erasures and any previous enrollment containing any interlineations or erasures destroyed. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall be endorsed on the bill. All enrolled bills and joint resolutions shall be signed by the presiding officer of each house.

Presenting Enrolled Bills to Governor

17. After a bill shall have thus been signed in each house, it shall be presented ~~by the Joint Committee on Enrolled Bills~~ to the Governor for his approval. ~~The said committee shall~~ It shall be the duty of each Clerk to report the day of presentation to the Governor, which time shall be entered on the Journal of each house.

Record of Enrolled Bills

18. It shall be the duty of the Clerk of the House of Delegates, as Keeper of the Rolls of the Legislature, to keep a record book of all bills presented to the Governor for his approval. The title and number of each bill presented to the Governor shall be entered in

this book, and when a bill is presented to the Governor, the date presented and the signature of the Governor, showing receipt of same, shall be entered at the side of each title.

Action of Governor on Bills

19. When the Legislature is in session, any bill, including an appropriation bill or any part thereof, disapproved by the Governor shall be returned to the house in which it originated, with objections thereto, within five days after receipt thereof, Sundays excepted, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved bill, other than an appropriation bill, within such time, it shall be filed by the Governor in the office of the Secretary of State with objections within fifteen days, Sundays excepted, after adjournment, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved appropriation bill or any part thereof, it shall be filed by the Governor in the office of the Secretary of State with objections within five days after adjournment, or become a law. When any bill, including an appropriation bill or any part thereof, is disapproved after adjournment of the Legislature and such bill with the Governor's objections is filed in the office of the Secretary of State within the prescribed time as aforesaid, the Governor shall notify the house in which the bill originated.

Every bill approved by the Governor shall, within the prescribed time after it is presented, as aforesaid, be filed by the Governor in the office of the Secretary of State and the fact of such approval communicated by the Governor to the house in which said bill originated.

Any bill which shall be neither approved nor disapproved by the Governor shall immediately, after the expiration of the time fixed by the Constitution of West Virginia in which he may disapprove the same, be filed in the office of the Secretary of State, who shall forthwith engross thereon a certificate to the following effect: "I certify that the foregoing act, having been presented to the Governor for approval, and not having been returned to the house of the Legislature in which it originated within the time prescribed by the Constitution of the State, has become a law

without approval." and shall date and sign the same. The Governor shall notify the house in which the bill originated of each bill becoming a law without his approval.

When a bill is returned to either house of the Legislature with the objections of the Governor, proceedings thereon shall be governed by Article VII, Section 14 of the Constitution of West Virginia. In such cases the Clerk of the Senate and the Clerk of the House of Delegates shall engross the action, if any, of their respective houses on the reconsideration of the bill and sign the same.

The action of the Governor on all bills presented shall be appropriately noted in the Journals of the two houses.

Joint Meetings of Committees

20. Whenever any bill has been referred by the Senate to one of its standing committees, and the same or like bill has been referred by the House to one of its committees, the Chairs of the respective committees, when in their judgment the interest of legislation or the expedition of business will be better served thereby, may arrange for a joint meeting of their committees for the consideration of such bill. All joint committee meetings shall be presided over by the Chair of the Senate committee.

What Shall Be Printed in the Journal

21. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills and ~~the title and text of all~~ resolutions.

(b) A record of all votes taken by yeas and nays as required by the Constitution of West Virginia, the rules of the respective houses and these rules; and a brief statement of the contents of each petition, memorial or paper presented to each house.

(c) A true and accurate account of the proceedings of each house.

Manner of Printing the Journal and Bills

22. In printing the daily Journal of the proceedings of each house there shall be printed at the top of each page, except the first, the date of the Journal; and on the last page of each day's Journal shall be printed the calendar for the next day.

~~At the top of the first page of each bill, preceding the title and number thereof,~~ On each bill, there shall be printed the name of the person by whom, or the committee by which, it was introduced and the date of introduction; and at the top of each page, ~~except the first,~~ shall be printed the number of the bill.

Regulation and Use of Legislative Offices, Chambers, Halls, Stairways and Corridors

23. The presiding officer of each house shall have power to assign and regulate the office space in the portions of the Capitol used by their respective houses and to grant permission for the use of such space and the legislative Chambers for other than legislative purposes. They shall also have jurisdiction over all halls, stairways and corridors in the areas used by their respective houses. The presiding officers may submit any question or request arising under the foregoing provisions of this rule to the Committee on Rules of their respective houses for determination and action.

The area on the second floor between the legislative Chambers and surrounding the rotunda on the second floor shall be under the jurisdiction of the Joint Committee on Rules. It shall be the duty of this committee to maintain and preserve the aesthetic features of this area of the Capitol. No display or exhibition of any material or objects in this area shall be permitted without approval of the committee.

Attaching pictures, posters, cards or placards on the walls in any manner whatsoever in the halls, stairways and corridors in the areas used by the respective houses and in the area between the

legislative Chambers surrounding and to the east and west of the rotunda is prohibited.

Resolutions

24. Resolutions requiring concurrent action may originate in either house and shall be of two kinds, namely:

Joint Resolutions: These resolutions shall be used for proposing amendments to the Constitution of West Virginia and for ratifying amendments to the Constitution of the United States. Joint resolutions proposing amendments to the Constitution of West Virginia shall be adopted as provided in Article XIV, Section 2 of said Constitution.

Concurrent Resolutions: Such resolutions shall be used for all purposes not covered by joint resolutions as defined above.

Suspension of Joint Rules

25. Joint Rules may only be suspended by a two-thirds vote of each house taken by yeas and nays, or by unanimous consent.

Transfer of Appropriations Between Items

26. The Clerk of the Senate, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the Senate in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

27. The Clerk of the House of Delegates, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the House of Delegates in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

28. The Clerk of the Senate and the Clerk of the House of Delegates, with the approval of the presiding officers, are

authorized to make a joint written request to the State Auditor for the transfer of amounts between items of the total appropriations for joint expenses of the Legislature in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

Governing Powers

29. The presiding officers of each house, as selected in accordance with the Constitution of West Virginia, the Rules of the Senate, the Rules of the House of Delegates, respectively, these Joint Rules and laws of the State, shall have the power to and are hereby authorized to act on behalf of the Legislature as required by the business and legal affairs of the Legislature unless otherwise directed by a majority vote of both houses while the Legislature is in session or by the majority vote of the Joint Committee on Government and Finance while the Legislature is not in session.

Receipt of Constitutional Petitions and Resolutions

30. Any application from a county commission or a verified petition from the voters of a county seeking to reform, alter or modify a county commission pursuant to Article IX, Section 13 of the Constitution of West Virginia and any related documents that may be subsequently submitted shall be filed with the Clerk of the Senate and the Clerk of the House of Delegates. The Clerk of the Senate and the Clerk of the House of Delegates shall verify that the application, petition or related document has been properly submitted to the other Clerk before processing it in his or her respective house. Such applications, petitions and related documents not submitted to both the Clerk of the Senate and the Clerk of the House of Delegates will not be submitted to either house for processing or consideration by the Legislature.

When the Legislature is not sitting in regular session, upon receipt of an application, petition or related document from a county commission by the Clerk of the Senate and the Clerk of the House of Delegates, it shall be processed as a regular order of business at the next regular session following receipt of the application, petition or related document.

An application or petition to reform, alter or modify a county commission filed with the Legislature on or after the tenth day of a regular legislative session may not be processed or considered by the Legislature until the next regular legislative session.

An application or petition to reform, alter or modify a county commission filed with the Legislature is only valid for the session in which it was processed and such application or petition not acted upon during that session is null and void.

If an application or petition to reform, alter or modify a county commission filed with the Legislature is determined by the Legislature to have an unconstitutional provision, then the Legislature may: (a) Request that the application or petition be corrected and resubmitted; or (b) make changes necessary to meet the constitutional objection. A corrected application or petition may be processed by the Legislature if there is sufficient time remaining in the session for full consideration. If any request by the Legislature to correct an application or petition prevents full consideration of that application or petition during the session in which it would have been considered, the Senate and the House of Delegates may process the corrected application or petition at the next regular session.

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

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 and request concurrence therein.

Senators Blair (Mr. President), Tarr, and Woelfel offered the following resolution:

Senate Concurrent Resolution 2—Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-sixth Legislature.

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

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 and request concurrence therein.

The following bills and joint resolutions were introduced and read by their titles:

By Senator Takubo:

Senate Bill 1—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to requiring the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition; addressing eligibility requirements; requiring the commission to promulgate a rule; requiring each award recipient to enter into an agreement which requires repayment of the amount of the grants awarded if the recipient chooses to reside outside the state within the number of years immediately after obtaining the degree or certificate that is equivalent to the number of years the scholarship was received; requiring that the annual award be used to supplement, but not supplant, certain other tuition and fee waivers for which an individual is eligible; clarifying that section does not guarantee a PROMISE Plus scholarship award or any specific amount of a PROMISE Plus scholarship award to any student or that the qualification requirements for PROMISE Plus scholarship will not be changed before the student is eligible; providing that the total cost of all PROMISE Plus scholarships in any year cannot exceed the amount of funds available; creating a special revenue fund in the State Treasury designated as the PROMISE Plus Scholarship Fund; and giving the commission all the same powers and duties with respect to the PROMISE Plus

Program as the commission has with respect to the PROMISE Scholarship Program.

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

By Senator Maynard:

Senate Bill 2—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to giving private schools the option of making vaccinations required for enrollment; and requiring private schools to maintain annual attendance records.

Referred to the Committee on Health and Human Resources.

By Senator Maynard:

Senate Bill 3—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

Referred to the Committee on Health and Human Resources.

By Senator Maynard:

Senate Bill 4—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; providing for activities to be performed by volunteer groups; requiring volunteer project agreements with the division; requiring certain requirements in agreements; establishing minimum requirements for volunteer organizations; establishing certain limitations on activities performed by volunteer groups; and providing for project coordination and removal and disposal of trash and other items.

Referred to the Committee on Outdoor Recreation; and then to the Committee on Finance.

By Senator Maynard:

Senate Bill 5—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

Referred to the Committee on Health and Human Resources.

By Senator Grady:

Senate Bill 6—A Bill amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to protecting landowners who allow others to access cemeteries from their private property or roadway; and ensuring that those persons who damage private property are solely responsible for any costs of repair associated therein.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 7—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to returning the refundable exemption for road construction contractors to the State Road Fund; transferring revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; and specifying the effective date.

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

By Senator Woelfel:

Senate Bill 8—A Bill to amend and reenact §37-6-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §37-6A-1 and §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating generally to clarifying that tenancy includes persons who reside in a sober living home; providing a definition for a "sober living home"; and providing that reasonable attorney's fees shall be awarded for a landlord's willful or bad-faith noncompliance relating to rental security deposits when the tenant resides in a sober living home.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 9—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8e, relating to the West Virginia Monument and Memorial Protection Act of 2023; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, named, or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on Government Organization.

By Senator Phillips:

Senate Bill 10—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to regulation or restriction of the carrying of a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon; authorizing regulation or restriction on the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 11—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, and §35-1A-3, all relating to forbidding excessive government limitations on exercise on religion; providing definitions; forbidding government to treat religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government to treat religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability, construction, and severability.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 12—A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-to-Food Bank Tax Credit; raising the limit on the tax credit from \$2,500 to \$5,000; and providing that the credit apply retroactively to January 1, 2023.

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

By Senator Smith:

Senate Bill 13—A Bill to amend and reenact §22-6-2 and §22-6-29 of the Code of West Virginia, 1931, as amended, all relating to the Office of Oil and Gas of the Department of Environmental Protection; establishing annual oversight fee for wells producing more than 10,000 cubic feet of gas per day; and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Smith:

Senate Bill 14—A Bill to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to dedication of collections or proceeds of sales tax from the sale of parts, tires, and repair and maintenance services for motor vehicles to State Road Fund.

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

By Senator Smith:

Senate Bill 15—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, relating to the apportionment of oil and gas severance taxes; and relating to funding the West Virginia Department of Environmental Protection's Office of Oil and Gas adequately and meaningfully.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 16—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution, or other legal requirements; regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies, or local regulations; and providing for exceptions and applicability.

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

By Senator Woodrum:

Senate Bill 17—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending until July 1, 2024, the current cap on the per diem rate paid by counties and municipalities to house inmates in jail facilities.

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

By Senator Woodrum:

Senate Bill 18—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 19—A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language-making applications or renewals for athlete agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty or no contest to a crime of moral turpitude in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student

athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 20—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of county sales and use taxes; setting forth legislative intent; providing counties with authority to impose a county sales and use tax of up to one percent under certain circumstances; clarifying that a county sales and use tax does not apply to incorporated areas of the county; requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of the tax.

Referred to the Committee on Government Organization.

By Senator Swope:

Senate Bill 21—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or

information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining "governmental entity"; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

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

By Senator Swope:

Senate Bill 22—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; prohibiting political subdivisions from adopting, enforcing, or administering certain local requirements; clarifying effect on prior written agreements; providing that any prohibited local requirement in effect prior to the effective date is void; clarifying effect on lawfully enacted zoning ordinances; clarifying that article does not apply to municipal solid waste or recycling collection programs; clarifying that article does not apply to employees of a political subdivision; clarifying effect on the West Virginia Alcohol and Drug-Free Workplace Act and certain similar requirements; and clarifying that any provision of article that jeopardizes receipt of federal funding to political subdivision is deemed inoperative.

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

By Senator Smith:

Senate Bill 23—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2R-1, §16-2R-2, §16-2R-3, §16-2R-4, §16-2R-5, §16-2R-6, §16-2R-7, §16-2R-8, §16-2R-9, §16-2R-10, and §16-2R-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

By Senator Smith:

Senate Bill 24—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for out-patient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

By Senator Smith:

Senate Bill 25—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to requiring disclaimers on third party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties.

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

By Senator Phillips:

Senate Bill 26—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia State Police to provide medical and hospital coverage for an illness or injury received by a member while performing services in the line of duty.

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

By Senator Smith:

Senate Bill 27—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-51, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

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

By Senator Smith:

Senate Bill 28—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-25; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers to purchase nonferrous metals; providing for permit requirements for fixed and nonfixed sites; providing that the Superintendent of the West Virginia State Police shall develop applications and permits; providing for a permit fee for secondary metals recyclers; providing that a secondary metals recycler permit to purchase nonferrous metals is valid for two years; providing for a permit for persons or entities to sell or transport nonferrous metals over the highways; providing a fee for a replacement permit for a lost or destroyed original permit; providing for record retention criteria; providing that a seller or transportation permit is valid for two

years; providing for denial, revocation, or suspension of a permit for violations of law and for penalties; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers shall retain records of all purchases of nonferrous metals; providing for record retention of at least one year; providing for a limit for secondary metals recyclers purchasing nonferrous metals through cash transactions; providing for signage to be displayed; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for holds placed on stolen nonferrous metals; providing for law enforcement to issue written notice to a secondary metals recycler relating to stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing that law enforcement provide written notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state without a valid permit and penalties for violating transportation requirements; providing for revocation of a transportation permit; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals

results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for revocation of a permit upon conviction for illegally obtaining nonferrous metals; providing immunity from civil liability to the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally, or for any injury caused by dangerous conditions to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Smith:

Senate Bill 29—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4C-24 of said code, all relating to volunteer fire departments and emergency medical services units; and providing that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health.

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

By Senator Smith:

Senate Bill 30—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

By Senator Swope:

Senate Bill 31—A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; permitting grants to a project sponsor with less than 1,500 customers of up to 100 percent of the total cost of the project; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages.

Referred to the Committee on Finance.

By Senator Karnes:

Senate Bill 32—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting a refusal by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

Referred to the Committee on Health and Human Resources.

By Senator Karnes:

Senate Bill 33—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b; to amend said code by adding thereto a new section, designated §11B-2-33; and to amend said code by adding thereto a

new section, designated §18-2-44, all relating to prohibiting discriminatory divisive acts in the workplace and adding to the definition of the Human Rights Act; prohibiting the teaching of divisive acts in West Virginia schools; and prohibiting state funding to agencies that promote divisive acts.

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

By Senator Karnes:

Senate Bill 34—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

Referred to the Committee on Transportation and Infrastructure.

By Senator Karnes:

Senate Bill 35—A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to limiting employees of the Department of Environmental Protection from entering private lands for environmental protection purposes to only when there is probable cause to believe a violation exists on the property, a warrant has been obtained for the entry, or the express permission of the property owner has been granted.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 36—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26, relating to authorizing a child or child care tax credit.

Referred to the Committee on Finance.

By Senator Hamilton:

Senate Bill 37—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-

5-2a; to amend and reenact §15-2-5 of said code; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to pay raises; granting all public employees a 10 percent per year permanent pay increase; requiring that the pay increase be averaged over all public employees; granting a 10 percent pay increase to members of the West Virginia State Police; granting a 10 percent pay increase to public school teachers; granting a 10 percent pay increase to school service personnel; and providing for effective dates.

Referred to the Committee on Finance.

By Senator Hamilton:

Senate Bill 38—A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to voting rights of formerly incarcerated individuals; and restoring suffrage for a person incarcerated for a felony conviction upon release.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 39—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".

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

By Senator Weld:

Senate Bill 40—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to waivers of fees for emergency responders disabled in the line of duty for hunting, trapping, and fishing licenses; establishing procedures and requirements for requesting the waiver; and permitting the promulgation of rules by the Division of Natural Resources.

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

By Senator Clements:

Senate Bill 41—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the school aid formula; and establishing a minimum net enrollment of 1,200 students for each county.

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

By Senator Clements:

Senate Bill 42—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to adjusting the interest rate to be paid in condemnation cases; changing the rate of interest from a fixed percentage to a floating rate tied to a federal discount rate; and updating language to meet modern legislative drafting standards.

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

By Senator Clements:

Senate Bill 43—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of the State Road Fund for state road purposes.

Referred to the Committee on Finance.

By Senator Hamilton:

Senate Bill 44—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 45—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section,

designated §9-5-29; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring coverage for certain conditions; requiring coverage treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; requiring coverage for treatment of pediatric acute onset neuropsychiatric syndrome; requiring a prior authorization to be obtained; and requiring that a physician demonstrate that all other treatments have been exhausted.

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

By Senator Rucker:

Senate Bill 46—A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended, relating to allowing the West Virginia Professional Charter School Board to vote for its executive director and any other employees to participate in the Teachers' Retirement System; and making participation retroactive to the effective date of the employment of the board's first employee if the board votes to participate on or before September 1, 2023.

Referred to the Committee on Pensions.

By Senator Rucker:

Senate Bill 47—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-17, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs and costs associated with renovating or remodeling existing buildings and structures; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute moneys from the fund to qualifying charter school applicants and charter

schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient has not begun operating a charter school within the next 18 months.

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

By Senator Rucker:

Senate Bill 48—A Bill to amend and reenact §18A-4-2b of the Code of West Virginia, 1931, as amended, relating to making school psychologists holding a license in school psychology from the West Virginia Board of Examiners of Psychologists eligible for the same annual salary supplement and expense reimbursements that school psychologists who attain national professional certification by the National Association of School Psychologists are eligible for; and removing obsolete language.

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

By Senator Hamilton:

Senate Bill 49—A Bill to amend and reenact §60A-4-401, §60A-4-407, and §60A-4-407a of the Code of West Virginia, 1931, as amended, all relating to establishing the criminal offense of using or being under the influence of a controlled substance unless obtained directly from, or pursuant to, a valid prescription or order of a practitioner; providing criminal penalties for violation; providing for conditional discharge of offense for first violation; and providing additional conditions for authorizing additional requirements to obtain a final order of discharge and dismissal.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 50—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 51—A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; and setting forth minimum requirements for the rule.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 52—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 53—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining DNA; updating definitions; adding language to further define and include qualified arrestees in the state DNA database; requiring testing of qualified arrestees on intake; requiring a DNA sample from individuals convicted of a felony on or after March 9, 1995; specifying testing methods; authorizing emergency and legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonable delay in expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match.

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

By Senator Karnes:

Senate Bill 54—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-

10D-14, relating to permitting members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

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

By Senator Karnes:

Senate Bill 55—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies, and severability.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 56—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to setting forth legislative findings and declarations; defining "area of critical need and shortage for substitute bus operators"; setting forth conditions under which a person receiving certain retirement benefits, or who is entitled to retirement benefits during the fiscal year in which that person retired, can accept employment as a critical need substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled; requiring loss of certain retirement benefits for any person who retires and begins work as a critical need substitute bus operator within the same fiscal year; providing that retired bus operators employed to perform expanded substitute service are considered day-to-day, temporary, part-time employees who are not eligible for benefits paid to regularly employed employees and may not accrue seniority; requiring county board to continue to post the vacant position and to post electronically when a retired

bus operator is employed as critical need substitute; and providing expiration date for section.

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

By Senator Hamilton:

Senate Bill 57—A Bill to amend and reenact §3-8-2b of the Code of West Virginia, 1931, as amended, relating to requiring a political action committee to disclose the names and addresses of its contributors to the Secretary of State.

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

By Senator Hamilton:

Senate Bill 58—A Bill to amend and reenact §48-8-103 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-14-107 of said code; to amend and reenact §48-18-105, §48-18-117, §48-18-118, §48-18-118a, §48-18-121, §48-18-124, §48-18-201, §48-18-202, §48-18-203, §48-18-204, §48-18-205, and §48-18-206 of said code; and to amend and reenact §61-5-29 of said code, all relating to spousal support enforcement; providing that parties may apply to Bureau for Child Support Enforcement to collect spousal support payments; requiring the court to direct that spousal support payments be directly paid to the Bureau for Child Support Enforcement upon application of party; authorizing the Bureau for Child Support Enforcement to collect spousal support from federal and state taxes; authorizing Bureau for Child Support Enforcement to obtain information from financial institution regarding spousal support obligations; allowing Bureau for Child Support Enforcement to assist parties in obtaining spousal support; allowing Bureau for Child Support Enforcement to bring action before the court to obtain modification to support order; providing process within family court for the presentation of a proposal to modify spousal support; and creating criminal penalties for the failure to pay spousal support.

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

By Senator Takubo:

Senate Bill 59—A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting Commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 60—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-71c, relating to tax on income of nonresidents for natural resources royalty payments received from lessees; providing legislative findings; defining terms; providing for withholding of estimated tax liabilities from natural resources royalty payments for nonresidents by lessees; providing exceptions to the tax withholding requirements under certain circumstances; providing that withheld amounts be paid by lessees to the Tax Commissioner on behalf of the nonresidents; providing for refunds to nonresidents for overpayment; requiring annual withholding statements, reconciliation, and filing requirements; requiring electronic filing under specified circumstances; providing for criminal and civil penalties in certain circumstances for noncompliance; providing for rulemaking; and providing an effective date.

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

By Senator Nelson:

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

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

By Senator Nelson:

Senate Bill 62—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; to amend and reenact §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-7, and §29-22C-8 of said code; and to amend and reenact §29-22D-15 of said code, all relating to allowing for the establishment of a secondary location for pari-mutual wagering on simulcast races, racetrack video lottery terminals, sport wagering kiosks, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack; providing that the original venue must remain in operation; providing that the original venue continue to offer amenities, accommodations, options and services at the same level; providing for a local option election; defining terms; providing Lottery Commission authority to regulate secondary locations; providing for rulemaking; and providing for licensing of secondary locations.

Referred to the Committee on Government Organization.

By Senator Nelson:

Senate Bill 63—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating to paid or unpaid family leave time; granting a total of 12 weeks under the Parental Leave Act based on at least 12 consecutive months of performing services for remuneration within this state for any department, division, board, bureau,

agency, commission, or other unit of state government, or any county board of education; and specifying conditions for which the leave time is granted.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 64—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §5-10-25a, §5-10-25b, §5-10-25c, and §5-10-25d, all relating to updating definitions of the West Virginia Public Employees Retirement Act; providing benefits for law enforcement, public safety, and rescue personnel for total disability and death resulting from their covered employment; providing awards and benefits to surviving spouses of law enforcement, public safety, and rescue personnel when a member dies in performance of duty; providing for additional death benefits and scholarships; clarifying dependent children of law enforcement, public safety, and rescue personnel; and providing for burial benefits for law enforcement, public safety, and rescue personnel.

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

By Senator Nelson:

Senate Bill 65—A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; and granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer's official duties.

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

By Senator Nelson:

Senate Bill 66—A Bill to amend and reenact §3-8-1a of the Code of West Virginia, 1931, as amended, relating to regulation and control of elections; and updating the definition of

"electioneering communication" to be consistent with the Federal Election Commission.

Referred to the Committee on Government Organization.

By Senator Smith:

Senate Bill 67—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

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

By Senator Smith:

Senate Bill 68—A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of force, including deadly force, in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; when there is no duty to retreat; and providing for the receipt of court costs, fees, and expenses for persons acting to protect self, real, and personal property, another person, or in other defined situations.

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

By Senator Phillips:

Senate Bill 69—A Bill to amend and reenact §61-2-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; to repeal §61-11-2 of said code; to repeal §62-3-15 of said code; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to the Patrolman Cassie Marie Johnson Memorial Act and the death

penalty for first degree murder; providing for procedures, standards, and findings applicable to imposition thereof in certain instances, including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (DNA) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transferring of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

Referred to the Committee on the Judiciary.

By Senator Phillips:

Senate Bill 70—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to permitting special registration plates for certain persons with medical conditions that may cause erratic behavior; and requiring medical certification that person may operate motor vehicle if properly following dietary restrictions and medical prescriptions.

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

By Senator Weld:

Senate Bill 71—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, and §37-16-9, all relating to real property conveyed by land installment agreement; providing definitions; laying out land installment contract requirements; providing for vendor requirements; providing for the condition of forfeiture, notice of default, and right to cure; defining the effect of vendor's default on

lien on property; spelling out contrary provisions; defining interest; providing for remedies; and clarifying the Truth in Lending Act.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 72—A Bill to amend and reenact §61-8B-1 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of "sexual contact"; and removing the element of the parties not being married to each other from the definition.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 73—A Bill to amend and reenact §5-16-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-46-18 of said code, all relating to removing the Public Employees Insurance Agency's exemption from the provisions of chapters 5 and 33 of the Code of West Virginia.

Referred to the Committee on Banking and Insurance.

By Senator Weld:

Senate Bill 74—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 75—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing, and trapping licenses and permits; providing that fees for hunting, trapping, and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility

requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

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

By Senator Weld:

Senate Bill 76—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 77—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to updating language regarding special license plates for Fairmont State University.

Referred to the Committee on Transportation and Infrastructure.

By Senator Weld:

Senate Bill 78—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; creating the felony offense of malicious killing, torture, or mutilation of an animal; providing criminal penalties for these offenses; modifying the elements of the existing offense of cruelty to animals; and defining a term.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 79—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation;

establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2026, unless extended by the Legislature.

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

By Senator Grady:

Senate Bill 80—A Bill to amend and reenact §33-2-5 of the Code of West Virginia, 1931, as amended, relating to modifying the witness fee rate paid by the State of West Virginia to match the U.S. Federal Court system.

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

By Senator Grady:

Senate Bill 81—A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to allowing a person who first becomes a member of the Teachers Retirement System on or after July 1, 2015, to apply his or her accrued annual and sick leave, on the basis of one day's retirement service credit for each one day of accrued annual and sick leave, toward an increase in his or her retirement benefits with those days constituting additional credited service in computation of the benefits under the Teachers Retirement System.

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

By Senator Takubo:

Senate Bill 82—A Bill to amend and reenact §21A-2D-1, §21A-2D-2, and §21A-2D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to unemployment benefits program; adding definition of "state

average unemployment rate" and making technical changes to definitions; increasing requirements to verify claim program integrity; providing for automatic eligibility review in certain circumstances; redesignating code sections; establishing formula to correlate duration of benefits to unemployment rate; providing for rulemaking; setting effective date; and reducing period of maximum duration of benefits.

Referred to the Committee on Government Organization.

By Senator Takubo:

Senate Bill 83—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 84—A Bill to amend and reenact §11-17-2, §11-17-3, and §11-17-7 of the Code of West Virginia, 1931, as amended; and to repeal §11-17-4a, §11-17-4b, and §11-17-9 of said code, all relating to the Tobacco Products Excise Tax Act; repealing discounts on tax stamps; adding definition of "electronic smoking device"; increasing taxes on tobacco products; and providing that 10 percent of the revenue collected be dedicated to the West Virginia Division of Tobacco Prevention.

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

By Senator Takubo:

Senate Bill 85—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, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, and §11-13MM-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria

for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount of tax credit allowed per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

By Senator Takubo:

Senate Bill 86—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing those physicians must still exercise due care for safety; and providing for rulemaking.

Referred to the Committee on Transportation and Infrastructure.

By Senator Phillips:

Senate Bill 87—A Bill to amend and reenact §5-16-5a of the Code of West Virginia, 1931, as amended, relating to restoring major health care benefits to certain public employees who retired and then returned to employment.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Woelfel:

Senate Bill 88—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana

from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

Referred to the Committee on Health and Human Resources.

By Senator Woelfel:

Senate Bill 89—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9D-1, relating to sexual assault forensic examination kits; and requiring hospitals to staff qualified health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits.

Referred to the Committee on Health and Human Resources.

By Senator Woelfel:

Senate Bill 90—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to amending the penalty of simple possession of marijuana from a misdemeanor crime to a civil violation; and amending the penalties from those of a misdemeanor crime to a civil violation.

Referred to the Committee on the Judiciary.

By Senator Phillips:

Senate Bill 91—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-11-11a; and to amend and reenact §33-3-33 of said code, all relating to fire department recruitment and retention; creating the Fire Service Recruitment and Retention Fund; establishing that the purpose of the fund is to provide grants for recruitment and retention purposes; requiring the State Fire Commission to create a grant program; establishing considerations for awarding grants; providing for rulemaking; requiring the State Fire Commission verify eligibility for volunteer fire departments with the Legislative Auditor; raising policy surcharge to one percent; and allocating disbursements to various funds.

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

By Senator Phillips:

Senate Bill 92—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive lawsuits; and providing that a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact.

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

By Senator Azinger:

Senate Bill 93—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the teaching of divisive acts and critical race theory in West Virginia schools; providing definitions; prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not re-employed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 94—A Bill to amend and reenact §11-16-6d and §11-16-6f of the Code of West Virginia, 1931, as amended, all relating to removing limitations on nonintoxicating craft beer delivery licenses.

Referred to the Committee on the Judiciary.

By Senator Nelson:

Senate Bill 95—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, and §31-15D-7; and to amend said code by adding thereto a new section, designated §33-3-14f, all relating to establishing a West Virginia business growth in low-income communities tax credit;

providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting.

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

By Senator Azinger:

Senate Bill 96—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to timber ownership interests; creating the Timber Co-tenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting co-tenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund, to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act;

providing for rule-making authority; providing crediting of interest to owner's accounts; and providing an effective date of July 1, 2023.

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

By Senator Nelson:

Senate Bill 97—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to a change in the contribution levels of every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system, on or after July 1, 2014, to no less than three percent and no more than 10 percent of the participant's annual compensation.

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

By Senator Nelson:

Senate Bill 98—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80; and to amend said code by adding thereto a new section, designated §11-24-26, all relating to exempting capital gains from personal and corporate taxation.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 99—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to meetings among county boards of education; and establishing procedures for potential consolidation of school districts.

Referred to the Committee on Education.

By Senator Nelson:

Senate Bill 100—A Bill to amend and reenact §16-5V-6 of the Code of West Virginia, 1931, as amended, relating to the inclusion

of newly hired 911 personnel as members of the Emergency Medical Services Retirement System.

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

By Senator Nelson:

Senate Bill 101—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exemptions from personal income tax; providing for an exemption for members of certain uniformed services; exempting Social Security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language.

Referred to the Committee on Finance.

By Senator Takubo:

Senate Bill 102—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual 16 years of age or younger is present; defining terms; making the violation a secondary misdemeanor offense; and providing a penalty.

Referred to the Committee on Health and Human Resources.

By Senator Tarr:

Senate Bill 103—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-4b, relating to providing a definition of "drag shows"; prohibiting funding from governmental entities for drag shows; prohibiting minors from being involved in or attending drag shows; and providing for penalties associated with violations of these provisions.

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

By Senator Phillips:

Senate Bill 104—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to

amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 105—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to allowing county commissions to impose an amusement tax.

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

By Senator Smith:

Senate Bill 106—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5l, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

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

By Senator Smith:

Senate Bill 107—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Smith:

Senate Bill 108—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an account and provided to them at the successful completion of the six-month period.

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

By Senator Smith:

Senate Bill 109—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, and §22-10A-8, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing a short title; providing for legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug transferred wells; providing for different methods for operators to provide plugging assurance of wells, including for wells not producing in paying quantities; providing administrative and management responsibilities for the Chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; and providing for rule-making authority.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Smith:

Senate Bill 110—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the Commissioner of the Division of Highways to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of program; requiring Division of Highways' county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; providing requirements for the Commissioner of the Division of Highways and districts; requiring rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

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

By Senator Smith:

Senate Bill 111—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed as real property.

Referred to the Committee on Finance.

By Senator Karnes:

Senate Bill 112—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-16, relating generally to financial institutions engaged in boycotts of firearms companies; defining terms; authorizing the Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of firearms companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the

Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of firearms companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of firearms companies; and limiting liability of public officials, public employees, members or employees of financial institutions for actions taken in compliance with the new code section and exempting the Investment Management Board.

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

By Senator Karnes:

Senate Bill 113—A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who have served in that capacity; and providing that retirants, who served in that capacity while members, shall be considered to have been absent from service as a teacher by reason of that service.

Referred to the Committee on Pensions.

By Senator Karnes:

Senate Bill 114—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16I-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2024; and providing an exception to the prohibition when a mother's life is in danger.

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

By Senator Karnes:

Senate Bill 115—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of any delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of a delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 116—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12b, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

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

By Senator Karnes:

Senate Bill 117—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as

amended, relating to mandatory state inspections of motor vehicles.

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

By Senator Karnes:

Senate Bill 118—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of the Division of Highways; providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held; establishing the Temporary Sign Placement License Program; and requiring rulemaking.

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

By Senator Rucker:

Senate Bill 119—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

By Senator Azinger:

Senate Bill 120—A Bill to amend and reenact §15-2C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-12-2 of said code, all relating to requiring certain persons required to register with State Police to pay an annual fee; requiring registered sex offenders to pay annual fee; providing for use of fee by State Police to defray costs associated with monitoring sex offenders; providing that failure to pay annual fee shall not be deemed a violation of the person's supervised release; requiring persons required to be placed on Central Abuse Registry to pay annual fee; providing for use of fee by State Police to defray

costs associated with maintaining registry; providing that failure to pay annual fee shall not be deemed a violation of the person's supervised release; and providing for recordation and indexing of nonpayment of annual fee which shall have the force of a judgment.

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

By Senator Azinger:

Senate Bill 121—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public colleges and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist's rights are violated; specifying the judicial relief available in an appeal; and clarifying that provisions of the article do not apply to students and private colleges or universities.

Referred to the Committee on Education.

By Senator Martin:

Senate Bill 122—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission.

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

By Senators Hamilton, Deeds, and Stuart:

Senate Bill 123—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating

enhanced second and third offense penalties for fleeing from an officer on foot or in a vehicle.

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

By Senator Woelfel:

Senate Bill 124—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to authorizing a child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

Referred to the Committee on Education.

By Senators Rucker, Azinger, Chapman, Deeds, Maynard, Roberts, and Smith:

Senate Bill 125—A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to disclosure of information relating to applicants for, or holders of, licenses and provisional licenses to carry a concealed deadly weapon; providing that information about applicants and licensees is personal, protected information; restricting access to correct or update information in the concealed carry license system to sheriffs; providing that other law-enforcement officers or authorities may only access the information in this system for a single-entry query of a subject of interest in an active criminal investigation or a subject arrested for a crime; and removing provisions for the State Police to maintain a registry of persons who have been issued a license to carry a concealed deadly weapon.

Referred to the Committee on the Judiciary.

By Senators Trump, Deeds, Oliverio, Azinger, Stuart, Clements, Barrett, Phillips, Roberts, Swope, Grady, Tarr, Boley, Smith, Maynard, Rucker, and Taylor:

Senate Bill 126—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 and reenact §6-7-2a of said code; 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 §9-2-13 of said code; to amend said code by adding thereto a new section designated, §9-2-14; to amend and reenact §16-1-2, §16-1-3, §16-1-4, and §16-1-6; to amend said code by adding thereto a new section designated, §16-1-22; to amend and reenact §26-1-1, §26-1-2, and §26-1-3; to amend said code by adding thereto a new section, designated §26-1-4; 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 repeal 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.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, 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)—32.

The nays were: Caputo—1.

Absent: Rucker—1.

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

Engrossed Senate Bill 126 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 126 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, 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)—32.

The nays were: Caputo—1.

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. 126) passed with its title.

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

By Senators Weld, Maroney, Nelson, Takubo, Oliverio, Azinger, Clements, Barrett, Roberts, Woodrum, Queen, Swope, Hamilton, Boley, Smith, Plymale, Woelfel, and Caputo:

Senate Bill 127—A Bill to amend and reenact §5-16-20 and §5-16-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto by adding a new section, designated §5-16-30, all relating to the West Virginia Public Employees Insurance Act; requiring the Public Employees Insurance Agency finance board to supplement reimbursements with reserve funds; reimbursement of hospital inpatient rates by the plan; reimbursement of emergency medical service providers and agencies rates by the plan; and naming of funds within the Public Employees Insurance Agency.

At the request of Senator Takubo, unanimous consent being granted, the bill was taken up for immediate consideration,

reference to a committee dispensed with, read a first time, and ordered to second reading.

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

The bill (S. B. 127) was read a second time.

On motion of Senator Weld, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 30, line 1, by striking out "2024" and inserting in lieu thereof "2023";

On page 2, section 30, line 5, by striking out "2024" and inserting in lieu thereof "2023";

And,

On page 2, section 30, line 13, by striking out "2024" and inserting in lieu thereof "2023".

The bill, as amended, was then ordered to engrossment and third reading.

Engrossed Senate Bill 127 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 127 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, 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. 127) 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. S. B. 127) takes effect from passage.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Weld, Woelfel, Plymale, Maroney, and Oliverio as to the passage of Engrossed Senate Bill 127 were ordered printed in the Appendix to the Journal.

The following communication was reported by the Clerk:



STEPHEN J. HARRISON
CLERK OF THE HOUSE

West Virginia House of Delegates

OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

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

January 11, 2023

The Honorable Members of the West Virginia Senate
State Capitol
Charleston, West Virginia

To The Honorable Members of the West Virginia Senate:

This letter is to inform you the House of Delegates has assembled, with a quorum present, and organized by the election of officers as required by the Constitution and is ready to proceed with the business of this session.

The House of Delegates elected the following officers:

Speaker: The Honorable Roger Hanshaw
Clerk: The Honorable Stephen J. Harrison
Sergeant at Arms: The Honorable Marshall Clay
Doorkeeper: The Honorable Robert Stewart

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 1, Adopting Joint Rules of Senate and House of Delegates.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 2, Authorizing payment of expenses for 86th Legislature.

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

House Concurrent Resolution 1—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

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

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

Whereupon, pursuant to the provisions of House Concurrent Resolution 1, the President appointed as Senate members of the committee to wait upon His Excellency, the Governor, the following:

Senators Boley, Takubo, and Woelfel.

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

By Senators Smith, Tarr, Azinger, Roberts, Deeds, Boley, Rucker, and Taylor:

Senate Bill 128—A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to states of emergency and preparedness; defining terms;

clarifying the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed states of emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor's authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 128 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 128 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, 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. 128) 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. S. B. 128) takes effect from passage.

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

By Senators Tarr, Smith, and Taylor:

Senate Bill 129—A Bill to amend and reenact §4-11-5 of the Code of West Virginia, 1931, as amended, relating to limiting gubernatorial authority to spend certain amounts of federal funds without appropriation from the Legislature.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Woelfel—2.

Absent: Rucker—1.

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

Engrossed Senate Bill 129 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 129 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo, Plymale, and Woelfel—3.

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. 129) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo, Plymale, and Woelfel—3.

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. 129) takes effect from passage.

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

By Senators Tarr, Rucker, Azinger, Karnes, Maynard, Deeds, Phillips, Roberts, Woodrum, Swope, Smith, and Taylor:

Senate Bill 130—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b, relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities, within the scope of his or her employment, from requiring or otherwise compelling a student, teacher, administrator, or other employee to affirm, adopt, or adhere to certain specified concepts; limiting prohibitions; providing that complaints may be filed

pursuant to current state board policy; requiring reports of substantiated complaints to the Legislative Oversight Commission on Education Accountability annually; and allowing the state board to promulgate rules.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Plymale, and Woelfel—3.

Absent: Nelson and Rucker—2.

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

Engrossed Senate Bill 130 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 130 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo and Woelfel—2.

Absent: Plymale and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 130) passed with its title.

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

(Senator Clements in the Chair.)

By Senators Nelson, Woodrum, Jeffries, Phillips, Trump, Deeds, Stuart, Queen, Smith, and Rucker:

Senate Bill 131—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-28, relating to municipal fire departments; providing for municipal fire departments to provide service weapons to municipal fire marshal upon retirement in certain circumstances; and allowing the sale of retired service weapons to active and retired fire marshals.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 131 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 Chair declared the bill (Eng. S. B. 131) 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 Chair declared the bill (Eng. S. B. 131) takes effect from passage.

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

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

Senate Bill 132—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; and clarifying that stalking is a form of harassment.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 132 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 Chair declared the bill (Eng. S. B. 132) passed with its title.

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

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

By Senators Rucker, Woodrum, Clements, Smith, Maroney, Trump, Azinger, Stuart, Barrett, Phillips, Roberts, and Maynard:

Senate Bill 133—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to adding definition of "ammunition" for purposes of the live fire requirement for obtaining a license to carry a concealed deadly weapon; and clarifying that marked rounds and training ammunition may be used in the required training course.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 133 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, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 133) 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, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 133) takes effect from passage.

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

(Senator Smith in the Chair.)

By Senators Jeffries, Caputo, Woelfel, Hamilton, Rucker, Trump, Oliverio, Azinger, Stuart, Roberts, Woodrum, and Queen:

Senate Bill 134—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the

business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, 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)—32.

The nays were: None.

Absent: Grady and Rucker—2.

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

Engrossed Senate Bill 134 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 Chair declared the bill (Eng. S. B. 134) passed with its title.

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

By Senators Weld, Trump, Deeds, Jeffries, and Stuart:

Senate Bill 135—A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Controlled Substances Act; defining and clarifying the phrases "engaged in the illegal use of a controlled substance with another person" and "seek medical assistance"; and establishing criminal penalties.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 135 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 Chair declared the bill (Eng. S. B. 135) passed with its title.

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

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

Following a point of inquiry to the President,

By Senators Trump, Deeds, Oliverio, Stuart, Phillips, and Woodrum:

Senate Bill 136—A Bill to amend and reenact §62-12-2 and §62-12-9 of the Code of West Virginia, 1931, as amended, all relating generally to judicial treatment of sex offenses; requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have a treatment plan to be eligible for probation; and expanding the list of offenses for which a defendant has been convicted which precludes the defendant from residing with minor children or having any contact with the victims.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 136 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. 136) passed with its title.

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

(Senator Takubo in the Chair.)

By Senators Trump, Woelfel, Phillips, Deeds, Oliverio, Stuart, Clements, and Queen:

Senate Bill 137—A Bill to amend and reenact §61-2-14a and §61-2-14g of the Code of West Virginia, 1931, as amended, all relating generally to the offenses of kidnapping and unlawful restraint; clarifying the distinct elements of the separate offenses; removing redundant language; and making grammatical corrections.

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

On motion of Senator Weld, 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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Rucker—2.

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

Engrossed Senate Bill 137 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 137 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, 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 Chair declared the bill (Eng. S. B. 137) passed with its title.

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

By Senators Azinger, Trump, and Clements:

Senate Bill 138—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances.

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

On motion of Senator Weld, 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.

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

Engrossed Senate Bill 138 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 Chair declared the bill (Eng. S. B. 138) passed with its title.

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

By Senators Roberts, Azinger, Boley, Grady, Karnes, Maynard, Phillips, Smith, Tarr, Trump, Woodrum, Takubo, Martin, Deeds, Jeffries, Stuart, Clements, Barrett, Rucker, and Taylor:

Senate Bill 139—A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website; requiring each county board to

ensure that the audio and video is recorded and that the recording is also available through a link on its website; allowing meeting to continue if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring the county board, if providing opportunity for the public to address the school board at a meeting, to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures; requiring that speakers are treated equally; requiring that a draft of the minutes of each public board meeting include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days; establishing the duration in which the approved minutes shall remain on the website; and removing the option for a county board to join the National School Board Association.

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

On motion of Senator Weld, 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.

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

Engrossed Senate Bill 139 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 Chair declared the bill (Eng. S. B. 139) passed with its title.

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

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, 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 Chair declared the bill (Eng. S. B. 139) takes effect July 1, 2023.

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

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

By Senators Woelfel, Grady, Caputo, Woodrum, Hamilton, Trump, Deeds, Jeffries, Azinger, Stuart, Barrett, Phillips, and Roberts:

Senate Bill 140—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining the phrase "anything of value, or other consideration" to include certain defined sexual acts and defining images of intimate body parts; and setting forth criminal penalties.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 140 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. 140) passed with its title.

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

(Senator Phillips in the Chair.)

By Senators Trump, Hamilton, Oliverio, Jeffries, Stuart, Clements, Barrett, Phillips, and Queen:

Senate Bill 141—A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the WV Emergency Responders Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include, but not be limited to, training functions, administrative meetings, corrections or parole incidents or activities, interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees, former parolees' family or associates, and travel to or from any of these activities; and creating a retroactive effective date of March 14, 2021.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 141 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 Chair declared the bill (Eng. S. B. 141) 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 Chair declared the bill (Eng. S. B. 141) takes effect from passage.

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

By Senators Trump, Oliverio, Stuart, Clements, Barrett, Phillips, and Woodrum:

Senate Bill 142—A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to publish a short form settlement of estates of decedents; providing for short form filing procedure; and updating language and style.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 142 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 Chair declared the bill (Eng. S. B. 142) passed with its title.

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

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

By Senators Smith, Phillips, Caputo, Woodrum, Jeffries, Hamilton, Trump, Maynard, Rucker, and Taylor:

Senate Bill 143—A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, 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)—32.

The nays were: None.

Absent: Caputo and Rucker—2.

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

Engrossed Senate Bill 143 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. 143) passed with its title.

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

By Senator Karnes:

Senate Bill 144—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-

20A-1, §18-20A-2, §18-20A-3, §18-20A-4, §18-20A-5, §18-20A-6, §18-20A-7, §18-20A-8, §18-20A-9, and §18-20A-10, all relating to regulating schools for students with disabilities; defining terms; limiting application of new article; requiring State Board of Education rules for the management and operation of schools for students with disabilities; prohibiting the opening, operating, or conducting of any school for students with disabilities without a license to operate the school issued by the State Superintendent of Schools; allowing the state superintendent or his or her authorized agents to make unannounced inspections of each school for students with disabilities; requiring application for a license to be filed with the state superintendent; requiring each school to submit and maintain a guaranty instrument payable to the State of West Virginia and conditioned to protect the contractual rights of students and other contracting parties; requiring each school to acquire appropriate insurance; providing that neither the state, state board, or state superintendent shall incur any liability from the actions or inactions of a licensed school or any of its employees; allowing a school for students with disabilities to offer education programs serving only the disability categories specifically indicated on its license; allowing state superintendent to establish fees and the methods for collecting such fees for schools as he or she deems necessary to carry out the provisions of the new article; allowing the state superintendent to refuse to issue or renew a license or allowing the state superintendent to revoke or suspend the license of any school for a violation of any provision of this new article or any rule of the state board promulgated pursuant thereto; providing that any person who opens, operates, or conducts any school for students with disabilities without a license is guilty of a misdemeanor and subject to fine and confinement; and requiring the state superintendent to maintain a list of schools for students with disabilities holding valid licenses that must be available to the public.

Referred to the Committee on Education.

(Senator Swope in the Chair.)

By Senators Grady, Azinger, Karnes, Rucker, Trump, Oliverio, Stuart, Clements, Phillips, Roberts, and Smith:

Senate Bill 145—A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, 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)—32.

The nays were: Caputo—1.

Absent: Rucker—1.

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

Engrossed Senate Bill 145 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes,

Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo, Hamilton, and Martin—3.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 145) passed with its title.

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

By Senators Trump, Woelfel, Oliverio, Jeffries, Azinger, Stuart, Phillips, and Maynard:

Senate Bill 146—A Bill to amend and reenact §17A-6F-1, §17A-6F-2, §17A-6F-3, §17A-6F-5, §17A-6F-7, and §17A-6F-13 of the Code of West Virginia, 1931, as amended, all relating to the regulation of peer-to-peer car sharing program; modifying scope of regulation of peer-to-peer car sharing program; modifying certain definitions; modifying and eliminating certain provisions governing insurance coverage during car sharing period; modifying provision governing exclusions for vehicle liability insurance; clarifying provision governing exemption for vicarious liability; and inserting stylistic citation in notification requirements imposed on peer-to-peer car sharing programs.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 146 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 Chair declared the bill (Eng. S. B. 146) passed with its title.

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

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

By Senators Woelfel, Trump, Plymale, Azinger, Stuart, Barrett, and Phillips:

Senate Bill 147—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-5a; to amend and reenact §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating to residents of recovery residences; creating pilot program for recovery residences located in Cabell County as such residences relate to

landlord-tenant law; defining terms; providing that resident of recovery residence may be immediately discharged in certain circumstances; establishing procedures for removing recovery resident; establishing refund process for fees for residency or services paid to recovery residence; requiring return transportation be provided to individual transported to recovery residence from outside State of West Virginia; requiring reporting of certain information to West Virginia Department of Health and Human Resources' Bureau for Behavioral Health; requiring West Virginia Department of Health and Human Resources' Bureau for Behavioral Health to prepare and submit written report to Joint Committee on Government and Finance and specifying minimum contents; clarifying effect on rights under the West Virginia Fair Housing Act; providing sunset date; requiring award of reasonable attorney's fees against recovery residence in certain instances; and requiring recovery residence file petition for summary relief for wrongful occupation of residential rental property in certain circumstances.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 147 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 147 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, 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. 147) 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, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Maroney, and Rucker—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 147) takes effect from passage.

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

(Senator Woodrum in the Chair.)

By Senators Swope, Martin, Hamilton, Jeffries, Roberts, Tarr, Woelfel, Woodrum, Trump, Oliverio, Stuart, Clements, Phillips, and Queen:

Senate Bill 148—A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to municipalities required to be represented on county authority boards; and providing that only municipalities with 1,000 or more residents are required to be represented on a county authority board.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Rucker—2.

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

Engrossed Senate Bill 148 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, 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)—32.

The nays were: None.

Absent: Jeffries and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 148) passed with its title.

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

By Senators Roberts, Trump, Phillips, Deeds, Azinger, Stuart, Clements, and Maynard:

Senate Bill 149—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Rucker—2.

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

Engrossed Senate Bill 149 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, 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)—32.

The nays were: None.

Absent: Jeffries and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 149) passed with its title.

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

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

By Senator Tarr:

Senate Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting restriction of this amendment by state or local government; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Smith:

Senate Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Weld:

Senate Joint Resolution 3—Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Karnes:

Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Oliverio:

Senate Joint Resolution 5—Proposing an amendment to the Constitution of the State of West Virginia, amending article IX thereof, by adding a new section, designated section 14, relating to permitting the Legislature to redraw and/or combine counties every 100 years as it deems fit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

The Clerk presented the following communication:

**SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA
ADMINISTRATIVE OFFICE**

JOSEPH M. ARMSTRONG
ADMINISTRATIVE DIRECTOR
PHONE: 304-558-0145
FAX: 304-558-1212



BUILDING 1, ROOM E-100
1900 KANAWHA BOULEVARD, E.
CHARLESTON, WV 25305-0145
WWW.COURTSWV.GOV

January 6, 2023

Via Hand Delivery

The Honorable Craig P. Blair
Senate President
Lt. Governor
West Virginia State Senate
Room 229M, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Roger Hanshaw
Speaker of the House
West Virginia House of Delegates
Room 228M, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Mac Warner
Secretary of State
Room 157, Building 1
State Capitol Complex
Charleston, WV 25305

The Honorable Lee Cassis
Senate Clerk
Room 211M, Bldg. 1
State Capitol Complex
Charleston, WV 25305

The Honorable Steve Harrison
Clerk of the House of Delegates
Room 212M, Bldg. 1
State Capitol Complex
Charleston, WV 25305

Gentlemen:

Pursuant to H.B. 2910 from the 2022 Regular Legislative Session, please find enclosed an attested copy of the January 5, 2022 Administrative Order regarding the recommended allocation of magistrates in West Virginia and the report from the National Center for State Courts' regarding magistrate workload in the state.

If you have questions, Keith Hoover, our Deputy Administrative Director & Counsel was primarily responsible for the Administrative Office's contributions to the study. He can be reached at Keith.Hoover@courtswv.gov or at (304) 340-2918.

Sincerely,

Joseph M. Armstrong
Administrative Director

Encl.

CC: The Honorable Charles Trump
The Honorable Eric Tarr
The Honorable Mike Woelfel
The Honorable Moore Capito
The Honorable Vernon Criss
The Honorable Doug Skaff
Berkeley Bentley

Which communication, administrative order, and study were received and referred to the Committee on the Judiciary.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced appointment of the standing committees of the Senate for this first session of the eighty-sixth Legislature and, at the request of Senator Takubo, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

STANDING COMMITTEES OF THE SENATE

2023

AGRICULTURE AND NATURAL RESOURCES

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Deeds, Grady, Jeffries, Karnes, Phillips, Smith, Stuart, Swope, Taylor, Woodrum, and Woelfel.

BANKING AND INSURANCE

Senators Azinger (*Chair*), Oliverio (*Vice Chair*), Barrett, Boley, Clements, Maroney, Nelson, Queen, Tarr, and Plymale.

CONFIRMATIONS

Senators Boley (*Chair*), Chapman (*Vice Chair*), Azinger, Martin, Phillips, Takubo, Tarr, Weld, and Caputo.

ECONOMIC DEVELOPMENT

Senators Swope (*Chair*), Martin (*Vice Chair*), Chapman, Hamilton, Hunt, Jeffries, Nelson, Oliverio, Queen, Roberts, Stover, Stuart, Tarr, and Plymale.

EDUCATION

Senators Grady (*Chair*), Clements (*Vice Chair*), Azinger, Boley, Chapman, Deeds, Maynard, Oliverio, Roberts, Stover, Taylor, Trump, and Plymale.

ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Queen (*Vice Chair*), Barrett, Boley, Karnes, Martin, Nelson, Oliverio, Phillips, Stover, Stuart, Swope, Taylor, and Caputo.

ENROLLED BILLS

Senators Woodrum (*Chair*), Roberts (*Vice Chair*), Jeffries, Maynard, and Woelfel.

FINANCE

Senators Tarr (*Chair*), Phillips (*Vice Chair*), Barrett, Boley, Clements, Jeffries, Maroney, Nelson, Oliverio, Queen, Roberts, Smith, Swope, Woodrum, and Plymale.

GOVERNMENT ORGANIZATION

Senators Woodrum (*Chair*), Barrett (*Vice Chair*), Hamilton, Hunt, Jeffries, Maroney, Phillips, Queen, Smith, Stuart, Swope, Weld, and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Takubo (*Vice Chair*), Azinger, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Roberts, Rucker, Tarr, Weld, and Plymale.

INTERSTATE COOPERATION

(*Vacancies*)

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Chapman, Deeds, Hamilton, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Taylor, Caputo, and Woelfel.

MILITARY

Senators Weld (*Chair*), Deeds (*Vice Chair*), Chapman, Clements, Maroney, Smith, Taylor, and Caputo.

OUTDOOR RECREATION

Senators Maynard (*Chair*), Taylor (*Vice Chair*), Chapman, Deeds, Grady, Martin, Rucker, Smith, Stover, Stuart, and Caputo.

PENSIONS

Senators Nelson (*Chair*), Hunt (*Vice Chair*), Azinger, Barrett, Clements, Grady, Hamilton, Oliverio, Queen, and Plymale.

RULES

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Grady, Maroney, Nelson, Tarr, Trump, Weld, Woodrum, and Woelfel.

SCHOOL CHOICE

Senators Rucker (*Chair*), Maynard (*Vice Chair*), Boley, Deeds, Karnes, Roberts, Woodrum, and Woelfel.

TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Stuart (*Vice Chair*), Barrett, Hunt, Jeffries, Karnes, Oliverio, Phillips, Roberts, Swope, and Plymale.

WORKFORCE

Senators Roberts (*Chair*), Jeffries (*Vice Chair*), Karnes, Maroney, Martin, Nelson, Smith, Stover, Tarr, Weld, and Caputo.

The President then announced the appointment of Senator Takubo, of the County of Kanawha, as the majority leader of the Senate;

Senator Woelfel, of the County of Cabell, as the minority leader of the Senate;

Senator Weld, of the County of Brooke, as the majority whip of the Senate;

Senator Plymale, of the County of Wayne, as the minority whip of the Senate;

And,

Senator Boley, of the County of Pleasants, as President *pro Tempore* of the Senate.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 4 p.m., the Senate recessed until 6:45 p.m. today.

The Senate reconvened at 6:46 p.m.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the Governor, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day. For the State of the State address of His Excellency, the Governor, the Honorable Jim Justice, as provided electronically by the Governor's office, see the Appendix to the Journal of the Senate, page 3185.)

The joint assembly having been dissolved, at 8:37 p.m., the Senate returned to its chamber and resumed its regular session.

Executive Communications

Senator Blair (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget and annual budget bill, which was received and read by the Clerk:



Jim Justice
Governor of West Virginia

January 11, 2023

EXECUTIVE MESSAGE NO. 1
FIRST REGULAR SESSION

The Honorable Craig Blair
West Virginia Senate
State Capitol
Charleston, WV 25305

Dear President Blair:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2023.

Sincerely,

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

Jim Justice
Governor

JJ/fs

Subsequently, Senator Blair (Mr. President) laid before the Senate the aforementioned annual budget bill,

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

Senate Bill 150—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

Which was read by its title and referred to the Committee on Finance.

On motion of Senator Takubo, at 8:39 p.m., the Senate adjourned until tomorrow, Thursday, January 12, 2023, at 11 a.m.

THURSDAY, JANUARY 12, 2023

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Amy N. Grady, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, January 11, 2023,

At the request of Senator Karnes, 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 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 65, Granting municipal fire marshal authority to assist law-enforcement officer.

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

Com. Sub. for Senate Bill 65 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; and granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer's official duties.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

The bill (Com. Sub. for S. B. 65), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration

Senate Bill 79, Relating to compensable diseases of certain firefighters covered by workers' compensation.

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

Com. Sub. for Senate Bill 79 (originating in the Committee on Government Organization)—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2026, unless extended by the Legislature.

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. 79), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

The following bills and joint resolution were introduced and read by their titles:

By Senator Oliverio:

Senate Bill 151—A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-3a; and to amend and reenact §11-21-20 of said code, all relating to levying a tax on a pass-through entity's income apportioned to West Virginia for pass-through entities that elect to pay West Virginia income tax at the entity level; and authorizing a refundable income tax credit for an owner for such tax paid.

Referred to the Committee on Finance.

By Senator Oliverio:

Senate Bill 152—A Bill to amend and reenact §3-5-1 of the Code of West Virginia, 1931, as amended, relating to changing the time of holding primary elections in this state to the second Tuesday in August 2024, and in each second year thereafter.

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

By Senators Rucker, Azinger, Deeds, Maynard, Roberts, and Smith:

Senate Bill 153—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, and §16-2S-6, all relating to the creation of the West Virginia Chemical Abortion Prohibition Act; creating the offense; providing no liability to the patient; providing a rule of construction regarding ectopic pregnancy; providing for definitions; creating severability; and providing for disposal of discarded abortion drugs.

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

By Senators Hamilton, Deeds, and Stuart:

Senate Bill 154—A Bill to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating to penalizing the removal of a manufacturer's or importer's serial number from a firearm or to possess a firearm with a missing manufacturer's or importer's serial number.

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

By Senators Rucker, Azinger, Deeds, Maynard, Roberts, and Smith:

Senate Bill 155—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Bureau for Public Health; requiring medical professionals to report to the Bureau for Public Health all injuries

and side effects from vaccines and produce an annual report for the Legislature; requiring medical professionals that deliver vaccines to receive educational materials from the Bureau for Public Health about negative side effects from vaccines and to be formally trained every five years; and requiring the Commissioner to make available a mechanism for individuals, including parents, to report adverse impact from vaccines.

Referred to the Committee on Health and Human Resources.

By Senator Caputo:

Senate Bill 156—A Bill to amend and reenact §3-1-34 and §3-1-41 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, and §3-3-2a of said code; to repeal §3-3-3a of said code; to amend and reenact §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a pre-canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout.

Referred to the Committee on the Judiciary.

By Senator Phillips:

Senate Bill 157—A Bill to amend and reenact §5B-2A-5 of the Code of West Virginia, 1931, as amended, relating to clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office.

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

By Senator Trump:

Senate Bill 158—A Bill to amend and reenact §48-2-301 of the Code of West Virginia, 1931, as amended, relating to establishing that 18 years of age is the age of capacity and consent to marry; and removing the ability of a person under 18 years of age to obtain a marriage license and marry with consent of their parents, legal guardians, or by petition to the circuit court.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 159—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, and §16-66-3, all relating to authorizing the treatment of persistent symptoms of hypothyroidism as a similar but distinguishable disease from hypothyroidism; requiring insurers to provide coverage for care for persistent symptoms of hypothyroidism; and requiring the West Virginia Board of Medicine to notify all medical professionals of this legislation.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 160—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include a definition of "rail with trail"; expanding State Rail Authority to acquire railroad rights-of-way and land for both trail programs; clarifying that rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-

of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances.

Referred to the Committee on Outdoor Recreation.

By Senators Blair (Mr. President), 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, and Woodrum:

Senate Bill 161—A Bill to amend and reenact §20-1-10 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resources to manage and dispose of property.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 161 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 161 pass?"

Senator Martin requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he has a family member on the Public Lands Corporation.

The Chair replied that any impact on Senator Martin would be as a member of a class of persons and that he 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. S. B. 161) 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. S. B. 161) takes effect from passage.

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

By Senators Blair (Mr. President), 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, and Woodrum:

Senate Bill 162—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22, relating to authorizing the director of the Division of Natural Resources to lease state-owned pore spaces underlying state forests, natural and scenic areas, and management areas, and other lands under the jurisdiction and control of the director for carbon sequestration; prohibiting the leasing of pore spaces underlying state parks; establishing competitive bidding process; providing for procedures and requirements; and authorizing the director to directly award a pore space under certain circumstances when necessary for an economic development project.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, 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.

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

Engrossed Senate Bill 162 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 162 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. S. B. 162) 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. S. B. 162) takes effect from passage.

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

By Senator Trump:

Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new subsection, designated subsection (g), relating to providing for a homestead exemption for veterans with 100 percent service-connected disabilities.

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

Senator Takubo offered the following resolution:

Senate Resolution 4—Recognizing Eat Right West Virginia Day January 13, 2023, at the Legislature.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

Senate Resolution 5—Honoring the public service of Dr. Richard Lechliter for the occasion of Mineral County Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 11, 2023:

Senate Bill 104: Senator Phillips.

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 January 11, 2023:

Senate Bill 1: Senator Queen;

Senate Bill 2: Senator Karnes;

Senate Bill 4: Senator Smith;

Senate Bill 5: Senator Karnes;

Senate Bill 6: Senators Roberts and Phillips;

Senate Bill 7: Senator Smith;

Senate Bill 8: Senator Phillips;

Senate Bill 9: Senator Karnes;

Senate Bill 10: Senators Karnes, Martin, Maynard, Tarr, Grady, Taylor, Roberts, and Smith;

Senate Bill 11: Senators Roberts, Phillips, and Tarr;

Senate Bill 18: Senator Phillips;

Senate Bill 21: Senator Roberts;

Senate Bill 23: Senators Karnes and Phillips;

Senate Bill 27: Senator Phillips;

Senate Bill 29: Senator Phillips;

Senate Bill 40: Senator Phillips;

Senate Bill 41: Senators Grady and Queen;

Senate Bill 43: Senator Phillips;

Senate Bill 56: Senator Roberts;

Senate Bill 61: Senators Phillips and Queen;

- Senate Bill 74:** Senator Roberts;
- Senate Bill 80:** Senator Phillips;
- Senate Bill 81:** Senator Queen;
- Senate Bill 83:** Senator Phillips;
- Senate Bill 85:** Senator Phillips;
- Senate Bill 86:** Senator Phillips;
- Senate Bill 89:** Senator Grady;
- Senate Bill 93:** Senator Roberts;
- Senate Bill 99:** Senator Roberts;
- Senate Bill 101:** Senators Roberts and Queen;
- Senate Bill 102:** Senator Grady;
- Senate Bill 103:** Senator Roberts;
- Senate Bill 104:** Senators Taylor, Karnes, and Tarr;
- Senate Bill 115:** Senator Taylor;
- Senate Bill 120:** Senator Tarr;
- Senate Bill 121:** Senators Roberts and Tarr;
- Senate Bill 122:** Senators Roberts and Phillips;
- Senate Bill 125:** Senators Karnes, Phillips, and Tarr;
- Senate Bill 126:** Senator Weld;
- Senate Bill 127:** Senator Chapman;
- Senate Bill 128:** Senator Karnes;
- Senate Bill 130:** Senator Grady;

Senate Bill 133: Senators Martin and Karnes;

Senate Bill 134: Senator Smith;

Senate Bill 136: Senator Grady;

Senate Bill 137: Senator Grady;

Senate Bill 139: Senator Nelson;

Senate Bill 142: Senator Nelson;

Senate Bill 147: Senators Nelson and Grady;

Senate Joint Resolution 1: Senator Phillips;

Senate Joint Resolution 2: Senator Phillips;

And,

Senate Joint Resolution 3: Senator Nelson.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:30 a.m., the Senate adjourned until tomorrow, Friday, January 13, 2023, at 9 a.m.

FRIDAY, JANUARY 13, 2023

The Senate met at 9 a.m.

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

Prayer was offered by Luke McKenzie, County Administrator, Mineral County Commission, Keyser, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, January 12, 2023,

At the request of Senator Hunt, 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 communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Administration, Department of (State Building Commission Fund) (§5-6-1)

Architects, Board of (§30-1-12)

Barbers and Cosmetologists, Board of (§30-1-12)

Broadband Enhancement Council (§31G-1-4)

Chiropractic Examiners, Board of (§30-1-12)

Contractor Licensing Board (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Economic Development, Department of (Neighborhood Investment Program) (§11-13J-4a)

Environmental Protection, Department of (Waiver Report) (§22-6A-2)

Forestry, Division of (Logging Sediment Control Act) (§19-1B-13)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of (Breast and Cervical Cancer Screening Program) (§16-33-6)

Homeland Security, Department of (Community Corrections Act) (§62-11C-3)

Homeland Security, Department of (Justice Reinvestment Initiative) (§62-15-6a)

Homeland Security, Department of (Law-Enforcement Professional Standards Subcommittee/Program) (§30-29-3)

Housing Development Fund (Audited Financial Statements) (§31-18-24)

Insurance Commissioner, Offices of the (Office of Consumer Advocate) (§33-2-16)

Insurance Commissioner, Offices of the (Occupational Pneumoconiosis Board) (§23-1-17)

Investment Management Board (Annual Report) (§12-6-14)

Investment Management Board (Audited Financial Statements) (§12-6-6)

Investment Management Board (Schedule of Investment Performance) (§12-6-6)

James "Tiger" Morton Catastrophic Illness Commission (§16-5Q-2)

Jobs Investment Trust Board (Annual Investment Analyses) (§12-7-12)

Landscape Architects, Board of (§30-1-12)

Massage Therapy Licensure Board (§30-1-12)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Motor Vehicles, Division of (Motor Vehicle Alcohol and Drug Test and Lock Program) (§17C-5A-3a)

Motor Vehicles, Division of (Motorcycle Safety and Awareness Program) (§17B-1D-8)

Motor Vehicles, Division of (Safety and Treatment Program) (§17C-5A-3)

Municipal Pensions Oversight Board (Municipal Policemen's and Firemen's Pension and Relief Funds) (§8-22-20a)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Psychologists, Board of Examiners of (§30-1-12)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Nurses, Board of (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Social Work, Board of (§30-1-12)

Special Investigations, Commission on (§4-5-2)

Speech-Language Pathology and Audiology, Board of Examinees for (§30-1-12)

Treasury Investments, Board of (Annual Comprehensive Financial Report) (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 41, Establishing minimum student enrollment for school aid formula.

And,

Senate Bill 56, Relating to employment of retired bus operators as substitutes in areas of critical need and shortage.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 83, Authorizing tactical medical professionals to carry firearms.

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

Com. Sub. for Senate Bill 83 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Caputo:

Senate Bill 163—A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting; removing specifications for permission to vote by absentee ballot; and allowing all voters to request and vote by absentee ballot.

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

By Senator Caputo:

Senate Bill 164—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from

having an interest in public contracts under certain circumstances; requiring certain disclosures; and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

Referred to the Committee on Government Organization.

By Senator Caputo:

Senate Bill 165—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, §11-13MM-5, §11-13MM-6, and §11-13MM-7, all relating generally to creating a personal income tax credit for nurses in West Virginia; providing for definitions; providing for a tax credit for nurses for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for nurses must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

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

By Senator Caputo:

Senate Bill 166—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to reemployment after retirement by public employees; and increasing the maximum compensation that may be earned by certain retired public employees who accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity.

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

By Senator Caputo:

Senate Bill 167—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing, and administrative penalties relating to the production, sales, transfer, and transport of cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use, or private property use preserved; and establishing that the operation of this article is not intended to alter the West Virginia Medical Cannabis Act.

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

By Senator Phillips:

Senate Bill 168—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to providing an exemption from the state severance tax for coal sold to coal-fired power plants located within the state of West Virginia.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Caputo:

Senate Bill 169—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description.

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

By Senator Caputo:

Senate Bill 170—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to increasing transparency in the apportionment process for congressional and legislative districts; defining procedures to enhance public access and participation in the development of such districts; and establishing a period for public comment on district maps to be voted on by the Legislature prior to their adoption.

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

By Senator Phillips:

Senate Bill 171—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, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by West Virginia code; specifying a short title; specifying legislative findings and purpose for new

credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit; specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date.

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

By Senator Trump:

Senate Bill 172—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating generally to the board of parole; increasing the number of members on the board from nine to 12; establishing qualifications for members appointed after July 1, 2023; and removing the party affiliation limitation.

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

By Senator Caputo:

Senate Bill 173—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans.

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

By Senator Caputo:

Senate Bill 174—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said

code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to increasing the required insurance coverage for autism spectrum disorders.

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

By Senator Caputo:

Senate Bill 175—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, and §33-15F-7, all relating to requiring medical insurance providers to include infertility services in their policies; making findings; providing for determination of infertility; providing prohibited and permissible limitations on coverage; requiring rulemaking; establishing an effective date; providing for severability; and defining terms.

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

By Senator Trump:

Senate Bill 176—A Bill to amend and reenact §11-21-71b of the Code of West Virginia, 1931, as amended, relating to allowing the Tax Commissioner to process certain early refunds; and providing a certain effective date.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 177—A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

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

By Senator Rucker:

Senate Bill 178—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the

addition of grievance and appellate procedures and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program.

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

By Senator Trump:

Senate Bill 179—A Bill to amend and reenact §60A-2-204, 60A-2-206, 60A-2-210, and 60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to controlled substances, adding the following to the schedule I substance list: N-Methylnorfentanyl(N-(1-Methyl-4-piperidinyl)-N-phenyl-propanamide, monohydrochloride); Norfentanyl (N-Phenyl-N-4-piperidinyl-propanamide); 3-Hydroxy-phencyclidine (other name hydroxy PCP); Marijuana (Cannabis, sp.); FDU-PB-22 (1-Naphthyl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); FUB-PB-22 (Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); 5-Fluoro-MN-24 (1-(5-Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-

SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzof[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); 4-CN-CUMYL-BUTINACA (1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide); Alpha-Phenylacetonitrile (3-Oxo-2-phenylbutanenitrile); 2-Fluoro Deschloroketamine (2-(2-Fluorophenyl)-2-(methylamino)-cyclohexanone, monohydrochloride); 4-MEAP (2-(Ethylamino)-1-(4-methylphenyl)pentan-1-one); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-

fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Declazepam (7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Deschloroetizolam (2-Ethyl-9-methyl-4-phenyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Alpha-PHP (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one); MPHP (1-(4-Methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); PV8 (1-Phenyl-2-(pyrrolidin-1-yl)heptan-1-one); 4-Chloro-Alpha-PVP (1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); N-Ethylhexedrone (2-(Ethylamino)-1-phenylhexan-1-one); Methoxetamine (2-(Ethylamino)-2-(3-methoxyphenyl)-cyclohexanone); 3-Fluorophenmetrazine (2-(3-Fluorophenyl)-3-methylmorpholine); adding the following to the schedule II list: Norfentanyl; Oliceridine; adding the following to the schedule IV list: Lemborexant; Remimazolam; Serdexmethylphenidate; and removing Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] from the schedule V list.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 180—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police; and providing that troops shall be allocated by the superintendent to counties based on the 2020 Census.

Referred to the Committee on Government Organization.

By Senator Caputo:

Senate Bill 181—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning

feature activated at all times; providing an exception; defining terms; and establishing an effective date.

Referred to the Committee on Government Organization.

By Senator Martin:

Senate Bill 182—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, and §31A-8H-4, all relating to unlawful discriminatory practices by a financial institution or government entity against manufacturers, retailers, distributors, shooting ranges, or trade associations that support or are engaged in the lawful commerce of firearms, firearms accessories, or ammunition products; authorizing a declaratory judgment action to be brought by the Attorney General in the name of the state; and providing for an award of monetary damages and costs and other remedies against the violators including potential discontinuance of business by the state with these violators.

Referred to the Committee on the Judiciary.

By Senator Martin:

Senate Bill 183—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, and §22-34-5, all relating generally to creating the Natural Resources Anti-Commandeering Act; stating legislative findings; prohibiting agencies of this state and political subdivisions or employees thereof from knowingly and willingly participating in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; prohibiting assets or funds of the state from being used in activity assisting enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; providing penalties therefore; and providing for severability.

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

By Senator Martin:

Senate Bill 184—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-10a, relating to declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

Referred to the Committee on the Judiciary.

By Senator Martin:

Senate Bill 185—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and commercial facilities from installing or maintaining a parking meter in an accessible parking space bearing the international symbol of access.

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

By Senator Caputo:

Senate Bill 186—A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, relating to worker affiliation with a labor organization.

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

By Senator Clements:

Senate Bill 187—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8B-11b, relating to creating new criminal offenses of sexual contact with, sexual intrusion, or sexual abuse of students by a school employee; and listing the penalties for these offense.

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

By Senator Trump:

Senate Bill 188—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, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; requiring designation of suitable sites for natural gas electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for natural gas electric generation facilities, including expedited consideration; and requiring prompt consideration of appeals by the Air Quality Board concerning natural gas electric generation facility permits.

Referred to the Committee on Economic Development.

By Senator Phillips:

Senate Bill 189—A Bill to amend and reenact §17A-13-1 of the Code of West Virginia, 1931, as amended, relating to allowing special purpose vehicles access to any public road that is not a limited access road.

Referred to the Committee on Transportation and Infrastructure.

By Senator Phillips:

Senate Bill 190—A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and allowing the children and grandchildren of a

landowner in West Virginia to hunt and fish on the private land regardless of residency status without a permit or license, hunt and fish on their own land during open seasons in accordance with laws and rules.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Trump:

Senate Bill 191—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a condition of a pretrial diversion agreement; and correcting a reference to a code section governing pretrial diversion agreements.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 192—A Bill to amend and reenact §36-12-11 of the Code of West Virginia, 1931, as amended, relating to the Uniform Real Property Transfer on Death Act; and when revocation of a transfer is permitted.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 193—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting Social Security benefits from state personal income taxation for tax years beginning on or after January 1, 2023.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 194—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; providing for penalty for second or third offense of a felony; and correcting an error in the code citation.

Referred to the Committee on the Judiciary.

By Senator Rucker:

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

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

By Senator Stuart:

Senate Bill 196—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, §16-66-6, and §16-66-7, all relating to the creation of the Substance Abuse Intervention Act; providing for a short title; providing for involuntary treatment for a substance use disorder and setting forth the rights of a patient; establishing criteria for involuntary treatment; creating a petition for 60-day and 360-day involuntary treatment and a guarantee for costs; providing for proceedings for involuntary treatment; describing the duties of court and disposition; setting forth a 72-hour emergency involuntary treatment; describing the failure to attend examination; setting forth a summons; and describing transportation to hospital or psychiatric facility.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 197—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, §21-5J-4, §21-5J-5, §21-5J-6, §21-5J-7, §21-5J-8, §21-5J-9, and §21-5J-10, all relating to creating a paid parental leave pilot program; providing findings and purpose; defining terms; paid parental leave and requirements for claiming benefits; requiring employer to continue group health insurance coverage for employee; employment benefits and seniority position upon return from leave; benefits not to accrue during

period of leave; employers required to respond to survey to Department of Labor; requiring department to report to Joint Committee on Government Organization; authorizing emergency rulemaking authority; and providing December 31, 2027, sunset.

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

By Senator Hamilton:

Senate Bill 198—A Bill to amend and reenact §16-4D-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-4D-5, all relating to requiring counties to register automated external defibrillators (AEDs) with the Office of Emergency Medical Services; and providing a penalty when a county fails to register such a device.

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

By Senator Hamilton:

Senate Bill 199—A Bill to amend and reenact §5A-3-10 of the West Virginia Code, 1931, as amended, relating to requiring certain purchases of commodities and services from non-profit workshops; and requiring the director consult with the Committee on the Purchase of Commodities and Services from the Handicapped in making purchasing decisions.

Referred to the Committee on Government Organization.

By Senator Hamilton:

Senate Bill 200—A Bill to amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to allowing leashed dogs to track wounded elk, turkey, bear, and wild boar while hunting.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Oliverio:

Senate Bill 201—A Bill to amend and reenact §11-6B-3 and §11-6B-7 of the Code of West Virginia, 1931, as amended, all

relating to increasing the Homestead Property Tax Exemption for homeowners.

Referred to the Committee on Finance.

By Senator Hamilton:

Senate Bill 202—A Bill to amend and reenact §20-1-4 of the Code of West Virginia, 1931, as amended, relating to increasing the appointment term of the director for the Division of Natural Resources from four to seven years.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Trump:

Senate Bill 203—A Bill to amend and reenact §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to modifying the minimum requirements for motor vehicle alcohol and drug test and lock systems.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 204—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the salary of teachers in West Virginia to the minimum amount of those with the equivalent of eight years or more experience.

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

By Senator Clements:

Senate Bill 205—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, all relating to registration plates in general; authorizing special registration plates; establishing fees; and reorganizing operative code provision for ease of administration.

Referred to the Committee on Transportation and Infrastructure.

By Senators Deeds and Hamilton:

Senate Bill 206—A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the retirement benefit multiplier of the Deputy Sheriff Retirement System Act from two and one-half percent to three percent of the member's final average salary multiplied by the member's years of credited service.

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

By Senator Jeffries:

Senate Bill 207—A Bill to amend and reenact §5B-2-4a of the Code of West Virginia, 1931, as amended, relating to the state allocation of funding to regional councils; and eliminating the maximum state allocation allowed to each eligible regional council.

Referred to the Committee on Economic Development.

By Senator Caputo:

Senate Bill 208—A Bill to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for all law-enforcement officers and correction officers regarding individuals with autism spectrum disorders; providing for development of course instruction; defining terms; and requiring that all current law-enforcement officers receive the course of basic training for appropriate interaction with and response to individuals with autism spectrum disorders.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 209—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12m, relating to personal income tax deductions; and permitting resident individuals to deduct medical expenses not reimbursed by an insurance policy.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Phillips:

Senate Bill 210—A Bill to amend and reenact §11-13A-6a of the Code of West Virginia, 1931, as amended, relating to providing that all coal severance tax shall be provided to the county that produced the coal.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Clements:

Senate Bill 211—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to a permanent windshield placard to be valid for the duration of the applicant's life.

Referred to the Committee on Transportation and Infrastructure.

By Senator Woodrum:

Senate Bill 212—A Bill to amend and reenact §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to the rebate of \$50 for the registration of hybrid cars.

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

By Senator Clements:

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

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

By Senator Woodrum:

Senate Bill 214—A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting

certain advertising by adult entertainment and exotic entertainment venues on public billboards in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 215—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6D-1, §5A-6D-2, and §5A-6D-3; and to amend said code by adding thereto a new section, designated §8-39-2, all relating to the creation of the No TikTok on Government Devices Act; providing for a definition; providing for enactment of the article; and prohibiting TikTok on municipality and county owned computers and devices.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 216—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust and other genocides.

Referred to the Committee on Education.

By Senator Chapman:

Senate Bill 217—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to strengthening the definition of shelter for animals exposed to extreme weather; clarifying the minimum requirements for what constitutes a shelter; and clarifying what does not amount to a shelter.

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

By Senator Oliverio:

Senate Bill 218—A Bill to amend and reenact §3-5-1 and §3-5-3 of the Code of West Virginia, 1931, as amended, relating to providing for a presidential preference primary election in presidential election years to be held on the second Tuesday of February; conducting; providing for administration of presidential

primary elections; and providing for rule-making authority by the Secretary of State;

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

By Senator Woodrum:

Senate Bill 219—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-31; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3rr; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring medically necessary care and treatment to address congenital anomalies associated with cleft lip and cleft palate; setting forth eligibility age; required coverage; exclusions; coverage terms; and effective date.

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

By Senator Woodrum:

Senate Bill 220—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 the creation of the Kratom Consumer Protection Act; regulating the preparation, distribution, and sale of kratom products; prohibiting the preparation, distribution, and sale of adulterated or contaminated kratom products; prescribing fines and penalties; and providing for the powers and duties of certain state governmental officers and entities.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 221—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§17A-4-11, relating to creating a title clearinghouse for nonresident businesses; authorizing the Division of Motor Vehicles to regulate participation in the clearinghouse; authorizing the Division of Motor Vehicles to set fees for participants; and authorizing fleet registration.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 222—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create an adult education taskforce to consider options for direct funding of adult education learning centers; and providing for membership of the taskforce, hearings, rulemaking, and report to the Legislature with recommendations.

Referred to the Committee on Education.

Senators Karnes and Hamilton offered the following resolution:

Senate Concurrent Resolution 3—Requesting the Division of Highways name a portion of Route 92, beginning at point 38.359565, -79.880861 and ending at point 38.163267, -79.980827, in Pocahontas County, the "Dr. Roland P. Sharp Memorial Road".

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 4, WV Academy of Nutrition and Dietetics.

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

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

Senate Resolution 5, Honoring public service of Dr. Richard Lechliter for Mineral County Day.

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

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bills on January 12, 2023:

Senate Bill 37: Senator Hamilton;

Senate Bill 38: Senator Hamilton;

And,

Senate Bill 39: Senator Hamilton.

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 January 12, 2023:

Senate Bill 1: Senator Maroney;

Senate Bill 2: Senator Rucker;

Senate Bill 4: Senators Maroney and Woodrum;

Senate Bill 9: Senators Rucker, Woodrum, and Azinger;

Senate Bill 10: Senators Rucker, Hamilton, Barrett, Woodrum, Hunt, and Azinger;

Senate Bill 11: Senator Woodrum;

Senate Bill 12: Senators Rucker and Woodrum;

Senate Bill 24: Senator Hamilton;

Senate Bill 26: Senator Maroney;

Senate Bill 27: Senator Rucker;

Senate Bill 32: Senator Rucker;

Senate Bill 53: Senators Woodrum and Woelfel;

Senate Bill 59: Senator Woodrum;

Com. Sub. for Senate Bill 65: Senators Hamilton and Stuart;

Senate Bill 66: Senator Hamilton;

Senate Bill 70: Senator Rucker;

Senate Bill 72: Senator Woelfel;

Senate Bill 74: Senator Rucker;

Senate Bill 77: Senator Caputo;

Senate Bill 78: Senator Woelfel;

Com. Sub. for Senate Bill 79: Senators Hamilton and Woelfel;

Senate Bill 83: Senator Hamilton;

Senate Bill 88: Senator Caputo;

Senate Bill 89: Senator Woodrum;

Senate Bill 91: Senator Caputo;

Senate Bill 92: Senator Rucker;

Senate Bill 100: Senator Woodrum;

Senate Bill 101: Senator Woelfel;

Senate Bill 102: Senators Woodrum and Woelfel;

- Senate Bill 103:** Senator Woodrum;
- Senate Bill 104:** Senator Woodrum;
- Senate Bill 105:** Senators Hamilton and Woodrum;
- Senate Bill 107:** Senator Caputo;
- Senate Bill 125:** Senators Hamilton, Maroney, and Woodrum;
- Senate Bill 126:** Senators Hamilton, Maroney, and Woodrum;
- Senate Bill 128:** Senator Woodrum;
- Senate Bill 129:** Senator Woodrum;
- Senate Bill 130:** Senator Maroney;
- Senate Bill 131:** Senators Hamilton and Maroney;
- Senate Bill 132:** Senator Maroney;
- Senate Bill 133:** Senator Hamilton;
- Senate Bill 134:** Senator Maroney;
- Senate Bill 135:** Senators Hamilton and Maroney;
- Senate Bill 137:** Senators Hamilton and Woodrum;
- Senate Bill 139:** Senators Hamilton and Maroney;
- Senate Bill 141:** Senator Maroney;
- Senate Bill 142:** Senator Maroney;
- Senate Bill 143:** Senator Maroney;
- Senate Bill 147:** Senator Maroney;
- Senate Bill 149:** Senator Maroney;
- Senate Bill 153:** Senators Roberts, Deeds, and Woodrum;

Senate Bill 154: Senators Stuart and Deeds;

Senate Bill 155: Senators Roberts, Grady, and Deeds;

Senate Bill 157: Senator Clements;

Senate Bill 158: Senators Caputo, Grady, and Woelfel;

Senate Bill 159: Senator Rucker;

Senate Bill 160: Senators Barrett, Plymale, Maroney, Woodrum, and Woelfel;

Senate Joint Resolution 1: Senator Woodrum;

Senate Joint Resolution 2: Senator Caputo;

And,

Senate Joint Resolution 6: Senators Rucker, Stuart, Smith, Maroney, and Caputo.

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

On motion of Senator Takubo, at 9:08 a.m., the Senate adjourned until Monday, January 16, 2023, at 11 a.m.

MONDAY, JANUARY 16, 2023

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Friday, January 13, 2023,

At the request of Senator Deeds, 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 communications from various state agencies as required by the provisions of law:

Tax Department, State (Tax Expenditure Study) (§11-10-5s)

Treasurer, Office of the (Debt Capacity) (§12-6A-6)

The Senate proceeded to the fourth order of business.

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 74, Providing for substantial deference to State Superintendent's interpretations of school laws.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 2, Disabled Veterans' Exemption from Ad Valorem Property Taxation Amendment.

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

Com. Sub. for Senate Joint Resolution 2 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded a 90 percent or greater service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution (Com. Sub. for S. J. R. 2), under the original double committee reference, was then referred to the Committee on Finance.

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 223—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-17-3b, relating to permitting the Legislature to file suit in limited circumstances against the Executive in order to faithfully execute laws passed.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 224—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3-21, relating to establishing the revocation of authority for spending by an agency in support of a challenge to West Virginia law.

Referred to the Committee on Finance.

By Senator Stuart:

Senate Bill 225—A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating generally to regulation of controlled substances by adding the active chemicals in kratom to the Schedule I substances list in order to ban the sale of kratom in West Virginia.

Referred to the Committee on the Judiciary.

By Senators Swope and Nelson:

Senate Bill 226—A Bill expiring funds to the balance of the Department of Environmental Protection, Division of Environmental Protection – Reclamation of Abandoned and Dilapidated Property Program Fund, Fund 3305, Fiscal year 2023, organization 0313, in the amount of \$10 million, from the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, Fund 8823, Fiscal year 2023, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

By Senator Stuart:

Senate Bill 227—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creating the Promise for a Promise Act; modifying the Promise Scholarship to be given in the form of a loan to eligible students; and requiring that each recipient be awarded the loan only for each subsequent year that the student remains in West Virginia after graduation.

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

By Senator Woelfel:

Senate Bill 228—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-26a, relating to mandating extended supervision for defendants convicted of stalking and related felonious acts; relating to establishing the start date of such extended supervision; relating to the monitoring procedure; relating to modifications or revocations of extended supervision; relating to violations during extended supervision; and relating to delayed extended supervision.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 229—A Bill to amend and reenact §19-25-2, §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating to limiting landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; clarifying that limitation on liability and duty to warn applies only to landowner permitting the general public to enter or go upon such land for recreational or wildlife propagation purposes; providing that a landowner is not liable for, and has no duty to warn of, dangerous or hazardous wild animals on the land; deleting obsolete language providing that a landowner does not confer invitee or licensee status on persons invited or permitted upon land; substituting the term "fee" for the term "charge"; defining the term "fee"; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence, if the total of such fees in a year does not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to certain charitable entities; amending the term "land" to include premises; amending the definition of the term "owner of land" to specifically include any person holding legal possession,

ownership, or partial ownership of an interest in land or a person sponsoring land or premises for volunteer improvement or maintenance purposes; amending the definition of the term "recreational purposes" to specifically include parking on or traversing land to engage in recreational activities and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of "recreational purposes"; and making numerous technical corrections.

Referred to the Committee on the Judiciary.

By Senators Roberts, Azinger, Deeds, Phillips, Rucker, Smith, and Stuart:

Senate Bill 230—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to allowing students in private schools to be immunized on a voluntary basis.

Referred to the Committee on Health and Human Resources.

By Senators Swope, Hamilton, Jeffries, Martin, Nelson, Roberts, Rucker, Tarr, Trump, and Woelfel:

Senate Bill 231—A Bill to amend and reenact §5B-8-1 of the Code of West Virginia, 1931, as amended, relating to transferring the administration of the West Virginia Small Business Innovation Research (SBIR) and Small Business Technology Transfer (SBTT) Matching Funds Program from the Department of Commerce to the Department of Economic Development, including, but not limited to, the authority to propose legislative rules for promulgation.

Referred to the Committee on Economic Development.

By Senator Trump:

Senate Bill 232—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-6A-12, relating to the creation of a multi-disciplinary study group to make recommendations regarding the diversion of persons with disabilities from the criminal justice system, promote

appropriate interventions and placements for inmates and persons with disabilities, and develop a plan to coordinate care, treatment, and placement for persons with disabilities in the criminal justice system and in the community.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 233—A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all relating to the extension of the expiration of temporary registration plates from 60 days to 90 days.

Referred to the Committee on Transportation and Infrastructure.

By Senator Jeffries:

Senate Bill 234—A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the uniform statewide deadline for electronically submitted voter registration applications.

Referred to the Committee on Government Organization.

By Senator Jeffries:

Senate Bill 235—A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to voting rights of formerly incarcerated individuals; and restoring suffrage for a person incarcerated for a felony conviction upon release.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 236—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17B-1, §20-17B-2, §20-17B-3, §20-17B-4, and §20-17B-5, all relating to creating the Motorsports Responsibility Act; identifying purpose; defining terms; providing for duties of motorsports; and providing for duties of participants.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

By Senators Nelson and Queen:

Senate Bill 237—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5-10-22m and §5-10-22n; and to amend said code by adding thereto two new sections, designated §18-7A-26x and §18-7A-26y, all relating to the Public Employees Retirement System and the State Teachers Retirement System; providing a one-time bonus of \$1,500 for certain annuitants; and increasing the minimum monthly benefit for certain annuitants.

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

By Senator Nelson:

Senate Bill 238—A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to specifying when a public employee's spouse may be covered by Public Employee Insurance Act; providing for the premium cost and premium coverage associated with such coverage; and establishing an effective date.

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

By Senator Azinger:

Senate Bill 239—A Bill to amend and reenact §9-2-6 of the code of West Virginia, 1931, as amended, relating to requiring the Commissioner of Human Services to engage behavioral health and substance use disorder providers, municipal leaders, and county government leaders to study a breakdown of homeless demographic information throughout West Virginia; and reporting the findings of the study to the President of the Senate, Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

Referred to the Committee on Health and Human Resources.

By Senator Woodrum:

Senate Bill 240—A Bill to amend and reenact §30-1-12 and §30-1-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated as §30-1-12a, all relating to professions and occupations; providing for provisions applicable to all state boards of registration; requiring records of a board's proceedings to open to public inspection; prohibiting disclosure of personally identifiable information and exceptions; requiring each board to place and maintain the roster on its website the names and office addresses of all persons licensed, or registered; and practicing in this state the profession or occupation to which such board relates.

Referred to the Committee on Government Organization.

By Senator Azinger:

Senate Bill 241—A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to making the investigation and enforcement of the Patient Brokering Act the responsibility of the Office of Health Facility Licensure and Certification (OHFLAC); and requiring OHFLAC to develop a tool to facilitate public complaints about the Patient Brokering Act.

Referred to the Committee on Health and Human Resources.

By Senator Azinger:

Senate Bill 242—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, §16-66-6, §16-66-7, §16-66-8, §16-66-9, and §16-66-10, all relating to residential substance use disorder service programs; defining terms; establishing licensure application process for substance use disorder service programs; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; setting requirements for continuum of care; and establishing civil penalties and injunctive relief.

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

By Senator Azinger:

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 requiring substance use disorder inpatient providers to provide transportation to their patients; prohibiting certain marketing or partnering; and requiring approval for limitation of eligibility.

Referred to the Committee on Health and Human Resources.

By Senator Woodrum:

Senate Bill 244—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-30-1 and §5-30-2, all relating to making rosters of individuals who have obtained professional, occupational, and trade licenses, registrations, and certificates available to the public; stating purpose of article; and requiring entities that authorize individuals to practice a profession, occupation, or trade in this state to prepare and maintain a roster of authorized individuals and to make roster available to the public.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 245—A Bill to amend and reenact §24-1-7 of the Code of West Virginia, 1931, as amended, relating to making rules and regulations of Public Service Commission subject to legislative rule-making review procedures.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 246—A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to revising the membership of the Broadband Enhancement Council; reducing the total number of members of the council; reducing the number of public members of the council; and revising the number of members required to establish a quorum.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 247—A Bill to amend and reenact §30-1-9 of the Code of West Virginia, 1931, as amended, relating to making administrative appeals and judicial review of board action subject to provisions of the Administrative Procedures Act.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 248—A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to when excess funds accumulated by boards are to be transferred to the General Revenue Fund of the State Treasury.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 249—A Bill to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, of the Code of West Virginia, 1931, as amended; and to repeal §30-40-27, all relating to the West Virginia Real Estate License Act; amending definitions; modifying the applicability of the article; requiring certain fees to be deposited into the treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying qualifications for obtaining broker's license; providing restrictions on the entities that may be issued a salesperson's license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker's license; modifying requirements for license certificates issued by the Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a

license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to administer complaints; modifying procedure for judicial review of decisions or final orders of the commission; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses.

Referred to the Committee on Government Organization.

Senators Oliverio, Caputo, Maroney, Clements, Smith, Taylor, and Stuart offered the following resolution:

Senate Resolution 6—Congratulating Bob Huggins on his induction into the Naismith Memorial Basketball Hall of Fame.

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

Senate Resolution 7—Designating January 17, 2023, as Girl Scouts Day at the Legislature.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

Senate Resolution 8—Designating January 17, 2023, as Tucker County Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

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

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 83, Authorizing tactical medical professionals to carry firearms.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on January 13, 2023:

Senate Bill 1: Senator Nelson;

Senate Bill 10: Senator Stuart;

Senate Bill 53: Senator Stuart;

Senate Bill 180: Senator Barrett;

Senate Bill 184: Senator Phillips;

Senate Bill 187: Senators Woelfel, Roberts, and Stuart;

Senate Bill 188: Senators Woelfel and Queen;

Senate Bill 190: Senator Deeds;

Senate Bill 193: Senator Roberts;

Senate Bill 200: Senator Roberts;

Senate Bill 201: Senators Queen and Caputo;

Senate Bill 202: Senator Woelfel;

Senate Bill 206: Senator Queen;

Senate Bill 208: Senator Woelfel;

Senate Bill 212: Senator Caputo;

Senate Bill 214: Senator Roberts;

Senate Bill 215: Senators Swope, Trump, Woelfel, and Taylor;

Senate Bill 219: Senator Deeds;

Senate Bill 220: Senator Deeds;

Senate Bill 221: Senator Barrett;

And,

Senate Joint Resolution 2: Senators Rucker and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:10 a.m., the Senate adjourned until tomorrow, Tuesday, January 17, 2023, at 11 a.m.

TUESDAY, JANUARY 17, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Tony Clay, Salem United Baptist Church, Wayne, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Monday, January 16, 2023,

At the request of Senator Martin, 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 fourth order of business.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 7, Returning refundable exemption for road construction contractors to State Road Fund.

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

Com. Sub. for Senate Bill 7 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the consumers sales and service tax and returning the refundable exemption for sales of construction and maintenance materials acquired by a second party for use in Division of Highways projects; specifying duties of Tax Commissioner and Division of Highways; specifying procedure of the exemption; and setting forth calculation of reimbursement.

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

Respectfully submitted,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 7), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 53, Relating to DNA data maintained for law enforcement purposes.

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

Com. Sub. for Senate Bill 53 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining DNA; requiring DNA testing of all persons convicted of felonies and certain misdemeanors; updating definitions; adding language to further define and include qualified arrestees in the state DNA database; requiring testing of qualified arrestees on intake; specifying testing methods; authorizing emergency and requiring legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonable delay in expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 53), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 115, Providing procedure for WV to select delegates to Article V Convention.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 124, Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

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

Com. Sub. for Senate Bill 124 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to requiring the West Virginia Board of Education to establish a program in dating violence prevention and sexual violence prevention that includes instruction in grades seven through 12; providing for the provision by the state board of links on its website to free curricula that covers the required instruction; providing in-service training for certain professional school

personnel in the prevention dating violence and sexual violence; and providing for the promotion of positive youth development.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 187, Creating new criminal offenses of sexual contact, intrusion, or abuse of students by school employee.

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

Com. Sub. for Senate Bill 187 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-11b, relating to making it a felony offense for any school employee to engage in sexual intercourse, sexual intrusion, or sexual contact with any enrolled student regardless of age; and specifying the penalties for this offense.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 187), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 200, Allowing leashed dogs to track wounded elk, turkey, bear, and wild boar when hunting.

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

Com. Sub. for Senate Bill 200 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to adding mortally wounded elk, turkey, wild boar, and bear to list of wounded animals that may be tracked and located using a leashed dog; allowing Class Q permit holders or certain physically disabled hunters to designate another hunter who holds a valid hunting license to accompany dog handler to kill mortally wounded animal; and providing that mortally wounded animal shall count toward bag limit of hunter who fired initial shot.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Clements:

Senate Bill 250—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to require

level one permit holders to display a student driver sign on the rear of the vehicle.

Referred to the Committee on Transportation and Infrastructure.

By Senator Azinger:

Senate Bill 251—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to the display of the official motto of the United States in public elementary and secondary schools and in institutions of higher education.

Referred to the Committee on Education.

By Senator Azinger:

Senate Bill 252—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-29; and to amend and reenact §61-8A-1 of said code, all relating to the prohibition of obscene materials in or within 2,500 feet of West Virginia schools; and defining criminal penalties for obscene materials in or within 2,500 feet of West Virginia schools.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 253—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8A-2a, relating to making it a criminal offense for a person to engage in a an adult cabaret performance where it may be viewed by a minor.

Referred to the Committee on the Judiciary.

By Senator Stuart:

Senate Bill 254—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-16-4 of said code, all relating to changing annual mandatory state inspections of antique motor vehicles and motorcycles, motor vehicles, trailers, semitrailers and pole trailers to mandatory inspections done every two years.

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

By Senator Maynard:

Senate Bill 255—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5, and §16-3E-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations.

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

By Senator Jeffries:

Senate Bill 256—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

Referred to the Committee on Economic Development.

By Senator Oliverio:

Senate Bill 257—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-13 and §3-5-13a of said code; and to amend and reenact §3-10-6, §3-10-7, and §3-10-8 of said code, all relating to providing for the nonpartisan election for the offices of county sheriff, prosecuting attorney, assessor, clerk of the circuit court, clerk of the county commission,

and surveyor of lands concurrently with primary elections; providing for the arrangement, form, and contents of ballots; and providing for procedures for the filling of vacancies.

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

By Senator Trump:

Senate Bill 258—A Bill to amend and reenact §46B-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46B-3-8 of said code, all relating to the increase in the maximum fair market value of consumer goods subject to the regulation of rental agreements provided for in this article; and permitting a dealer to require a security deposit for those items.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 259—A Bill to amend and reenact §47-26-1 and §47-26-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §47-26-2a; and to amend and reenact §47-26-3 of said code, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2024; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 260—A Bill to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Jeffries:

Senate Bill 261—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for failure to pay court fines and costs.

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

By Senator Weld:

Senate Bill 262—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer schools and retain his or her athletic eligibility at least one-time during a student's four years of secondary school.

Referred to the Committee on Education.

By Senator Phillips:

Senate Bill 263—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-22, relating to requiring the Public Service Commission to be involved in all construction contracts between utility companies under the auspice of the commission and vendors.

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

By Senator Weld:

Senate Bill 264—A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-1a of said code, all relating to prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education.

Referred to the Committee on Education.

By Senator Weld:

Senate Bill 265—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to allowing for a special license plate for an antique motor vehicle to be permanent for the life of a vehicle.

Referred to the Committee on Transportation and Infrastructure.

By Senator Takubo:

Senate Bill 266—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §16-9A-11, §16-9A-12, and §16-9A-13, all relating to tobacco usage restrictions; modifying legislative intent; modifying definitions; prohibiting persons under the age of 21 from purchasing tobacco products, tobacco derived products, or alternative nicotine products; making it a misdemeanor to use tobacco products, tobacco derived products, or alternative nicotine products in a building used for school instruction; prohibiting sales of tobacco products, tobacco derived products, or alternative nicotine products by firm, corporation, or entity to person under age of 21; providing criminal penalties for sales of tobacco products, tobacco derived products, or alternative nicotine products; providing employer authority to terminate employment of employee who violates section; making the sale of tobacco products, tobacco derived products, or alternative nicotine products permissible reason for dismissal of employee; establishing that an employee's sale of tobacco products, tobacco derived products, or alternative nicotine products to persons under the age of 21 be considered gross misconduct for purposes of unemployment compensation; designating the Bureau for Behavioral Health of the Department of Health and Human Resources as the entity responsible to enforce tobacco laws and conduct compliance inspections; prohibit sales of tobacco products, tobacco derived products, or alternative nicotine products in a display independently accessible by individuals under the age of 21; making it a secondary misdemeanor offense to use tobacco products in a motor vehicle while an individual age 16 years of age

or younger is present; and establishing prohibited areas of regulation for political subdivisions with respect to tobacco products and tobacco derived products.

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

By Senator Takubo:

Senate Bill 267—A Bill to amend and reenact §5-16-7f of the Code of West Virginia, as amended; to amend said code by adding thereto a new section, designated §9-5-31; to amend and reenact §33-15-4s of said code, to amend and reenact §33-16-3dd of said code; to amend and reenact §33-24-7s of said code; to amend and reenact §33-25-8p of said code; and to amend and reenact §33-25A-8s, all relating to prior authorizations; defining terms; requiring prior authorizations and relating communications to be submitted via an electronic portal; requiring electronic notification to the health care provider and insured confirming receipt of the prior authorization; establishing timelines for compliance; providing communication via the portal regarding the current status of the prior authorization; reducing time frames for prior authorization requests; providing a time frame for a decision to be rendered after the receipt of additional information; providing a time frame for a claim to be submitted to audit or if the step therapy is incomplete; requiring a provider conducting peer review to be licensed in West Virginia; revising the percentage approval for a health care provider to be considered for an exemption from prior authorization criteria; removing criteria related to electronic submission of pharmacy benefits; amending effective date; requiring oversight and data collection by the Office of the Insurance Commissioner and the Inspector General; and providing for civil penalties.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 268—A Bill to repeal §5-16-5a and §5-16-5b of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13,

§5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, §5-16-26, §5-16-28; and to amend said code by adding thereto one new section, designated §5-16-30; relating to public employees insurance.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 269—A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to increasing the coverage limit; requiring the Department of Health and Human Resources to require its managed care organizations to provide education to Medicaid enrollees regarding the availability of coverage; and requiring reporting.

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

By Senator Takubo:

Senate Bill 270—A Bill to amend and reenact §61-12-9 of the Code of West Virginia, 1931, as amended, relating to adding an exemption to the permit requirement.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 271—A Bill to amend and reenact §29-32-2 of the Code of West Virginia, 1931, as amended, relating to modifying the approval process requirements for the First Responders Honor Board to allow for submission of nominations for consideration by the Legislature at other times and/or during other sessions of the Legislature, not just before the first day of the regular legislative session.

Referred to the Committee on Government Organization.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 4—Requesting the Division of Highways name bridge number 30-3/5-14.73 (30A291), 37.89343, -82.23993. The original name being Kirk Beam Span

Bridge feature intersected West Fork of Twelvepole Creek bridge number 30-3/5-14.73 (30A291), (37.89343, -82.23993), locally known as Kirk Beam Span Bridge, carrying CR 3/5 over West Fork of Twelvepole Creek in Mingo county, the "Ira 'Noon' Copley and Marie Copley Memorial Bridge".

Which, under the rules, lies over one day.

Senator Maroney offered the following resolution:

Senate Resolution 9—Designating January 18, 2023, as Jan Lilly-Stewart Disability Advocacy Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 6, Congratulating Bob Huggins on his induction into Naismith Memorial Basketball Hall of Fame.

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

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

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, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 6) adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Oliverio regarding the adoption of Senate Resolution 6 were ordered printed in the Appendix to the Journal.

At the request of Senator Weld, unanimous consent being granted, at 11:16 a.m., the Senate recessed to present Senate Resolution 6.

The Senate reconvened at 11:20 a.m. and, at the request of Senator Oliverio, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the seventh order of business.

Senate Resolution 7, Designating January 17, 2023, as Girl Scouts Day.

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

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

Senate Resolution 8, Designating January 17, 2023, as Tucker County Day.

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

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 83, Authorizing tactical medical professionals to carry firearms.

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.

Senate Bill 74, Providing for substantial deference to State Superintendent's interpretations of school laws.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 16, 2023:

Senate Bill 104: Senator Taylor.

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

Senate Bill 4: Senators Plymale and Jeffries;

Senate Bill 7: Senators Stuart, Plymale, and Jeffries;

Senate Bill 49: Senator Hunt;

Senate Bill 53: Senator Hunt;

Senate Bill 95: Senator Woelfel;

Senate Bill 157: Senator Stuart;

Senate Bill 177: Senator Woelfel;

Senate Bill 188: Senator Plymale;

Senate Bill 197: Senator Woelfel;

Senate Bill 225: Senators Deeds and Hunt;

Senate Bill 228: Senator Deeds;

Senate Bill 230: Senators Trump and Martin;

Senate Bill 231: Senators Phillips and Clements;

Senate Bill 232: Senator Rucker;

Senate Bill 233: Senators Trump and Phillips;

Senate Bill 234: Senator Woelfel;

Senate Bill 235: Senators Grady and Woelfel;

Senate Bill 236: Senator Rucker;

Senate Bill 237: Senators Swope, Grady, Boley, Azinger, and Hamilton;

Senate Bill 238: Senator Swope;

Senate Bill 241: Senator Woelfel;

Senate Bill 244: Senator Trump;

Senate Bill 245: Senator Deeds;

Senate Bill 248: Senator Rucker;

Senate Joint Resolution 3: Senator Queen;

Senate Resolution 6: Senators Trump, Deeds, Swope, Nelson, Martin, Grady, Phillips, Barrett, and Queen;

Senate Resolution 7: Senator Woelfel;

And,

Senate Resolution 8: Senator Taylor.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 11:31 a.m., the Senate adjourned until tomorrow, Wednesday, January 18, 2023, at 11 a.m.

WEDNESDAY, JANUARY 18, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric Nelson, Jr., a senator from the seventeenth district.

Pending the reading of the Journal of Tuesday, January 17, 2023,

At the request of Senator Hamilton, 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:

Tourism, Department of (§5B-2I-4)

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 59, Requiring work search activities to qualify for unemployment benefits.

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

Com. Sub. for Senate Bill 59 (originating in the Committee on Government Organization)—A Bill to amend and reenact §21A-2D-2 and §21A-2D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; to amend and reenact §21A-6-1 and §21A-6-10 of said code; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for and amount of unemployment benefits; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining "state average unemployment rate"; limiting the maximum duration of unemployment benefits based on the state average unemployment rate; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; setting internal effective date; and removing chart column made incorrect by adoption of indexing.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 65 (originating in the Committee on Government Organization), Granting municipal fire marshal authority to assist law-enforcement officer.

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

Com. Sub. for Com. Sub. for Senate Bill 65 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer's official duties; and clarifying that the authority to assist federal law enforcement is limited by provisions.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 85, Establishing tax credit for certain physicians who locate to practice in WV.

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

Com. Sub. for Senate Bill 85 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, and §11-13MM-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount of tax credit allowed per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 85), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

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

Com. Sub. for Senate Bill 89 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9D-1 and §15-9D-2, all relating to sexual assault forensic examinations; defining terms; requiring hospitals to have on call, available health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits; requiring that the health care providers shall be trained and properly qualified by the Sexual Assault Forensic Examination Commission; and providing for effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
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 105, Allowing county commissions to impose amusement tax.

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

Com. Sub. for Senate Bill 105 (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, relating to allowing county commissions to impose an amusement tax.

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. 105), under the original double committee reference, was then referred to the Committee on Finance.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

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

Senate Bill 157, Clarifying and expanding powers and duties of director of Coalfield Community Development Office.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,
Chair.

At the request of Senator Smith, unanimous consent being granted, the bill (S. B. 157) contained in the foregoing report from the Committee on Energy, Industry, and Mining was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 177, Increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 180, Relating to number of state troopers in county.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Swope and Nelson:

Senate Bill 272—A Bill to amend and reenact §22-15A-30 of the Code of West Virginia, 1931, as amended, relating to authorizing use of the Reclamation of Abandoned and Dilapidated Properties Program Fund for demolition of abandoned or dilapidated structures damaged by certain flooding events in the state in an amount not to exceed any moneys obtained for that purpose.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 273—A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-6-11 of said code; to amend and reenact §49-1-106 of said code; to amend and reenact §49-1-208 of said code; to amend and reenact §49-2-101 of said code; to amend and reenact §49-2-102 of said code; and to amend said code by adding thereto a new article, designated §49-10-101 and §49-10-102, all relating to child welfare; defining terms; deleting requirement providing allocation child protective workers annually by district; requiring the department to have a redundant system in the event of a centralized intake outage; setting forth requirements for redundancy system; setting date system shall be operational; requiring reporting regarding the description of system, date system becomes operation, and an explanation calls to centralized intake when unanswered if department contends it has existing redundant system; requiring reporting of statistical information; designating Bureau for Social Services as the Bureau with the Department of Health and Human Resources to administer the child welfare services in the state; designating the Bureau for Social Services as the Bureau to cooperate with the United States Department of Health and Human Services and Department of Justice in extending and improving child welfare services in West Virginia; establishing the Bureau for Social Services under the Department of Health and Human Resources; creating the office of the commissioner; setting forth duties of the commissioner; setting forth organization of the office; setting forth right of commissioner to supervise and hire staff; providing the commissioner shall

allocate child protective service workers in counties to the county based upon population on the 2020 Census; 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 for effective date; and providing for emergency and legislative rulemaking.

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

By Senator Grady:

Senate Bill 274—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend said code by adding thereto a new section, designated §18A-5-9; all relating to early childhood education in grades pre-kindergarten through three; establishing the Third Grade Success Act; revising Transformative System of Support for Early Literacy to also include numeracy; revising findings; revising inclusions in West Virginia Board of Education rules required to effectuate Transformative System of Support for Early Literacy and Numeracy section; specifying data to be used to inform the classroom teacher's recommendation on grade level retention; updating deadlines for West Virginia Board of Education reports to the Legislative Oversight Commission on Education Accountability; modifying provisions pertaining to funding for Transformative System of Support for Early Literacy and Numeracy section; requiring retention in the third grade in certain circumstances; specifying exceptions to third grade retention requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding maximum early childhood classroom assistant teacher-pupil ratio for pre-kindergarten through grade three; phasing in early childhood classroom assistant teacher requirement for grades one through three; removing requirement for survey of districts on class overcrowding and report to the Legislative Oversight Commission on Education Accountability a tailored plan for reducing class overcrowding; phasing in increased

ratios of service personnel per 1,000 students for the purpose of determining the basic foundation allowance for service personnel; requiring early childhood classroom assistant teacher to stand in the place of the parent or guardian and exercise such authority and control over students as is required of a teachers within certain specified limitations; prohibiting an early childhood assistant teacher from being required to perform noninstructional duties for an amount of time which exceeds that required under that assistant teacher's contract of employment or that required of other early childhood classroom assistant teachers in the same school; providing exception; and requiring in-service training for early childhood classroom assistant teachers and classroom teachers in grades pre-kindergarten through three.

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

By Senator Trump:

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 statute to be included with law enforcement along with local law enforcement and first responders that receive information related to school safety requirements.

Referred to the Committee on Education.

By Senator Trump:

Senate Bill 276—A Bill to amend and reenact §15A-10-25 of the Code of West Virginia, 1931, as amended, relating to awarding the service weapon of a retiring State Fire Marshal, any full-time deputy fire marshal or any full-time assistant fire marshal employed by the State Fire Marshal to the retiree without charge when the retiring member honorably retires with at least 10 years of service or with less than 10 years of service based upon determination that the retiring employee is totally physically disabled as a result of service with the State Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the State Fire Marshal knows is prohibited from possessing a firearm, is mentally incapacitated, or a danger to any person or the community; authorizing the sale of service weapons that are

taken out of service due to routine wear to any active or retired State Fire Marshal; providing that proceeds from the sales be used to offset the cost of new service weapons; and exempting the sale from the requirements of the Purchasing Division.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 277—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 state recognition of Native American Tribes; defining terms; designating certain tribes as recognized by the state; establishing criteria for state recognition of additional tribes; authorizing unique trademarks for certain arts and crafts; prohibiting gambling and/or reservations; and providing penalty for unauthorized use of trademark.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 278—A Bill amend and reenact §61-8-9 and §61-8-27 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8A-1 of said code; and to amend and reenact §61-9-1, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-8, §61-9-9, and §61-9-10, all generally relating to protecting minors from exposure to indecent displays of a sexually explicit nature, including but not limited to, transvestite and/or transgender exposure in performances or displays to minors.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 279—A Bill to amend and reenact §61-8-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-14-1, §61-14-6, §61-14-8, and §61-14-9 of said code, all relating to increasing protection for minor victims of the crime of human trafficking; and modifying terms.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 280—A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4 of said code; to amend said code by adding thereto five new sections, designated §3-5-6a, §3-5-6b, §3-5-6c, §3-5-6d, and §3-5-6e; to amend and reenact §3-5-7, §3-5-13, and §3-5-13a of said code; to amend and reenact §3-10-3 of said code; to amend and reenact §3-12-3, §3-12-6, §3-12-10, §3-12-11, §3-12-12, and §3-12-14 of said code; to amend and reenact §50-1-1 and §50-1-6 of said code; to amend and reenact §51-1-1 of said code; to amend and reenact §51-2A-5 of said code; and to amend and reenact §51-11-6 of said code, all relating generally to electoral reforms of the West Virginia Judiciary; requiring the election of justices of the Supreme Court of Appeals, judges of the intermediate court of appeals, circuit court judges, family court judges and magistrates be on a partisan basis; requiring that elections to certain offices be on a division basis when more than one justice of the Supreme Court of Appeals, judges of the intermediate court of appeals, circuit judge, family court judge or magistrate is to be elected; providing for the timing and frequency of election; providing for the commencement of terms of office; establishing ballot design and printing; providing that the nomination for elections for justice of the Supreme Court of Appeals, judges of the intermediate court of appeals, circuit judge, family court judge or magistrate are to be held on the same date as the primary election; providing that elections for justice of the Supreme Court of Appeals, judges of the intermediate court of appeals, circuit judge, family court judge or magistrate are to be held on the same date as the general election; requiring nonpartisan ballots be used; establishing filing announcement of candidacies, including the timing, location and information necessary thereto; providing for the order of appearance of offices on the ballot; establishing ballot content; providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate; providing occasions for special elections to be held to fill vacancies; providing the timing of commencement of the terms of offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate; and providing for

the continuing applicability of the West Virginia Supreme Court of Appeals Public Campaign Financing Program.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 281—A Bill to amend and reenact §19-12A-5 of the Code of West Virginia, 1931, as amended, by precluding the Department of Agriculture from cancellation of certain leases; removing language allowing cancellation of any lease which the Department of Agriculture is a party and the consideration is less than five dollars an acre; and making technical corrections.

Referred to the Committee on Agriculture and Natural Resources.

By Senators Tarr, Chapman, and Grady:

Senate Bill 282—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to safety in public schools; creating the West Virginia Guardian Program; setting out purpose of the program; allowing county school boards to contract for participation in the program; defining terms; setting out the authority of independent contractors participating in the program; providing for requirements for participation; providing exclusions from participation; setting forth a limitation of liability; providing the exemptions from purchasing requirements; and providing for exclusions from state benefit programs.

Referred to the Committee on Education.

By Senator Weld:

Senate Bill 283—A Bill to amend and reenact §21A-2C-1 and §21A-2C-2 of the Code of West Virginia, 1931, as amended, all relating to renaming the act to the Military Incentive Program and extending this program to all veterans; updating definitions; naming Work Force West Virginia as the only agency administering this program; and establishing rulemaking.

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

By Senator Clements:

Senate Bill 284—A Bill to repeal §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to repeal §17C-5C-1, §17C-5C-1a, §17C-5C-2, §17C-5C-3, §17C-5C-4, §17C-5C-4a, §17C-5C-4b, and §17C-5C-5 of said code, relating to repeal of administrative hearing procedures for DUI offenses.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 285—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, and §22-34-4, all relating to creation of the West Virginia Coal Marketing Program; providing for the purpose of the program; creating funding for the program; empowering the Governor to report on the program to the Joint Committee on Government and Finance; providing for rules; and providing for an effective date.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Smith:

Senate Bill 286—A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to the proceeds and application of the hotel occupancy tax; providing a legislative finding; and providing that the allocation of the hotel occupancy tax is subject to the sole discretion of the municipality or county commission.

Referred to the Committee on Economic Development.

By Senator Smith:

Senate Bill 287—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting taking or attempting to take turkeys with a rifle.

Referred to the Committee on Agriculture and Natural Resources.

By Senators Karnes, Azinger, Barrett, Boley, Deeds, Grady, Hunt, Martin, Maynard, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, and Woodrum:

Senate Bill 288—A Bill to amend and reenact §15-9B-1a and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to the Sexual Assault Examination Network; defining "abortion", "chemical abortion", and "licensed medical professional"; requiring the Sexual Assault Forensic Examination Commission to promulgate rules establishing protocols for storage of DNA samples by any licensed medical professional performing a surgical abortion as a result of rape or incest; notifying persons who are rape or incest victims who receive surgical or chemical abortions of the collection; and providing for requirements for preserving the chain of evidence in criminal prosecutions, including evidence from rape kits.

Referred to the Committee on Health and Human Resources.

By Senator Jeffries:

Senate Bill 289—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 290—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto four new sections, designated

§33-62-1, §33-62-2, §33-62-3, and §33-62-4, all relating to dental health care service plans; providing for transparency of expenditures of patient premiums; requiring carriers to file annual reports; requiring annual rebates to patients if funds spent for patient care is less than a certain percentage of premium funds; and requiring legislative and emergency rules.

Referred to the Committee on Health and Human Resources.

By Senator Maynard:

Senate Bill 291—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to eliminating the restriction to carry a firearm on the State Capitol Complex grounds.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 292—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, §35-1A-3, §35-1A-4, and §35-1A-5, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing ministry from the state's insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payer for any purposes.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Woodrum:

Senate Bill 293—A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged by sheriffs.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 294—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the

amount of a deputy sheriff's annual monetary payment for years of service.

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

By Senator Jeffries:

Senate Joint Resolution 7—Proposing an amendment to the Constitution of the State of West Virginia, amending and reenacting section 10, article IX thereof, relating to the election of county commissioners; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 4, Ira 'Noon' Copley and Marie Copley 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 9, Designating January 18, 2023, as Jan Lilly-Stewart Disability Advocacy Day.

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

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

On motion of Senator Takubo, at 11:14 a.m., the Senate recessed to present Senate Resolution 9.

The Senate reconvened at 11:19 a.m. and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 83, Authorizing tactical medical professionals to carry firearms.

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 83 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, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Stover—2.

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. 83) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 74, Providing for substantial deference to State Superintendent's interpretations of school laws.

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.

Senate Bill 115, Providing procedure for WV to select delegates to Article V Convention.

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

Com. Sub. for Senate Bill 124, Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

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

Com. Sub. for Senate Bill 200, Allowing leashed dogs to track wounded elk, turkey, bear, and wild boar when hunting.

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

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 Woelfel.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 17, 2023:

Senate Bill 4: Senator Hunt;

Senate Bill 14: Senator Hunt;

Senate Bill 18: Senator Hunt;

Senate Bill 26: Senator Hamilton;

Senate Bill 27: Senator Hunt;

Senate Bill 43: Senator Jeffries;

Senate Bill 53: Senator Plymale;

Senate Bill 59: Senators Hunt and Barrett;

Senate Bill 68: Senator Hunt;

Senate Bill 69: Senator Hunt;

Senate Bill 72: Senator Jeffries;

Senate Bill 85: Senator Plymale;

Senate Bill 89: Senators Hamilton, Rucker, and Plymale;

Senate Bill 93: Senator Karnes;

Senate Bill 95: Senator Plymale;

Senate Bill 100: Senator Jeffries;

Senate Bill 103: Senator Karnes;

Senate Bill 120: Senator Hunt;

Senate Bill 122: Senator Stover;

Senate Bill 124: Senator Plymale;

Senate Bill 125: Senator Hunt;

Senate Bill 149: Senator Karnes;

Senate Bill 153: Senator Karnes;

Senate Bill 155: Senator Karnes;

Senate Bill 168: Senators Stuart and Hunt;

Senate Bill 171: Senator Hunt;

Senate Bill 172: Senator Hamilton;

Senate Bill 180: Senators Hamilton and Rucker;

Senate Bill 183: Senator Hunt;

Senate Bill 184: Senators Karnes and Hunt;

Senate Bill 187: Senators Plymale and Hunt;

Senate Bill 190: Senators Karnes and Hunt;

Senate Bill 196: Senator Hunt;

Senate Bill 197: Senator Jeffries;

Senate Bill 199: Senator Karnes;

Senate Bill 200: Senator Jeffries;

Senate Bill 201: Senator Hunt;

Senate Bill 207: Senator Plymale;

Senate Bill 215: Senators Jeffries and Hunt;

Senate Bill 222: Senator Hunt;

Senate Bill 228: Senator Plymale;

Senate Bill 229: Senator Karnes;

Senate Bill 231: Senator Plymale;

Senate Bill 236: Senator Karnes;

Senate Bill 237: Senator Plymale;

Senate Bill 250: Senator Woelfel;

Senate Bill 251: Senators Roberts and Deeds;

Senate Bill 252: Senators Hamilton, Stover, and Deeds;

Senate Bill 253: Senator Karnes;

Senate Bill 255: Senator Karnes;

Senate Bill 256: Senators Queen, Deeds, and Plymale;

Senate Bill 262: Senator Rucker;

Senate Bill 263: Senator Smith;

Senate Bill 264: Senators Hamilton, Woelfel, Jeffries, Deeds, Karnes, and Chapman;

Senate Bill 265: Senators Caputo, Phillips, and Clements;

Senate Bill 266: Senators Woelfel and Queen;

Senate Bill 267: Senator Grady;

Senate Bill 268: Senators Hamilton and Queen;

Senate Bill 269: Senators Woelfel, Roberts, and Deeds;

Senate Joint Resolution 4: Senator Hamilton;

Senate Joint Resolution 6: Senators Hamilton, Phillips, and Clements;

Senate Resolution 5: Senator Hamilton;

Senate Resolution 6: Senators Hamilton, Roberts, and Plymale;

Senate Resolution 7: Senators Hamilton and Plymale;

And,

Senate Resolution 9: Senators Hamilton, Oliverio, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:30 a.m., the Senate adjourned until tomorrow, Thursday, January 19, 2023, at 11 a.m.

THURSDAY, JANUARY 19, 2023

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia.

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

Pending the reading of the Journal of Wednesday, January 18, 2023,

At the request of Senator Clements, 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 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 2526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §11-21-4g, §11-21-4h, and §11-21-4i; and to amend and reenact §11-21-93 of said code, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; applying reduced rates retroactively to January 1, 2023; applying additional reduced rates on January 1, 2024 and January 1, 2025;

requiring deposits of surplus revenues into personal income tax reserve fund; and generally providing effective dates.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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 10, Campus Self-Defense Act.

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

Com. Sub. for Senate Bill 10 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating generally to carrying concealed pistol or revolver; regulating the carrying of a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon on the property of a public institution of higher education; authorizing the carrying of concealed pistols or revolvers under certain circumstances and in certain areas on the grounds of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances in or on areas of an institution of higher education; requiring institutions to provide storage space for concealed pistols and revolvers; designating these amendments as the Campus Self-defense Act; expressing legislative intent; and creating an internal effective date of July 1, 2024.

With the recommendation that the committee substitute 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 172, Increasing number of members on WV Parole Board.

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

Com. Sub. for Senate Bill 172 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating generally to the board of parole; increasing the number of members on the board from nine to 13; establishing qualifications for members appointed after July 1, 2023; removing the party affiliation limitation; and requesting the governor to affirmatively recruit candidates with mental health and social work experience.

And,

Senate Bill 178, Adding grievance and appellate procedures for individuals participating in DMV safety and treatment program.

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

Com. Sub. for Senate Bill 178 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures, and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and

judicial review for participants of the Safety and Treatment Program; eliminating minimum driving time, minimum mileage, and driving frequency requirements of Motor Vehicle Alcohol and Drug Test and Lock system, and further prohibiting removal of program participant for failure to meet such requirements; and directing commissioner to reinstate program participants for failing to meet such requirements, at no cost to the program participant, upon participants meeting specified criteria.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bills (Com. Sub. for S. B. 172 and 178), under the original double committee references, were then referred to the Committee on Finance.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 207, Relating to state allocation of funding to regional councils.

And,

Senate Bill 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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

Respectfully submitted,

Chandler Swope,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Woodrum:

Senate Bill 295—A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending the time that a prescription for contact lenses or spectacles remains valid; revising definitions; expanding scope of said section to include prescriptions by ophthalmologists; and extending length of time prescriptions for contact lenses and spectacles remain valid.

Referred to the Committee on Government Organization.

By Senators Woodrum, Trump, Karnes, and Maynard:

Senate Bill 296—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto the following new article, designated as §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, §6-9C-9, and §6-9C-10, all relating to adopting the Model Public Meetings During Emergencies Act; setting forth a short title; defining terms; providing for virtual meetings; providing mechanism for authorization of virtual meetings; setting forth rules for, and conduct of virtual meetings; providing for public observation of, and public participation in, virtual meetings; providing for notice of virtual meetings; providing for rules governing same and exceptions; providing for procedural rules governing conduct of same; and establishing relation to the Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 297—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, §5B-2K-7, §5B-2K-8, §5B-2K-9, §5B-2K-10, §5B-2K-11, §5B-2K-12, and §5B-2K-13, all relating to creation of the Mountain Homes Act; setting out a short title; setting out legislative findings; defining terms; providing for rulemaking; providing for an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for record keeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting out required elements for the report; exempting certain materials from the Freedom of Information Act; establishing criteria for eligibility for use of funds; requiring an application for use of funds; setting out elements necessary to be included on the application; providing for exclusions from use of funds; providing for application approval; establishing evaluation standards and criteria; providing for a final agreement; setting out terms of the agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional approval; providing for administration of the act; setting out powers and duties of the Department of Economic Development; and providing for a criminal penalty for a false statement.

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

By Senator Trump:

Senate Bill 298—A Bill to amend and reenact §15-5-9 of the Code of West Virginia, 1931, as amended, relating to clarifying in instances of non-federally declared emergencies and in instances of non-states of emergency that mutual aid agreements can be entered into for reciprocal aid in bordering counties of other states for day-to-day support for fire and emergency medical service calls without the need for approval by the Governor.

Referred to the Committee on the Judiciary.

By Senators Hunt, Azinger, Barrett, Chapman, Deeds, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Takubo, and Weld:

Senate Bill 299—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-8, relating to creating a new misdemeanor offense of unlawful entry, occupation, or retention of real property.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 300—A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training and certification; and providing for the definition of "law-enforcement officer".

Referred to the Committee on Government Organization.

By Senator Jeffries:

Senate Joint Resolution 8—Proposing an amendment to the Constitution of the State of West Virginia amending and reenacting section six, article XII thereof, relating to the election of school districts; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Weld offered the following resolution:

Senate Resolution 10—Recognizing West Virginia Sheriffs at the Legislature on January 20, 2023.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 74, Providing for substantial deference to State Superintendent's interpretations of school laws.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 74 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Hamilton, Stover, and Woelfel—4.

Absent: Boley, Maroney, and Rucker—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 74) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 115, Providing procedure for WV to select delegates to Article V Convention.

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 124, Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

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 200, Allowing leashed dogs to track wounded elk, turkey, bear, and wild boar when hunting.

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.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 59, Requiring work search activities to qualify for unemployment benefits.

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

Com. Sub. for Com. Sub. for Senate Bill 65, Granting municipal fire marshal authority to assist law-enforcement officer.

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

Com. Sub. for Senate Bill 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

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

Senate Bill 180, Relating to number of state troopers in county.

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

At the request of Senator Woodrum, unanimous consent being granted, the bill was rereferred to the Committee on Government Organization.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Nelson and Stuart.

At the request of Senator Stuart, unanimous consent being granted, the Senate then stood in observance of a moment of silence

in recognition of the passing of Eddie Belcher, Supervisor, Supplies and Mail, West Virginia House of Delegates.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 18, 2023:

Senate Bill 105: Senator Woodrum.

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 January 18, 2023:

Senate Bill 4: Senator Caputo;

Senate Bill 10: Senator Deeds;

Senate Bill 178: Senator Woelfel;

Senate Bill 188: Senator Hamilton;

Senate Bill 231: Senator Hunt;

Senate Bill 237: Senators Roberts, Deeds, Barrett, Hunt, and Trump;

Senate Bill 256: Senator Hamilton;

Senate Bill 264: Senator Hunt;

Senate Bill 265: Senator Hunt;

Senate Bill 272: Senator Woelfel;

Senate Bill 273: Senator Woelfel;

Senate Bill 274: Senators Woelfel, Queen, and Roberts;

Senate Bill 275: Senator Deeds;

Senate Bill 276: Senator Deeds;

Senate Bill 285: Senators Boley and Hunt;

Senate Bill 288: Senators Trump, Woelfel, and Clements;

Senate Bill 290: Senators Roberts and Barrett;

Senate Bill 291: Senator Smith;

Senate Joint Resolution 1: Senator Hunt;

Com. Sub. for Senate Joint Resolution 2: Senator Hunt;

Senate Joint Resolution 6: Senator Hunt;

Senate Joint Resolution 7: Senator Caputo;

And,

Senate Concurrent Resolution 4: Senator Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:25 a.m., the Senate adjourned until tomorrow, Friday, January 20, 2023, at 9 a.m.

FRIDAY, JANUARY 20, 2023

The Senate met at 9 a.m.

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

Prayer was offered by David Lavender, Senate Sergeant at Arms, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Laura Wakim Chapman, a senator from the first district.

Pending the reading of the Journal of Thursday, January 19, 2023,

At the request of Senator Stuart, 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 as required by the provisions of law:

Legislative Rule-Making Review Committee (§29A-3-12)

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 with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 161, Authorizing DNR to manage and dispose of property.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-10. Property Management.

(a) The division shall maintain at all times an accurate record of all of its lands, interests in lands, buildings, structures, equipment and other tangible properties and assets. The record shall reflect the location, utility, condition and estimated value of all such properties and assets. The division shall provide for the maintenance, preservation and custody of all such properties and

~~assets. and when any item or items thereof become obsolete or are no longer needed, the division shall report thereon to the Public Lands Corporation for disposition thereof~~

(b) Subject to the provisions of §20-1-19 of this code, when any item or items or lands are deemed obsolete or are no longer needed the division shall have the authority, with the approval in writing of the Secretary of Commerce, to sell, lease, or otherwise dispose of property that is under the jurisdiction and control of the director. The director may convey property in exchange for money, security or property, both real and personal, and any interest in such property, including lands and waters, which he or she deems suitable for the purposes of the division.

~~(b)~~ (c) The director shall select and designate a competent and qualified person as division property officer, who shall be responsible for the division's records relating to its properties and assets and for the maintenance, preservation, custody and disposition of all such properties and assets as herein provided.

~~(c)~~ (d) Subject to valid existing rights, division owned wildlife management area lands shall be open to access and use for recreational hunting and shooting except as limited by the division for reasons of public safety, fish and wildlife management or homeland security or as otherwise limited by law.

~~(d)~~ (e) The division shall exercise its authority consistent with subsection ~~(c)~~(d) to support, promote and enhance recreational hunting and shooting opportunities, to the extent authorized by statute. The division shall give preference to hunting and shooting over other uses of division owned wildlife management area lands.

~~(e)~~ (f) Division land management decisions and actions may not result in a net loss of habitat land acreage available for hunting and shooting opportunities on division owned wildlife management area lands that exists on the effective date of this section.

(~~f~~) (g) On or before December 1, the division shall submit an annual report to the Governor and to the Joint Committee on Government and Finance, including the following:

(1) The acreage administered by the division that has been closed during the previous year to recreational hunting and the reasons for the closures; and

(2) The acreage administered by the division that, in order to comply with the provisions of subsection (~~e~~) (f) was opened to recreational hunting to compensate for that acreage.;

And,

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

Eng. Senate Bill 161—A Bill to amend and reenact §20-1-10 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resources to manage and dispose of property; repealing the requirement to report items to the Public Land Corporation; and authorizing the division to dispose of certain property under the jurisdiction and control of the director.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 161, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Nelson, and Takubo—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 161) passed with its House of Delegates amended title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Nelson, and Takubo—5.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 161) takes effect from passage.

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 amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 162, Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration.

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

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

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

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**§20-1-22. Authorizing the director to lease and develop pore spaces.**

(a) The director may, with the approval in writing of the Secretary of Commerce, lease state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director for underground carbon sequestration: *Provided*, That the director is prohibited from leasing state-owned pore spaces underlying lands that are designated as state parks. Before entering into a lease, the director shall receive sealed bids therefor, after notice by publication as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be each county in which the affected lands are located, and on the Division's main website for a period of at least 14 days prior to entering into any lease pursuant to this section. The pore space development proposal so advertised shall be leased to the highest responsible bidder, who shall give bond for the proper performance of the lease as the director shall designate; but the director may reject any and all bids and re-advertise for bids. The development of pore spaces pursuant to this section shall be consistent with the requirements of §22-11B-1 *et seq.* of this code. The proceeds arising from any such lease shall be paid to the Treasurer of the State of West Virginia and shall be credited to the Division and used exclusively for the purposes of this chapter.

(b) Notwithstanding the competitive bidding process established in subsection (a), the director may, with the approval in writing of the Secretary of the Department of Commerce, directly award a pore space lease when the Secretary of the Department of Commerce and the Secretary of the Department of Economic Development certifies in writing to the director that the lease is a necessary component of an economic development project: *Provided*, That the lease shall afford a market value or greater royalty.

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

Engrossed Senate Bill 162, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Boley, Jeffries, Maroney, and Takubo—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 162) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Boley, Jeffries, Maroney, and Takubo—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 162) takes effect from passage.

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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2018—A Bill to amend and reenact §49-4-405 and §49-4-406 of the Code of West Virginia, 1931, as amended, all relating to designating the managed care case coordinator as a member of the multidisciplinary team.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 2029—A Bill to repeal §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7, and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to repealing the creation of an all-payer claims database.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 2506—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-4-11, relating to creating a title clearinghouse for nonresident businesses; authorizing the Division of Motor Vehicles to regulate participation in the clearinghouse; authorizing the Division of Motor Vehicles to set fees for participants; and authorizing fleet registration.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

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

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Outdoor Recreation.

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

Your Committee on Education has had under consideration

Senate Bill 121, Creating Student Journalist Press Freedom Protection Act.

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

Com. Sub. for Senate Bill 121 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public high schools, colleges, and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist's rights are violated; specifying the judicial relief available in an appeal; and clarifying that provisions of the article do not apply to students attending private high schools, colleges, or universities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
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 192, Relating to Uniform Real Property Transfer on Death Act.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.

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

Com. Sub. for Senate Bill 208 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for all law-enforcement officers and correction officers regarding individuals with autism spectrum disorders, Alzheimer's, and related dementias and requiring that all current law-enforcement officers receive the course of basic training for appropriate interaction with and response to individuals with

autism spectrum disorders, Alzheimer's, and related dementias every three years.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 236, Motorsports Responsibility Act.

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

Com. Sub. for Senate Bill 236 (originating in the Committee on Outdoor Recreation)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17B-1, §20-17B-2, §20-17B-3, §20-17B-4, and §20-17B-5, all relating to creating the Motorsports Responsibility Act; identifying purpose; defining terms; providing for duties of motorsports; and providing for duties of participants.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 236), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

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

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 Finance.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Pensions pending.

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 244, Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public.

Senate Bill 245, Making rules and regulations promulgated by PSC subject to legislative rule-making review procedures.

And,

Senate Bill 246, Revising membership of Broadband Enhancement Council.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 262, Allowing students to transfer schools and retain athletic eligibility.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 264, Prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education.

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

Com. Sub. for Senate Bill 264 (originating in the Committee on Education)—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-1 of said code; and to amend and reenact §18-5-1a of said code, all

relating to prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education; and requiring that a candidate for county board of education include a statement on the certificate of announcement that he or she swears and affirms that he or she has not been convicted of certain crimes against minors.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 269, Increasing dental coverage limit for Medicaid enrollees.

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

Com. Sub. for Senate Bill 269 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to dental coverage; increasing coverage amount; requiring the Bureau for Medical Services to conduct a state-specific rate survey; requiring the Bureau for Medical Services to base the rate it pays dentists on average rate for these services; providing effective date; requiring the Bureau for Medical Services to provide education to Medicaid enrollees regarding the availability of coverage; and requiring reporting.

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,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 269), 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

Senate Bill 274, Third Grade Success Act.

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

Com. Sub. for Senate Bill 274 (originating in the Committee on Education)—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5-18a of said code; and to amend and reenact §18-9A-5 of said code, all relating to early childhood education in grades pre-kindergarten through three; establishing the Third Grade Success Act; replacing transformative system of support for early literacy with multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; revising findings; revising inclusions in West Virginia Board of Education rules required to effectuate Third Grade Success Act section; specifying data to be used to inform the classroom teacher's recommendation on grade level retention; requiring county boards of education to provide in-service training for early childhood classroom assistant teachers, aides, and classroom teachers in grades kindergarten through three; updating deadlines for West Virginia Board of Education reports to the Legislative Oversight Commission on Education Accountability; modifying provisions pertaining to funding for Third Grade Success Act section; requiring retention in the third grade in certain circumstances; specifying exceptions to third grade retention requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding maximum early childhood classroom

assistant teacher or aide-pupil ratio for kindergarten through grade three; phasing in early childhood classroom assistant teacher/aide requirement for grades one through three; removing requirement for survey of districts on class overcrowding and report to the Legislative Oversight Commission on Education Accountability a tailored plan for reducing class overcrowding; and phasing in increased ratios of service personnel per 1,000 students for the purpose of determining the basic foundation allowance for service personnel.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 274), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senator Stuart:

Senate Bill 301—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16, relating to the creation of the Community Crime Prevention Act.

Referred to the Committee on Transportation and Infrastructure.

By Senator Stuart:

Senate Bill 302—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-

14-25, relating to the creation of the Law Enforcement Safety Act; and requiring West Virginia law enforcement agencies to index felony warrants with the National Crime Information Center (NCIC).

Referred to the Committee on Government Organization.

By Senator Stuart:

Senate Bill 303—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to the creation of the Violent Crime Prevention Act; and requiring law enforcement to submit ballistics data to the National Integrated Ballistic Information Network (NIBIN) for certain firearm related crimes.

Referred to the Committee on Government Organization.

By Senator Stuart:

Senate Bill 304—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalty for fentanyl; and removing the intent element relating to the distribution of a controlled substance using fentanyl as an adulterant, to create a counterfeit substance or imitation controlled substance using fentanyl, or to cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl.

Referred to the Committee on the Judiciary.

By Senator Stuart:

Senate Bill 305—A Bill to amend and reenact §19-23-3, §19-23-7, and §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3, §29-22A-7, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, and §29-22C-10 of said code, all relating to dog racing requirements; modifying certain definitions; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and

accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates.

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

By Senators Woelfel and Plymale:

Senate Bill 306—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of non-school-day student initiative; addressing food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other non-school time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources.

Referred to the Committee on Education.

By Senator Woodrum:

Senate Bill 307—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to purchasing.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 308—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to parking.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 309—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 310—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 311—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 312—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 313—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to rules for quarrying and reclamation.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 314—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the recycling assistance grant program.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 315—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to Reclamation of Abandoned and Dilapidated Properties Grant Program.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 316—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generating facilities.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 317—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a

legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 318—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to standards for local boards of health.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 319—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 320—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Services to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 321—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Medical Cannabis Program - dispensaries.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 322—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Health Care Authority to promulgate a legislative rule relating to financial disclosure.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 323—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Uniform Bill Database.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 324—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the development of methodologies to examine needs for substance use disorder treatment facilities within the state.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 325—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Core Behavioral Health Crisis Services System.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 326—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 327—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential childcare and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 328—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 329—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 330—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 331—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 332—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 333—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center licenses.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 334—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payers Claims Database - Submission Manual.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 335—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 336—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Emergency Management to promulgate a legislative rule relating to National Flood Insurance Program.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 337—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 338—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 339—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training, equipment, and operating standards.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 340—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 341—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 342—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to electrician licensing.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 343—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of home inspectors.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 344—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Police to promulgate a legislative rule relating to West Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment, and progressive discipline.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 345—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to money transmission services.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 346—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Insurance Commission to promulgate a legislative rule relating to suitability in annuity transactions.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 347—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 348—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commission to promulgate a legislative rule relating to bail bondsmen in criminal case.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 349—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia lottery sports wagering.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 350—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to Valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 351—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Tax Department to promulgate a legislative rule relating to Farm-to-Food Bank tax credit.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 352—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to West Virginia Film Industry Investment Act.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 353—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to property transfer tax.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 354—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to municipal sales and use tax administration.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 355—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Tax Department to promulgate a legislative rule relating to personnel rule for the Tax Division.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 356—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 357—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 358—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals, and reinstatement of driving privileges.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 359—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 360—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 361—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules of professional conduct.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 362—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 363—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 364—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 365—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to West Virginia apiary rule.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 366—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 367—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds rule.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 368—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade "A" pasteurized milk.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 369—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Agriculture Commissioner to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 370—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 371—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Agriculture to promulgate a legislative rule relating to livestock care standards.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 372—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Farm-to-Food Bank Tax Credit.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 373—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 374—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 375—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 376—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the State Auditor to promulgate a legislative rule relating to standards for voluntary payroll deductions.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 377—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 378—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 379—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 380—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 381—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 382—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to fee schedule.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 383—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 384—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, and credential holders.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 385—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, and physician assistants.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 386—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 387—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 388—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to optometric telehealth practice.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 389—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 390—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 391—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substance Act.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 392—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 393—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 394—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 395—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Donated Drug Repository Program.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 396—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to code of conduct.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 397—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 398—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 399—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 400—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to continuing education and competence.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 401—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to fees for services rendered by the board.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 402—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 403—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Nurses to promulgate a legislative rule relating to telehealth practice, requirements, and definitions.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 404—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 405—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to Combined Voter Registration and Driver's Licensing Fund.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 406—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to administrative procedures for the Nonpublic Funding for Election Administration Fund.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 407—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 408—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 409—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 410—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to the West Virginia Board of Manufactured Housing construction and safety.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 411—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 412—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 413—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 414—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 415—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 416—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 417—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating regulations.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 418—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses.

Referred to the Committee on the Judiciary.

Senators Blair (Mr. President), Maynard, Jeffries, Rucker, Woodrum, Trump, and Nelson offered the following resolution:

Senate Resolution 11—Designating January 23, 2023, as West Virginia Tourism Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 10, Recognizing WV Sheriffs at Legislature on January 20, 2023.

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

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

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 115, Providing procedure for WV to select delegates to Article V Convention.

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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo—1.

Absent: Boley, Jeffries, Maroney, and Takubo—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 115) 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 124, Authorizing child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

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 124 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Boley, Jeffries, Maroney, and Takubo—4.

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. 124) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 59, Requiring work search activities to qualify for unemployment benefits.

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

Com. Sub. for Com. Sub. for Senate Bill 65, Granting municipal fire marshal authority to assist law-enforcement officer.

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 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

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 200, Allowing leashed dogs to track wounded elk, turkey, bear, and wild boar when hunting.

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

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

On page 1, section 5j, lines 14 and 15, by striking out the words "the requirements of §20-2-46(b) and (c) of this code" and inserting

in lieu thereof the words "one of the conditions listed in §20-2-46e(b) of this code and submits to the division the certification provided for in §20-2-46e(c) of this code".

The bill (Com. Sub. for S. B. 200), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 10, Campus Self-Defense Act.

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

Senate Bill 207, Relating to state allocation of funding to regional councils.

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

Senate Bill 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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

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 Rucker.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 19, 2023:

Senate Bill 288: Senator Woelfel.

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 January 19, 2023:

Senate Bill 121: Senator Maynard;

Senate Bill 122: Senator Maynard;

Senate Bill 182: Senator Rucker;

Senate Bill 184: Senator Rucker;

Senate Bill 192: Senator Oliverio;

Senate Bill 201: Senator Rucker;

Senate Bill 208: Senators Oliverio, Rucker, and Hamilton;

Senate Bill 211: Senator Rucker;

Senate Bill 237: Senator Jeffries;

Senate Bill 257: Senator Woelfel;

Senate Bill 261: Senator Woelfel;

Senate Bill 262: Senators Oliverio and Phillips;

Senate Bill 264: Senators Oliverio and Plymale;

Senate Bill 269: Senators Oliverio and Nelson;

Senate Bill 274: Senators Plymale, Nelson, and Taylor;

Senate Bill 288: Senator Plymale;

Senate Bill 289: Senator Plymale;

Senate Bill 297: Senators Woodrum, Phillips, and Plymale;

Senate Bill 298: Senators Woodrum and Plymale;

Senate Bill 299: Senators Woelfel, Woodrum, Swope, Clements, and Plymale;

Senate Bill 300: Senators Caputo, Plymale, and Hamilton;

Senate Joint Resolution 8: Senator Caputo;

And,

Senate Resolution 10: Senators Queen, Woelfel, Caputo, Hamilton, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 9:38 a.m., the Senate adjourned until Monday, January 23, 2023, at 11 a.m.

MONDAY, JANUARY 23, 2023

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Friday, January 20, 2023,

At the request of Senator Taylor, 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:

Professional Surveyors, Board of (§30-1-12)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2412—A Bill to amend and reenact §2-2-1a of the Code of West Virginia, 1931, as amended, relating to declaring November 14 every year, a special memorial day in remembrance of the Marshall University airplane crash.

Referred to the Committee on Government Organization.

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 21, Requiring certain documents that contain wage records be considered confidential.

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

Respectfully submitted,

Rollan A. Roberts,
Chair.

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

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 Weld:

Senate Bill 419—A Bill to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West Virginia, 1931, as amended; to repeal §30-1B-5 and §30-1B-7 of said code; and to amend said code by adding thereto a new section, designated §30-1B-5, all relating to professions and occupations; and providing licensure provisions for individuals with military training and experience applicable to military members and their spouses.

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

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

Senate Bill 420—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5-10-22m and §5-10-22n; and to amend said code by adding thereto two new sections, designated §18-7A-26x and §18-7A-26y; all relating to establishing a one-time bonus payment for certain retirants who are 70 years of age or older as of July 1, 2023, who have 20 or more years of credited service, and who receive a monthly retirement benefit of less than \$1,000; and establishing a minimum monthly retirement benefit for certain retirants who are 70 years of age or older as of July 1, 2023, and who have 25 or more years of total service.

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

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

Senate Bill 421—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

Senate Bill 422—A Bill to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, relating to a school's requirement to publish curriculum online at the beginning of each new school year, or within 30 days after curriculum is revised or new curriculum is adopted; and requiring schools to publish adopted, up-to-date classroom curriculum.

Referred to the Committee on Education.

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

Senate Bill 423—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date.

Referred to the Committee on Finance.

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

Senate Bill 424—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, §11-13MM-5, and §11-13MM-6; all relating to authorizing a refundable tax credit, applied against personal income tax or corporation net income tax, as applicable, in the amount of property tax timely paid on Class A, Class B, Class G, Class H, Class T, Class V, and Class X motor vehicles, all-terrain vehicles and utility terrain vehicles during the income tax taxable year; designating a short title; providing definitions; providing for the application of tax credit; specifying refundable tax credit; specifying retroactive

effect; providing for the treatment of credit upon transfer of eligible motor vehicle; and providing for an effective date.

Referred to the Committee on Finance.

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

Senate Bill 425—A Bill to amend and reenact §15A-3-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Corrections and Rehabilitation to grant a cost of living stipend to correctional officers employed by the Division of Corrections and Rehabilitation; providing that the cost of living stipend may be granted in an amount up to \$10,000 per year at the discretion of the commissioner; providing that the cost of living stipend shall not be counted toward retirement, separation from employment, or other such benefits under West Virginia law, rule, or regulation; and providing the commissioner shall notify the Governor and the Legislature of the facility and location where a stipend is granted, the amount of the stipend, and the number of employees to receive the stipend within 30 days of his or her decision.

Referred to the Committee on Finance.

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

Senate Bill 426—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6B-4a, relating to banning high-risk technologies on government systems; adding legislative findings related to national security threats posed by untrustworthy or high-risk platforms and programs; and requiring certain government entities to adopt statewide standards that ban the use of high-risk platforms and products on government systems.

Referred to the Committee on the Judiciary.

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

Senate Bill 427—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms

used in the West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senator Grady:

Senate Bill 428—A Bill to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating to Local School Improvement Councils; revising council membership requirements; requiring minutes be taken at every council meeting; revising requirements pertaining to annual council meeting regarding the school's academic performance; requiring training on the role and governance of the councils and the production of a document on parent and community member roles in the councils; and allowing public charter schools to abide by all or some of the local school improvement council requirements.

Referred to the Committee on Education.

By Senators Smith and Taylor:

Senate Bill 429—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to requiring county commissions to impose a Health and Safety Fee of \$1.00 per day or activity per person for tourism and recreational activities; listing applicable activities; and defining collection by the county and state, providing distribution timelines to the counties, and requirements for use of the funds disbursed.

Referred to the Committee on Government Organization.

By Senator Tarr:

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

Referred to the Committee on Banking and Insurance.

By Senator Tarr:

Senate Bill 431—A Bill to amend and reenact §17C-15-36a of the Code of West Virginia 1931, as amended, relating to modification of the permissible percentage of light transmission for sun-screening devices used in automotive safety glazing.

Referred to the Committee on Transportation and Infrastructure.

By Senator Woodrum:

Senate Bill 432—A Bill to amend and reenact §5A-12-3, §5A-12-6, and §5A-12-9 of the Code of West Virginia, 1931, as amended, relating to granting the Fleet Management Division oversight authority of the state vehicle fleet; providing an exclusion for law enforcement vehicles should such oversight conflict with any law enforcement activities; delineating telematics as a required service for state spending units; removing the requirement to complete vehicle logs in telematics connected vehicles; removing exemptions from the Fleet Management Division; and permitting exemptions from telematics for only law enforcement.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 433—A Bill to amend and reenact §18-20-10 of the Code of West Virginia 1931, as amended, relating to dyslexia; and establishing requirements for the state board and the Local Educational Agency (LEAs) to appropriately screen for dyslexia and support students with dyslexia in the school system.

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

By Senators Taylor, Azinger, Chapman, Karnes, Martin, Maynard, Phillips, and Smith:

Senate Bill 434—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-16; and to amend and reenact §61-7-11a of said code, all relating to creating the School Safety Act; creating a mobile

training team for the purpose of school safety; providing for regional mobile training officers; empowering the West Virginia Department of Homeland Security to create the program; providing for coordination between school protection officers and the mobile training team; permitting elementary and secondary school teachers and administrators to carry concealed weapons; classifying such persons who carry concealed weapons as school protection officers; providing that any teacher or administrator may become a school protection officer; providing for exceptions; defining public notice for when a school has a school protection officer on location; providing for an incentive in the form of a bonus to be given to school protection officers, and providing that this incentive may be revoked if school protection officers lose their classification.

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

By Senators Woodrum and Trump:

Senate Bill 435—A Bill to amend and reenact §29-1A-2 of the Code of West Virginia, 1931, as amended, relating to recognizing the Commission on Uniform State Laws as a deemed presumptive provider of continuing education and session attendance at its annual meeting shall be deemed continuing education credit for commissioners.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 436—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.

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

By Senator Chapman:

Senate Bill 437—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to changing the current reimbursement formula of state funds to residential childcare facilities from an attendance model to an enrollment model.

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

By Senator Clements:

Senate Bill 438—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, §11-13MM-5, and §11-13MM-6, all relating to creating the Return to West Virginia Tax Credit Act; providing for a title, findings, and purpose; providing for a non-refundable credit against state personal income taxes; providing a definition; providing for limitations and eligibility requirements of the credit; authorizing legislative rule; authorizing the Tax Commissioner to create forms and require documentation; providing for effective and expiration dates of the credit; and requiring reporting.

Referred to the Committee on Finance.

By Senators Smith, Caputo, Hamilton, Phillips, and Taylor:

Senate Bill 439—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, and §22-34-4, relating generally to establishing a design-build program for the Department of Environmental Protection; providing a short title; establishing a

design-build pilot program; providing for an invitation for bids; and setting forth bid requirements.

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

By Senator Clements:

Senate Bill 440—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to payments from the state road fund; authorizing transfer of spending authority between appropriations; and requiring reporting by the Division of Highways.

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

By Senator Tarr:

Senate Bill 441—A Bill to amend and reenact §11-10-17 of the Code of West Virginia, 1931, as amended, relating to removing the additional one and one-half percent interest rate for tax underpayments; and specifying an effective date.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 442—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-21-12n and §11-21-63, all relating to providing an election for pass-through entities to pay income tax at the entity level; setting forth the method of claiming the election; defining terms; setting forth a rate of tax; dealing with claims for refunds and issuing assessments; dealing with claiming tax credits; providing increasing and decreasing modifications for partners and shareholders when the pass-through entity elects to pay the tax at the entity level; providing for rulemaking; and setting forth an effective date which is retroactive.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 443—A Bill to amend and reenact §44-3A-42 of the Code of West Virginia, 1931, as amended, relating to directing payment of the estate administration fee to the State Auditor.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 444—A Bill to amend and reenact §11-13A-5b of the Code of West Virginia, 1931, as amended, relating to the West Virginia Future Fund; providing specific dates; and transferring any moneys in the fund to General Revenue.

Referred to the Committee on Finance.

By Senators Grady, Plymale, and Woelfel:

Senate Bill 445—A Bill to repeal §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to the repeal of an outdated section of code providing for the merger and consolidation of the West Virginia graduate college.

Referred to the Committee on Education.

By Senator Tarr:

Senate Bill 446—A Bill to amend and reenact §11-14C-2 of the Code of West Virginia, 1931, as amended, relating to remove methanol and methanol fuel from the definition of special fuel.

Referred to the Committee on Finance.

Senator Blair (Mr. President) offered the following resolution:

Senate Resolution 12—Commemorating the 77th Southern Legislative Conference of the Council of State Governments Southern Office.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 11, Designating January 23, 2023, as WV Tourism 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, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 59, Requiring work search activities to qualify for unemployment benefits.

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 59 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Hamilton, Jeffries, Stover, and Woelfel—5.

Absent: Boley and Grady—2.

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. 59) passed with its title.

Senator Takubo moved that the bill take effect January 1, 2024.

On this question, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Hamilton, Jeffries, Stover, and Woelfel—5.

Absent: Boley and Grady—2.

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. 59) takes effect January 1, 2024.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 65, Granting municipal fire marshal authority to assist law-enforcement officer.

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, Caputo, Chapman, Clements, Deeds, 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)—32.

The nays were: None.

Absent: Boley and Grady—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 65) 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 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

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 89 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, 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)—32.

The nays were: None.

Absent: Boley and Grady—2.

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. 89) 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 200, Allowing leashed dogs to track wounded elk, turkey, bear, and wild boar when hunting.

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, Caputo, Chapman, Clements, Deeds, 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)—32.

The nays were: None.

Absent: Boley and Grady—2.

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. 200) passed.

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

Eng. Com. Sub. for Senate Bill 200—A Bill to amend and reenact §20-2-5j of the Code of West Virginia, 1931, as amended, relating to adding mortally wounded elk, turkey, and wild boar to list of wounded animals that may be tracked and located using a leashed dog; allowing Class Q permit holders or certain physically disabled hunters to designate another hunter who holds a valid hunting license to accompany dog handler to kill mortally wounded animal; and providing that mortally wounded animal shall count toward bag limit of hunter who fired initial shot.

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 10, Campus Self-Defense Act.

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

Senate Bill 207, Relating to state allocation of funding to regional councils.

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

Senate Bill 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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

The Senate proceeded to the tenth order of business.

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

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

Com. Sub. for Senate Bill 121, Creating Student Journalist Press Freedom Protection Act.

Senate Bill 192, Relating to Uniform Real Property Transfer on Death Act.

Com. Sub. for Senate Bill 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.

Senate Bill 244, Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public.

Senate Bill 245, Making rules and regulations promulgated by PSC subject to legislative rule-making review procedures.

Senate Bill 246, Revising membership of Broadband Enhancement Council.

Senate Bill 262, Allowing students to transfer schools and retain athletic eligibility.

And,

Com. Sub. for Senate Bill 264, Prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education.

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

The Senate then proceeded to the thirteenth order of business.

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 January 20, 2023:

Senate Bill 248: Senator Rucker;

And,

Senate Bill 252: Senator Hamilton.

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 January 20, 2023:

Senate Bill 11: Senator Maynard;

Senate Bill 15: Senator Clements;

Senate Bill 51: Senator Grady;

Senate Bill 151: Senator Nelson;

Senate Bill 166: Senator Nelson;

Senate Bill 208: Senators Hunt, Chapman, Stuart, and Deeds;

Senate Bill 216: Senator Rucker;

Senate Bill 220: Senator Rucker;

Senate Bill 233: Senator Rucker;

Senate Bill 262: Senator Deeds;

Senate Bill 265: Senator Rucker;

Senate Bill 274: Senator Deeds;

Senate Bill 279: Senator Rucker;

Senate Bill 288: Senator Hamilton;

Senate Bill 291: Senators Rucker and Hamilton;

Senate Bill 293: Senator Deeds;

Senate Bill 294: Senator Deeds;

Senate Bill 304: Senators Plymale and Hamilton;

Senate Bill 306: Senator Grady;

Senate Joint Resolution 1: Senator Chapman;

Com. Sub. for Senate Joint Resolution 2: Senator Chapman;

Senate Joint Resolution 6: Senator Chapman;

Senate Resolution 10: Senators Chapman and Rucker;

And,

Senate Resolution 11: Senators Plymale, Clements, Hamilton, Woelfel, and Grady.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:28 a.m., the Senate adjourned until tomorrow, Tuesday, January 24, 2023, at 11 a.m.

TUESDAY, JANUARY 24, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Bo Burgess, Jordan Baptist Church, Gallipolis Ferry, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jason Barrett, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, January 23, 2023,

At the request of Senator Jeffries, 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:

Sanitarians, Board of (§30-1-12)

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2530—A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

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

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

Eng. House Bill 2533—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to a permanent windshield placard to be valid for the duration of the applicant's life.

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

The Senate proceeded to the fourth order of business.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 202, Increasing appointment term of director for DNR from four to seven years.

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

Com. Sub. for Senate Bill 202 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §20-1-16 of the Code of West Virginia, 1931, as amended, relating to increasing the term of members of the Natural Resources Commission from four to seven years.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

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

Your Committee on Banking and Insurance has had under consideration

Senate Bill 209, Permitting resident individuals to deduct medical expenses not reimbursed by insurance policy.

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

Com. Sub. for Senate Bill 209 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to personal state income taxes and authorizing a decreasing modification of a taxpayer's adjusted gross income for medical expenses not reimbursed under accident and sickness insurance coverage.

And,

Senate Bill 292, Health Care Sharing Ministries Freedom to Share Act.

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

Com. Sub. for Senate Bill 292 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, §35-1A-3, §35-1A-4, and §35-1A-5, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting health care sharing ministries from the state's insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payor.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

Committee Substitute for Senate Bill 209, under the original double committee reference, was then referred to the Committee on Finance.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of Committee Substitute for Senate Bill 292 contained in the foregoing report from the Committee on Banking and Insurance.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 211, Relating to permanent windshield placard to be valid for duration of applicant's life.

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

Com. Sub. for Senate Bill 211 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to making permanent windshield placards that benefit persons with mobility impairment valid for the duration of the applicant's life.

And,

Senate Bill 233, Extending expiration of temporary registration plates from 60 to 90 days.

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

Com. Sub. for Senate Bill 233 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11 of said code, all relating to extending the expiration of temporary registration plates from 60 days to 90 days.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, and by unanimous consent, the bills (Com. Sub. for S. B. 211 and 233) contained in the

foregoing report from the Committee on Transportation and Infrastructure were then referred to the Committee on Rules.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 254, Changing annual mandatory state vehicle inspections to every two years.

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

Com. Sub. for Senate Bill 254 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to mandatory state inspections; modifying interval of mandatory inspections of motor vehicles, trailers, semitrailers, pole trailers, antique motor vehicles, and motorcycles; and adjusting fees for inspection and inspection sticker.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

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 276, Awarding service weapon of retiring State Fire Marshal.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Military has had under consideration

Senate Bill 283, Relating to Military Incentive Program.

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 Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

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

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 298, Relating to non-federally declared emergencies and non-states of emergency.

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

Com. Sub. for Senate Bill 298 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-5-9 of the Code of West Virginia, 1931, as amended, relating to clarifying that mutual aid agreements can be entered into by local emergency services or organizations for reciprocal aid in bordering counties of other states for day-to-day support for fire and emergency medical service calls.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Military has had under consideration

Senate Bill 419, Amending professions and occupations licensure provisions for individuals with military training.

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

Com. Sub. for Senate Bill 419 (originating in the Committee on Military)—A Bill to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating to professions and occupations; and providing for licensure provisions for individuals with military training and experience applicable to military members and their spouses.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill (Com. Sub. for S. B. 419), under the original double committee reference, was then referred to the Committee on Government Organization.

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 Smith:

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

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

By Senator Smith:

Senate Bill 448—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-6-2, §22-6-29, and §22-6A-7 of said code; all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; providing for the apportionment of oil

and gas severance taxes; establishing annual varied inspection fees for wells producing more than 10,000 cubic feet of gas per day; increasing the expedited modification fee while eliminating the cap on collections of fees for expedited permits and expedited modifications ;and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation special revenue fund.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Nelson:

Senate Bill 449—A Bill to amend and reenact §5-10C-3, §5-10C-4, and §5-10C-5 of the Code of West Virginia, 1931, as amended; all relating to government employees' retirement plans; updating definitions; clarifying pick-up contributions for nonteachers; and inserting new retirement plan in savings clause.

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

By Senator Nelson:

Senate Bill 450—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-14, and §7-14D-15; to amend and reenact §8-22A-2; to amend and reenact §15-2A-2 and §15-2A-9; to amend and reenact §16-5V-2; to amend and reenact §18-7A-3 and §18-7A-25; and to amend and reenact §20-18-2, §20-18-21, and §20-18-22, all relating to disability retirement medical examinations of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System, and the Natural Resources Police Officers Retirement System.

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

By Senator Nelson:

Senate Bill 451—A Bill to amend and reenact §18-7A-3, §18-7A-13a, §18-7A-15, and §18-7A-17 of the Code of West Virginia,

1931, as amended; and to amend and reenact §18-7B-2 and §18-7B-17 of said code, all relating to the Teachers Retirement System and the Teachers' Defined Contribution Retirement System; defining and amending terms related to electing charter schools; defining medical examination; clarifying notification by employer of a retirant re-employed in a permanent position; adding electing charter schools to provisions of delinquent contributions; providing for transfer of assets from the Public Employee Retirement System to the Teachers Retirement System; and adding electing charter schools to retirement contribution section.

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

By Senator Nelson:

Senate Bill 452—A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5V-36, all relating to the Emergency Medical Services Retirement System; defining and amending terms related to county firefighters, medical examination, and 911 personnel; and adding a severability section.

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

By Senator Nelson:

Senate Bill 453—A Bill to amend and reenact §18-5G-6 and §18-5G-10 of the Code of West Virginia, 1931, as amended, all relating to public charter schools; providing for successor liability and delinquent retirement contributions; and including retirement contribution payments as payroll obligation in distribution of assets.

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

By Senator Jeffries:

Senate Bill 454—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision

Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

By Senator Phillips:

Senate Bill 455—A Bill to amend and reenact §17A-6-1 of the Code of West Virginia, 1931, as amended, relating to modifying certain used car restrictions.

Referred to the Committee on Transportation and Infrastructure.

By Senator Clements:

Senate Bill 456—A Bill to amend and reenact §17-4-8 of the Code of West Virginia, 1931, as amended, relating to railways crossing state roads; and authorizing the Commissioner of Highways to prescribe restrictions, conditions, and regulations.

Referred to the Committee on Transportation and Infrastructure.

By Senator Barrett:

Senate Bill 457—A Bill to amend and reenact §60-7-12 of the Code of West Virginia, 1931, as amended, relating to removing gambling and use of gaming devices from definition of activities Alcohol Beverage Control Commission licensee is prohibited to permit on licensee's private club premises.

Referred to the Committee on Government Organization.

By Senator Nelson:

Senate Bill 458—A Bill to amend and reenact §5-10D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-10D-14, all relating to the Consolidated Public Retirement Board; setting the rate of interest on delinquent retirement contribution submissions; and prohibiting employer unilateral termination without legislative action.

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

By Senator Rucker:

Senate Bill 459—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-1-34 and §3-2-2 of said code; all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; defining the term "legal resident"; and requiring a state or federal photo identification in order to vote.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 460—A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Grant Transparency and Accountability Act; and clarifying reporting requirements for matching portions of federal grants.

Referred to the Committee on Finance.

By Senator Clements:

Senate Bill 461—A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to West Virginia public employees grievance procedure; clarifying that actions by an agency taken during a declared state of preparedness or emergency are not grievable; requiring a notarized grievance form; providing that a grievance must be filed within the time limits specified or it may be dismissed at level one; authorizing refiling of grievances dismissed without prejudice; extending certain time limits; providing for appeal of dismissed grievances; providing that the grievance evaluator and the administrative law judge must hold all other proceedings in abeyance until a ruling on motion to dismiss; adding grounds for dismissal of grievance; clarifying that

grievances may be consolidated so long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown including agency attorney no longer employed by agency; requiring that grievant representatives must provide the names and work location of employees being represented; requiring that employees must provide the name and contact information of representative; providing that available annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; and clarifying limitation on representation is limited by work requirements and specifying employer discretion in those instances.

Referred to the Committee on the Judiciary.

By Senator Phillips:

Senate Bill 462—A Bill to amend and reenact §17A-6A-8a, §17A-6A-10, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers; clarifying a manufacturer's obligations for warranty and recall reimbursement to a motor vehicle dealer; restricting manufacturer and distributor right of first refusal; identifying and clarifying unlawful and prohibited practices; and clarifying statutory authority of dealer data systems vendor agreements.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 463—A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the validity of a commercial driver's license instruction permit.

Referred to the Committee on Transportation and Infrastructure.

By Senator Barrett:

Senate Bill 464—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-3-7a, relating to authorizing the Commissioner of the West

Virginia Division of Corrections and Rehabilitation to offer locality pay to correctional officers working at certain facilities designated by the commissioner as having critical staffing shortages.

Referred to the Committee on Government Organization.

Senators Rucker and Woodrum offered the following resolution:

Senate Resolution 13—Observing the 90th Anniversary of the Holodomor Ukrainian Genocide of 1932-1933.

Which, under the rules, lies over one day.

Senator Blair (Mr. President) offered the following resolution:

Senate Resolution 14—Designating January 25, 2023, as Aviation Day at the Legislature, and recognizing the contributions of Aviation and Aerospace in West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 12, Commemorating 77th Southern Legislative Conference of Council of State Governments Southern Office.

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

At the request of Senator Takubo, 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 10, Campus Self-Defense Act.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 10 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Maroney, Plymale, and Woelfel—4.

Absent: Boley—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. 10) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Maroney, Plymale, and Woelfel—4.

Absent: Boley—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. 10) 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 207, Relating to state allocation of funding to regional councils.

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, 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)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 207) 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 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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, 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)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 231) passed with its title.

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

The Senate proceeded to the ninth order of business.

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

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 121, Creating Student Journalist Press Freedom Protection Act.

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

Senate Bill 192, Relating to Uniform Real Property Transfer on Death 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 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.

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

Senate Bill 244, Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public.

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

Senate Bill 245, Making rules and regulations promulgated by PSC subject to legislative rule-making review procedures.

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

Senate Bill 246, Revising membership of Broadband Enhancement Council.

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

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

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

ARTICLE 1. BROADBAND ENHANCEMENT COUNCIL.

§31G-1-3. Broadband Enhancement Council; members of council; administrative support.

(a) The Broadband Enhancement Council is hereby continued. The current members, funds, and personnel shall continue in effect and be wholly transferred from the Department of Commerce to the Department of Economic Development, except as may be hereinafter provided. ~~With regard to the terms of the public members appointed under subdivision five, subsection (c) of this section, at the next regular meeting of the council following July 1, 2017, the currently serving public members shall draw by lot for the length of their terms, three members to serve for one additional year, three members to serve for two additional years and the last three members to serve for three additional years, with all public members in future to serve for the duration of the term described below~~

(b) The council is a governmental instrumentality of the state. The exercise by the council of the powers conferred by this article and the carrying out of its purpose and duties are considered and held to be, and are hereby determined to be, essential governmental

functions and for a public purpose. The council shall be situated within the Department of Economic Development for administrative, personnel, and technical support services only.

(c) The council shall consist of 13 voting members, designated as follows:

(1) The Secretary of the Department of Economic Development or his or her designee;

(2) The Chief Information Officer or his or her designee;

(3) The Vice Chancellor for Administration of the Higher Education Policy Commission or his or her designee;

(4) The State Superintendent of Schools or his or her designee;
and

(5) Nine public members that ~~shall~~ may serve no more than three consecutive three-year terms from the date of their appointment and are appointed by and serve at the will and pleasure of the Governor with the advice and consent of the Senate, as follows:

(i) One member representing users of large amounts of broadband services in this state;

(ii) One member from each congressional district representing rural business users in this state;

(iii) One member from each congressional district representing rural residential users in this state;

(iv) ~~One member~~ Two members representing urban business users in this state; and

(v) ~~One member~~ Two members representing urban residential users in this state. ~~and~~

(6) Additionally, the President of the Senate shall name two Senators from the West Virginia Senate, one from each party, and the Speaker of the House shall name two Delegates from the West Virginia House of Delegates, one from each party, each to serve in

the capacity of ex officio, nonvoting advisory members of the council.

(d) A chair and vice chair shall be elected from the members of the council for a term of two years: *Provided*, That a chair or vice-chair may not serve more than two consecutive full or partial terms in that capacity. In the absence of the chair, the vice chair shall serve as chair. The council shall appoint a secretary-treasurer who need not be a member of the council and who, among other tasks or functions designated by the council, shall keep records of its proceedings.

(e) The council may appoint committees or subcommittees to investigate and make recommendations to the full council. Members of these committees or subcommittees need not be members of the council.

(f) Seven voting members of the council constitute a quorum and the affirmative vote of a simple majority of those members present is necessary for any action taken by vote of the council.

(g) The gubernatorial appointed members shall be deemed part-time public officials, and may pursue and engage in another business or occupation or gainful employment. Any person employed by, owning an interest in, or otherwise associated with a broadband deployment project, project sponsor, or project participant may serve as a council member and is not disqualified from serving as a council member because of a conflict of interest prohibited under §6B-2-5 of this code and is not subject to prosecution for violation of that section when the violation is created solely as a result of his or her relationship with the broadband deployment project, project sponsor, or project participant so long as the member recuses himself or herself from board participation regarding the conflicting issue in the manner set forth in §6B-2-5 of this code and the legislative rules promulgated by the West Virginia Ethics Commission.

(h) No member of the council who serves by virtue of his or her office may receive any compensation or reimbursement of expenses for serving as a member. The public members and members of any committees or subcommittees are entitled to be reimbursed for actual and necessary expenses incurred for each day

or portion thereof engaged in the discharge of his or her official duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

(i) No person is subject to antitrust or unfair competition liability based on membership or participation in the council, which provides an essential governmental function and enjoys state action immunity.

The bill (S. B. 246), as amended, was then ordered to engrossment and third reading.

Senate Bill 262, Allowing students to transfer schools and retain athletic eligibility.

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 264, Prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education.

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.

Senate Bill 21, Requiring certain documents that contain wage records be considered confidential.

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

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 Weld.

At the request of Senator Weld, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Hershel Woodrow "Woody" Williams, the last surviving Medal of Honor recipient from World War II.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced the appointment of Senator Takubo to the Committee on Finance.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

January 23, 2023

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

Dear Governor Justice,

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

S. B. 161 - Authorizing DNR to manage and dispose of property.

S. B. 162 - Authorizing director of DNR to lease state-owned pore spaces in certain areas for carbon sequestration.

These bills are presented to you on this day, January 23, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

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 January 23, 2023:

Senate Bill 103: Senator Woodrum;

And,

Senate Bill 252: Senator Stover.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on January 23, 2023:

Senate Bill 5: Senator Azinger;

Senate Bill 188: Senator Nelson;

Senate Bill 209: Senator Oliverio;

Com. Sub. for Senate Bill 274: Senator Oliverio;

Senate Bill 283: Senator Deeds;

Senate Bill 292: Senator Deeds;

Senate Bill 298: Senator Deeds;

Senate Bill 419: Senator Deeds;

Senate Bill 428: Senator Roberts;

Senate Bill 433: Senators Hamilton, Oliverio, Stover, Martin, and Queen;

Senate Bill 434: Senator Clements;

Senate Bill 436: Senator Swope;

Senate Bill 437: Senator Woelfel;

Senate Bill 439: Senator Swope;

Senate Bill 440: Senator Swope;

And,

Senate Bill 442: Senator Martin.

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, Wednesday, January 25, 2023, at 11 a.m.

WEDNESDAY, JANUARY 25, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Mike Harper, North Hills Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Vince S. Deeds, a senator from the tenth district.

Pending the reading of the Journal of Tuesday, January 24, 2023,

At the request of Senator Rucker, 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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2310—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as relating to authorizing the division of motor vehicles to issue an "Antique Fleet" single registration plate for use on fleets of 5 or more antique vehicles; and relating to setting a fee for an "Antique Fleet" plate.

Referred to the Committee on Transportation and Infrastructure.

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 2564—A Bill to repeal §17C-5A-2 of the Code of West Virginia, 1931, as amended; and to repeal §17C-5C-1, §17C-5C-1a, §17C-5C-2, §17C-5C-3, §17C-5C-4, §17C-5C-4a, §17C-5C-4b, and §17C-5C-5 of said code, relating to repeal of administrative hearing procedures for DUI offenses.

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. House Bill 2602—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to adding special teaching assistants Aide V and Aide VI to the class titles of service personnel of the state minimum pay scale and class titles that are set forth in §18A-4-8a of this code.

Referred to the Committee on Education.

Executive Communications

Senator Blair (Mr. President) presented the following resolution from the Honorable Mike Hall, Chairman of the Citizens Legislative Compensation Commission, created by section 33, article VI of the Constitution of West Virginia, which was read by the Clerk:

**Resolution Submitting Recommendations with Respect
to Compensation and Expense Allowances
Adopted January 23, 2023**

Whereas, the Citizens Legislative Compensation Commission met pursuant to the call of its chairperson in Charleston, West Virginia, on January 23, 2023; and,

Whereas, the Citizens Legislative Compensation Commission is charged under the West Virginia Constitution with the responsibility of establishing by resolution submitted to the Legislature its determination of compensation and expense allowances for members of the Legislature;

Now, therefore, be it resolved, by the Citizens Legislative Compensation Commission, at least five of the seven members of the Commission having concurred therein, that the compensation and expense allowances of members of the Legislature are hereby determined as follows:

1. That each member of the Legislature shall receive an amount equal to the per capita income in West Virginia, rounded down to the nearest \$1,000, effective with the legislative session beginning in January, 2025; and
2. That each member of the Legislature shall receive compensation for duty days and interim meeting of \$250 per day, effective with the legislative session beginning in January, 2025; and
3. That each non-commuting member of the Legislature shall receive expense reimbursement of \$200 per day, effective with the legislative session beginning in January, 2025; and
4. That each commuting member of the Legislature shall receive expense reimbursement of \$85 per day; and
5. That each presiding officer, each chairperson of the committees on Finance and Judiciary, and up to six members from each house named by the presiding officer shall be authorized to receive duty day compensation and reimbursement of expenses when such members are not otherwise receiving compensation for regular or extraordinary session or interim meeting, effective with the legislative session beginning in January, 2025; and
6. That each member of the Legislature shall receive interim compensation on all interim days, rather only those interim days on which the member has a scheduled interim meeting, effective with the legislative session beginning in January, 2025; and

Be it further resolved, That the compensation and expense allowances of members of the Legislature not specially addressed in this resolution shall remain the same.

[Signature page follows]

**Resolution Submitting Recommendations with Respect
to Compensation and Expense Allowances
Adopted January 23, 2023**

Witness the following signature of the designated chairman of the Citizens Legislative
Compensation Commission:

Mike Hall

Mike Hall, Chairman

Which resolution was received and referred to the Committee on Finance.

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



Jim Justice
Governor of West Virginia

January 24, 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. One Hundred Sixty-One (161), which was presented to me on January 23, 2023.

Senate Bill No. One Hundred Sixty-Two (162), which was presented to me on January 23, 2023.

You will note that I have approved these bills on January 24, 2023.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 51, Requiring impact statement in certain instances of school closing or consolidation.

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

Com. Sub. for Senate Bill 51 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring, in instances where an impact statement is required, county board of education to give the impact statement substantial weight when making a decision on any proposal to close or consolidate a school; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; setting forth minimum requirements for the rule; and providing that amended provisions do not apply to projects currently in progress or approved by the county board of education.

And,

Senate Bill 282, Creating WV Guardian Program.

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

Com. Sub. for Senate Bill 282 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to safety in public schools; creating the West Virginia Guardian Program; setting out purpose of the program; allowing county school boards to contract for participation in the program; defining terms; setting out the authority of independent contractors

participating in the program; providing for requirements for participation; providing exclusions from participation; setting forth a limitation of liability; providing the exemptions from purchasing requirements; and providing for exclusions from state benefit programs.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Amy N. Grady,
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 80, Modifying witness fee rate paid by state to match federal court system.

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

Com. Sub. for Senate Bill 80 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §59-1-16 of the Code of West Virginia, 1931, as amended, relating to modifying the fee and mileage rate paid to witnesses in the State of West Virginia to match the United States Federal Court system.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 80), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 239, Requiring Commissioner of Human Services to engage certain providers and leaders to study homeless demographic.

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

Com. Sub. for Senate Bill 239 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31 relating to requiring the Commissioner of the Bureau for Behavioral Health to engage behavioral health providers, substance use disorder providers, municipal leaders, and county government leaders to study a breakdown of homeless demographic information throughout West Virginia; reporting the findings of the study to the President of the Senate, Speaker of the House of Delegates, and the Joint Committee on Government and Finance; and providing a date report is due.

And,

Senate Bill 243, Requiring substance use disorder inpatient providers to provide transportation to patients.

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

Com. Sub. for Senate Bill 243 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §16-53-4, relating to requiring substance use disorder inpatient providers to provide transportation to their patients.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,
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 241, Relating to Patient Brokering Act.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 248, Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund.

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

Com. Sub. for Senate Bill 248 (originating in the Committee on Finance)—A Bill to amend and reenact §30-1-10 of the Code of West Virginia, 1931, as amended, relating to when excess funds accumulated by boards are to be transferred to the General Revenue

Fund of the State Treasury; providing for an alternative to the excess funds transfer; and providing for rulemaking.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 251, Displaying official motto of United States in public schools and institutions of higher education.

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

Respectfully submitted,

Amy N. Grady,
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 258, Increasing fair market value of consumer goods and permitting dealer to require security deposit.

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

Com. Sub. for Senate Bill 258 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46B-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46B-3-8 of said code, all relating to the elimination of the

maximum fair market value ceiling on consumer goods subject to the regulation of rent-to-own agreements provided for in this article; and permitting a dealer to require a security deposit for those items.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 270, Adding exemption to permit requirement for cremation.

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

Com. Sub. for Senate Bill 270 (originating in the Committee on Government Organization)—A Bill to amend and reenact §61-12-9 of the Code of West Virginia, 1931, as amended, relating to adding an exemption to the permit requirement for cremation.

And,

Senate Bill 271, Modifying approval process requirements for First Responders Honor Board.

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

Com. Sub. for Senate Bill 271 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-32-2 of the Code of West Virginia, 1931, as amended, relating to modifying the approval process requirements for the First

Responders Honor Board to allow for submission of nominations for consideration by the Legislature during other sessions of the Legislature, not just before first day of next regular legislative session.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
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 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

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

Com. Sub. for Senate Bill 426 (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 §5A-6B-4a, relating to regulating, restricting, or banning high-risk technology platforms, services, applications, programs, or products on government networks, devices, and systems; adding legislative findings related to national security threats and threats to critical state government networks and infrastructure posed by untrustworthy and high-risk platforms, services, applications, programs, or products; authorizing the Chief Information Security Officer to identify high-risk platforms, services, applications, programs, and products and to develop statewide standards regulating their use on government networks, devices, and systems; requiring certain government entities to adopt and enforce those standards; and authorizing the promulgation of legislative and emergency rules to facilitate the purpose of this section.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

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

Senate Bill 439, Establishing design-build program for DEP.

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

Com. Sub. for Senate Bill 439 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-34-1, §22-34-2, §22-34-3, §22-34-4, and §22-34-5, all relating to establishing a design-build program for the Department of Environmental Protection; providing a short title; establishing a design-build pilot program; directing secretary to promulgate procedural rule to implement program; requiring secretary to follow rule implementing design-build program; establishing a process for invitation of bids from prequalified design-builders; providing for acceptance of bid and awarding contract; requiring report to Joint Committee on Government and Finance; and providing for sunset provision.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Randy E. Smith,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Clements, Azinger, Caputo, Chapman, Maroney, Oliverio, Weld, and Woodrum:

Senate Bill 465—A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to increase the maximum amount of money in a county's financial stabilization fund from 30 percent of the county's most recent general fund budget to 50 percent of that fund.

Referred to the Committee on Government Organization.

By Senator Phillips:

Senate Bill 466—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, and §31A-8H-4, all relating generally to prohibiting financial institutions from discriminating against firearms businesses; specifying civil remedies; providing for attorneys fees and costs for a successful action; providing a statute of limitations on civil actions; providing for potential loss of state business to a financial institution found to have violated this article; and providing for an effective date.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 467—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.

Referred to the Committee on Government Organization.

By Senator Hamilton:

Senate Bill 468—A Bill to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating to continuing the Cabwaylingo State Forest Trail System and prohibiting trail systems on other state park managed properties.

Referred to the Committee on Outdoor Recreation.

By Senators Grady and Jeffries:

Senate Bill 469—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to providing funding for Cardiopulmonary Resuscitation Instruction Fund for high school students.

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

By Senator Azinger:

Senate Bill 470—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to making adoption records accessible for medical purposes; authorizing adult adoptees access to certain records, including adoption records and medical history; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; allowing birth parents to request name redaction; providing for a name redacting process; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; providing for the tracking of information and reporting to the Legislative Oversight Commission on Health and Human Resources Accountability; and authorizing the Department of Health and Human Resources to promulgate legislative rules.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 471—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to moving a modification date for federal adjusted gross income from 2023 to 2028.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 472—A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating to creating the

criminal offense of indecent exposure in front of minors; and establishing criminal penalties for this offense.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 473—A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended, relating to the personal income tax by exempting certain irrevocable trusts from the personal income tax.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 474—A Bill to amend and reenact §8-33-4b of the Code of West Virginia, 1931, as amended, relating to require the municipal pensions oversight board to propose legislative rules.

Referred to the Committee on Pensions.

By Senator Nelson:

Senate Bill 475—A Bill to amend and reenact §8-22-23a of the Code of West Virginia, 1931, as amended, relating to examinations for disability pensions.

Referred to the Committee on Pensions.

By Senator Tarr:

Senate Bill 476—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 the number of managed care organizations administered by the Bureau of Medical Services in the Mountain Health Trust be increased and set at four; and requiring that the additional managed care organization to have an established adult and youth reentry plan for persons released from jail or prison.

Referred to the Committee on Health and Human Resources.

Senators Queen and Caputo offered the following resolution:

Senate Concurrent Resolution 5—Requesting the Division of Highways name bridge number 17-050/00-014.25 (17A195), (39.28950,-80.35136), locally known as Adamston Bridge, carrying APD 50 over West Fork River in Harrison County, the "U.S. Navy S1 Paul McCue Bridge".

Which, under the rules, lies over one day.

Senators Jeffries and Hamilton offered the following resolution:

Senate Resolution 15—Designating January 26, 2023, as Hunger-Free West Virginia Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 13, Observing 90th Anniversary of Holodomor Ukrainian Genocide of 1932-1933.

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

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

Senate Resolution 14, Designating January 25, 2023, as Aviation Day at Legislature.

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

At the request of Senator Takubo, 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. Senate Bill 4, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction.

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: Barrett, 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)—32.

The nays were: None.

Absent: Azinger and Boley—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 4) 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 121, Creating Student Journalist Press Freedom Protection Act.

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

On the passage of the bill, the yeas were: Barrett, 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)—32.

The nays were: None.

Absent: Azinger and Boley—2.

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. 121) 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 192, Relating to Uniform Real Property Transfer on Death Act.

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

On the passage of the bill, the yeas were: Barrett, 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)—32.

The nays were: None.

Absent: Azinger and Boley—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 192) 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 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.

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: Barrett, 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)—32.

The nays were: None.

Absent: Azinger and Boley—2.

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. 208) 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 244, Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public.

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: Barrett, 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)—32.

The nays were: None.

Absent: Azinger and Boley—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 244) 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 245, Making rules and regulations promulgated by PSC subject to legislative rule-making review procedures.

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: Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Queen—1.

Absent: Azinger and Boley—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 245) 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 246, Revising membership of Broadband Enhancement Council.

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: Barrett, 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)—32.

The nays were: None.

Absent: Azinger and Boley—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 246) passed.

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

Eng. Senate Bill 246—A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to revising membership of the Broadband Enhancement Council; eliminating obsolete language; increasing number of members of council representing urban business users in state; and increasing number of members of council representing urban residential users in state.

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

Eng. Senate Bill 262, Allowing students to transfer schools and retain athletic eligibility.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 262 pass?"

On the passage of the bill, the yeas were: Barrett, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Hamilton, Queen, Smith, and Woelfel—5.

Absent: Azinger and Boley—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 262) passed.

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

Eng. Senate Bill 262—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to allowing students to transfer

schools and retain their athletic eligibility one time during a student's four years of secondary school; requiring West Virginia Secondary School Activities Commission to modify its rule; authorizing emergency rule; requiring State Board of Education to ensure rule does not require student to undergo one year of athletic ineligibility upon transfer during or after ninth grade; and clarifying effect on multiple transfers for certain reasons.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Weld, Smith, Taylor, and Rucker regarding the passage of Engrossed Senate Bill 262 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 264, Prohibiting persons who have been convicted of certain crimes against minors from holding positions on boards of education.

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

On the passage of the bill, the yeas were: Barrett, 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)—32.

The nays were: None.

Absent: Azinger and Boley—2.

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. 264) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 21, Requiring certain documents that contain wage records be considered confidential.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 202, Increasing appointment term of director for DNR from four to seven years.

Com. Sub. for Senate Bill 254, Changing annual mandatory state vehicle inspections to every two years.

Senate Bill 276, Awarding service weapon of retiring State Fire Marshal.

Senate Bill 283, Relating to Military Incentive Program.

Com. Sub. for Senate Bill 292, Health Care Sharing Ministries Freedom to Share Act.

Com. Sub. for Senate Bill 298, Relating to non-federally declared emergencies and non-states of emergency.

Eng. Com. Sub. for House Bill 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

And,

Eng. House Bill 2533, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

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 Senators Maynard and Rucker.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 24, 2023:

Senate Bill 11: Senator Rucker;

Senate Bill 31: Senators Jeffries and Maynard;

Senate Bill 51: Senators Maynard and Chapman;

Senate Bill 68: Senator Chapman;

Senate Bill 98: Senator Chapman;

Senate Bill 101: Senator Chapman;

Senate Bill 110: Senator Chapman;

Senate Bill 112: Senators Taylor, Hunt, Martin, and Azinger;

Senate Bill 117: Senator Chapman;

Com. Sub. for Senate Bill 236: Senator Queen;

Senate Bill 239: Senators Takubo and Deeds;

Senate Bill 241: Senator Plymale;

Senate Bill 243: Senator Deeds;

Senate Bill 251: Senators Maynard, Trump, Grady, and Stover;

Senate Bill 258: Senator Deeds;

Com. Sub. for Senate Bill 269: Senator Queen;

Senate Bill 275: Senator Phillips;

Senate Bill 276: Senator Phillips;

Senate Bill 282: Senators Deeds and Phillips;

Senate Bill 285: Senator Phillips;

Senate Bill 291: Senator Karnes;

Senate Bill 292: Senator Karnes;

Senate Bill 433: Senator Barrett;

Senate Bill 438: Senators Swope and Chapman;

Senate Bill 439: Senator Nelson;

Senate Bill 447: Senator Deeds;

Senate Bill 449: Senator Deeds;

Senate Bill 454: Senators Woelfel, Caputo, and Queen;

Senate Bill 456: Senators Plymale and Smith;

Senate Bill 459: Senator Smith;

Senate Bill 462: Senators Woelfel and Woodrum;

Senate Bill 463: Senator Plymale;

Senate Bill 464: Senators Deeds, Trump, and Rucker;

Senate Joint Resolution 1: Senator Karnes;

Senate Resolution 13: Senators Woelfel, Plymale, and Hamilton;

And,

Senate Resolution 14: Senators Plymale, Swope, Rucker, Hamilton, and Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:51 a.m., the Senate adjourned until tomorrow, Thursday, January 26, 2023, at 11 a.m.

THURSDAY, JANUARY 26, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Jeff Davenport, First Baptist Church of Hurricane, Hurricane, 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 Wednesday, January 25, 2023,

At the request of Senator Maynard, 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 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 2754—A Bill to amend and reenact §30-5-7 and §30-5-12 of the Code of West Virginia, 1931, as amended, relating to immunizations performed in a pharmacy;

permitting a pharmacy technician to perform an immunization; updating rulemaking authority; and reducing the age of a recipient.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 2757—A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 and §18C-9-4, all relating to expanding institutional eligibility for the West Virginia Invests Grant Program.

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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2776—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

Eng. House Bill 2777—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

Senate Bill 47, Creating Charter Schools Stimulus Fund.

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

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

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,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 47), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 160, Relating to WV Rail Trails Program.

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

Com. Sub. for Senate Bill 160 (originating in the Committee on Outdoor Recreation)—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, §5B-1A-7, §5B-1A-8, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include definitions of "rail with trail", "railroad right-of-way", and "trail"; expanding authority of Division of Multimodal Transportation Facilities to acquire railroad rights-of-way and land for both trail programs; clarifying that a rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 166, Relating to reemployment after retirement by public employees.

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

Com. Sub. for Senate Bill 166 (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to reemployment after retirement by public employees; and increasing the maximum compensation that may be earned by certain retired public employees who accept legislative per diem, temporary full-time, or temporary part-time employment from a participating employer without suspending his or her retirement annuity.

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,

Eric Nelson, Jr.,
Chair.

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

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 188, Creating Grid Stabilization and Security Act of 2023.

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

Com. Sub. for Senate Bill 188 (originating in the Committee on Economic Development)—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, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating to the Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; identifying economically viable sites for natural gas electric generation projects; establishing criteria for identifying economically viable sites; requiring secretary of Department of Economic Development to notify the Department of Environmental Protection and the Public Service Commission of sites designated as economically viable for natural gas electric generation facility; providing for application for a siting certificate to Public Service Commission and final order on application within a certain time period; clarifying that Public Service Commission jurisdiction is not modified; requiring collection of additional data for modeling if necessary; requiring construction and operating permits for natural gas electric generation facilities; providing for expedited consideration of permit application; and requiring administrative review board to hold hearing and issue decision on natural gas electric generation facility permit appeal within a certain period of time.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 222, Creating taskforce to consider options for direct funding of adult education learning centers.

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

Com. Sub. for Senate Bill 222 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to requiring the State Superintendent of Schools to create a taskforce to consider options for direct funding of adult education learning centers; declaring legislative findings; providing for membership and meetings of the taskforce; and establishing deadlines for the taskforce to be created and begin its meetings and for submitting a report of recommendations to the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
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 240, Requiring state board of examination or registration proceedings to be open to public inspection.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 249, Amending Real Estate License Act.

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

Com. Sub. for Senate Bill 249 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-25, and §30-40-26, of the Code of West Virginia, 1931, as amended; and to repeal §30-40-27, all relating to the West Virginia Real Estate License Act; amending definitions; modifying the applicability of the article; requiring certain fees to be deposited into the Treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying qualifications for obtaining broker's license; providing restrictions on the entities that may be issued a salesperson's license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker's license; modifying requirements for license certificates issued by the Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to administer complaints; modifying procedure for judicial review of decisions or final orders of the commission; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 306, Establishing Summer Feeding for All Program.

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

Respectfully submitted,

Amy N. Grady,
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 Bills 335, 336, 337, 338, 339, 340, 341, 342, 343, and 344, Authorizing Governor's Committee on Crime to promulgate legislative rule relating to protocol for law enforcement response to domestic violence.

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

Com. Sub. for Senate Bill 335 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Homeland Security to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature and directing certain agencies of the Department of Homeland Security to amend current

legislative rules; relating to authorizing the Governor's Committee on Crime to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence; relating to authorizing the Division of Emergency Management to promulgate a legislative rule relating to the National Flood Insurance Program; relating to authorizing the Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs; relating to authorizing the Fire Commission to promulgate a legislative rule relating to certification of home inspectors; relating to authorizing the Fire Commission to promulgate a legislative rule relating to volunteer firefighters' training equipment, and operating standards; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of electrical inspectors; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to electrician licensing; relating to authorizing the Fire Marshal to promulgate a legislative rule relating to certification of home inspectors; relating to authorizing the State Police to promulgate a legislative rule relating to West Virginia State Police professional standards investigations, employee rights, early identification system, psychological assessment, and progressive discipline; and relating to directing the State Police to promulgate a legislative rule relating to modified vehicle inspections.

With the recommendation that the committee substitute 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 Bills 356, 357, 358, 359, and 360, Authorizing DMV to promulgate legislative rule relating to administrative due process.

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

Com. Sub. for Senate Bill 356 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 *et seq.* and §64-12-5 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate and repeal legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals, and reinstatement of driving privileges; authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease, and management of real property and appurtenant structures and relocation assistance; authorizing the Division of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads; and authorizing the Department of Transportation, State Rail Authority to repeal a legislative rule relating to organization and meetings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 428, Revising requirements of local school improvement councils.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 443, Directing payment of estate administration fee to State Auditor.

Senate Bill 444, Transferring moneys in WV Future Fund to General Revenue Fund.

And,

Senate Bill 446, Removing methanol and methanol fuel from definition of special fuel.

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

Respectfully submitted,

Eric J. Tarr,
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 Nelson:

Senate Bill 477—A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, all relating to prohibiting municipalities from using the conservation method of financing for their municipal policemen's and firemen's pension and relief funds; and providing that a municipality may convert to either the optional method or optional II method of financing.

Referred to the Committee on Pensions.

By Senator Grady:

Senate Bill 478—A Bill to amend and reenact §11-21-12m and §11-21-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-24-10a of said code, to amend and reenact §18-30-3 of said code; and to amend and reenact §18-30A-3, §18-30A-10, §18-30A-11, and §18-30A-13 of said code, all relating generally to the Jumpstart Savings Program; clarifying that the entire amount of an account distribution used for certain qualified expenses is subject to reducing personal income tax modification; clarifying that the amount of an account distribution is only subject to reducing personal income tax modification to the extent that the amount is not allowable as certain federal deductions; establishing an increasing personal income tax modification for account distributions used for nonqualified expenses and previously applied toward the reducing personal income tax modification for account contributions; defining terms; providing that an employer may not claim a tax credit for matching contributions to an account if the employer is the account owner or account beneficiary; providing that an employer may not claim both the reducing personal income tax modification and the matching credit for an amount contributed to an employee's account; permitting employers to claim matching credit for certain amounts allowable as federal tax deductions; eliminating a definition related to an obsolete account; defining terms; expanding the occupations and professions in which an individual may incur qualified expenses; eliminating the minimum deposit required to open an account and for certain opening incentive deposits; authorizing the board to establish a minimum deposit to open an account or for certain opening incentive deposits; establishing retroactive internal

effective date of January 1, 2023 for certain provisions; and making technical and clarifying corrections to reporting requirements.

Referred to the Committee on Finance.

By Senator Grady:

Senate Bill 479—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; and providing an effective date.

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

By Senators Oliverio, Azinger, Barrett, and Queen:

Senate Bill 480—A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-2a, all relating to modify group accident and sickness insurance requirements.

Referred to the Committee on Banking and Insurance.

By Senators Roberts, Caputo, Jeffries, Nelson, Smith, and Stover:

Senate Bill 481—A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to extending the sunset provision of the Upper Kanawha Valley Resiliency and Revitalization Program.

Referred to the Committee on Economic Development.

By Senator Trump:

Senate Bill 482—A Bill to amend and reenact §50-1-2, §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-1-9c; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-2A-3 and §51-2A-6 of said code, all relating generally to the number, allocation, and terms of office of circuit court judges, family court judges, and magistrates to be elected in the 2024 general election; altering county composition

of circuit courts and family courts; increasing and reducing judges for certain circuit courts; increasing number of family court judges and magistrates; altering county composition of certain circuit and family courts; updating process for Supreme Court of Appeals to undertake magistrate caseload study in 2026 and submit administrative order regarding magistrates; eliminating restrictions regarding maximum number of magistrates and restoring Legislature's ability to reduce magistrates; removing payment of magistrate salaries based on population; relating generally to payment of family court judges, family court staff, magistrate court clerks, magistrate assistants, and additional magistrate staff; permitting Supreme Court of Appeals to authorize additional magistrate assistants; providing for Chief Magistrate or Chief Circuit Judge's management of magistrate assistants; eliminating restriction on number of magistrate court deputy clerks; authorizing Supreme Court of Appeals to create classifications for magistrate and family court support staff support staff and determine proper managing authority for such staff; permitting Supreme Court of Appeals to increase family case coordinators; setting maximum annual salary for magistrate and family court support staff; and providing effective dates.

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

By Senator Barrett:

Senate Bill 483—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to taxation of gambling and lottery winnings; providing those winnings are taxable income; allowing taxpayers to deduct certain losses incurred the same year; and providing for recordkeeping of those losses.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 484—A Bill to amend and reenact §61-14-1 of the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §61-14-2a, relating to human smuggling;

amending and clarifying definitions; and prohibiting the offense of human smuggling.

Referred to the Committee on the Judiciary.

By Senators Trump, Smith, Caputo, Oliverio, Jeffries, Plymale, Rucker, and Woodrum:

Senate Bill 485—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, and §22-11C-3, all relating to identifying and abating health risks of perfluoroalkyl and polyfluoroalkyl substances (PFAS) discharged into source waters used for public drinking water; providing legislative findings; requiring the Department of Environmental Protection to write PFAS action plans to identify and address sources of PFAS for certain public water systems; requiring facilities using certain PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring necessary the Department of Environmental Protection to implement permit modifications and legislative rulemaking to effectuate the provisions herein.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 5, US Navy S1 Paul McCue 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 15, Designating January 26, 2023, as Hunger-Free WV 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.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Boley and Jeffries—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 15) adopted.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 21, Requiring certain documents that contain wage records be considered confidential.

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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo and Woelfel—2.

Absent: Boley and Jeffries—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 21) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 202, Increasing terms of Natural Resources Commission members from four to seven years.

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 254, Relating generally to mandatory state inspection of certain motor vehicles.

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

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

On page 8, section 3a, after line 50, by adding the following:

(g) Upon proper application pursuant to subsection (f) of this section, the commissioner shall approve an alternative registration insignia for an antique military vehicle that is compatible with the vehicle's original markings, including, but not limited to, the display of the vehicle's unique military identification number not to exceed eight characters on the bumper of the vehicle: *Provided*, That nothing in this section exempts the operator of an antique military vehicle from the requirements set forth in §17A-3-13 of this code. Pursuant to this subsection, an antique military vehicle is exempt from the requirement to display a registration plate if the exemption is necessary to maintain the vehicle's accurate military marking.

The bill (Com. Sub. for S. B. 254), as amended, was then ordered to engrossment and third reading.

Senate Bill 276, Awarding service weapon of retiring State Fire Marshal.

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

Senate Bill 283, Relating to Military Incentive Program.

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 292, Health Care Sharing Ministries Freedom to Share 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 298, Relating to non-federally declared emergencies and non-states of emergency.

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

Eng. Com. Sub. for House Bill 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

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

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

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

ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.

§17A-6-15. Temporary registration plates or markers.

(a) In order to permit a vehicle which is sold to a purchaser by a dealer to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to purchasers of vehicles, but such purchasers must comply with the pertinent provisions of this section.

(b) Application by a dealer to the commissioner for temporary registration plates or markers shall be made on the form and in the manner prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. The commissioner may require the fee to be remitted to the division in an electronic format. No refund or credit of fees paid by dealers to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, dealers returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof. No temporary registration plates or markers shall be delivered by the commissioner to any dealer in house trailers only, and no such temporary plates or markers shall be issued for or used on any house trailer for any purpose.

(c) Every dealer who has made application for and received temporary registration plates or markers shall maintain in a manner prescribed by the commissioner, a record of all temporary registration plates or markers issued by him or her, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Every dealer who issues a temporary registration plate or marker shall notify the division in the manner prescribed by the commissioner. No temporary registration plates or markers may be delivered to any dealer until such dealer has fully accounted to the commissioner for the temporary registration plates or markers last

delivered to such dealer, by showing the number issued to purchasers by such dealer and any on hand.

(d) A dealer may not issue, assign, transfer or deliver a temporary registration plate or marker to anyone other than the bona fide purchaser of the vehicle to be registered; nor may a dealer issue a temporary registration plate or marker to anyone ~~possessed~~ of possessing an annual registration plate for a vehicle which has been sold or exchanged, except a dealer may issue a temporary registration plate or marker to the bona fide purchaser of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code; nor may a dealer lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker. It is unlawful for any dealer to issue any temporary registration plate or marker knowingly containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.

(e) Every dealer who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker in the manner prescribed by the commissioner, the date of issuance and expiration thereof, and the make and motor or serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a dealer, he or she may suspend the right of such dealer to issue temporary registration plates or markers.

(g) Every person to whom a temporary registration plate or marker has been issued shall permanently destroy such temporary registration plate or marker immediately upon receiving the annual registration plate for such vehicle from the division: *Provided*, That if the annual registration plate is not received within ~~sixty~~ 90 days of the issuance of the temporary registration plate or marker, the owner shall, notwithstanding the fact that the annual registration plate has not been received, immediately and permanently destroy

the temporary registration plate or marker: *Provided, however,* That not more than one temporary registration plate or marker shall be issued to the same bona fide purchaser for the same vehicle.

(h) A temporary registration plate or marker shall expire and become void upon the receipt of the annual registration plate from the division or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon whichever event shall first occur.

(i) For the purpose of this section, the term "dealer" includes a wrecker/dismantler/rebuilder and, in the context of issuing temporary registration plates, any other business licensed by the division in accordance with the provisions of this chapter and authorized to issue temporary registration plates or markers.

(j) The commissioner may require participation in an electronic temporary plate issuance system by all dealers as a precondition for authority for a dealer to issue temporary license plates or markers.

ARTICLE 6B. LICENSE SERVICES.

§17A-6B-10. Temporary registration plates or markers.

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate from the division for such vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to persons engaged in license service businesses who in turn may, subject to the limitations and conditions hereinafter set forth, issue the same to applicants for title and registration of vehicles, but such applicants must comply with the pertinent provisions of this section.

(b) Application by a license service business to the commissioner for such temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary registration plate or marker. No

refund or credit of fees paid by license services to the commissioner for temporary registration plates or markers shall be allowed, except that in the event the commissioner discontinues the issuance of such temporary plates or markers, license services returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit thereof.

(c) Every license service who has made application for and received temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued, and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each such record shall be kept for a period of at least three years from the date of the making thereof.

Every licensee who issues a temporary registration plate or marker shall, within five working days after the issuance of such plate or marker, send to the division a copy of the temporary registration plate or marker certificate properly executed by the license service and the purchaser.

No temporary registration plates or markers may be delivered to any license service until such license service has fully accounted to the commissioner for the temporary registration plates or markers last delivered to such license service, by showing the number issued to purchasers by such license service and any on hand.

(d) A license service shall not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or marker shall be issued to the same bona fide applicant for the same vehicle. A license service shall not issue a temporary registration plate or marker to anyone ~~possessed of~~ possessing an annual registration plate for a vehicle which has been sold or exchanged,

except a license service may issue a temporary registration plate or marker to the bona fide applicant of a vehicle to be registered who possesses an annual registration plate of a different class and makes application to the division to exchange such annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. A license service shall not lend to anyone, or use on any vehicle which he or she may own, a temporary registration plate or marker.

It is unlawful for any license service to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

No license service shall issue, assign, or deliver a temporary registration plate or marker to anyone unless and until the license service has physical possession of the application and appropriate fees and taxes of the vehicle to be titled and registered. Such application, fees, and taxes shall be postmarked to the issuing agency or submitted to the Division of Motor Vehicles within 48 hours after issuance of the temporary plate or marker.

(e) Every license service who issues temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration thereof, and the make, model, and serial number of the vehicle for which issued.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by a license service, he or she may suspend the right of such license service to issue temporary registration plates or markers.

(g) A temporary registration plate or marker shall expire upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon which event occurs first.

(h) A license service may charge a fee not to exceed \$5 for issuing a temporary registration plate or marker.

ARTICLE 6C. AUTOMOBILE AUCTION BUSINESSES.

§17A-6C-11. Temporary registration plates or markers.

(a) In order to permit a vehicle which is to be titled and registered to be operated on the streets and highways pending receipt of the annual registration plate, the commissioner may, subject to the following limitations, deliver temporary vehicle registration plates or markers to persons engaged in the automobile auction business for issuance to applicants for title and registration of vehicles.

(b) An application by an automobile auction business to the commissioner for temporary registration plates or markers shall be made on the form prescribed and furnished by the commissioner and shall be accompanied by a fee of \$3 for each temporary registration plate or marker. No refund or credit of fees paid by automobile auction businesses to the commissioner for temporary registration plates or markers is allowed, except in the event the commissioner discontinues the issuance of temporary plates or markers. Automobile auction businesses returning temporary registration plates or markers to the commissioner may petition for and be entitled to a refund or a credit.

(c) Every automobile auction business applying for and receiving temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to the licensee, a record of all temporary registration plates or markers issued and a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers which the commissioner may require. Each record shall be kept for a period of at least three years from the date issued. Every automobile auction business issuing a temporary registration plate or marker shall send to the division a copy of the temporary registration plate or marker certificate properly executed by the automobile auction business and the purchaser within five working days after the issuance of the plate

or marker. No temporary registration plates or markers may be delivered to any automobile auction business until the business has fully accounted to the commissioner for the temporary registration plates or markers last delivered by showing the number issued to purchasers and the number remaining to be issued.

(d) An automobile auction business may not issue, assign, or deliver a temporary registration plate or marker to anyone other than the bona fide applicant for title and registration of the vehicle to be registered. Not more than one temporary registration plate or marker may be issued to the same bona fide applicant for the same vehicle. An automobile auction business may not issue a temporary registration or marker to anyone possessing an annual registration plate for a vehicle which has been sold or exchanged, except an automobile auction business may issue a temporary registration plate or marker to the bona fide applicant who possesses an annual registration plate of a different class and it may make application to the division to exchange the annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this code. An automobile auction business may not lend to anyone or use on any vehicle which it may own, a temporary registration plate or marker. It is unlawful for any automobile auction business to issue any temporary registration plate or marker which contains a misstatement of fact or false information.

(e) Every automobile auction business issuing temporary registration plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance, the date of expiration and the make, model, and serial number of the vehicle.

(f) If the commissioner finds that the provisions of this section or his or her directions are not being complied with by an automobile auction business, the commissioner may suspend the right of the automobile auction business to issue temporary registration plates or markers.

(g) A temporary registration plate or marker expires upon the receipt of the annual registration plate from the division, or upon the rescission of the contract to purchase the vehicle in question, or

upon the expiration of ~~sixty~~ 90 days from the date of issuance, whichever event occurs first.

The bill (Eng. Com. Sub. for H. B. 2530), as amended, was then ordered to third reading.

Eng. House Bill 2533, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

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

On motion of Senator Clements, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 3, section 6, line 64, after the word "height" by inserting the words "for a temporary placard";

On page 5, section 6, line 118, after the word "apply" by inserting the word "for";

And,

On page 6, section 6, lines 123 and 124, by striking out the words "and permanent removable windshield placards".

The bill (Eng. H. B. 2533), as amended, was then ordered to 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 Senate Bill 51, Requiring impact statement in certain instances of school closing or consolidation.

Com. Sub. for Senate Bill 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic.

Senate Bill 241, Relating to Patient Brokering Act.

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

Com. Sub. for Senate Bill 248, Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund.

Senate Bill 251, Displaying official motto of United States in public schools and institutions of higher education.

Com. Sub. for Senate Bill 258, Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit.

Com. Sub. for Senate Bill 270, Adding exemption to permit requirement for cremation.

Com. Sub. for Senate Bill 271, Modifying approval process requirements for First Responders Honor Board.

Com. Sub. for Senate Bill 282, Creating WV Guardian Program.

Com. Sub. for Senate Bill 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

And,

Com. Sub. for Senate Bill 439, Establishing design-build program for DEP.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Caputo and Oliverio.

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

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on January 25, 2023:

Senate Bill 46: Senator Deeds;

Senate Bill 52: Senator Taylor;

Com. Sub. for Senate Bill 53: Senator Taylor;

Senate Bill 160: Senators Deeds and Taylor;

Senate Bill 166: Senator Barrett;

Senate Bill 168: Senator Chapman;

Com. Sub. for Senate Bill 209: Senator Chapman;

Senate Bill 210: Senator Chapman;

Com. Sub. for Senate Bill 233: Senator Chapman;

Senate Bill 290: Senators Clements and Barrett;

Senate Bill 433: Senator Chapman;

Senate Bill 441: Senator Chapman;

Senate Bill 447: Senator Chapman;

Senate Bill 454: Senator Taylor;

Senate Bill 462: Senator Barrett;

Senate Bill 465: Senators Deeds and Plymale;

Senate Bill 466: Senators Smith and Barrett;

Senate Bill 467: Senator Deeds;

Senate Bill 468: Senators Maynard, Stover, Caputo, and Plymale;

Senate Bill 469: Senators Deeds, Queen, Caputo, Takubo, Tarr, Woelfel, and Nelson;

Senate Bill 472: Senators Grady, Deeds, Rucker, Woelfel, Phillips, and Tarr;

Senate Bill 473: Senators Rucker and Woodrum;

Senate Bill 474: Senator Plymale;

Senate Bill 475: Senator Plymale;

And,

Senate Resolution 15: Senators Swope, Caputo, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:32 a.m., the Senate adjourned until tomorrow, Friday, January 27, 2023, at 9 a.m.

FRIDAY, JANUARY 27, 2023

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Vince S. Deeds, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Thursday, January 26, 2023,

At the request of Senator Chapman, 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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2113—A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction.

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. House Bill 2531—A Bill to amend and reenact §17-4-8, of the Code of West Virginia, 1931, as amended; relating to use of state road for rail crossing; requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company.

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

The Senate proceeded to the fourth order of business.

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 273, 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 Senate Bill 273 (originating in the Committee on Health and Human Resources)—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 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 do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 273), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting.

And,

Eng. House Bill 2029, Repealing the creation of an all-payor claims database.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

The following bills and joint resolution were introduced and read by their titles:

By Senators Woodrum and Trump:

Senate Bill 486—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §56-13-1, §56-13-2, §56-13-3, §56-13-4, §56-13-5, §56-13-6, §56-13-7, §56-13-8, §56-13-9, §56-13-10, §56-13-11, §56-13-12, §56-13-13, §56-13-14, §56-13-15, §56-13-16, §56-13-17, §56-13-18, §56-

13-19, §56-13-20, §56-13-21, §56-13-22, §56-13-23, and §56-13-24, all relating to adopting the Uniform Collaborative Law Act; setting forth short title; defining terms; clarifying applicability; setting forth requirements for a collaborative law participation agreement; defining the beginning and concluding of the "collaborative law process"; providing for stay of pending proceedings; providing guidance for emergency protective orders; providing for approval of agreement by tribunal; disqualification of collaborative lawyer and lawyers in associated law firm; setting forth standards concerning low-income parties; setting forth standards concerning a governmental entity as party; setting forth standards concerning disclosure of information; providing that standards of professional responsibility and mandatory reporting not affected; defining the appropriateness of collaborative law process; providing special standards concerning a coercive or violent relationship; providing for the confidentiality of collaborative law communication; enumerating a privilege against disclosure for collaborative law communication and for its admissibility and discovery of the same; providing for a waiver and preclusion of this privilege; defining the limits of this privilege; setting the authority of a tribunal in case of noncompliance; providing for uniformity of application and construction; establishing relation to the Electronic Signatures in Global and National Commerce Act; and setting effective date.

Referred to the Committee on the Judiciary.

By Senators Weld and Chapman:

Senate Bill 487—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to extending the additional modification reducing federal adjusted gross income.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 488—A Bill to amend and reenact §18B-4-7 of the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §18B-4-7a, relating to aligning state and federal accreditation rules.

Referred to the Committee on Education.

By Senator Grady:

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

Referred to the Committee on Education.

By Senators Deeds, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Phillips, Stuart, Trump, Weld, and Woodrum:

Senate Bill 490—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 law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel engaged in their official duties and thereby proximately causing the death of the person acting in his or her official capacity; and establishing the penalty therefor.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 491—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to the Hope Scholarship Program.

Referred to the Committee on the Judiciary.

By Senators Chapman, Azinger, Deeds, Grady, Hamilton, Hunt, Maynard, Phillips, Rucker, Smith, Stuart, Tarr, Taylor, and Woodrum:

Senate Bill 492—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to requiring

legislators and staff who hold a current concealed carry permit to register with the Capitol Police an intent to carry concealed firearms within the Capitol buildings.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 493—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks.

Referred to the Committee on Military.

By Senators Caputo, Hamilton, and Stover:

Senate Bill 494—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculation of benefits; tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposal of rules by the Insurance Commissioner and Tax Commissioner.

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

By Senators Trump, Caputo, and Takubo:

Senate Bill 495—A Bill to amend and reenact §15A-4-8a of the Code of West Virginia, 1931, as amended, relating generally to correctional institutions and juvenile facilities; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court orders

directly disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Trump and Weld:

Senate Bill 496—A Bill to amend and reenact §11-21-3 and §11-21-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-21-3a, all relating to levying a tax on pass-through entity's income apportioned to West Virginia for pass-through entities that elect to pay West Virginia income tax at the entity level; and authorizing a refundable income tax credit for an owner for such tax paid.

Referred to the Committee on Finance.

By Senators Trump, Caputo, Chapman, Takubo, and Weld:

Senate Bill 497—A Bill to amend and reenact §36-1A-1, §36-1A-2, §36-1A-5, §36-1A-6, and §36-1A-7 of the Code of West Virginia, 1931, as amended, all relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for trusts.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Azinger, Caputo, Grady, Karnes, Phillips, Rucker, Smith, Stover, Takubo, Woelfel, Woodrum, Deeds, Maynard, and Chapman:

Senate Bill 498—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-29-1; to amend and reenact §52-1-11 and §52-1-17 of said code; and to amend said code by adding thereto a new section, designated §52-1-27, all relating to jury service; providing a tax creditor to eligible taxpayers for wages paid to any employee during the first five days of such employee's jury service; providing the amount and applicability of the tax credit; and providing for treatment of unused tax credit; clarifying that a potential juror may be excused from jury service upon a showing of undue physical or

financial hardship; defining undue physical or financial hardship; eliminating extreme inconvenience as a reason that a potential juror may be excused from jury service; clarifying that absence from place of employment may not excuse a potential juror from jury service; authorizing courts to grant postponement of jury service and establishing requirements therefor; authorizing courts to grant a second or subsequent postponement of jury service in extreme emergencies and establishing requirements therefor; establishing \$80 per day juror compensation and providing an internal effective date therefor; authorizing courts to offer post-trial psychological counseling to jurors and alternates in trials of certain criminal offenses; establishing requirements and options for juror counseling; creating the Juror Counseling Fund as a special revenue account to be maintained by the Supreme Court of Appeals and establishing requirements therefor; and clarifying that funding of or legislative appropriation to the Juror Counseling Fund is not mandatory.

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

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

Senate Bill 499—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023, in the amount of \$30,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

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

Senate Bill 500—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023, in the amount of \$21,550,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Referred to the Committee on Finance.

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

Senate Bill 501—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2023, organization 0221, 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 502—A Bill supplementing and amending chapter 11, Acts of the Legislature, regular session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023, by increasing and decreasing items of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 503—A Bill supplementing and amending chapter 11, Acts of the Legislature, regular session, 2022, known as the budget bill, as amended, in Title II, from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2023, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023, by adding new language.

Referred to the Committee on Finance.

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

Senate Bill 504—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, Consolidated Medical Services Fund, fund 0525, 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 505—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Office of the Secretary, fund 0186, fiscal year 2023, organization 0201, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 506—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 State Board of Education – State Department of Education, fund 0313, 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 507—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 Homeland Security, Division of Administrative Services, fund 0546, fiscal year 2023, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

By Senators Azinger, Trump, and Weld:

Senate Bill 508—A Bill to amend and reenact §6B-3-5 of the Code of West Virginia, 1931, as amended, relating grass roots lobbying campaigns; modifying reporting thresholds for grass roots lobbying campaigns; and clarifying the disclosure of contributions made for the purpose of furthering grass roots lobbying campaigns.

Referred to the Committee on the Judiciary.

By Senators Rucker, Chapman, and Grady:

Senate Bill 509—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention; specifying the time frame in which they must be provided; and defining a term.

Referred to the Committee on Government Organization.

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

Senate Bill 510—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 State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, unanimous consent being granted, 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.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Maroney, and Weld—3.

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

Engrossed Senate Bill 510 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 510 pass?"

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

The nays were: None.

Absent: Boley, Maroney, and Weld—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 510) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley, Maroney, and Weld—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 510) takes effect from passage.

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

By Senators Grady, Barrett, Chapman, Deeds, Hunt, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, and Tarr:

Senate Joint Resolution 9—Proposing an amendment to the Constitution of the State of West Virginia, article III thereof, by adding thereto a new section, designated 3-23, relating to ensuring the right of a person to refuse any medical procedure, treatment, injection, device, vaccine, or prophylactic to not be questioned or interfered with in any manner; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Smith offered the following resolution:

Senate Resolution 16—Designating January 30, 2023, as Future Farmers of America Day at the Legislature.

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

Senate Resolution 17—Congratulating Kevin Gregory of Braxton County, West Virginia, as West Virginia's Outstanding Tree Farmer for 2022.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 202, Increasing terms of Natural Resources Commission members from four to seven years.

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 202 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Stover, Stuart, Swope, Takubo, Trump, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Roberts, Rucker, Smith, and Taylor—4.

Absent: Boley, Maroney, Tarr, and Weld—4.

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. 202) 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 254, Relating generally to mandatory state inspection of certain motor vehicles.

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 254 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woodrum, and Blair (Mr. President)—23.

The nays were: Caputo, Oliverio, Phillips, Plymale, and Woelfel—5.

Absent: Boley, Grady, Jeffries, Maroney, Tarr, and Weld—6.

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. 254) passed.

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

Eng. Com. Sub. for Senate Bill 254—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to changing the interval of annual mandatory inspections of motor vehicles, trailers, semitrailers, pole trailers, antique motor vehicles, and motorcycles to inspections every two years; doubling the charge for inspection stickers; and increasing the maximum fee for an inspection to \$19 to account for inflation.

Senator Takubo moved that the bill take effect January 1, 2024.

On this question, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard,

Nelson, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woodrum, and Blair (Mr. President)—23.

The nays were: Caputo, Oliverio, Phillips, Plymale, and Woelfel—5.

Absent: Boley, Grady, Jeffries, Maroney, Tarr, and Weld—6.

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. 254) takes effect January 1, 2024.

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

Eng. Senate Bill 276, Awarding service weapon of retiring State Fire Marshal.

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, Caputo, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—27.

The nays were: None.

Absent: Boley, Chapman, Grady, Jeffries, Maroney, Tarr, and Weld—7.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 276) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker,

Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—27.

The nays were: None.

Absent: Boley, Chapman, Grady, Jeffries, Maroney, Tarr, and Weld—7.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 276) 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 283, Relating to Military Incentive Program.

On third 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.

Eng. Com. Sub. for Senate Bill 292, Health Care Sharing Ministries Freedom to Share Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo—1.

Absent: Boley, Grady, Jeffries, Maroney, Tarr, and Weld—6.

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. 292) 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 298, Relating to non-federally declared emergencies and non-states of emergency.

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, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: None.

Absent: Boley, Grady, Jeffries, Maroney, Tarr, and Weld—6.

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. 298) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: None.

Absent: Boley, Grady, Jeffries, Maroney, Tarr, and Weld—6.

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. 298) 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 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

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, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: None.

Absent: Boley, Grady, Jeffries, Maroney, Tarr, and Weld—6.

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. 2530) passed with its title.

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

Eng. House Bill 2533, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

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, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: None.

Absent: Boley, Grady, Jeffries, Maroney, Tarr, and Weld—6.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2533) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 51, Requiring impact statement in certain instances of school closing or consolidation.

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 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic.

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

Senate Bill 241, Relating to Patient Brokering 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 243, Requiring substance use disorder inpatient providers to provide transportation to patients.

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 248, Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund.

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

Senate Bill 251, Displaying official motto of United States in public schools and institutions of 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 258, Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit.

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 270, Adding exemption to permit requirement for cremation.

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 271, Modifying approval process requirements for First Responders Honor Board.

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 282, Creating WV Guardian Program.

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 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

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 439, Establishing design-build program for DEP.

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 Senate Bill 160, WV Rail Trails Program.

Com. Sub. for Senate Bill 166, WV Public Employees Retirement Act.

Com. Sub. for Senate Bill 188, Grid Stabilization and Security Act of 2023.

Com. Sub. for Senate Bill 222, Creating adult education taskforce.

Senate Bill 240, Requiring state board of examination or registration proceedings to be open to public inspection.

Com. Sub. for Senate Bill 249, WV Real Estate License Act.

Senate Bill 306, Establishing Summer Feeding for All Program.

Com. Sub. for Senate Bill 335, Authorizing Department of Homeland Security to promulgate legislative rules.

Com. Sub. for Senate Bill 356, Authorizing DOT to promulgate legislative rules.

Senate Bill 428, Revising requirements of local school improvement councils.

Senate Bill 443, Directing payment of estate administration fee to State Auditor.

Senate Bill 444, Transferring moneys in WV Future Fund to General Revenue Fund.

And,

Senate Bill 446, Removing methanol and methanol fuel from definition of special fuel.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Weld, Maroney, and Boley.

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 resolution on January 26, 2023:

Senate Bill 52: Senator Woodrum;

Senate Bill 101: Senator Taylor;

Senate Bill 107: Senator Takubo;

Senate Bill 110: Senator Taylor;

Senate Bill 125: Senator Taylor;

Senate Bill 153: Senator Taylor;

Senate Bill 155: Senator Taylor;

Senate Bill 199: Senator Phillips;

Senate Bill 235: Senator Hamilton;

Senate Bill 273: Senators Plymale and Rucker;

Senate Bill 306: Senator Deeds;

Senate Bill 428: Senator Plymale;

Senate Bill 448: Senators Clements and Woodrum;

Senate Bill 464: Senator Clements;

Senate Bill 469: Senators Woodrum and Oliverio;

Senate Bill 472: Senator Woodrum;

Senate Bill 477: Senator Plymale;

Senate Bill 478: Senator Plymale;

Senate Bill 479: Senators Plymale, Deeds, and Woelfel;

Senate Bill 481: Senator Woodrum;

Senate Bill 482: Senator Woodrum;

Senate Bill 484: Senators Deeds, Barrett, and Woodrum;

Senate Bill 485: Senators Barrett, Queen, Woelfel, and Chapman;

And,

Senate Joint Resolution 3: Senator Taylor.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 9:38 a.m., the Senate adjourned until Monday, January 30, 2023, at 11 a.m.

MONDAY, JANUARY 30, 2023

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Ryan W. Weld, a senator from the first district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ben Queen, a senator from the twelfth district.

Pending the reading of the Journal of Friday, January 27, 2023,

At the request of Senator Stover, 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, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 143, Relating to Adopt-A-Stream Program.

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:

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

**ARTICLE 15A. THE A. JAMES MANCHIN
REHABILITATION ENVIRONMENTAL ACTION
PLAN.**

§22-15A-3a. Creation of Adopt-A-Stream Program required.

(a) The Adopt-A-Highway Program was established in the late 1980s to improve the quality of the state's environment by encouraging public involvement in the elimination of highway litter. That program is cosponsored by the Division of Highways and the Department of Environmental Protection, Rehabilitation Environmental Action Plan. Its objective is to save taxpayer money by increasing public awareness and to serve as an educational tool by focusing on the consequences of littering. The program offers volunteers the opportunity to take charge of their own environment

by making a positive effort to create a cleaner, more aesthetic place in which to live.

In West Virginia there are currently 25,000 volunteers who regularly pick up litter on 4,000 miles of highway. They have been responsible for removing more than 40 million pounds of litter since the program began.

(b) As with the Adopt-A-Highway Program, individuals, families, churches, businesses, schools, civic organizations, government agencies, scouting groups, fraternities, and communities may participate in an Adopt-A-Stream Program, which the department shall create and implement. ~~Anyone who is at least 12 years old may participate~~ Participants 17 years of age or younger must be accompanied by an adult. Any stream or river ~~that is a part of the West Virginia Stream Partners Program~~ within the state of West Virginia is eligible for adoption, with the exception of streams or rivers ~~considered~~ determined to be unsafe by the department. ~~Volunteers may select a stream or river to adopt and then have it approved by the department, or they may ask the department to suggest an adoptable stream or river~~ Adopted streams or river sections must be at least one mile long. Applications for adoptions will be reviewed and approved or denied at the department's discretion. The Litter Control Fund, ~~or other sources of funding deemed appropriate by the secretary,~~ may be used to support the Adopt-A-Stream Program.

(c) Adoptions are for a period of ~~one year~~ three years, during which time at least one cleanup is required per year. ~~As volunteers pick up litter, bags that have been filled are placed on stream sides~~ Collected litter will be placed at designated locations approved by the department. The department may coordinate with volunteers, local authorities, and state agencies for removal and disposal ~~by the program of collected litter.~~ Garbage bags, ~~safety vests,~~ safety training, ~~traffic warning signs,~~ and gloves are to be furnished by the program.

(d) Adopted streams or rivers may be identified by a sign at ~~each end of the~~ a location along the adopted section bearing the Adopt-A-Stream logo and the name of the adopter after the first

cleanup has been completed. Volunteers who complete one required litter pickup within the ~~one-year~~ first year of the three-year contract period shall be awarded a certificate of accomplishment signed by the secretary.

(e) Any stream obstruction or other cause for concern observed by volunteers may be reported to the Department of Environmental Protection, Division of Natural Resources, the State Conservation Committee, or the appropriate local county emergency manager.

~~(e)~~ (f) The secretary may propose legislative rules for legislative approval in accordance with the provisions of ~~pursuant~~ to §29A-3-1 et seq. of this code.

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

Engrossed Senate Bill 143, 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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 143) passed with its 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, without amendment, to take

effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Senate Bill 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of ninety days from passage.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Hamilton and Plymale—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 231) takes effect from passage.

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 2221—A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to bankruptcy; correcting an erroneous term; excluding life

insurance proceeds paid to the debtor as a beneficiary; excluding any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary; creating certain limitations thereto; and excluding any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value, from attachment by creditors in a bankruptcy proceeding.

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. House Bill 2597—A Bill to amend and reenact §18A-3C-2 of the Code of West Virginia, 1931, as amended, relating to performance evaluations of professional educational personnel; requiring that performance evaluations provide an explanation and data in support of any measure or criterion in which the employee is rated less than accomplished.

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 2800—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Performance-Based Funding Formula, Capital Project Management, Tuition and Fee Policy, Higher Education Grant Program, Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration; and authorizing legislative rules for the Council for Community and Technical College Education regarding Performance-Based Funding Formula, Capital Project Management, Workforce Development Initiative Grant Programs,

Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration.

Referred to the Committee on Education.

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 Woodrum:

Senate Bill 511—A Bill to amend and reenact §17A-3-17 of the Code of West Virginia, 1931, as amended, relating to ensuring the \$1 service fee for the renewal of vehicle registration is dedicated to the county sheriff for contribution to the county general fund and the deputy sheriff's retirement system.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 512—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to state boards of examination or registration; providing that continuing education credits shall be valid for three years; and providing that boards may choose to extend the amount of time credits may be valid, up to an additional three years.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 513—A Bill to amend and reenact §11-16-6a of the Code of West Virginia, 1931, as amended, relating to brewer and resident brewer licenses; providing that a licensed brewer or resident brewer may not produce more than 50,000 barrels per calendar year at a brewer or resident brewer's principle place of business and manufacture; clarifying that a licensed brewer or resident brewer may have multiple locations; and providing that licensed brewers and resident brewers may enter into contract brewing services agreements with another licensed brewer or resident brewer for purposes of sharing equipment or facilities as

part of the manufacture of nonintoxicating beer or nonintoxicating craft beer.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 514—A Bill to amend and reenact §31D-14-1421 of the Code of West Virginia, 1931, as amended, relating to clarifying the procedure for administrative dissolution of corporations by the Secretary of State; and relating to the Secretary of State providing notice to corporations subject to administrative dissolution.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 515—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to clarifying the deadline to file an annual report for corporations, limited partnerships, domestic limited liability partnerships, and foreign limited liability companies engaged or authorized to do business in West Virginia.

Referred to the Committee on the Judiciary.

By Senators Azinger, Trump, and Weld:

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

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 517—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, and §30-3G-6, all relating to creating the Medical Ethics Defense Act to protect

medical practitioners, healthcare institutions, and healthcare payers from discrimination, punishment, or retaliation as a result of any instance of conscientious medical objection; providing short title; providing for definitions, legislative findings, and purpose; providing for rights of conscience of medical practitioners, healthcare Institutions, and healthcare payers; providing whistleblower protection; and setting forth civil remedies.

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

By Senator Rucker:

Senate Bill 518—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-4, relating to establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

Referred to the Committee on Education.

By Senators Grady, Rucker, Tarr, Trump, and Woodrum:

Senate Bill 519—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18A-8-1, §18A-8-2, §18A-8-3, §18A-8-4, §18A-8-5, §18A-8-6, §18A-8-7, and §18A-8-8, all relating to the creation of the School Personnel Whistle-Blower Law; providing for a short title; providing for definitions; clarifying that discriminatory and retaliatory actions against whistle-blowers prohibited; providing for promotion, and setting forth the increased compensation protected; defining a civil action by whistle-blower for violation; providing for a limitation on actions; setting forth a burden of proof; providing for a defense; setting forth a grievance action available; providing that other rights and actions are not limited; providing redress for a whistle-blower; setting forth a civil penalty; clarifying a termination from public service; setting forth limitations on scope of construction; clarifying protections related to political activity and membership in organization of employee;

and setting forth notice to employees of protection of whistleblowers.

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

Senators Oliverio, Caputo, Maroney, Clements, Smith, and Taylor offered the following resolution:

Senate Resolution 18—Designating January 31, 2023, as West Virginia University Day at the Legislature.

Which, under the rules, lies over one day.

Senators Takubo and Stover offered the following resolution:

Senate Resolution 19—Designating January 31, 2023, as West Virginia Academy of Family Physicians' Day at the Legislature.

Which, under the rules, lies over one day.

Senators Rucker and Barrett offered the following resolution:

Senate Resolution 20—Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County, West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 16, Designating January 30, 2023, as Future Farmers of America Day at Legislature.

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

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

Senate Resolution 17, Congratulating Kevin Gregory as WV Outstanding Tree Farmer of 2022.

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

At the request of Senator Karnes, 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 51, Requiring impact statement in certain instances of school closing or consolidation.

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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 51) 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 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic.

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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 239) 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 241, Relating to Patient Brokering Act.

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

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

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 241) 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 243, Requiring substance use disorder inpatient providers to provide transportation to patients.

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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 243) 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 248, Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund.

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

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

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 248) 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 251, Displaying official motto of United States in public schools and institutions of higher education.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 251 pass?"

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

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 251) passed with its title.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Azinger as to the passage of Engrossed Senate Bill 251 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 258, Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit.

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, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo and Woelfel—2.

Absent: Hamilton and Plymale—2.

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. 258) 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 270, Adding exemption to permit requirement for cremation.

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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 270) 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 271, Modifying approval process requirements for First Responders Honor 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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 271) 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 282, Creating WV Guardian Program.

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 282 pass?"

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

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 282) 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 283, Relating to Military Incentive Program.

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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 283) passed.

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

Eng. Senate Bill 283—A Bill to amend and reenact §21A-2C-1, §21A-2C-2, §21A-2C-3, §21A-2C-4, §21A-2C-5, and §21A-2C-6 of the Code of West Virginia, 1931, as amended, all relating to renaming the act to the Military Incentive Program and extending this program to certain veterans, members of the West Virginia National Guard, and the reserve members of the United States; updating definitions; naming Work Force West Virginia as the only agency administering this program; and establishing rulemaking.

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 439, Establishing design-build program for DEP.

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, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

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. 439) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 160, WV Rail Trails Program.

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 166, WV Public Employees Retirement 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 188, Grid Stabilization and Security Act of 2023.

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 222, Creating adult education taskforce.

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

Senate Bill 240, Requiring state board of examination or registration proceedings to be open to public inspection.

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 249, WV Real Estate License Act.

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

Senate Bill 306, Establishing Summer Feeding for All Program.

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 335, Authorizing Department of Homeland Security to promulgate legislative 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 356, Authorizing DOT to 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 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

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 428, Revising requirements of local school improvement councils.

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

Senate Bill 443, Directing payment of estate administration fee to State Auditor.

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

Senate Bill 444, Transferring moneys in WV Future Fund to General Revenue Fund.

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

Senate Bill 446, Removing methanol and methanol fuel from definition of special fuel.

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.

Eng. Com. Sub. for House Bill 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting.

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

Eng. House Bill 2029, Repealing the creation of an all-payor claims database.

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

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

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 27, 2023:

Com. Sub. for Senate Bill 85: Senator Woodrum;

Senate Bill 102: Senator Queen;

Senate Bill 447: Senator Taylor;

Senate Bill 473: Senator Martin;

Senate Bill 482: Senator Barrett;

Senate Bill 490: Senators Plymale, Swope, Roberts, and Grady;

Senate Bill 491: Senators Swope and Roberts;

Senate Bill 492: Senators Swope, Martin, and Roberts;

Senate Bill 493: Senators Deeds, Phillips, and Chapman;

Senate Bill 494: Senator Plymale;

Senate Bill 495: Senator Clements;

Senate Bill 497: Senator Plymale;

Senate Bill 498: Senators Plymale, Queen, Swope, Clements, and Roberts;

Senate Bill 509: Senator Phillips;

Senate Joint Resolution 3: Senator Martin;

Senate Joint Resolution 4: Senator Martin;

Senate Joint Resolution 9: Senators Swope, Smith, and Taylor;

Senate Concurrent Resolution 5: Senator Martin;

Senate Resolution 16: Senators Plymale, Deeds, Martin, Rucker, and Phillips;

And,

Senate Resolution 17: Senators Plymale, Deeds, Rucker, Smith, and Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:53 a.m., the Senate adjourned until tomorrow, Tuesday, January 31, 2023, at 11 a.m.

TUESDAY, JANUARY 31, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Richard Thompson, Pastor of Care Ministries, Bible Center Church, Charleston, West Virginia.

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

Pending the reading of the Journal of Monday, January 30, 2023,

At the request of Senator Boley, 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 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 198, Requiring counties to register automated external defibrillators with Office of Emergency Medical Services.

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

Com. Sub. for Senate Bill 198 (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-4D-1, §16-4D-2, §16-4D-3, and §16-4D-4 of the Code of West Virginia, 1931, as amended, all relating to automated external defibrillator devices (AEDs); stating findings; revising definitions;

modifying AED registration requirements; eliminating requirement to designate medical director; and clarifying limitation on liability.

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. 198), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 205, Relating to registration plates.

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

Com. Sub. for Senate Bill 205 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto eight new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, all relating to registration plates; authorizing special registration plates; establishing fees; authorizing the suspension of registration of any owner who displays a damaged or illegible plate or otherwise fails to comply with legal requirements; voiding license plates issued or renewed and paid for by worthless check; authorizing Division of Motor Vehicles to accept or authorize electronic signatures; and authorizing issuance of special

registration plates as authorized by joint resolution of the Legislature or upon direct request to the Division of Motor Vehicles.

Senate Bill 250, Requiring level one permit holders to display student driver on rear of vehicle.

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

Com. Sub. for Senate Bill 250 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to require level one permit holders in the graduated driver's license program to display a student driver sign.

And,

Senate Bill 463, Increasing validity of CDL instruction permit.

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

Com. Sub. for Senate Bill 463 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the validity of a commercial driver's license instruction permit.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles H. Clements,
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 224, Establishing revocation of authority for spending by agency in support of challenge to WV law.

Eng. House Bill 2776, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

And,

Eng. House Bill 2777, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Education has had under consideration

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

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

Respectfully submitted,

Amy N. Grady,
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 294, Clarifying amount of deputy sheriff annual salary increase.

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

Com. Sub. for Senate Bill 294 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service; setting date for calculation and payment of supplement; providing for eligibility requirement for monetary supplement; and establishing that supplement is to be considered in calculating deputy sheriff's benefits.

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.

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

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 Bills 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, and 355, Authorizing Division of Financial Institutions to promulgate legislative rule relating to money transmission services.

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

Com. Sub. for Senate Bill 345 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Revenue 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; relating to authorizing the Division of Financial Institutions to promulgate a legislative rule relating to money transmission services; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to suitability in annuity transactions; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to bail bondsmen in criminal cases; relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the valuation of producing and reserve oil, natural gas liquids, and natural gas for ad valorem property tax purposes; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to West Virginia Film Industry Investment Act; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to the Farm-to-Food Bank tax credit; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to property transfer tax; relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to municipal sales and use tax administration; and relating to authorizing the Tax Commissioner to promulgate a legislative rule relating to a personnel rule for the Tax Division.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 445, Repealing outdated section of WV code relating to WV Graduate College and Marshall University.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

Senator 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 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

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

Respectfully submitted,

Jack David Woodrum,
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 461, Relating to WV public employees grievance procedure.

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

Com. Sub. for Senate Bill 461 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Public Employees Grievance Procedure; defining terms; clarifying actions by an agency taken during a declared state of preparedness or emergency or any matter relating to protected classes are not subject to grievances; providing that Division of Personnel may not be a party in certain circumstances; requiring a notarized grievance form and providing for multiple grievant parties; providing a grievance must be filed within the time limits specified or it may be dismissed; extending certain time limits; providing for grievance dismissal for untimeliness, lack of jurisdiction, or failure to state a claim and appeals of such dismissal; updating default process to include employer; providing the grievance evaluator and the administrative law judge may not hold a motion to dismiss in abeyance while other proceedings take place; clarifying that grievances may be consolidated as long as the initial grievance has not been dismissed; providing that proceedings may be rescheduled for good cause shown; requiring grievant representatives provide the names and work location of employees being represented; requiring that employees provide the name and contact information of his or her representative; directing Grievance Board to make available certain forms; providing that employee annual leave will be charged for work hours used in preparing for and attending the grievance hearing in excess of certain limits; providing for the chief administrator's resolution of certain disputes and further providing for discretionary recording of conference; limiting annual number of grievances an employee may serve as a representative; providing for conference recordings; requiring grievance to be held in abeyance under certain circumstances; clarifying employee representation is limited by work requirements; requiring grievant to provide copies of grievance in certain cases; updating appellate procedure from level three decision; and providing for award of costs and attorney fees.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 469, Providing funding for CPR instruction to high school students.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

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

Com. Sub. for Senate Bill 472 (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 generally to

indecent exposure; clarifying the essential elements of different forms of indecent exposure; authorizing a person convicted of third offense indecent exposure for purposes of sexual gratification to be both fined and imprisoned; creating the criminal offense of indecent exposure in front of minors; defining terms; and establishing criminal penalties for the new offense.

With the recommendation that the committee substitute 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

Eng. House Bill 2564, Repeal of administrative hearing procedures for DUI offenses.

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

Respectfully submitted,

Charles S. Trump IV,
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 Nelson:

Senate Bill 520—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Act; and removing the decrease in the amount of group life and accidental death insurance

to which an employee is entitled upon attainment of 65 years of age.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Takubo:

Senate Bill 521—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-8-1 of said code; and to amend and reenact §60A-9-4 of said code, all relating generally to medical cannabis; modifying allowable forms of medical cannabis to include edible form; modifying the unlawful use of medical cannabis; relating to the controlled substance monitoring database; adding the reporting of dispensing medical cannabis to the controlled substance monitoring database; and relating to certain required information for controlled substances monitoring.

Referred to the Committee on Health and Human Resources.

By Senator Tarr:

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

Referred to the Committee on Government Organization.

By Senator Tarr:

Senate Bill 523—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; and providing a maximum of amount of the funds that may be used for financing high impact development projects.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 524—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend and reenact §11-21-10a of said code; to amend said code by adding thereto a new section, designated §16-5K-7; to amend and reenact §16-58-3, §16-58-4, and §16-58-6 of said code; to amend said code by adding thereto a new section, designated §16-58-7; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ww; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to family planning services; requiring insurance coverage for specified sterilization procedures; providing a one-time tax credit for adoption expenses; providing for early intervention services for newly adopted newborn children; eliminating barriers to contraceptives; requiring the state health officer to prescribe self-administered hormonal contraceptive on statewide basis; providing civil immunity to the state health officer; requiring local boards of health provide hormonal and nonhormonal contraceptives free of charge; establishing a special revenue account; setting out purpose of the account; providing for rulemaking; and making technical corrections.

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

By Senators Plymale and Caputo:

Senate Bill 525—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

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

By Senators Takubo and Tarr:

Senate Bill 526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, relating to including the early detection and diagnosis of Alzheimer's and other dementias in existing public health programs and services.

Referred to the Committee on Health and Human Resources.

By Senators Trump, Azinger, Grady, Rucker, Stover, Stuart, Takubo, Tarr, Taylor, Weld, and Woodrum:

Senate Bill 527—A Bill to amend and reenact §7-1-311 of the Code of West Virginia, 1931, as amended, relating to extending the right to receive copies or view, free of charge, copies of the discharge certificate or report of separation from active duty to the family members of persons discharged from the United States Armed Forces.

Referred to the Committee on Military.

By Senators Barrett, Hunt, Maynard, and Rucker:

Senate Bill 528—A Bill to amend and reenact §16-2D-1, §16-2D-3, §16-2D-4, §16-2D-6, §16-2D-12, and §16-2D-15, all relating to certificate of need, requiring that the certificate of need standards be subject to legislative rule-making review procedures

by requiring the certificate of need standards be filed as legislative rules; and providing that the certificate of need standards shall be repealed upon the approval by the Legislature of the legislative rule.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 529—A Bill to amend and reenact §47B-10-3 of the Code of West Virginia, 1931, as amended, relating to allowing for the formation of limited liability limited partnerships.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 530—A Bill to amend and reenact §51-9-6a of the Code of West Virginia 1931, as amended, relating to expanding those who may be eligible for judicial retirement.

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

By Senator Woodrum:

Senate Bill 531—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §31B-14-101, §31B-14-102, §31B-14-103, §31B-14-104, and §31B-14-105; and to amend and reenact §59-1-2 of said code, all relating to the creation of protected series under a parent limited liability company; providing for the allowance of a protected series; providing for a name; providing for a reporting to the West Virginia Secretary of State; providing for the effect of the operating agreement and a nonwaivable provision; and providing for the application of the article.

Referred to the Committee on the Judiciary.

By Senators Hunt, Azinger, Chapman, Deeds, Hamilton, Maynard, Plymale, Roberts, Rucker, Stover, Stuart, and Taylor:

Senate Bill 532—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; to amend and reenact

§49-6-609 of said code; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to the crime of solicitation of a minor; requiring registration as a sex offender for those convicted of offense; and establishing criminal penalties.

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

By Senator Nelson:

Senate Bill 533—A Bill to amend and reenact §19-4-1 of the Code of West Virginia, 1931, as amended, relating to limitations on motor vehicles used by nonprofit cooperative recycling associations for the collection and transportation of recyclable goods.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Trump:

Senate Bill 534—A Bill to amend and reenact §11-16-3, §11-16-6a, §11-16-8, and §11-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-8 of said code; to amend and reenact §60-4-3a, §60-4-3b, and §60-4-23 of said code; to amend and reenact §60-7-2 of said code; to amend said code by adding thereto three new sections, designated §60-7-2a, §60-7-6, and §60-7-8a; to amend said code by adding thereto a new section, designated §60-8-6g; and to amend and reenact §60-8A-5 of said code, all relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements; to promote tourism in the state by permitting authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries a limited off-site retail privilege at private fair and festivals for off-premises consumption sales for nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor manufactured by the brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries, requirements, requiring payment of taxes, fees and markups, and no license fee; clarifying the nonintoxicating beer growler requirements for contents and sealing; clarifying brewer and resident brewer place of manufacture requirements for additional

places of manufacture based on manufacturing volume capacity; clarifying nonintoxicating beer license requirements for persons, trusts and fairs and festivals; clarifying retail liquor outlet license requirements for applicants; clarifying distilleries, mini-distilleries, and micro-distilleries requirements for fairs and festivals; clarifying that the statute applying to distilleries and mini-distilleries also applies to micro-distilleries; clarifying that exotic entertainment facility applicants and licensees are licensed as various private club license types and are charged the same private club license type license fee; clarifying exotic entertainment, licensure, and definitions; permitting dually licensed events, and a license fee; creating a private coliseum or center license, requirements, definition, use for dual licensing, and fee; clarifying dual licensing requirements and authorization for private fair and festivals, requirements, and no license fee; permitting private fairs and festivals to conduct on-premises consumption sales with certain requirements; permitting private fairs and festivals to allow authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries to conduct limited off-premises consumption retail sales with certain requirements from the private fair and festival's licensed premises; amending the private fair and festival license and revising the license fee; and permitting a private wine restaurant to operate a separately licensed but connected wine specialty shop.

Referred to the Committee on the Judiciary.

Senators Smith, Taylor, and Weld offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways name bridge number 47-219/00-021.87 (47A060), (39.15277, -79.49617), locally known as Thomas Bridge, carrying US 219 over N. FK. Blackwater River in Tucker county, the "U. S. Army SGT Vincent DiBacco Memorial Bridge".

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

Senate Resolution 21—Designating February 1, 2023, as National Unclaimed Property Day at the Legislature.

Which, under the rules, lies over one day.

Senators Plymale and Woelfel offered the following resolution:

Senate Resolution 22—Designating February 1, 2023, as Marshall University Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 18, Designating January 31, 2023, as WVU Day at Legislature.

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

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

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Oliverio regarding the adoption of Senate Resolution 18 were ordered printed in the Appendix to the Journal.

Senate Resolution 19, Designating January 31, 2023, as WV Academy of Family Physicians' Day at Legislature.

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

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

Senate Resolution 20, Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 160, WV Rail Trails Program.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 160) 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 166, WV Public Employees Retirement Act.

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

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 166) 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 222, Creating adult education taskforce.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 222) 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 249, WV Real Estate License Act.

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

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

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 249) 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 306, Establishing Summer Feeding for All Program.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 306 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Karnes—1.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 306) 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 335, Authorizing Department of Homeland Security to promulgate 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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 335) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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. 335) 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 428, Revising requirements of local school improvement councils.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 428) passed.

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

Eng. Senate Bill 428—A Bill to amend and reenact §18-5A-2 of the Code of West Virginia, 1931, as amended, relating to Local School Improvement Councils; revising council membership requirements; requiring minutes be taken at every council meeting; revising requirements pertaining to annual council meeting regarding the school's academic performance; requiring training on the role and governance of the councils and the production of a document on parent and community leader roles in the councils; and allowing public charter schools to abide by all or some of the local school improvement council requirements.

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

Eng. Senate Bill 443, Directing payment of estate administration fee to State Auditor.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 443) passed with its title.

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

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 443) 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 444, Transferring moneys in WV Future Fund to General Revenue Fund.

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

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

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 444) passed with its title.

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

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 444) 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 446, Removing methanol and methanol fuel from definition of special fuel.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 446) passed with its title.

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

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 446) takes effect July 1, 2023.

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 188, Grid Stabilization and Security Act of 2023.

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

Senate Bill 240, Requiring state board of examination or registration proceedings to be open to public inspection.

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

On motion of Senator Woodrum, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 5, section 13, line 2, by striking out the words "and office addresses";

And,

On page 5, section 13, lines 3 and 4, after the word "name" by inserting a period and striking out the remainder of the sentence.

The bill (S. B. 240), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 356, Authorizing DOT to 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 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

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

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

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

ARTICLE 6B. CYBER SECURITY PROGRAM.

§5A-6B-4a. High-risk platforms, services, applications, programs, and products.

(a) The Legislature hereby finds and declares that it is in the best interest of the citizens of West Virginia and to national security to enact measures designed to safeguard against untrustworthy and high-risk technology and to block such technology from interfering with or damaging critical state networks and infrastructure. The use of certain information and communication technologies and services can create opportunities for foreign adversaries to exploit vulnerabilities and take adverse action against the United States or allies, which could directly or indirectly affect the safety and security of West Virginia citizens, and such use also create opportunities for adversaries to exploit vulnerabilities and take adverse action against state or local government networks and infrastructure within or connected to West Virginia. As the threat landscape evolves, West Virginia shall work in cooperation with the federal government to implement appropriate safeguards to defend government networks in West Virginia and in the United States from foreign technology threats.

(b) Notwithstanding the provision of §5A-6B-1(b) of this code, all state agencies, including without limitation agencies within the executive, legislative, and judicial branches, all constitutional officers, local government entities as defined by §7-1-1 or §8-1-2 of this code, county boards of education as defined by §18-1-1 of

this code, and all state institutions of higher education as defined by §18B-1-2 of this code, shall enforce statewide standards developed by the Chief Information Security Officer regarding high-risk technology platforms, services, applications, programs, or products. Additionally, all government entities subject to this subsection must, consistent with those standards and any other applicable state or federal law, restrict, remove, ban or otherwise block access to high-risk technology platforms, services, applications, programs, or products on all government systems, services, networks, devices, or locations. For purposes of this subsection, high-risk technology platforms, services, applications, programs, or products are those designated as such in the Statewide Cybersecurity Standard published and maintained by the Chief Information Security Officer, and shall include TikTok. Provided, any standards developed by the Chief Information Security Officer regarding high-risk technology platforms, services, applications, programs, or products shall contain exceptions permitting, in appropriate circumstances, the use of those platforms, services, applications, programs, or products for law enforcement activities, national security interests and activities, security research, investigative efforts authorized by this code, and for other purposes related to actual or potential litigation involving the state or one of its agencies or officers; and provided further, that the Chief Information Security Officer shall develop standards and requirements designed to mitigate the risk of any such authorized use of a high-risk platform, service, application, program, or product pursuant to the exceptions set forth in this section.

(c) The Secretary of the Department of Administration may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code and may also promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code when necessary to facilitate completion of the duties imposed on the Chief Information Security Officer by and enforcement of the standards referenced in this section.

The bill (Com. Sub. for S. B. 426), as amended, was then ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting.

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

Eng. House Bill 2029, Repealing the creation of an all-payer claims database.

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

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Azinger, Plymale, and Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 30, 2023:

Senate Bill 435: Senator Trump.

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 January 30, 2023:

Senate Bill 179: Senator Stuart;

Senate Bill 256: Senator Roberts;

Senate Bill 461: Senator Rucker;

Senate Bill 472: Senator Hunt;

Senate Bill 483: Senator Woelfel;

Senate Bill 485: Senator Hamilton;

Senate Bill 489: Senator Woelfel;

Senate Bill 495: Senator Woelfel;

Senate Bill 497: Senator Woelfel;

Senate Bill 498: Senator Martin;

Senate Bill 509: Senator Woelfel;

Senate Bill 511: Senator Deeds;

Senate Bill 519: Senators Deeds and Roberts;

Senate Joint Resolution 6: Senator Grady;

Senate Resolution 16: Senators Hamilton and Nelson;

Senate Resolution 18: Senators Hamilton, Swope, Takubo, Nelson, Phillips, and Grady;

Senate Resolution 19: Senators Hamilton, Swope, Nelson, and Phillips;

And,

Senate Resolution 20: Senators Swope and Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:56 a.m., the Senate adjourned until tomorrow, Wednesday, February 1, 2023, at 11 a.m.

WEDNESDAY, FEBRUARY 1, 2023

The Senate met at 11 a.m.

(Senator Trump in the Chair.)

Prayer was offered by Pastor Don Biram, Emmanuel Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Tuesday, January 31, 2023,

At the request of Senator Weld, 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, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 128, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-2. Definitions.

As used in this article:

(1) "Board" means the West Virginia Disaster Recovery Board created by this article;

(2) "Code" means the Code of West Virginia, 1931, as amended;

(3) "Community facilities" means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) "Critical infrastructure" includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters.

(5) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

(6) "Disaster recovery activities" means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(7) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, critical infrastructure services, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

(8) "Essential business activities" means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or critical infrastructure services determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;

(9) "Essential workers" means employees or contractors that fall under the definition of essential business activities during a disaster, state of emergency, or state of preparedness.

(10) "House of worship" means a church, temple, synagogue, mosque, or other building or space set apart primarily for the purpose of worship, devotion, veneration or religious study;

(11) "Local organization for emergency services" means an organization created in accordance with the provisions of this

article by state or local authority to perform local emergency services function;

(12) "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

(13) "Person" means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

(14) "Political subdivision" means any county or municipal corporation in this state;

(15) "Recovery fund" means the West Virginia Disaster Recovery Trust Fund created by this article;

(16) "Residential housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(17) "Secretary" means the Secretary of the West Virginia Department of ~~Military Affairs and Public Safety~~ Homeland Security; ~~and~~

(18) "State of emergency" means the duly proclaimed existence of, or the imminent existence of, conditions of disaster, or, of a serious threat to the safety of persons and property within West Virginia, such as an attack upon the state or the United States, a natural or man-made disaster of major proportions, or a large-scale threat beyond the capacity of local control.

(19) "State of preparedness" means those specialized planning and preparation activities intended to minimize any anticipated

impact of a pending emergency initiated for the purpose of preserving and securing people or property from harm by utilization of any available governmental resources: *Provided*, That a state of preparedness may not be used to suspend or limit any government function or service to the public, including, but not limited to, closing public schools or governmental offices, nor to regulate or restrict any private state citizen's conduct, such as requiring evacuation of areas of the state or other like action, unless otherwise authorized by law; and

(20) "Temporary housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

§15-5-6. Emergency powers of Governor.

(a) The provisions of this section, and of any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness. Nothing in this section may be construed to suspend or supersede any provision of the Constitution of West Virginia or the Constitution of the United States.

(1) The existence of a state of emergency ~~or state of preparedness~~ may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the state or the United States has occurred or is ~~anticipated in the immediate future~~ imminent, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large-scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(2) The existence of a state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature, if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the state or the United States is anticipated in the immediate future, or that a natural or man-made disaster of major proportions is likely within the state or some portion thereof, or that an emergency may be likely due to a large-scale threat beyond local control, or that a major event necessitating cooperation between state and local authorities, or the federal government, is imminent, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(b)(1) Any state of emergency ~~or state of preparedness~~, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency: ~~or state of preparedness~~ *Provided*, That in no case shall a state of ~~preparedness~~ emergency last longer than ~~thirty~~ 60 days, unless the Legislature, by passage of a concurrent resolution, shall extend the time period of the state of emergency: *Provided, however*, That such extension may be renewed, if necessary, by passage of a subsequent concurrent resolution of the Legislature. The Legislature may also condition, limit, terminate, or expand any action or directive made either by the proclamation of the Governor relating to the state of emergency or any executive order issued as a result of such proclamation. Upon proclamation by the Governor of a state of emergency, the Governor may call the Legislature into special session.

(2) Any state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than 30 days, unless the Legislature by passage of a concurrent resolution, shall extend the time period of the state of preparedness: *Provided however*, That such extension may be renewed, if necessary, by passage of a subsequent

concurrent resolution of the Legislature. The Legislature may also condition, limit, terminate, or expand any action or directive made either by the proclamation of the Governor relating to the state of preparedness or any executive order issued as a result of such proclamation. Upon proclamation by the Governor of a state of preparedness, the Governor may call the Legislature into special session.

(c) For the purposes of calculation of the length of time of the existence of a state of preparedness or state of emergency commenced according to the provisions of this section, when the Governor issues a proclamation declaring a state of preparedness or emergency, any subsequent proclamation that arises from the same circumstances that caused the issuance of the initial proclamation shall be treated as a continuation of the initial proclamation for that purpose, even if the prior proclamation, has, by its own terms, expired: *Provided*, That when a state of emergency follows a state of preparedness, and they arise from the same circumstances, the total time allotted for the duration of the two states combined shall be no more than 60 days, unless the Governor follows the requirements for extending the state of emergency under subsection (b)(1) of this section.

(d) The Governor shall have the following delineated powers so long as a state of preparedness exists and which are intended to be strictly construed to authorize only those actions that are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject: So long as a state of emergency or state of preparedness exists, the Governor has and may exercise the following additional emergency powers:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state:

(2) To sell, lend, lease, give, or transfer state property, make purchases, or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to

account to the State Treasurer for any funds received for the property;

~~(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code~~

(4) (3) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her;

~~(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees~~

~~(6) To control ingress and egress to and from a disaster area or an area where large scale threat exists, the movement of persons within the area and the occupancy of premises therein~~

(7) (4) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency: *Provided*, That nothing in this subdivision may be construed as granting the Governor the power to suspend any provisions of this section;

(8) (5) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency;

(9) (6) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles; *Provided*, That explosives and combustibles do not include firearms,

ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

~~(10)~~ (7) To make provision for the availability and use of temporary emergency housing; and

~~(11)~~ (8) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.

(e) In the event of the declaration of a state of emergency, the Governor shall have and may exercise all the preceding powers delineated in this section for use in a state of preparedness, as well as the following additional emergency powers which are intended to be strictly construed to authorize only those actions that are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(1) To procure facilities for emergency services by purchase, by condemnation under the provisions of Chapter 54 of this code, or by seizure pending institution of condemnation proceedings within 30 days from the seizing thereof, and to construct, lease, transport, store, maintain, renovate or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in Chapter 54 of this code;

(2) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees; and

(3) To control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein.

~~(d)~~ (f) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in §15-5-22 of this code and the Statewide Mutual Aid Systems set forth in §15-5-28 of this code.

(g) Any proclamation or resolution issued under this section must include, in general terms:

(1) A description of the nature of the disaster;

(2) A designation of the geographic area threatened; and

(3) A description of the conditions that have either:

(A) Caused the state of emergency or preparedness; or

(B) Made possible the termination of the state of emergency or preparedness.

Any such proclamation or resolution shall be disseminated as expediently as possible by means which are calculated to bring its contents to the attention of the general public and the Joint Committee on Government and Finance of the Legislature and, unless the circumstances attendant to the state of emergency or preparedness shall prevent or impede such filing, shall be promptly filed with the Secretary of State.

(e) (h) The powers granted under this section do not authorize any action that would violate the prohibitions of §15-5-19a of this code.

(i) Any suit filed challenging an executive order issued relating to a state of preparedness or emergency pursuant to the authority granted in this section shall be limited to a petition for prohibition or mandamus pursuant to Rule 16 of the Rules of Appellate Procedure of the West Virginia Supreme Court of Appeals. The provisions of §55-17-3 of this code are not applicable to any suit filed challenging an executive order issued pursuant to this section.

(j) Nothing in this section may be construed as to authorize the Governor to close or dictate religious practices in a house of worship during a state of preparedness or state of emergency.;

And,

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

Eng. Senate Bill 128—A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to the authority and obligations of the Governor and Legislature when in a declared state of preparedness and state of emergency; providing requirements for any proclamation or resolution issued relating to a state of preparedness or state of emergency; specifying new criteria for the duration and termination of a state of preparedness and state of emergency; clarifying the Legislature's authority to modify a state of preparedness or state of emergency; providing for the extension of a state of emergency and state of preparedness by concurrent resolution of the Legislature and specifying the duration of such extensions; specifying new criteria for the duration of the state of preparedness or state of emergency when any subsequent proclamation substantially relates to the same circumstances causing the issuance of the proclamation; specifying new criteria for the duration of the state of preparedness or state of emergency when a state of emergency follows a state of preparedness and they are substantially related to the same circumstances; defining terms; clarifying the emergency powers available to the Governor under a state of preparedness and a state of emergency; clarifying general terms required in a state of preparedness or state of emergency; and providing directives for lawsuits filed challenging actions taken pursuant to the authority granted herein.

On motion of Senator Takubo, the following amendments to the House of Delegates amendments to the bill (Eng. S. B. 128) were reported by the Clerk, considered simultaneously, and adopted:

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

**ARTICLE 5. DIVISION OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT.**

§15-5-2. Definitions.

As used in this article:

(1) "Board" means the West Virginia Disaster Recovery Board created by this article;

(2) "Code" means the Code of West Virginia, 1931, as amended;

(3) "Community facilities" means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) "Critical infrastructure" includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters;

(5) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

(6) "Disaster recovery activities" means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(7) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, critical infrastructure services, firefighting

services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

(8) "Essential business activities" means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or critical infrastructure services determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;

~~"Essential workers" means employees or contractors that fall under the definition of essential business activities during a disaster, state of emergency, or state of preparedness~~

(9) "Local organization for emergency services" means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function functions;

(10) "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

(11) "Person" means any individual, corporation, voluntary organization or entity, partnership, firm, or other association,

organization, or entity organized or existing under the laws of this or any other state or country;

(12) "Political subdivision" means any county or municipal corporation in this state;

(13) "Recovery fund" means the West Virginia Disaster Recovery Trust Fund created by this article;

(14) "Residential housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(15) "Secretary" means the Secretary of the West Virginia Department of Military Affairs and ~~Public Safety~~ Homeland Security; and

(16) "State of emergency" means the duly proclaimed existence of conditions of disaster or other serious threat to the health or safety of persons and property within West Virginia, or a specific geographic area thereof, including but not limited to an attack upon the state or the United States, a natural or man-made disaster of major proportions, a pandemic, or other large-scale threat beyond the capacity of local control;

(17) "State of preparedness" means the duly proclaimed authorization for:

(A) Specialized planning and preparation activities intended to minimize the anticipated effect of conditions constituting a state of emergency, as defined in this section, which, in the judgment of the Governor, are expected to commence within the next 30 days, or within a period of longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a "Class I state of preparedness"; or

(B) Specialized planning and preparation activities intended to minimize, by use of any available and appropriate federal or state governmental resources, the anticipated impact of or anticipated threats caused by a planned or anticipated event of such large size or scope that it is beyond the capacity of local control, and which is scheduled to commence within the next 30 days, or within a period of time longer than 30 days, if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a "Class II state of preparedness"; and

(18) "Temporary housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

§15-5-6. Emergency powers of Governor Proclamation of a state of emergency or state of preparedness by the Governor or the Legislature; additional powers of the Governor during a state of emergency or state of preparedness.

~~(a) The provisions of this section are operative only during the existence of a state of emergency or state of preparedness. The existence of a state of emergency or state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man-made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.~~

~~(b) Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than thirty days.~~

~~(c) So long as a state of emergency or state of preparedness exists, the Governor has and may exercise the following additional emergency powers:~~

~~(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state.~~

~~(2) To sell, lend, lease, give, transfer, or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for the property.~~

~~(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code.~~

~~(4) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her.~~

~~(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees.~~

~~(6) To control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area and the occupancy of premises therein.~~

~~(7) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency.~~

~~(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency.~~

~~(9) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles; (10) To make provision for the availability and use of temporary emergency housing; and~~

~~(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.~~

~~(d) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in section twenty-two of this article and the Statewide Mutual Aid Systems set forth in section twenty-eight of this article.~~

~~(e) The powers granted under this section do not authorize any action that would violate the prohibitions of section nineteen-a of this article~~

(a) The provisions of this section, and any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness: *Provided*, That nothing in this section or in any executive order issued hereunder may be construed to suspend or supersede any provision of the United States Constitution or West Virginia Constitution.

(b) The existence of a state of emergency may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the concurrent resolution, finds that conditions warranting the proclamation of a state of emergency, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require an invocation of the provisions of this section: *Provided*, That a gubernatorially proclaimed state of emergency expires 60 days after issuance of the executive order unless, prior to the 60th day, the Legislature adopts a concurrent resolution extending the state of emergency beyond 60 days. A concurrent resolution adopted by the Legislature to extend a state of emergency proclaimed by the governor shall set forth within its terms the length of time for which the state of emergency shall be extended. A state of emergency, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency.

(c) The existence of a state of preparedness may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature, if the Governor in the proclamation or the Legislature in the resolution, finds that conditions warranting the proclamation of a state of preparedness, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require the invocation of the provisions of this section: *Provided*, That the Governor or the Legislature shall proclaim a state of preparedness as a "Class I state of preparedness" or a "Class II state of preparedness", as defined in this article, by law: *Provided however*, That a gubernatorially proclaimed state of preparedness expires 30 days after issuance of the executive order unless, prior to the 30th day, the Governor provides written notice to the President of the Senate, the Speaker of the House of Delegates and the Joint Committee on Government and Finance that, in his or her opinion, it is necessary to extend the state of preparedness. If the Governor extends the state of preparedness beyond 30 days he or she shall thereafter, no less frequently than every 30 days, provide the President of the Senate, the Speaker of the House of Delegates

and the Joint Committee on Government and Finance with a written statement of his or her reasons for believing that the conditions warrant any continuation of the state of preparedness. The Governor shall provide a timely written response to any written inquiry from the President of the Senate, the Speaker of the House of Delegates or the Joint Committee on Government and Finance regarding the need for continuing the state of preparedness and the circumstances and facts supporting the continuation. A state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of preparedness.

(d) When a state of emergency follows a state of preparedness involving the same or substantially similar circumstances, the total time allotted for the duration of the two combined shall be no more than 90 days, unless the Governor follows the requirements for extending the state of emergency under subsection (b) of this section.

(e) Any proclamation or concurrent resolution issued under this section shall include, in general terms:

(1) A description of the facts and circumstances warranting the proclamation or concurrent resolution; and

(2) A designation of the geographic area threatened.

(f) Any proclamation or resolution shall be disseminated as soon as practicable to the news media and any other means which are calculated to bring its contents to the attention of the general public: *Provided*, That for a gubernatorial proclamation of a state of emergency or state of preparedness, the Governor shall provide a copy of the executive order to the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

(g) Under a duly proclaimed state of emergency or state of preparedness, the Governor has the following additional powers which are intended to be construed to authorize actions which are

consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service entities and personnel in the state;

(2) To sell, lend, lease, give, or transfer property, to make purchases, deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes without regard to the limitations of any existing law or being required to account to the State Treasurer for any funds received for the property;

(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of §54-1-1 *et seq.* of this code, or seizure pending institution of condemnation proceedings within 30 days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for the procured property shall be made in the manner provided in §54-1-1 *et seq.* of this code;

(4) To obtain the services of necessary personnel required during the emergency or in preparation for the emergency, and to compensate such personnel for their services from the Governor's Contingent Fund or other funds available to him or her;

(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees;

(6) To control ingress and egress into or out of a disaster area or other area subject to a state of emergency or state of preparedness, as well as the movement of persons and occupancy of premises within the area;

(7) To suspend the provisions of any statute prescribing the procedures for the conduct of state business or the orders, or rules

of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency or to prepare for the emergency;

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles: *Provided*, That explosives and combustibles do not include firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

(10) To make provision for the availability and use of temporary emergency housing; and

(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.

(h) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in §15-5-22 of this code, and the Statewide Mutual Aid System set forth in §15-5-28 of this code.

(i) The powers granted under this section do not authorize any action that would violate the prohibitions of §15-5-19a of this code.

(j) During any state of preparedness or state of emergency proclaimed at any time, an executive order of the Governor may not:

(1) Close churches or other houses of worship or prevent their operation in any manner that is more restrictive than the least restrictive provisions in place for the operation of the most essential facilities of government or private enterprise.

(2) Suspend or limit the lawful sale, lawful transfer, or lawful transportation of firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies; or

(3) Except as authorized by the provisions of this article, interfere with, or impair the operation of the news media.

(k) Unless expressly authorized by an executive order of the Governor, a municipal, county, or state health officer, under color of a duly proclaimed state of emergency or state of preparedness, shall not take any enforcement action which is not authorized by statute.

(l) Any suit filed challenging an executive order issued relating to a state of preparedness or emergency pursuant to the authority granted in this section shall be limited to a petition for a writ of prohibition or mandamus pursuant to Rule 16 of the Rules of the West Virginia Supreme Court of Appeals. The provisions of §55-17-3 of this code are not applicable to any suit filed challenging an executive order issued pursuant to this section.;

And,

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

Eng. Senate Bill 128—A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to states of emergency and preparedness; defining terms; clarifying the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed states of emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor's authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the

declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions.

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

Engrossed Senate Bill 128, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 128) passed with its Senate amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 128) takes effect from passage.

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 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 132, Clarifying criminal offense of harassment.

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 132—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; and clarifying that stalking and harassment are separate crimes.

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

Engrossed Senate Bill 132, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 132) 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 2436—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to the implementation of an acuity-based patient classification system; defining terms; providing for legislative findings; establishing a process to develop a plan; requiring a staffing plan to be reported; providing an exemption from the Freedom of Information Act; and establishing a framework for the staffing plans to be sent.

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

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

Eng. Com. Sub. for House Bill 2509—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-1A-101, §48-1A-201, §48-1A-301, §48-1A-401, §48-1A-501, §48-1A-601, §48-1A-701, §48-1A-801, §48-1A-901 and §48-1A-1001, all relating to the Uniform Premarital Agreement Act; defining terms; setting forth requirements and content of agreement; providing for the effect, amendment, revocation and enforcement of such agreements; establishing statute of limitations, application and construction of article; and setting forth short title.

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 2569—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, §20-19-5, §20-19-6, and §20-19-7, all relating to establishing the Motorsport Responsibility Act; providing legislative findings; defining terms; setting forth duties of motorsport operators; setting forth duties of motorsport participants; setting forth the liability of motorsport operators; setting forth the liability of motorsport participants; and providing rule-making authority.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

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

Eng. House Bill 2835—A Bill to repeal §18B-1-8b of the Code of West Virginia, 1931, as amended, relating to the repeal of an outdated section of code providing for the merger and consolidation of the West Virginia graduate college with Marshall University.

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

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

Eng. Com. Sub. for House Bill 2850—A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to students with exceptional needs; clarifying entitlements for the general education teacher who has students with exceptionalities in their classroom.

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. Com. Sub. for House Bill 2890—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to authority of teachers and other school personnel for discipline of students; creating offence of behavior that is disruptive to classroom environment; teacher's responsibility to make a report after excluding student from classroom for certain offenses; excluding student from classroom for certain offenses and making exclusion an in-school suspension; providing penalty for repeat offenses; providing permissible action in event of personality clash ; and requiring each county school board to implement a tier system policy, with teacher input, to provide a framework for student behaviors and punishments.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

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 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system.

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

Com. Sub. for Senate Bill 232 (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 §27-6A-12, relating to creating a multi-disciplinary study group to make recommendations regarding the diversion of persons with

mental illness, developmental disabilities, substance abuse problems, and other disabilities from the criminal justice system; setting forth findings; listing the membership makeup of the study group; promoting appropriate interventions and placements for inmates and persons with disabilities; developing a plan to coordinate care, treatment, and placement for persons with disabilities in the criminal justice system and in the community; directing a report be made to Legislature on or before November 30, 2023; authorizing per diem expenses for nongovernmental members.

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

Senate Bill 242, Relating to residential substance use disorder service programs.

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

Com. Sub. for Senate Bill 242 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-9-2, relating to residential substance use disorder programs; defining terms; requiring the Office of the Inspector General to promulgate amendments to the Behavioral Health Centers Licensure Rule; setting forth stakeholders; setting forth services, supplies, screenings, and education to be made available, or made available by referral; setting forth requirements to better

monitor and improve quality outcomes; and providing for effective date.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 242), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 296, Uniform Public Meetings During Emergencies Act.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

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

Senate Bill 448, Providing funding to Office of Oil and Gas for well inspections.

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

Com. Sub. for Senate Bill 448 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-6-2, §22-6-29, and §22-6A-7 of said code, all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; dedicating a percentage of oil and gas severance taxes to Office of Oil and Gas; collecting annual fee assessed on producing wells; providing that in certain instances annual fees on producing wells may be transferred to the Oil and Gas Reclamation Fund; providing for payment of additional fee for expedited consideration of permit modification for horizontal wells; and eliminating the cap on collection of additional fees for expedited permits and expedited permit modifications paid to Gas Operating Permit and Processing Fund.

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,

Randy E. Smith,
Chair.

The bill (Com. Sub. for S. B. 448), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 479, Expanding certain insurance coverages for pregnant women.

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

Com. Sub. for Senate Bill 479 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; defining terms; requiring the Bureau for Medical Services to file a state plan amendment; defining services subject to state plan amendment; and providing an effective date.

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,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 479), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Eng. House Bill 2506, Creating a title clearinghouse for non-resident businesses.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2506) contained in the preceding report

from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

On suspending the constitutional rule, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

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

Engrossed House Bill 2506 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. H. B. 2506) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes,

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

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. H. B. 2506) takes effect from passage.

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

The Senate proceeded to the sixth order of business.

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

By Senators Chapman, Rucker, Taylor, Azinger, Deeds, Grady, Karnes, Martin, Maynard, Phillips, Smith, Swope, and Tarr:

Senate Bill 535—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to creating religious and philosophical exemptions for school attendance vaccines.

Referred to the Committee on Health and Human Resources.

By Senators Phillips, Stuart, and Maynard:

Senate Bill 536—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in the Fire Protection Fund;

eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in the Fire Protection Fund.

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

By Senator Woelfel:

Senate Bill 537—A Bill to amend and reenact §61-8B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8B-5 of said code, all relating to eliminating the marital exception to criminal prosecution of sexual assault offenses.

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

By Senator Woodrum:

Senate Bill 538—A Bill to amend and reenact §6C-2-5, §6C-2-6, and §6C-2-8 of the Code of West Virginia, 1931, as amended, all relating to the appellate court for appeals of level three decisions issued by the Public Employees Grievance Board.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 539—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 the ability and a process by which to negotiate a lower price for construction work when all bids received exceed the maximum budgeted amount.

Referred to the Committee on Government Organization.

By Senators Trump, Stover, Deeds, Chapman, Rucker, Hamilton, and Smith:

Senate Bill 540—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-32, relating to the creation of the misdemeanor offense of willfully urinating or defecating in public; creating an exception for public restrooms; establishing penalties; and clarifying that a person may be charged for the offense by citation.

Referred to the Committee on the Judiciary.

By Senators Stuart and Azinger:

Senate Bill 541—A Bill to amend and reenact §3-5-7 and §3-5-19 of the Code of West Virginia, 1931, as amended, all relating generally to election reforms; clarifying contents of certificate of announcement; clarifying timing of challenge to candidate qualifications; and limiting the authority of political parties to fill vacancies in nomination caused by voluntary withdrawal.

Referred to the Committee on the Judiciary.

By Senators Martin, Queen, and Karnes:

Senate Bill 542—A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff's commission for collection of taxes.

Referred to the Committee on Government Organization.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 6, US Army SGT Vincent DiBacco 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 21, Designating February 1, 2023, as National Unclaimed Property Day at Legislature.

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 Blair (Mr. President) demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of those present and voting having voted in the affirmative, the Chair declared the resolution (S. R. 21) adopted.

Senate Resolution 22, Designating February 1, 2023, as Marshall University Day at Legislature.

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

At the request of Senator Woelfel, 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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr,

Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of those present and voting having voted in the affirmative, the Chair declared the resolution (S. R. 22) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Woelfel regarding the adoption of Senate Resolution 22 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 188, Grid Stabilization and Security Act of 2023.

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: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Phillips, and Smith—3.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 188) 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 240, Requiring state board of examination or registration proceedings to be open to public inspection.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 240) 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 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 426) 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 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 2018) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for H. B. 2018) takes effect from passage.

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

Eng. House Bill 2029, Repealing the creation of an all-payer claims database.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. H. B. 2029) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Hamilton, and Plymale—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. H. B. 2029) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 356, Authorizing DOT to promulgate legislative rules.

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

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

On page 2, section 2, lines 6 through 8, by striking out all of subsection (b).

The bill (Com. Sub. for S. B. 356), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 205, Relating to registration plates.

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

Senate Bill 224, Establishing revocation of authority for spending by agency in support of challenge to WV law.

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

Com. Sub. for Senate Bill 250, Requiring level one permit holders to display student driver on rear of vehicle.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Transportation and Infrastructure.

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

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

Com. Sub. for Senate Bill 294, Clarifying amount of deputy sheriff annual salary increase.

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

Com. Sub. for Senate Bill 345, Authorizing Department of Revenue to promulgate legislative rules.

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

Senate Bill 445, Repealing outdated section of WV code relating to WV Graduate College and Marshall University.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules, with the unreported Education committee amendment to the bill pending.

Senate Bill 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

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

Com. Sub. for Senate Bill 461, Relating to WV public employees grievance procedure.

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

Com. Sub. for Senate Bill 463, Increasing validity of CDL instruction permit.

On first 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 472, Creating criminal offense of indecent exposure in front of minors.

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

Eng. House Bill 2564, Repeal of administrative hearing procedures for DUI offenses.

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

Eng. House Bill 2776, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

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

Eng. House Bill 2777, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Tarr.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 1, 2023

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

Dear Governor Justice,

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

S. B. 143 - Relating to Adopt-A-Stream Program.

And,

S. B. 231 - Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

These bills are presented to you on this day, February 1, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 31, 2023:

Senate Bill 492: Senator Taylor.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 31, 2023:

Senate Bill 9: Senator Maroney;

Senate Bill 157: Senator Maroney;

Senate Bill 158: Senator Maroney;

Senate Bill 190: Senator Maroney;

Senate Bill 196: Senator Maroney;

Senate Bill 198: Senator Maroney;

Senate Bill 201: Senator Maroney;

Com. Sub. for Senate Bill 209: Senator Maroney;

Senate Bill 280: Senator Taylor;

Senate Bill 468: Senator Taylor;

Senate Bill 469: Senator Taylor;

Senate Bill 479: Senator Caputo;

Senate Bill 492: Senator Karnes;

Senate Bill 517: Senator Rucker;

Senate Bill 520: Senators Deeds, Queen, and Barrett;

Senate Bill 521: Senators Woelfel, Caputo, Queen, and Barrett;

Senate Bill 523: Senator Caputo;

Senate Bill 524: Senator Deeds;

Senate Bill 526: Senators Woelfel, Deeds, Rucker, and Grady;

Senate Bill 527: Senators Caputo, Deeds, Smith, and Clements;

Senate Bill 529: Senator Barrett;

Senate Bill 531: Senator Barrett;

Senate Bill 532: Senators Smith, Karnes, and Grady;

Senate Bill 534: Senator Takubo;

Senate Concurrent Resolution 6: Senator Woelfel;

Senate Resolution 18: Senator Rucker;

And,

Senate Resolution 22: Senators Hamilton, Swope, Takubo, Rucker, and Grady.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:02 p.m., the Senate adjourned until tomorrow, Thursday, February 2, 2023, at 11 a.m.

THURSDAY, FEBRUARY 2, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Josh Rhodes, Pastor of Ministries, Chestnut Ridge Church, Morgantown, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ben Queen, a senator from the twelfth district.

Pending the reading of the Journal of Wednesday, February 1, 2023,

At the request of Senator Smith, 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, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 83, Authorizing tactical medical professionals to carry firearms.

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:

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

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-3. Duties of the subcommittee.

(a) The subcommittee shall, by or pursuant to rules proposed for legislative approval in accordance with §29A-3-1 *et seq.* of this code:

(1) Provide funding for the establishment and support of law-enforcement training academies in the state;

(2) Establish standards governing the establishment and operation of the law-enforcement training academies, including regional locations throughout the state, in order to provide access to each law-enforcement agency in the state in accordance with available funds;

(3) Establish minimum law-enforcement instructor qualifications;

(4) Certify qualified law-enforcement instructors;

(5) Maintain a list of approved law-enforcement instructors;

(6) Promulgate standards governing the training, firearms qualification, and initial and ongoing professional certification of law-enforcement officers and the entry-level, law-enforcement training curricula. These standards shall require satisfactory completion of a minimum of 800 classroom hours as promulgated by legislative rule and shall provide that the required classroom hours shall be accumulated on the basis of a full-time curricula;

(7) Establish standards governing in-service, law-enforcement officer training curricula and in-service supervisory level training curricula;

(8) Certify organized criminal enterprise investigation techniques with a qualified anti-racial profiling training course or module;

(9) Establish standards governing mandatory training to effectively investigate organized criminal enterprises as defined in §61-13-1 *et seq.* of this code while preventing racial profiling, as defined in §30-29-10 of this code, for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the subcommittee as required in this section;

(10) Establish procedures for implementation of a course in investigation of organized criminal enterprises which includes an

anti-racial training module to be available on the Internet or otherwise to all law-enforcement officers. The procedures shall include the frequency with which a law-enforcement officer shall receive training in investigation of organized criminal enterprises and anti-racial profiling and a time frame for which all law-enforcement officers must receive such training: *Provided*, That all law-enforcement officers in this state shall receive such training no later than July 1, 2012. In order to implement and carry out the intent of this section, the subcommittee may promulgate emergency rules pursuant to §29A-3-15 of this code;

(11) Certify or decertify or reactivate law-enforcement officers, as provided in §30-29-5 and §30-29-11 of this code;

(12) Establish standards and procedures for the reporting of complaints and certain disciplinary matters concerning law-enforcement officers and for reviewing the certification of law-enforcement officers. These standards and procedures shall provide for preservation of records and access to records by law-enforcement agencies and conditions as to how the information in those records is to be used regarding an officer's law-enforcement employment by another law-enforcement agency:

(A) The subcommittee shall establish and manage a database that is available to all law-enforcement agencies in the state concerning the status of any person's certification.

(B) Personnel or personal information not resulting in a criminal conviction is exempt from disclosure pursuant to the provisions of chapter 29B of this code;

(13) Seek supplemental funding for law-enforcement training academies from sources other than the fees collected pursuant to §30-29-4 of this code;

(14) Any responsibilities and duties as the Legislature may, from time to time, see fit to direct to the subcommittee;

(15) Establish standards and procedures for initial and ongoing training for law-enforcement officers responsible for investigating

sexual assault cases involving adult victims. This training shall include instruction on:

- (A) The neurobiology of trauma;
- (B) Trauma-informed interviewing; and
- (C) Investigative techniques;

(16) Submit, on or before September 30 of each year, to the Governor, the Speaker of the House of Delegates, the President of the Senate, and, upon request, to any individual member of the Legislature, a report on its activities during the previous year, and an accounting of funds paid into and disbursed from the special revenue account established pursuant to §30-29-4 of this code;

(17) Develop and promulgate rules for state, county, and municipal law-enforcement officers, law-enforcement agencies, and communications and emergency operations centers that dispatch law-enforcement officers with regard to the identification, investigation, reporting, and prosecution of suspected child abuse and neglect: *Provided*, That such rules and procedures must be consistent with the priority criteria prescribed by generally applicable department procedures; and

(18) Make recommendations to the Governor's Committee on Crime, Delinquency, and Correction for legislation related to the subcommittee's duties and responsibilities, or for research or studies by the Division of Administrative Services on topics related to the subcommittee's duties and responsibilities.

(19) Promulgate standards governing the training, firearms qualification, and initial and ongoing professional certification of a tactical medical professional, as defined in §30-43-1 of this code, on or before January 1, 2024. This training program shall include awarding a certificate upon successful completion of the program that qualifies the tactical medical professional to carry a firearm while on duty.

(b) In addition to the duties authorized and established by this section, the subcommittee may:

(1) Establish training to effectively investigate human trafficking offenses as defined in §61-2-1 *et seq.* of this code for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the committee as required by this section; and

(2) Establish procedures for the implementation of a course in investigation of human trafficking offenses. The course may include methods of identifying and investigating human trafficking and methods for assisting trafficking victims. In order to implement and carry out the intent of this subdivision, the committee may promulgate emergency rules pursuant to §29A-3-15 of this code.

(c) Notwithstanding any provision of this code to the contrary, the subcommittee may deny an application for the establishment of a new law-enforcement training academy if it is determined by the subcommittee that no actual need exists for the establishment of additional law-enforcement training academies to meet the needs of existing law-enforcement agencies in the state.

ARTICLE 43. TACTICAL MEDICAL PROFESSIONALS.

§30-43-1. Definitions.

As used in this article:

(1) "Tactical medical professional" means a person who is an emergency medical service personnel, as defined in §16-4C-1 *et seq.* of this code, a nurse as defined in §30-7-1 *et seq.* of this code, a physician as defined in §30-3-4 or §30-14-1 *et seq.* of this code, or a physician assistant licensed pursuant to §30-3E-1 *et seq.* of this code, who is trained and certified in a nationally recognized tactical medical training program that is equivalent to Tactical Combat Casualty Care and Tactical Emergency Medical Support and who functions in the tactical or austere environment while attached to a law-enforcement agency of either this state or a political subdivision of this state.

30-43-2. Tactical medical professional may carry firearm.

(a) A tactical medical professional may carry firearms while on duty in the same manner, to the same extent, and in the same areas

as a law-enforcement officer of the law-enforcement agency the professional is serving, if:

(1) The law-enforcement agency that the tactical medical professional is serving has specifically authorized the professional to carry firearms while on duty; and

(2) The tactical medical professional has been awarded a certificate by the Law Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction as provided for in §30-29-3 of this code, which certificate attests to satisfactory completion of law-enforcement training program that qualifies the tactical medical professional to carry firearms while on duty.

§30-43-3. Tactical medical professional protection from civil or criminal liability.

A tactical medical professional to whom this article applies and who is carrying one or more firearms under authority of this article has protection from potential civil or criminal liability for any conduct occurring while carrying the firearm or firearms to the same extent as a law enforcement officer of the law-enforcement agency the tactical medical professional is serving has such protection.

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

Engrossed Committee Substitute for Senate Bill 83, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, 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)—32.

The nays were: None.

Absent: Azinger and Hamilton—2.

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. 83) passed with its 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 concurrence by that body in the passage of

Eng. Senate Bill 207, Relating to state allocation of funding to regional councils.

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 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 shall permit the transfer of resident and nonresident students; amending provisions pertaining to the contents of county board of education policies for open enrollment; modifying the process for transfer application denials and appeals; 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.

Referred to the Committee on Education.

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

Eng. House Bill 2613—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

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

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

Eng. Com. Sub. for House Bill 2870—A Bill to amend and reenact §24-2-11c of the Code of West Virginia, 1931, as amended, relating generally to siting certificates for certain electric generating facilities; correcting code cross references.

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

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

Eng. Com. Sub. for House Bill 3061—A Bill to amend and reenact §49-9-101, §49-9-102 and §49-9-107 of the Code of West Virginia, 1931, as amended; all relating to updating the authority of the Foster Care Ombudsman; expanding the authority of the Foster Care Ombudsman; prohibiting the ombudsman from being compelled to testify or provide information; requiring reporting; permitting the release of information in certain circumstances.

Referred to the Committee on Health and Human Resources.

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

House Concurrent Resolution 11—Higher Education Consortium for Emerging Energy Technologies.

Referred to the Committee on Education.

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

House Concurrent Resolution 13—Designating the second week of February as "Boy Scouts of America Week" in West Virginia.

Referred to the Committee on Outdoor Recreation.

The Senate proceeded to the fourth order of business.

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 50, Requiring one-year residency within district or county to fill vacancy in Legislature.

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

Com. Sub. for Senate Bill 50 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the filling of vacancies in the Legislature; and providing that an individual must reside within the district he or she would represent for one year prior to appointment in order to be eligible to fill a vacancy in the Legislature.

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 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act.

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

Com. Sub. for Senate Bill 247 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-1-9 of the Code of West Virginia, 1931, as amended, relating to making administrative appeals and judicial review of board action subject to provisions of the Administrative Procedures Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 256, Relating to WV Economic Development Authority.

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

Com. Sub. for Senate Bill 256 (originating in the Committee on Economic Development)—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; providing for legislative findings; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment,

labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; providing for makeup of taskforce; establishing duties of taskforce, including developing a model project to promote small business growth and to address employment and labor force participation challenges of low income and minority populations across West Virginia; providing for reimbursement of reasonable and necessary expenses incurred by taskforce members; establishing taskforce work groups; and providing for quarterly meetings.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Chair.

At the request of Senator Swope, and by unanimous consent, the bill (Com. Sub. for S. B. 256) contained in the foregoing report from the Committee on Economic Development was then referred to the Committee on Finance.

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 Bills 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 491, and 408, Authorizing Board of Accountancy to promulgate legislative rule relating to board rules of professional conduct.

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

Com. Sub. for Senate Bill 361 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-9-1 *et seq.* of

the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed and as modified Legislative Rule-Making Review Committee, and as amended by the Legislature; relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules of professional conduct; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to advertising by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to standards of practice of acupuncture by licensed acupuncturists; relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to continuing education requirements; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to the West Virginia apiary rule; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to noxious weeds; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to Grade "A" pasteurized milk; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to hemp products; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farm-to-food bank tax credit; relating to authorizing the Department of Agriculture to promulgate a legislative rule relating to farmers markets; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules; relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; relating to authorizing the State Auditor to promulgate a legislative rule relating to standards for voluntary payroll deductions; relating to

authorizing the Conservation Agency to promulgate a legislative rule relating to operation of West Virginia State Conservation Committee and conservation districts; relating to authorizing the Conservation Agency to promulgate a legislative rule relating to conservation district accounting and auditing standards; relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to dental recovery networks; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to crematory requirements; relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to a fee schedule; relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to registration of landscape architects; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing of physicians and podiatric physicians and disciplinary procedures for applicants, licensees, and credential holders; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to collaborative pharmacy practice; relating to authorizing the Board of Medicine to promulgate a legislative rule relating to prohibiting sexual misconduct by health care practitioners; relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substance Act; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing

pharmacy permit; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to inspections; relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Donated Drug Repository Program; relating to authorizing the Psychologists to promulgate a legislative rule relating to code of conduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to continuing education and competence; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program database; relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to telehealth practice; requirements; definitions; relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts; relating to authorizing the Secretary of State to promulgate a legislative rule relating to the Combined Voter Registration and Driver Licensing Fund; relating to authorizing the Secretary of State to promulgate a legislative rule relating to administrative procedures for the Nonpublic Funding for Election Administration Fund; relating to authorizing the State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; relating to authorizing the State Treasurer to promulgate a legislative rule relating to the Hope Scholarship Program; and

relating to authorizing the State Treasurer to promulgate a legislative rule relating to Jumpstart Savings Program.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

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

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

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

Com. Sub. for Senate Bill 451 (originating in the Committee on Pensions)—A Bill to amend and reenact §18-7A-3, §18-7A-13a, §18-7A-15, and §18-7A-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 and §18-7B-17 of said code, all relating to the Teachers Retirement System and the Teachers' Defined Contribution Retirement System; defining and amending terms related to electing charter schools; defining medical examination; clarifying notification by employer of a retirant re-employed in a permanent position; adding electing charter schools to provisions of delinquent contributions; providing for transfer of assets from the Public Employees Retirement System to the Teachers Retirement System; and adding electing charter schools to retirement contribution section.

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,

Eric Nelson, Jr.,
Chair.

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

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

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

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Pensions.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 475, Modifying examinations for disability pensions.

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

Com. Sub. for Senate Bill 475 (originating in the Committee on Pensions)—A Bill to amend and reenact §8-22-23a of the Code of West Virginia, 1931, as amended, relating to examinations for disability pensions; modifying examinations for disability pensions; and providing the oversight board discretion in the method of medical examinations of a member applying for disability benefits.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Grady:

Senate Bill 543—A Bill to amend and reenact §29A-3A-1, §29A-3A-2, §29A-3A-3, §29A-3A-4, §29A-3A-5, §29A-3A-6, §29A-3A-7, §29A-3A-8, §29A-3A-9, §29A-3A-10, §29A-3A-11, §29A-3A-11a, §29A-3A-12, §29A-3A-13, §29A-3A-14, §29A-3A-15, §29A-3A-16, §29A-3A-16a, §29A-3A-17, §29A-3A-18, and §29A-3A-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29A-3A-2a, all relating to authorizing rule-making power for higher education related to changing the terms used, procedure, and reporting duties for higher education rulemaking.

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

By Senator Queen:

Senate Bill 544—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931 as amended, relating to increasing the power purchase agreement (PPA) cap from 500 kW to 1,000 kW.

Referred to the Committee on Government Organization.

By Senators Martin and Queen:

Senate Bill 545—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, relating to authorizing sheriffs who are members of the public retirement system to retire upon attaining the age of 62 with eight or more years of service.

Referred to the Committee on Pensions.

By Senator Stuart:

Senate Bill 546—A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210, and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to controlled substances; adding the following to the schedule I substance list: N-Methylnorfentanyl(N-(1-Methyl-4-piperidiny1)-N-

phenyl-propanamide, monohydrochloride); Norfentanyl (N-Phenyl-N-4-piperidinyl-propanamide); 3-Hydroxy-phencyclidine (other name hydroxy PCP); 7-hydroxymitragynine; Marijuana (Cannabis, sp.); Mitragynine; delta-8, tetrahydrocannabinol, and its optical isomers; delta-10 tetrahydrocannabinol, and its isomers; 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (butonitazene); 2-(2-(4ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (ethodesnitazene); N,N-diethyl-2-(2(4-fluorobenzly)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (flunitazene); N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)-1-amine (metodesnitazene); N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (metonitazene); 2-(4-ethoxybenzyl)5-nitro-1-(2-(pyrrolidino-1-yl)ethyl)-1 H-benzimidazole (N-pyrrolidino etoitazene, etonitazepyne; N,N-diethyl-2-(5-nitro-2-(4-propoxbenzly)-1H-benzimidazol-1-yl)ethan-1-amine (protonitazene); -2-2FDU-PB-22 (1-Naphthyl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); FUB-PB-22 (Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate); 5-Fluoro-MN-24 (1-(5-Fluoropentyl)-N-(naphthalen-1-yl)-1H-indole-3-carboxamide); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate); 5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3- carboxamide); MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); MN-24 (N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide); SDB-005 (Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate); SDB-006 (1-Pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Methyl-Ethylaminopentiophenone; FUB-AMB (Methyl(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate); 5-Fluoro-SDB-005 Indole (Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate);5F-AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3- carboxamide);

MMB-CHMICA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoat); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f] [1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); 4-CN-CUMYL-BUTINACA (1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide); Alpha-Phenylacetoacetonitrile (3-Oxo-2-phenylbutanenitrile); 2-Fluoro Deschloroketamine (2-(2-Fluorophenyl)-2-(methylamino)-cyclohexanone, monohydrochloride); 4-MEAP (2-(Ethylamino)-1-(4-methylphenyl)pentan-1-one); Bromazolam (8-bromo-1-methyl-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Clonazolam (6-(2-chlorophenyl)-1-methyl-8-nitro-4 H-[1,2,4]triazolo[4,3 a][1,4]benzodiazepine); Cloniprazepam (5-(2-chlorophenyl)-1-(cyclopropylmethyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one); Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f] [1,2,4]triazolo[4,3-a][1,4]diazepine); Flualprazolam (8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flubromazepam (7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4] benzodiazepine); Flunitrazolam (6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Nifoxipam (5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one); Nitrazolam (1-methyl-8-nitro-6-phenyl-

4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Pyrazolam (8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Declazepam (7-Chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Deschloroetizolam (2-Ethyl-9-methyl-4-phenyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine); Ethcathinone (2-(ethylamino)-1-phenyl-1-propanone, monohydrochloride); Alpha-PHP (1-Phenyl-2-(pyrrolidin-1-yl)hexan-1-one); MPHP (1-(4-Methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); PV8 (1-Phenyl-2-(pyrrolidin-1-yl)heptan-1-one); 4-Chloro-Alpha-PVP (1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); N-Ethylhexedrone (2-(Ethylamino)-1-phenylhexan-1-one); Methoxetamine (2-(Ethylamino)-2-(3-methoxyphenyl)-cyclohexanone); 3-Fluorophenmetrazine (2-(3-Fluorophenyl)-3-methylmorpholine); adding the following to the schedule II list: Norfentanyl; Oliceridine; adding the following to the schedule IV list: Lemborexant; Remimazolam; Serdexmethylphenidate; removing Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] from the schedule V list, and adding Epidiolex (contains cannabidiol (CBD), Cenobamate and Lasmidtan to the schedule V list.

Referred to the Committee on the Judiciary.

By Senators Deeds, Azinger, Chapman, Hunt, Karnes, Oliverio, Queen, Roberts, Stuart, Taylor, and Woodrum:

Senate Bill 547—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416 of the Code of West Virginia, 1931, as amended, all relating to increasing the penalties for drug possession and updating the list of offenses; and addressing certain deficiencies within the existing statute.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 548—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-3-2, §11A-3-13, §11A-3-38, §11A-3-45, §11A-3-46, §11A-3-47, §11A-3-48, and §11A-3-56 of said code, all relating to real property taxes; modifying who is entitled to pay certain taxes

on real estate; modifying certain public notices regarding the certification of real estate to the West Virginia Auditor; modifying who is entitled to redeem real estate that is subject to delinquent taxes; providing eligibility requirements to bid on tax liens at certain auctions conducted by the West Virginia Auditor; specifying that participation in certain auctions constitutes transacting business in West Virginia; providing for certain rule-making authority, including emergency rulemaking; modifying certain public notices regarding certain auctions conducted by the West Virginia Auditor; and providing for the incurrence of certain expenses related to title examinations by the West Virginia Auditor and the collection for reimbursement for the same.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 549—A Bill to amend and reenact §46-1-201, §46-1-204, §46-1-301, and §46-1-306 of the Code of West Virginia, 1931 as amended; to amend and reenact §46-2-102, §46-2-106, §46-2-201, §46-2-202, §46-2-203, §46-2-205, and §46-2-209 of said code; to amend and reenact §46-2A-102, §46-2A-103, §46-2A-107, §46-2A-201, §46-2A-202, §46-2A-203, §46-2A-205, and §46-2A-208 of said code; to amend and reenact §46-3-104, §46-3-105, §46-3-401, and §46-3-604 of said code; to amend and reenact §46-4A-103, §46-4A-201, §46-4A-202, §46-4A-203, §46-4A-207, §46-4A-208, §46-4A-210, §46-4A-211, and §46-4A-305 of said code; to amend and reenact §46-5-104 and §46-5-116 of said code; to amend and reenact §46-7-102 and §46-7-106 of said code; to amend and reenact §46-8-110 and §46-8-303 of said code; to amend and reenact §46-9-102, §46-9-104, §46-9-105, §46-9-203, §46-9-204, §46-9-207, §46-9-208, §46-9-209, §46-9-210, §46-9-301, §46-9-304, §46-9-305, §46-9-310, §46-9-312, §46-9-313, §46-9-314, §46-9-316, §46-9-317, §46-9-323, §46-9-324, §46-9-330, §46-9-331, §46-9-332, §46-9-334, §46-9-341, §46-9-404, §46-9-406, §46-9-408, §46-9-509, §46-9-513, §46-9-601, §46-9-605, §46-9-608, §46-9-611, §46-9-613, §46-9-614, §46-9-615, §46-9-616, §46-9-619, §46-9-620, §46-9-621, §46-9-624, §46-9-628; to amend said code by adding thereto 7 new sections, designated §46-9-105A, §46-9-107A, §46-9-107B, §46-9-306A,

§46-9-306B, §46-9-314A, and §46-9-326A; to amend said code by adding a new article, designated §46-12-101, §46-12-102, §46-12-103, §46-12-104, §46-12-105, §46-12-106, §46-12-107; and to amend said code by adding a new article, designated §46-12A-101, §46-12A-102, §46-12A-201, §46-12A-301, §46-12A-302, §46-12A-303, §46-12A-304, §46-12A-305, §46-12A-306, §46-12A-401, all relating to amending the Uniform Commercial Code; defining terms; clarifying article applies to transactions in goods and setting forth the extent to which it applies in a hybrid transaction; amending requirements for statute of frauds by requiring a record sufficient to indicate the contract has been made rather than a writing; amending requirement for parole or extrinsic evidence by replacing the requirement that the parties agree in writing and substituting a requirement that the parties agree in a record; amending the requirement for seals by requiring that the seal be affixed to a record; amending the requirement for firm offers in that the offer must be in a record rather than a writing; amending the requirement for modification, rescission and waiver; amending the scope of leases to incorporate a hybrid lease; amending signature requirements; adding requirement stating that an obligation of a party is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made; amending security procedures to add an obligation on the receiving bank or the customer to require symbols, sounds, or biometrics, or requiring a payment or to be sent from a known email address, IP address, or telephone number; clarifying choice of law provisions; clarifying when a person has control of an electronic document of title; setting forth requirements for control of electronic copy of record evidencing chattel paper; setting forth requirements for control of electronic money; setting forth additional duties of security party having control of collateral; setting forth law governing perfection and priority of security interests in chattel paper; amending the perfection of security interests to include controllable accounts, controllable electronic records, and controllable payment intangibles; setting forth that a security interest in electronic money may be perfected only by control; providing a description of perfection by possession and control and time of perfection; stating terms restricting assignment, legal

restrictions on assignment are generally ineffective and law relating to the inapplicability of the assignment of health care insurance do not apply to a security interest in an ownership interest in a general partnership, limited partnership, or a limited liability company; stating that no duty is owed by a secured party but providing exceptions to this general rule; providing new form for the disposition of collateral; providing exceptions to limitations of liability; setting forth conflicts in relation to certain articles of code and consumer laws; setting forth rights in controllable accounts, controllable electronic record, and controllable payment intangible; setting forth what constitutes control of controllable electronic record; setting forth discharge of account debtor on controllable account or controllable payment intangible; setting forth governing law; providing for transitional provisions; providing for adjustment date; providing for saving clause; and providing for effective date.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 550—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, §7-28-8, §7-28-9, §7-28-10, §7-28-11, and §7-28-12, all relating to requiring state entities, local entities and law enforcement agencies to cooperate with the enforcement of immigration laws; providing for definitions; requiring that entities and agencies not prohibit the enforcement of immigration laws or cooperation with other governmental agencies to enforce immigration laws; providing for complaint procedures; providing for mandatory duties regarding immigration detainees; providing for actions to ensure compliance; providing for ineligibility for state funds; providing for rule-making authority for the State Auditor; providing for mandatory agreements; providing for the Attorney General to defend good-faith compliance under certain circumstances; providing for a civil cause of action for damages; providing for a duty to report and whistle-blower protections; providing for implementation; providing for prohibiting discrimination; and providing for severability.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 551—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §9-3-7; and to amend and reenact §16-9G-1 of said code, all relating to a Medicaid state plan amendment; providing that the Bureau of Medical Services shall seek a state plan amendment; providing that the state plan amendment provide for cost sharing and/or premiums for certain populations; allowing that the state plan amendment may provide for a demonstration project; and providing for an effective date.

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

By Senator Rucker:

Senate Bill 552—A Bill to amend and reenact §16-2I-1, §16-2I-2, §16-2I-3, and §16-2I-4 of the Code of West Virginia, 1931, as amended; to repeal §16-2I-5 of said code; and to amend and reenact §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of said code, all relating to abortion; defining terms; amending information provided during informed consent; removing liability protection for a physician when prescribing a non-Food and Drug Administration approved drug therapy; providing resource to contact if questions rise regarding chemical abortion; requiring the Secretary of the Department of Health and Human Resources to have a 24-hour telephone number to maximize awareness; revising information to be made available; requiring the Bureau of Public Health to publish information on its website; setting forth the required information; and providing for administrative discipline against a licensed medical professional for violation of article.

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

By Senator Chapman:

Senate Joint Resolution 10—Proposing an amendment to the Constitution of the State of West Virginia, repealing Amendment 3 – the Good Roads Amendment of 1920, repealing Amendment 4

– The Good Roads Amendment of 1928, repealing Amendment 5 – Fifty Million Dollar Bond Issue for Roads Amendment, repealing Amendment 8 – Better Roads Amendment, repealing Amendment 9 – Roads Development Amendment, repealing Amendment 11 – Better Highways Amendment, repealing Amendment 16 – Safe Roads Amendment of 1996, repealing Amendment 18 – Roads to Prosperity Amendment of 2017, and amending the Amendments portion of the Constitution of the State of West Virginia by adding thereto a new amendment, designated Amendment 19, relating to returning control of roads in West Virginia from the state to counties; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Grady offered the following resolution:

Senate Resolution 23—Designating February 3, 2023, as West Virginia Homeschool Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 356, Authorizing DOT to promulgate 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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, 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)—32.

The nays were: None.

Absent: Azinger and Hamilton—2.

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. 356) passed.

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

Eng. Com. Sub. for Senate Bill 356—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended; and to amend and reenact §64-12-5 of said code, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate and repeal legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's license; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to denial, suspension, revocation, disqualification, restriction, nonrenewal, cancellation, administrative appeals, and reinstatement of driving privileges; authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease, and management of real property and appurtenant structures and relocation assistance; and authorizing the Department of Transportation, State Rail Authority to repeal a legislative rule relating to organization and meetings.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, 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)—32.

The nays were: None.

Absent: Azinger and Hamilton—2.

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. 356) 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 205, Relating to registration plates.

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

Senate Bill 224, Establishing revocation of authority for spending by agency in support of challenge to WV law.

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 referred to the Committee on Rules.

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

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 294, Clarifying amount of deputy sheriff annual salary increase.

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 345, Authorizing Department of Revenue to promulgate legislative rules.

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

Senate Bill 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

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 461, Relating to WV public employees grievance procedure.

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 472, Creating criminal offense of indecent exposure in front of minors.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 2564, Repeal of administrative hearing procedures for DUI offenses.

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

Eng. House Bill 2776, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

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

Eng. House Bill 2777, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to 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 Senate Bill 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system.

Senate Bill 296, Uniform Public Meetings During Emergencies Act.

Com. Sub. for Senate Bill 463, Increasing validity of CDL instruction permit.

And,

Eng. House Bill 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University.

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

The Senate then proceeded to the thirteenth order of business.

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 1, 2023:

Senate Bill 468: Senator Caputo;

And,

Senate Bill 540: Senator Chapman.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 1, 2023:

Senate Bill 199: Senator Barrett;

Senate Bill 256: Senator Hunt;

Senate Bill 287: Senator Woelfel;

Senate Bill 449: Senators Oliverio and Hunt;

Senate Bill 450: Senator Hunt;

Senate Bill 451: Senator Hunt;

Senate Bill 452: Senator Hunt;

Senate Bill 453: Senator Hunt;

Senate Bill 469: Senator Phillips;

Senate Bill 532: Senators Trump and Martin;

Senate Bill 536: Senators Deeds and Hamilton;

Senate Bill 541: Senators Chapman and Smith;

And,

Senate Bill 542: Senator Deeds.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:27 a.m., the Senate adjourned until tomorrow, Friday, February 3, 2023, at 9 a.m.

FRIDAY, FEBRUARY 3, 2023

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Glenn D. Jeffries, a senator from the eighth district.

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

Pending the reading of the Journal of Thursday, February 2, 2023,

At the request of Senator Oliverio, 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 communications from various state agencies as required by the provisions of law:

Administration, Department of (Procurement of Recycled Products) (§22-15A-21)

Environmental Protection, Department of (Special Reclamation Fund Advisory Council (§22-1-17)

Treasurer, Office of the (Debt Position Quarterly Report) (§12-6A-6)

The Senate proceeded to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

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

Senate Bill 13, Establishing annual oversight fee for wells producing more than 10,000 cubic feet of gas per day.

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

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator 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 266, Relating to tobacco usage restrictions.

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

Com. Sub. for Senate Bill 266 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §16-9A-11 and §16-9A-12, all relating to tobacco usage restrictions; modifying legislative intent; modifying definitions; providing monetary penalties for persons under the age of 21 for purchasing tobacco products, tobacco-derived products, or alternative nicotine products; making it a misdemeanor to use tobacco products, tobacco-derived products, or alternative nicotine products in a building used for school instruction; providing monetary penalties for sales or other provisions of tobacco products, tobacco-derived products, or alternative nicotine products by firm, corporation, or business entity to a person under the age of 21; providing criminal penalties for sales or other provisions of tobacco products, tobacco-derived products, or alternative nicotine products by a knowing individual to a person under the age of 21; making the sale of tobacco products, tobacco-derived products, or alternative nicotine products a permissible reason for dismissal of employee; establishing that an employee's sale of tobacco products, tobacco-derived products, or alternative nicotine products to persons under the age of 21 be considered gross misconduct for purposes of unemployment compensation; designating the Bureau for Behavioral Health of the Department of Health and Human Resources as the entity responsible to enforce

tobacco laws and conduct compliance inspections; providing criminal penalties for conducting a compliance inspection in a manner not in accordance with the applicable code section; providing criminal penalties for sales of tobacco products, tobacco-derived products, or alternative nicotine products in a display independently accessible by individuals under the age of 21; and making it a secondary offense to use tobacco products in a motor vehicle while an individual age 16 years of age or younger is present and providing a monetary penalty for such offense.

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,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 266), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 267, Updating law regarding prior authorizations.

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

Com. Sub. for Senate Bill 267 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-7f of the Code of West Virginia, as amended; to amend said code by adding thereto a new section, designated §9-5-31; to amend and reenact §33-15-4s of said code; to amend and reenact §33-16-3dd of said code; to amend and reenact §33-24-7s of said code; to amend and reenact §33-25-8p of said code; and to amend

and reenact §33-25A-8s, all relating to prior authorizations; defining terms; requiring prior authorizations and relating communications to be submitted via an electronic portal; requiring electronic notification to the health care provider confirming receipt of the prior authorization; establishing timelines for compliance; providing communication via the portal regarding the current status of the prior authorization; reducing time frames for prior authorization requests; providing a time frame for a decision to be rendered after the receipt of additional information; providing a time frame for a claim to be submitted to audit or if the step therapy is incomplete; establishing time frame for peer-to-peer appeal; reducing timeline for prior authorization appeal process; revising the percentage approval for a health care provider to be considered for an exemption from prior authorization criteria; revising time frame for prior authorization exemption process; removing limitation on prior authorization exemption that applied exemption to procedures used to justify granting of exemption; expanding auditing of prior authorization exemption process; requiring plan to give health care practitioner rationale for revocation of exemption; providing for limitations to exemption; removing criteria related to electronic submission of pharmacy benefits; amending effective date; requiring oversight and data collection by the Office of the Insurance Commissioner and the Inspector General; and providing for civil penalties.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 267) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 295, Extending time that prescription for spectacles or contact lenses remains valid.

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

Com. Sub. for Senate Bill 295 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending the time that a prescription for spectacles remains valid.

Senate Bill 300, Relating to law-enforcement training and certification.

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

Com. Sub. for Senate Bill 300 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training and certification; and modifying definition of "law-enforcement officer".

And,

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

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

Com. Sub. for Senate Bill 514 (originating in the Committee on Government Organization)—A Bill to amend and reenact §31D-14-1421 of the Code of West Virginia, 1931, as amended, relating to clarifying the procedure for administrative dissolution of corporations by the Secretary of State; and relating to the

Secretary of State providing notice to corporations subject to administrative dissolution.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
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 299, Creating new misdemeanor offense of unlawful entry, occupation or retention of real property.

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

Com. Sub. for Senate Bill 299 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3B-3, §61-3B-6 and §61-3B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3B-8, all relating generally to trespass; making double damages applicable to all violations of the article; authorizing sentencing court to assess cleanup expenses; authorizing courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 419 (originating in the Committee on Military), Amending professions and occupations licensure provisions for individuals with military training.

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

Com. Sub. for Com. Sub. for Senate Bill 419 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating to licensure to practice professions and occupations; stating findings; establishing standards for licensure of military-trained applicants; mandating boards act on applications from military-trained applicants not later than 15 days after receipt; providing for conditions for issuance of authorization to practice occupation or trade to military-trained applicants; prohibiting board from charging fee for initial authorization to practice; establishing standards for licensing spouses of current military members; mandating boards act on applications from spouses not later than 15 days after receipt; prohibiting boards from charging fee to spouse of military member for initial authorization to practice; and providing for temporary authorization to practice while application is pending.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 436, Relating to prompt payment of legitimate, uncontested invoices by state agencies.

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

Com. Sub. for Senate Bill 436 (originating in the Committee on Government Organization)—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 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. 436), under the original double committee reference, was then referred to the Committee on Finance.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

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

Com. Sub. for Senate Bill 450 (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-14, and §7-14D-15; to amend and reenact §8-22A-2; to amend and reenact §15-2A-2 and §15-2A-9; to amend and reenact §16-5V-2; to amend and reenact §18-7A-3 and §18-7A-25; and to amend and reenact §20-18-2, §20-18-21, and §20-18-22, all relating to disability retirement medical examinations of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Retirement System, the Emergency Medical Services Retirement System, the Teachers Retirement System, and the Natural Resources Police Officers Retirement System; defining "medical examination"; and providing that board approval of disability awards and benefits be based on a medical examination.

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,

Eric Nelson, Jr.,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the

second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

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 465, Increasing limit on moneys placed in county's rainy day fund.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 489, Requiring BOE provide free feminine hygiene products in grades six through 12.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

Senator 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 498, Relating to employee jury service tax credit.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill, 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

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

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Swope:

Senate Bill 553—A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, relating to allowing for evaluation of prequalified bidders to be based on best value.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 554—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-3-21; and to amend said code by adding thereto a new section, designated §12-6D-8, all relating generally to exempting purchases made by the Auditor and West Virginia Enterprise Resource Planning Board from certain provisions of this code; and requiring both the Auditor and Enterprise Resource Planning Board to maintain and adopt internal competitive procurement processes.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 555—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-3A-8, relating to prohibiting banks and payment networks from tracking firearm-related data and outlining penalties regarding the state and local purchasing card contract if banks and payment networks track firearm-related data.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Weld:

Senate Bill 556—A Bill to amend and reenact § 59-1-14 of the Code of West Virginia, 1931, as amended, relating to the fees to be charged by sheriffs for performing certain tasks.

Referred to the Committee on Government Organization.

By Senator Maroney:

Senate Bill 557—A Bill to amend and reenact §33-51-9 and §33-51-12 of the Code of West Virginia, 1931, as amended, all relating to reimbursement of prescription drug or pharmacy services; providing that a pharmacy or pharmacist may decline to dispense a prescription drug or pharmacy service where reimbursement by a public employees insurance program is less than the pharmacy or pharmacist's drug acquisition cost; and providing reporting by a pharmacy benefit manager to the

insurance commissioner of the number of prescription drug or pharmacy services declined on an annual basis.

Referred to the Committee on Health and Human Resources.

By Senator Weld:

Senate Bill 558—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-13, relating to prohibiting law-enforcement agencies of the state from posting the booking photographs of certain criminal defendants on social media.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 559—A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to spousal privilege; and expanding the exceptions to spousal privilege to exclude therefrom cases in which the offense at issue was committed against any child rather than a child of one or both spouses.

Referred to the Committee on the Judiciary.

By Senators Trump and Queen:

Senate Bill 560—A Bill to amend and reenact §29-12-1, §29-12-2, §29-12-4, §29-12-5a, and §29-12-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-12A-5 of said code, all relating to the state's procurement of insurance protection and the limitation of damages available for claims against schools related to abuse.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 561—A Bill to repeal §16-13C-1, §16-13C-2, §16-13C-3, §16-13C-4, §16-13C-5, and §16-13C-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §22-36-1, §22-36-2, §22-36-3, §22-36-4, §22-36-5, and §22-36-6 of said code; to amend and reenact §22C-1-4 and §22C-1-8 of said code; to amend and reenact §22C-2-2 of

said code; and to amend said code by adding thereto a new article, designated §22C-2A-1, §22C-2A-2, §22C-2A-3, §22C-2A-4, §22C-2A-5, §22C-2A-6, §22C-2A-7, and §22C-2A-8, all relating to the administration of the West Virginia Drinking Water Treatment Revolving Fund; modifying the Water Development Authority and Water Development Board; removing mention of the federal Safe Drinking Water Act from an area of code; providing for the state administration of the federal Safe Drinking Water Act; and transferring state administration of the West Virginia Drinking Water Treatment Revolving Fund from the Department of Health and Human Resources to the Department of Environmental Protection.

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

By Senators Jeffries, Barrett, Oliverio, and Weld:

Senate Bill 562—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31I-1-1, §31I-1-2, §31I-1-3, §31I-1-4, §31I-1-5, §31I-1-6, §31I-1-7, §31I-1-8, §31I-1-9, §31I-1-10, §31I-1-11, and §31I-1-12; and to amend and reenact §36-1A-1 of said code, all relating to the operation of private trust companies in the State of West Virginia; and relating to the statutory rule against perpetuities in the State of West Virginia.

Referred to the Committee on Banking and Insurance.

Senators Weld and Rucker offered the following resolution:

Senate Resolution 24—Designating February 6, 2023, as Domestic Violence Awareness Day in West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 23, Designating February 3, 2023, as WV Homeschool Day at Legislature.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Grady regarding the adoption of Senate Resolution 23 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 205, Relating to registration plates.

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: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

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. 205) 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 275, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements.

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: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 275) 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 294, Clarifying amount of deputy sheriff annual salary increase.

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: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

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. 294) 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 345, Authorizing Department of Revenue to promulgate 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: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

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. 345) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

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. 345) 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 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

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: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 457) passed with its title.

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

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

The Senate again proceeded to the eighth order of business and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 461, Relating to WV public employees grievance procedure.

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: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Woelfel—1.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

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. 461) passed with its title.

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

Eng. Com. Sub. for Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

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

Eng. House Bill 2564, Repeal of administrative hearing procedures for DUI offenses.

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: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2564) passed with its title.

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

Eng. House Bill 2776, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2776) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2776) takes effect from passage.

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

Eng. House Bill 2777, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2777) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2777) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system.

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

Senate Bill 296, Uniform Public Meetings During Emergencies Act.

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 463, Increasing validity of CDL instruction permit.

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

Eng. House Bill 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 50, Requiring one-year residency within district or county to fill vacancy in Legislature.

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

Com. Sub. for Senate Bill 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act.

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

Com. Sub. for Senate Bill 361, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

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

Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

On first 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 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

On first 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 475, Modifying examinations for disability pensions.

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

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 Rucker.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 2, 2023:

Senate Bill 266: Senator Plymale;

Senate Bill 267: Senator Plymale;

Senate Bill 436: Senator Jeffries;

Senate Bill 440: Senator Jeffries;

Senate Bill 465: Senator Jeffries;

Senate Bill 489: Senator Plymale;

Senate Bill 532: Senator Barrett;

Senate Bill 541: Senator Taylor;

Senate Bill 543: Senator Plymale;

Senate Bill 545: Senators Deeds and Karnes;

Senate Bill 546: Senators Woodrum and Deeds;

Senate Bill 547: Senator Smith;

Senate Bill 552: Senators Taylor, Karnes, Phillips, and Grady;

And,

Senate Resolution 23: Senators Rucker, Taylor, Smith, Plymale, Karnes, and Barrett.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 9:40 a.m., the Senate adjourned until Monday, February 6, 2023, at 11 a.m.

MONDAY, FEBRUARY 6, 2023

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Bill Hamilton, a senator from the eleventh district.

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

Pending the reading of the Journal of Friday, February 3, 2023,

At the request of Senator Woodrum, 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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2004—A Bill to amend and reenact §31A-2A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31A-2B-1; §31A-2B-2, §31A-2B-3, §31A-2B-4, §31A-2B-5, §31A-2B-6, §31A-2B-7, §31A-2B-8, §31A-2B-9, and §31A-2B-10, all relating generally to payment card transactions involving firearm, firearm accessory or component, and ammunition retailers; clarifying that financial records may not be disclosed or compelled to be disclosed in a manner that discriminates against certain constitutionally protected activity; providing a short title; setting forth legislative findings and intent; defining terms; prohibiting disclosure of protected financial information except in limited circumstances; allowing for written

authorization for disclosure of protected financial information; establishing requirements for subpoenas of protected financial information; prohibiting use of protected financial information for certain discriminatory conduct; providing civil remedies for violation of new article with liquidated or compensatory damages; allowing an aggrieved party in a civil action to recover attorney's fees and injunctive relief for violations; limiting defenses available to civil remedies; establishing a statute of limitations for civil remedies; providing that civil remedies are exclusive for violations; authorizing the Commissioner of Financial Institutions to enforce requirements subject to certain limitations; authorizing the State Treasurer to disqualify financial institutions from certain state contracts if violations have occurred; establishing the scope of new requirements; and providing a severability clause.

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 2007—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-20; and to amend said code by adding thereto a new section, designated §30-14-17, all relating to prohibiting certain medical practices; providing definitions; providing that allopathic and osteopathic physicians may not provide irreversible gender reassignment surgery or gender altering medication as defined herein to a person who is under eighteen years of age; and providing criteria for certain limited exceptions to this rule.

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

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

Eng. Com. Sub. for House Bill 2008—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, §15-15-6, §15-15-7, §15-15-8, §15-15-9, §15-15-10, and §15-15-11, all relating to requiring state entities, local entities and law enforcement agencies to cooperate with the enforcement of immigration laws; providing for definitions; requiring that entities and agencies not prohibit the enforcement of immigration laws or cooperation with other governmental agencies to enforce immigration laws; providing for complaint procedures; providing for mandatory duties regarding immigration detainees; providing for actions to ensure compliance; providing for ineligibility for state funds; providing for rulemaking authority for the State Auditor; providing for mandatory agreements; providing for the Attorney General to defend good-faith compliance under certain circumstances; providing for a civil cause of action for damages; providing for a duty to report and Whistle-Blower protections; providing for prohibiting discrimination; and providing for severability.

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 2380—A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-10 of said code; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15, and §18-9D-19 of said code, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; allowing funding directly to school construction fund instead of through school aid formula; removing references to regional education service agencies; removing authority to issue general obligation bonds; closing capital improvements fund and transferring funding to school construction fund; requiring authority to request appropriation; repealing authority to offer higher education savings plans; providing purposes and revenue

sources for other funds and use of use of proceeds of bonds; and removing findings related to comprehensive high schools.

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 2443—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §18A-4-23, relating to providing minimum experience requirement for director or coordinator of services class title involving school transportation; providing eligibility for candidates for professional employee positions involving supervision of a county transportation department; making any service employee who is certified as a Director or Supervisor of Pupil Transportation by the National Association for Pupil Transportation Certification; and requiring county boards to consider such candidates.

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 2768—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-27, relating to requiring all Chapter 30 boards and state entities to utilize ".gov" website domains and e-mail addresses in order to clearly identify such entities and boards as official government entities.

Referred to the Committee on Government Organization; 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 2941—A Bill to amend and reenact §18B-1D-11 of the Code of West Virginia, 1931, as amended, relating to extending the sunset date of the State Advisory Council on Postsecondary Attainment Goals.

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 3091—A Bill to amend and reenact §6-9B-1, §6-9B-3, and §6-9B-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §6-9B-5 and §6-9B-6, all relating to requiring certain entities to provide information to the State Auditor for inclusion on the financial transparency website; requiring government agencies and counties to provide certain information to the State Auditor; providing that certain county financial information is to be included on the financial transparency website; requiring the State Auditor to make counties' financial information publicly available on the financial transparency website; requiring counties to submit certain financial information to the State Auditor; setting forth the information that counties are required to send; specifying when the information must be sent; requiring the State Auditor to publicly identify any county that fails to comply with certain requirements; granting the State Auditor the authority to promulgate legislative rules to implement the provisions of this article.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 216, Requiring all schools to instruct students on Holocaust and other genocides.

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

Com. Sub. for Senate Bill 216 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all schools to instruct students on the Holocaust, other genocides, and financial literacy.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
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 495, Providing correctional institutions and juvenile facilities video and audio records be confidential.

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

Com. Sub. for Senate Bill 495 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15A-4-8a of the Code of West Virginia, 1931, as amended, relating generally to correctional institutions and juvenile facilities; deeming certain video and audio recordings records and reports to be confidential; creating exceptions to confidentiality; requiring court or administrative tribunal orders directing disclosure to contain a provision limiting disclosure to the purposes necessary to the proceeding and prohibiting unauthorized use and publication; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 Trump:

Senate Bill 563—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §26-12-1, relating to whistleblower protections for workers at state health care facilities who report unsafe patient care or unsafe patient conditions.

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

By Senator Tarr:

Senate Bill 564—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-4h, relating to authorizing the Public Service Commission of West Virginia to consider and authorize the recovery of certain costs by certain utilities through the issuance of consumer rate relief bonds; providing legislative findings; providing definitions; providing application process for financing order authorizing the recovery of certain costs; requiring certain information in application for financing order; providing for issuance of financing order and information contained therein; allowing for disposition of consumer rate relief property; providing for the effect and term of financing order; providing for subsequent Public Service Commission proceedings and limits on commission authority; providing for duties of certain utilities; providing for application of adjustment mechanism and filing of schedules with commission; providing for nonbypassability of consumer rate relief changes; providing consequences and procedures for utility default; providing for requirements and obligations of successors to certain

utilities; providing for security interest in consumer rate relief property and transfer and sale of same; providing for limitation on taxation of consumer rate relief charges and exemption thereto; providing that consumer rate relief bonds are not debt of governmental entities or a pledge of taxing power; providing utility consumer rate relief bonds as legal investment; providing for certain pledge of state; providing for governing law; providing for severability and non-utility status; requiring that utilities must obtain consent and approval from the Public Service Commission prior to retiring, abandoning, closing, or otherwise permanently rendering incapable of operating certain plants or units; and providing for continued viability of certain bonds.

Referred to the Committee on Finance.

By Senators Hunt, Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Taylor, and Woodrum:

Senate Bill 565—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 discrimination by financial institutions against people and businesses engaged in lawful firearms and ammunition sales and manufacture; creating the Firearms Industry Nondiscrimination Act; legislative findings; providing definitions; prohibiting certain acts of discrimination related to firearm sales and manufacture; providing for civil causes of action; and giving enforcement powers to the attorney general.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senator Maroney:

Senate Bill 566—A Bill to amend and reenact §16-5CC-3 of the Code of West Virginia of 1931, as amended, relating to extend the termination date of the West Virginia Advisory Council on Rare Diseases.

Referred to the Committee on Health and Human Resources.

By Senator Stuart:

Senate Bill 567—A Bill to amend and reenact §16-5V-2 of the Code of West Virginia, 1931, as amended, relating to defining and amending terms related to a "participating public employer".

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

By Senators Trump, Deeds, Hunt, Rucker, Stover, Stuart, Taylor, and Woelfel:

Senate Bill 568—A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating generally to the Dangerousness Assessment Advisory Board; clarifying the board's primary purpose; declaring that the Secretary of the Department of Health and Human Services has no supervisory authority over the board; and authorizing the board, in its discretion, to assist.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 569—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, §11-13MM-5, and §11-13MM-6, all relating to creating the Rehabilitation of Blighted Properties Tax Credit Act; providing for a credit against state corporate net income taxes and personal income taxes; providing for carryback and carryforward of certain tax credits; providing for the allowance of certain tax credits in specific taxable years; providing for the application of certain tax credits; providing definitions; and authorizing rulemaking.

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

By Senator Stover:

Senate Bill 570—A Bill to amend and reenact §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended, all relating to Natural Resources Police Officer Retirement; providing for supplemental funding of the West Virginia Natural Resources

Police Officer Retirement System; and providing for additional recruitment and retention opportunities of Natural Resources Police Officers.

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

By Senator Barrett:

Senate Bill 571—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22D-25, relating to amend the regulation of fantasy gaming competitions and implementation of sports wagering by allowing the West Virginia State Lottery Commission to accredit independent evaluators to audit and opine on the sports betting content directly or indirectly affiliated with mobile sports wagering licensees.

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

By Senators Maynard, Deeds, Stover, Taylor, and Trump:

Senate Bill 572—A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §55-7-32, all relating to codifying the common law cause of action of public nuisance in a manner consistent with its originally intended and historical applications.

Referred to the Committee on the Judiciary.

By Senator Maroney:

Senate Bill 573—A Bill to amend and reenact §48-1-205, of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-13-301, §48-13-303, §48-13-403, §48-13-404, and §48-13-501 of said code, all relating generally to the child support guidelines and the Support Enforcement Commission; clarifying circumstances for attributed income; updating monthly basic child support obligations to reflect 2022 financial data; updating income amount requiring manual calculation to determine basic child support obligation; updating amount for the ability to pay

calculation and self-support reserve; and amending the multiplier for extended shared parenting adjustment.

Referred to the Committee on the Judiciary.

By Senators Smith, Karnes, Rucker, and Taylor:

Senate Bill 574—A Bill to amend and reenact §3-5-5 of the Code of West Virginia, 1931, as amended, relating to the nomination and election of candidates for U.S. Congress; setting forth legislative findings and purpose; defining terms; setting forth residency requirements for candidacy; establishing early filing window for candidates; authorizing the Secretary of State to investigate the validity of candidate's residency; providing for legal standing and defense of statute; and setting forth rule-making authority and penalties.

Referred to the Committee on the Judiciary.

Senator Clements offered the following resolution:

Senate Concurrent Resolution 7—Amending Joint Rules of the Senate and House of Delegates.

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

Senate Resolution 25—Designating February 7, 2023, as Sexual Assault Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 24, Designating February 6, 2023, as Domestic Violence Awareness Day in WV.

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 and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice 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: 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)—33.

The nays were: None.

Absent: Azinger—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. 232) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Azinger—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. 232) 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 Senate Bill 463, Increasing validity of CDL instruction permit.

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: 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)—33.

The nays were: None.

Absent: Azinger—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. 463) passed with its title.

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

Eng. Com. Sub. for Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

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

Eng. House Bill 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University.

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: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2835) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 50, Requiring one-year residency within district or county to fill vacancy in Legislature.

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 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act.

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

Senate Bill 296, Uniform Public Meetings During Emergencies Act.

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

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendments to the bill were withdrawn.

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

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

ARTICLE 9C. UNIFORM PUBLIC MEETINGS DURING EMERGENCIES ACT.

§6-9C-1. Short title.

This article may be cited as the Public Meetings During Emergencies Act.

§6-9C-2. Definitions.

In this article:

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Emergency" means an event or condition that is an emergency, disaster, or public health emergency as addressed in §15-5-2 and §15-5-6 of this code.

"Emergency declaration" means a declaration of emergency issued by a person or agency authorized to do so under §15-5-6 of this code and that is in effect.

"Meeting" has the same definition as in §6-9A-2 of this code.

"Person" has the same definition as in §6-9A-2 of this code. The term does not include a public corporation, government or governmental subdivision, agency, or instrumentality.

"Public agency" has the same definition as in §6-9A-2 of this code, however, for purposes of this article, it does not include the Legislature.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Virtual meeting" or "virtually" means a meeting of a public agency or any part thereof, at which some or all of the members of the public agency participate wholly or partly by electronic means.

§6-9C-3. Virtual meetings.

(a) A public agency may meet virtually during an emergency that is the subject of an emergency declaration if otherwise permitted by law, or all or part of the jurisdiction of the public agency is subject to the emergency declaration; and the person authorized by law or by rule of the public agency to act for the public agency determines that due to the emergency it would not be practical or prudent for the public agency to meet physically or if the emergency declaration prohibits physical meetings.

(b) If a virtual meeting of a public agency authorized by §6-9C-3(a) of this code complies with the requirements of §6-9C-4, §6-9C-5, and §6-9C-6 of this code, then any action taken at a virtual meeting has the same legal force and effect as an action taken at a physical meeting of the public agency. All other laws of the state that apply to a physical meeting of a public agency shall, to the extent practicable and not inconsistent with a virtual meeting, apply to a virtual meeting of the public agency.

§6-9C-4. Authorization for virtual meeting.

(a) A public agency may conduct a virtual meeting while an emergency declaration is in effect that applies to all or part of the jurisdiction of the public agency if:

(1) The emergency declaration prohibits, limits, or has the effect of prohibiting or limiting an in-person meeting of the public agency; or

(2) The presiding officer of the public agency or other individual authorized to act for the public agency determines it is not practical or prudent for the public agency to conduct an in-person meeting because of the emergency; and

(A) Communicates to the members of the public agency that the meeting shall be a virtual meeting; and

(B) Takes reasonable steps to inform members of the public that the meeting shall be a virtual meeting.

§6-9C-5. Conduct of virtual meeting.

(a) A public agency shall, to the extent practicable, select a means to conduct a virtual meeting that is compatible with assistive technology commonly used by individuals with disabilities and that facilitates the accommodation needs of individuals with disabilities to access the meeting.

(b) Except as provided in §6-9C-5(c) or §6-9C-5(d) of this code, the means used to conduct a virtual meeting shall permit each member of the public agency who attends the meeting to see and hear during the meeting and to be seen and heard by, the other members of the public agency who attend the meeting.

(c) If a member of a public agency is unable to obtain visual access to the virtual meeting but is able to obtain audio access that permits the member, during the meeting, to hear and be heard by the other members of the public agency who attend the meeting, the member may attend by audio access.

(d) If a public agency lacks the capacity to provide contemporaneous visual access to a virtual meeting for members of the public agency, the public agency may conduct the meeting by audio-only access that permits each member of the public agency who attends the meeting, to hear and be heard during the meeting by the other members of the public agency who attend the meeting.

(e) A member of a public agency who attends a virtual meeting is considered present for all purposes, including for determination of a quorum and voting, if during the meeting, the member may:

(1) For a meeting conducted in compliance with §6-9C-5(b) of this code, see and hear and be seen and heard by the other members of the public agency who attend; or

(2) For a meeting conducted in compliance with §6-9C-5(c) or (d) of this code, may hear and be heard by the other members of the public agency who attend.

(f) A member of a public agency who attends a virtual meeting through electronic means that provide audio-only access to the meeting shall state the member's name each time the member speaks. Failure by a member to state the member's name does not invalidate an action taken at the virtual meeting.

(g) A vote taken at a virtual meeting shall be by a process that identifies how each member of the public agency votes.

(h) The minutes of a virtual meeting shall include any vote taken, that the meeting was conducted by electronic means, the technology used, and which members of the public agency attended by electronic means.

§6-9C-6. Public observation.

(a) If the open meetings law requires that the public be able to observe all or part of a meeting of a public agency in real time:

(1) The public agency shall permit the public to observe a virtual meeting or the part of the virtual meeting that would be required to be open to the public if it were part of an in-person meeting; and

(2) The public agency shall provide the technological means to allow the members of the public who observe the virtual meeting to see and hear or, if the public agency conducts the meeting by audio-only access under §6-9C-5(d) of this code, to hear any

members of the public authorized by the public agency to speak in the meeting.

(b) A document, exhibit, or other record presented to a public agency at a virtual meeting that, under the open meetings law, would have been available to the public at an in-person meeting, including members of the public observing or participating in a virtual meeting under §6-9C-7 of this code, shall be made available to the public at the same time as the virtual meeting to the extent practicable.

§6-9C-7. Public participation.

(a) If a law of this state or a political subdivision of the state or a rule, practice, or procedure adopted by the public agency requires that members of the public be permitted to participate in a meeting of the public agency, the public agency to the extent practicable shall permit members of the public to participate in a virtual meeting, subject to the conditions that apply at an in-person meeting of the public agency.

(b) If members of the public are permitted to speak at a virtual meeting, the technology used to conduct the meeting shall permit the members of the public agency and members of the public attending the meeting to hear the members of the public who speak at the meeting.

(c) If a public agency considers at a virtual meeting a matter affecting the right or interest of a person entitled by other law of the state or a political subdivision of this state or by rule of the public agency to participate, present evidence, or examine or cross-examine witnesses at an in-person meeting, the public agency shall permit the person to use the same technology that the public agency uses to conduct the virtual meeting, or provide equivalent access, to attend the meeting and present evidence, or examine or cross-examine witnesses in the meeting.

(d) If a person to which §6-9C-7(c) of this code applies objects that the virtual meeting does not allow the person to effectively protect the right or interest referred to in §6-9C-7(c) of this code,

the public agency shall consider the objection and may proceed with the matter at a virtual meeting if the agency determines that the virtual meeting will allow the person to effectively protect the right or interest. The determination and the reason for the determination shall be stated in a record.

§6-9C-8. Notice.

(a) In addition to any other requirement concerning notice, a public agency, for a meeting of the public agency, shall give notice of a virtual meeting and shall specify that the meeting will be a virtual meeting and the technology that will be used for the virtual meeting.

(b) Notice of a virtual meeting shall specify how:

(1) Members of the public may observe the meeting in real time pursuant to §6-9C-6 of this code;

(2) Members of the public permitted to participate, present evidence, or examine or cross-examine witnesses at the meeting pursuant to §6-9C-7 of this code may do so;

(3) A member of the public may alert the public agency of a technical or quality problems that prevents the member from accessing the meeting; and

(4) A member of the public with a disability may request a reasonable accommodation to access the meeting.

§6-9C-9. Procedural rules.

A public agency may adopt rules for conducting a virtual meeting under this article, comparable to rules for conducting an in-person meeting of the public agency. The rules may include:

(1) The means by which the public agency will inform members of the public that a virtual meeting will be held;

(2) The effect of a technical or quality problems that interferes with meeting or access to a meeting by a member of the public agency or the public;

(3) The means by which a record considered at a meeting is made available to the public agency and, if required by other law, the public;

(4) The means for access to a meeting by an individual with a disability; and

(5) The process by which a person may object under §6-9C-7 of this code to the conduct of a meeting on the ground that the procedure denies the person due process of law.

§6-9C-10. Electronic Signatures in Global and National Commerce Act.

This article modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 *et seq.*, but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103 (b) of that act, 15 U.S.C. § 7003(b).

The bill (S. B. 296), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 361, Authorizing miscellaneous boards and agencies to promulgate legislative 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 475, Modifying examinations for disability pensions.

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 Senate Bill 295, Extending time that prescription for spectacles remains valid.

Com. Sub. for Senate Bill 299, Relating to crime of trespass generally.

Com. Sub. for Senate Bill 300, Relating to law-enforcement training and certification.

Com. Sub. for Senate Bill 419, Establishing standards for licensure of military trained applicants.

Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

Com. Sub. for Senate Bill 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

Com. Sub. for Senate Bill 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

Senate Bill 465, Increasing limit on moneys placed in county's rainy day fund.

Senate Bill 489, Requiring BOE provide free feminine hygiene products in certain grades.

Com. Sub. for Senate Bill 514, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

And,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stuart and Woelfel.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senators Stuart and Woelfel were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Caputo, unanimous consent being granted, it was ordered that the Journal show had Senator Caputo been present in the chamber on Friday, February 3, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 205, Engrossed Senate Bill 275, Engrossed Committee Substitute for Senate Bill 294, Engrossed Committee Substitute for Senate Bill 345, Engrossed Senate Bill 457, Engrossed House Bill 2564, Engrossed House Bill 2776, and Engrossed House Bill 2777 and "nay" on the passage of Engrossed Committee Substitute for Senate Bill 461.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 3, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

S. B. 132 - Clarifying criminal offense of harassment.

This bill is presented to you on this day, February 3, 2023.

Respectfully submitted,


Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 6, 2023

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

Dear Governor Justice,

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

Com. Sub. for S. B. 83 - Authorizing tactical medical professionals to carry firearms.

And,

S. B. 207 - Relating to state allocation of funding to regional councils.

These bills are presented to you on this day, February 6, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 3, 2023:

Senate Bill 535: Senator Grady.

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 3, 2023:

Senate Bill 26: Senator Oliverio;

Senate Bill 40: Senator Oliverio;

Senate Bill 52: Senator Smith;

Senate Bill 76: Senator Smith;

Com. Sub. for Senate Bill 80: Senator Smith;

Senate Bill 101: Senator Smith;

Senate Bill 225: Senator Smith;

Senate Bill 483: Senator Nelson;

Senate Bill 490: Senator Nelson;

Senate Bill 495: Senators Deeds and Rucker;

Senate Bill 497: Senator Nelson;

Senate Bill 498: Senator Hunt;

Senate Bill 521: Senator Nelson;

Senate Bill 526: Senator Nelson;

Senate Bill 546: Senators Taylor, Maynard, and Martin;

Senate Bill 555: Senators Rucker, Hamilton, and Deeds;

Senate Bill 556: Senator Deeds;

Senate Bill 558: Senator Woelfel;

Senate Bill 559: Senator Deeds;

Senate Bill 562: Senators Plymale and Clements;

Senate Joint Resolution 10: Senator Maynard;

And,

Senate Resolution 24: Senators Woelfel, Plymale, Hamilton, Deeds, and Smith.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:30 a.m., the Senate adjourned until tomorrow, Tuesday, February 7, 2023, at 11 a.m.

TUESDAY, FEBRUARY 7, 2023

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Jim Ellis, Calvary Church of the Nazarene, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Monday, February 6, 2023,

At the request of Senator Trump, 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 concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days.

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

Eng. House Bill 2533, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

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 3141—A Bill to amend and reenact §30-4-3 and §30-4-8a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-25; all relating to the practice of dentistry; providing for updated definitions; modifying the requirements of dental specialists; and specifying duties during declared public health emergencies.

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

Executive Communications

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



Jim Justice
Governor of West Virginia

February 6, 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. One Hundred Thirty-Two (132), which was presented to me on February 3, 2023.

Senate Bill No. One Hundred Forty-Three (143), which was presented to me on February 1, 2023.

Senate Bill No. Two Hundred Thirty-One (231), which was presented to me on February 1, 2023.

You will note that I have approved these bills on February 6, 2023.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator 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 199, Relating to purchase of commodities and services from nonprofit workshops.

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

Com. Sub. for Senate Bill 199 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-1-1 of the West Virginia Code, 1931, as amended; to amend and reenact §5A-3-10 of said code; and to amend and reenact §5A-3A-2, §5A-3A-3, §5A-3A-4, and §5A-3A-6 of said code, all relating to requiring purchases of certain commodities and services from state use program partners; revising definitions; updating terms; requiring director to purchase certain commodities and services from state use program partners; providing that determination that commodities and services purchased from state use program partners are of fair market value and quality comparable to commodities and services otherwise available is to be made by Committee on the Purchase of Commodities and Services from the Disabled; revising qualifications for chair of committee; and clarifying date for annual report of committee.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Woodrum, unanimous consent being granted, the bill (Com. Sub. for S. B. 199) contained in the

foregoing report from the Committee on Government Organization was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 204, Increasing salary for teachers with less than eight years of experience.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

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

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Com. Sub. for Senate Bill 250 (originating in the Committee on Transportation and Infrastructure), Requiring level one permit holders to display student driver on rear of vehicle.

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

Rev. Com. Sub. for Senate Bill 250 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to require certain drivers in the graduated driver's license program to display a student driver sign; specifying sign requirement; authorizing Division of Motor Vehicles to distribute and provide information on signs; making violators subject to penalties; and providing for limited court-related cost and fee exemption.

With the recommendation that the revised committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
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 302, Relating to Law Enforcement Safety Act.

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

Com. Sub. for Senate Bill 302 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

designated §15-15-1, relating to the creation of the Law Enforcement Safety Act; and requiring West Virginia law-enforcement agencies to index felony warrants with the National Crime Information Center (NCIC).

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
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 484, Clarifying terms and offense of human smuggling.

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

Com. Sub. for Senate Bill 484 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended; and by adding thereto a new section designated §61-10-35, relating to creating the criminal offense of human smuggling; defining terms; clarifying that each person smuggled constitutes a separate offense; acknowledging prohibition against police action based on race or ethnic origin; and establishing criminal penalties.

Senate Bill 490, Patrol Officer Cassie Marie Johnson Memorial Act.

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

Com. Sub. for Senate Bill 490 (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 law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel engaged in their official duties and thereby proximately causing the death of a person acting in his or her official capacity; and establishing the penalty therefor as life in prison with parole eligibility after service of 15 years.

And,

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

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

Com. Sub. for Senate Bill 515 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to clarifying the deadline to file an annual report for corporations, limited partnerships, domestic limited liability partnerships, and foreign limited liability companies; permitting assessment of bad check fee for providing invalid account number; authorizing Secretary of State to waive new business registration fees at certain events; requiring disclaimers and disclosures on third party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties for failure to comply with disclaimers and disclosure requirements.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 485, PFAS Protection Act.

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

Com. Sub. for Senate Bill 485 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding four new sections, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying and abating health risks of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing definitions; requiring the Department of Environmental Protection to write PFAS action plans to identify and address sources of PFAS for certain public water systems; requiring facilities using certain PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and directing the Department of Environmental Protection to recommend any needed changes to statutes or rules; requiring annual report to Joint Legislative Oversight Commission on State Water Resources; setting forth other duties of the Department of Environmental Protection; requiring modification of certain NPDES permits; and requiring Department of Environmental Protection to propose adopting water quality criteria at next legislative rule-making cycle to effectuate the provisions herein.

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,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 485), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Military has had under consideration

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

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

Respectfully submitted,

Ryan W. Weld,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 519, School Personnel Whistle-Blower Law.

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

Com. Sub. for Senate Bill 519 (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 §18A-8-1, §18A-8-2, §18A-8-3, §18A-8-4, §18A-8-5, §18A-8-6, §18A-8-7, and §18A-8-8, all relating to the creation of the School Personnel Whistle-Blower Law; providing for a short title; providing for definitions; prohibiting an employer from discharging, threatening,

harassing, discriminating, or retaliating against an employee in certain ways and for certain reasons; prohibiting because of status or actions as a whistle-blower denial of a promotion or other increase in compensation that would otherwise have been received; allowing a civil action to be brought by a person who alleges that he or she is a victim of a violation of the School Personnel Whistle-Blower Law; providing for a limitation on actions; setting forth a burden of proof; providing for a defense; allowing pursuit of grievance by certain employees; providing that nothing in School Personnel Whistle-Blower Law impairs or limits any other right or legal action of an employee; providing redress for a whistle-blower; setting forth a civil penalty; allowing removal from public office, discipline, and/or termination from employment, as applicable, in certain instances; setting forth limitations on scope of construction; clarifying protections related to political activity and membership in organization of employee; and requiring notice to keep employees informed of protections and obligations set forth in the School Personnel Whistle-Blower Law.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 519), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 529, Allowing businesses to register as limited liability limited partnerships.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 532, Creating new crime of soliciting minor.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 532 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-6-609 of said code; and to amend said code by adding thereto a new section, designated §61-8-32, all relating to the crime of solicitation of a minor for purposes of sexual activity; establishing the essential element that the minor be at least four years younger than the perpetrator; providing for enhanced penalties for second and subsequent offenses; requiring registration as a sex offender for those convicted of the offense; requiring designation of persons convicted of the offense to be an abusive parent where factually appropriate; and establishing criminal penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the

second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill 2531, Requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company.

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 the Judiciary.

Respectfully submitted,

Charles H. Clements,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Transportation and Infrastructure pending.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. House Bill 2602, Reestablishing certain specialized school service personnel classifications.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,
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 Weld:

Senate Bill 575—A Bill expiring funds to the balance of the unappropriated surplus balance in the State Fund, General Revenue, in the amount of \$2,447.07 from the balance of moneys remaining in the Stripper Well NDL 378 Fund, fund 1218, the Enforcement of Guardianship and Conservatorship, fund 1228, and the Technology Support and Acquisition Fund, fund 1233.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 576—A Bill to amend and reenact §32-4-406 and §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-7-712, all relating generally to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Operating Fund; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; providing an effective date; permitting the Auditor to transfer three percent of securities fees collected to the Securities Restitution Operating Fund; and authorizing the awarding of restitution in an administrative assessment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Maroney:

Senate Bill 577—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.

Referred to the Committee on Health and Human Resources.

By Senator Grady:

Senate Bill 578—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, §18B-21-4, and §18B-21-5, all relating to creating the Hunger-Free Campus Act; providing for a short title; establishing the act and providing for a legislative purpose; authorizing the Higher Education Policy Commission to implement program; providing qualifications for campuses to be designated as Hunger-Free zones; allowing for grant funding of Hunger-Free zones; providing for reporting on the impact of any grants; and providing for an effective date.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Tarr:

Senate Bill 579—A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 580—A Bill to amend and reenact §11-8-16 and §11-8-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §13-1-7 of said code, all relating to authorizing a special election for presenting the question of a special levy renewal for levies expiring prior to July 1, 2024; and authorizing the resubmission of questions to the voters at a regularly scheduled

primary or general election for certain levy questions rejected at a prior election.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Hamilton:

Senate Bill 581—A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1-4 of said code; to amend and reenact §19-2-5 of said code; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-12-2 of said code; to amend and reenact §19-12D-3, §19-12D-4, and §19-12D-5 of said code; and to amend and reenact §19-36-2 of said code, all relating generally to the 2023 Farm Bill; including definition of terms; transfer of land owned by the Department of Agriculture; membership and compensation of the board of review; and promulgation of rules.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on the Judiciary.

Senator Woodrum offered the following resolution:

Senate Concurrent Resolution 8—Requesting the Division of Highways name bridge number 10-041/00-000.29 (10A065), (37.85603, -81.06700), locally known as Strecherneck Bridge, carrying WV 41 over the CSX Railroad in Fayette County, the "U. S. Army PV2 Harold Richard Plumley Memorial Bridge".

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 9—Declaring the Guyandotte River Crayfish (*Cambarus veteranus*) the official crustacean for the State of West Virginia.

Which, under the rules, lies over one day.

Senator Woodrum offered the following resolution:

Senate Resolution 26—Commemorating and honoring the life, military service, and the ultimate sacrifice of U.S. Army SGT Brian Christopher Karim.

Which, under the rules, lies over one day.

Senators Nelson, Barrett, Hunt, Jeffries, Phillips, and Stuart offered the following resolution:

Senate Resolution 27—Designating February 8, 2023, as Crime Victims Day at the Legislature.

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

Senate Resolution 28—Recognizing the essential role Court Appointed Special Advocates play in providing a voice to the abused and neglected children of West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 7, Amending Joint Rules of Senate and House of Delegates.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Clements, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

On motion of Senator Clements, the following amendment to the resolution was reported by the Clerk and adopted:

By striking out everything after the Resolved clause and inserting in lieu thereof the following:

That the joint rules of the Senate and House of Delegates be amended by adding thereto a new rule 31, to read as follows:

Concurrent Resolutions Naming Transportation Infrastructure

31. Concurrent resolutions requesting the naming of transportation infrastructure shall be limited to the naming of bridges and roads.

No later than the fifteenth day of December immediately preceding the convening of the Legislature in regular session, legislators shall submit all applications to name transportation infrastructure to Legislative Services and the Division of Highways. No later than the fifteenth day of January, the Division of Highways shall provide infrastructure availability and location information to Legislative Services for all timely submitted applications. Legislative Services shall then draft a concurrent resolution for each timely submitted application. All such concurrent resolutions requesting the naming of transportation infrastructure shall be introduced by the twenty-fifth day and shall not be considered after the fiftieth day.

No concurrent resolution requesting the naming of transportation infrastructure that does not follow these procedures shall be introduced.

The question now being on the adoption of the resolution (S. C. R. 7), as amended, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Resolution 25, Designating February 7, 2023, as Sexual Assault Awareness Day at Legislature.

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 and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 50, Requiring one-year residency within district or county to fill vacancy in Legislature.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Stover—2.

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. 50) 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 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Azinger and Stover—2.

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. 247) 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 296, Uniform Public Meetings During Emergencies Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 296) 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 361, Authorizing miscellaneous boards and agencies to promulgate 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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 361) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—3.

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. 361) 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 Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 475, Modifying examinations for disability pensions.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Azinger, Stover, and Weld—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 475) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 295, Extending time that prescription for spectacles remains valid.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Woodrum, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 1, line 23, by striking out the words "an eye care provider" and inserting in lieu thereof the words "a licensee";

On page 3, section 1, line 60, by striking out the words "not less than";

And,

On page 3, section 1, line 60, by striking out the word "three" and inserting in lieu thereof the word "five".

The bill (Com. Sub. for S. B. 295), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 299, Relating to crime of trespass generally.

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 300, Relating to law-enforcement training and certification.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 419, Establishing standards for licensure of military trained applicants.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

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 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

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 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 465, Increasing limit on moneys placed in county's rainy day fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 489, Requiring BOE provide free feminine hygiene products in certain grades.

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 514, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill 2800, All relating to authorizing legislative rules regarding higher education.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 13, section 3, lines 109 and 110, by striking out all of subsection (ee) and inserting in lieu thereof a new subsection (ee), to read as follows:

(ee) The legislative rule filed in the State Register on July 21, 2022 (Annual Reauthorization of Degree-Granting Institutions) is authorized, with the following amendment:

On page 13 by adding a new subsection designated 12.23 to read as follows: Nothing in this rule in any way affects or limits the due process protections or other protections afforded to proprietary schools under either W. Va. Code § 18B-2B-9 or 135 C.S.R. 35, *Business, Occupational, and Trade Schools*.

The bill (Eng. H. B. 2800), as amended, was then ordered to 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 Senate Bill 216, Requiring all schools to instruct students on Holocaust, other genocides and financial literacy.

And,

Com. Sub. for Senate Bill 495, Providing correctional institutions and juvenile facilities video and audio records be confidential.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Hamilton, unanimous consent being granted, it was ordered that the Journal show had Senator Hamilton been present in the chamber on Monday, January 30, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 51, Engrossed Committee Substitute for Senate Bill 239, Engrossed Senate Bill 241, Engrossed Committee Substitute for Senate Bill 243, Engrossed Committee Substitute for Senate Bill 248, Engrossed Senate Bill 251, Engrossed Committee Substitute for Senate Bill 258, Engrossed Committee Substitute for Senate Bill 270, Engrossed Committee Substitute for Senate Bill 271, Engrossed Committee Substitute for Senate Bill 282, Engrossed Senate Bill 283, and Engrossed Committee Substitute for Senate Bill 439; on Tuesday, January 31, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for

Senate Bill 160, Engrossed Committee Substitute for Senate Bill 166, Engrossed Committee Substitute for Senate Bill 222, Engrossed Committee Substitute for Senate Bill 249, Engrossed Senate Bill 306, Engrossed Committee Substitute for Senate Bill 335, Engrossed Senate Bill 428, Engrossed Senate Bill 443, Engrossed Senate Bill 444, and Engrossed Senate Bill 446; on Wednesday, February 1, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 188, Engrossed Senate Bill 240, Engrossed Committee Substitute for Senate Bill 426, Engrossed Committee Substitute for House Bill 2018, and Engrossed House Bill 2029; on Thursday, February 2, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 356; and on Friday, February 3, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 205, Engrossed Senate Bill 275, Engrossed Committee Substitute for Senate Bill 294, Engrossed Committee Substitute for Senate Bill 345, Engrossed Senate Bill 457, Engrossed Committee Substitute for Senate Bill 461, Engrossed House Bill 2564, Engrossed House Bill 2776, and Engrossed House Bill 2777.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 6, 2023:

Senate Bill 495: Senator Caputo.

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 6, 2023:

Senate Bill 11: Senator Taylor;

Senate Bill 32: Senator Maynard;

Com. Sub. for Senate Bill 53: Senator Maynard;

Senate Bill 68: Senator Maynard;

Senate Bill 72: Senator Caputo;

Senate Bill 93: Senator Maynard;
Senate Bill 103: Senator Maynard;
Senate Bill 104: Senator Maynard;
Senate Bill 112: Senator Maynard;
Senate Bill 120: Senator Jeffries;
Senate Bill 123: Senator Oliverio;
Senate Bill 182: Senator Maynard;
Senate Bill 183: Senator Maynard;
Senate Bill 184: Senator Maynard;
Senate Bill 193: Senator Maynard;
Senate Bill 210: Senator Maynard;
Senate Bill 219: Senator Maynard;
Senate Bill 225: Senator Maynard;
Senate Bill 227: Senator Maynard;
Senate Bill 230: Senator Maynard;
Com. Sub. for Senate Bill 242: Senator Maynard;
Senate Bill 252: Senator Maynard;
Senate Bill 268: Senator Plymale;
Senate Bill 277: Senator Maynard;
Senate Bill 304: Senator Maynard;
Senate Bill 447: Senator Caputo;
Senate Bill 466: Senator Maynard;

Senate Bill 470: Senator Maynard;

Senate Bill 473: Senator Maynard;

Senate Bill 490: Senator Taylor;

Senate Bill 493: Senator Caputo;

Senate Bill 513: Senator Plymale;

Senate Bill 515: Senator Trump;

Senate Bill 527: Senator Hamilton;

Senate Bill 529: Senator Trump;

Senate Bill 541: Senator Oliverio;

Senate Bill 552: Senator Smith;

Senate Bill 561: Senator Woelfel;

Senate Bill 563: Senators Hamilton, Rucker, Deeds, and Phillips;

Senate Bill 564: Senator Phillips;

Senate Bill 565: Senators Swope, Grady, and Plymale;

Senate Bill 566: Senators Rucker, Caputo, and Woelfel;

Senate Bill 569: Senators Plymale and Woelfel;

Senate Bill 570: Senators Hamilton and Deeds;

Senate Bill 571: Senator Woelfel;

Senate Bill 574: Senator Phillips;

Senate Joint Resolution 1: Senator Smith;

Senate Joint Resolution 3: Senator Smith;

Senate Joint Resolution 4: Senator Smith;

Senate Concurrent Resolution 7: Senator Plymale;

Senate Resolution 24: Senator Stuart;

And,

Senate Resolution 25: Senators Hamilton, Rucker, Stuart, Deeds, Swope, Caputo, Plymale, and Oliverio.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:43 a.m., the Senate adjourned until tomorrow, Wednesday, February 8, 2023, at 11 a.m.

WEDNESDAY, FEBRUARY 8, 2023

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Reverend Bret Layton, Superintendent of the West Virginia South District Church of the Nazarene, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, February 7, 2023,

At the request of Senator Grady, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Corrections and Rehabilitation, Division of (§5-1-20)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 4, Creating Adopt-A-Trail volunteer programs for public land under DNR jurisdiction.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2611—A Bill to amend and reenact §31A-8-12a of the Code of West Virginia, 1931, as amended, relating to banking from mobile units and provision of messenger services, expanding the area in which banking from mobile units and the provision of messenger services may be conducted, and updating the boundary limitations for mobile banking and messenger services by banking institutions or other depository institutions.

Referred to the Committee on Banking and Insurance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2789—A Bill to amend and reenact §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia, 1931, as amended, all relating to removing the requirement that a birthing center obtain a certificate of need; and exempting birthing centers from obtaining a certificate of need.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3055—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-13, relating to restructuring technical transition math for students interested in careers in the trades; making findings; describing class; qualifications of instructors; use to meet graduation requirement.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 47 (originating in the Committee on School Choice), Creating Charter Schools Stimulus Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 47 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-17, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute moneys from the fund to qualifying charter school applicants and charter schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient has not begun operating a charter school within the next 30 months.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 187 (originating in the Committee on Education), Creating new criminal offenses of sexual contact, intrusion, or abuse of students by school employee.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 187 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-11b, relating to making it a felony offense for any school employee or volunteer to engage in sexual intercourse, sexual intrusion, or sexual contact with any student in the school where the person is employed regardless of age; defining terms; declaring that neither consent nor location where an offense occurs is a defense to prosecution specifying the criminal penalties for this offense; and declaring that a final conviction under this section causes the permanent revocation of any education related certificate the school employee may hold.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 195, Creating Ready-to-Use Glucagon Rescue Therapies for Schools Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 195 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to the creation of the Ready-to-Use Glucagon Rescue Therapies for Schools Act; defining terms; prescribing ready-to-use undesignated glucagon rescue therapies; and training for school personnel.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 195), under the original double committee reference, was then referred to the Committee on Education.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 237, Relating to Public Employees Retirement System and State Teachers Retirement System.

With amendments from the Committee on Pensions pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Pensions to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 290, Relating to dental health care service plans.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 290 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, and §33-62-4, all relating to dental health care service plans; providing for transparency of expenditures of patient premiums; requiring carriers to file annual reports; requiring annual rebates in the form of premium reductions if funds spent for patient care is less than a certain percentage of premium funds; and providing for legislative and emergency rulemaking.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 441, Removing additional one and one-half percent interest rate for tax underpayments.

And,

Senate Bill 487, Extending additional modification reducing federal adjusted gross income.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 447, Providing tax credit to disabled veterans for lifetime hunting, trapping and fishing license.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 447 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, and §11-13MM-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said code, all relating to tax credit offered to veterans that have been honorably discharged from the military for the cost of their lifetime hunting, trapping, and fishing license; defining "eligible veteran"; establishing amount of credit; setting procedures to claim credit; requiring that disabled veterans obtain a hunting, trapping, and fishing license; and requiring proposal of appropriate legislative rule.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill (Com. Sub. for S. B. 447), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 505, Supplementing and amending appropriations to Department of Administration, Office of Secretary.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 505 (originating in the Committee on Finance)—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Office of the Secretary, fund 0186, fiscal year 2023, organization 0201, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 508, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 516, Relating to requirements for disclosure of donor contributions.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 516 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-8-1a, §3-8-2, and §3-8-2b of the Code of West Virginia, 1931, as amended, all relating to requirements for disclosure of donor contributions; defining terms; modifying the requirements for disclosing individual contributions to an independent expenditure; and clarifying disclosure for contributions made for the specific purpose of electioneering communications.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 527, Allowing family members of military personnel access to discharge records.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 527 (originating in the Committee on Military)—A Bill to amend and reenact §7-1-31l of the Code of West Virginia, 1931, as amended, relating to extending the right to receive copies or view, free of charge, copies of the discharge certificate or report of separation from active duty to the family members of persons discharged from the United States Armed Forces.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 3061, Relating to updating the authority of the Foster Care Ombudsman.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senators Trump, Weld, Nelson, and Jeffries:

Senate Bill 582—A Bill to amend and reenact §5-10-2, §5-10-14, §5-10-17, and §5-10-48 of the Code of West Virginia, 1931, as amended, all relating generally to legislative employment and retirement; modifying the length of service an employee of the Legislature whose term of employment is otherwise classified as temporary and who is employed to perform services required by the Legislature for its regular sessions must serve to obtain service credit towards retirement; removing the requirement that a person retiring from the Legislature must be removed from employment prior to being eligible for temporary employment with the Legislature; and increasing the maximum annual remuneration a retirant may earn as a temporary legislative employee.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Woodrum:

Senate Bill 583—A Bill to amend and reenact §59-3-3 of the Code of West Virginia, 1931, as amended, relating to reducing rates for legal advertising.

Referred to the Committee on Government Organization.

By Senators Taylor, Barrett, Grady, Hunt, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stuart, Tarr, and Woodrum:

Senate Bill 584—A Bill to amend and reenact §16-2R-3 of the Code of West Virginia, 1931, as amended, relating to removing the rape and incest exception to obtain an abortion in West Virginia.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 585—A Bill to amend and reenact §7-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-1-3ff of said code; and to amend and reenact §16-3-6 of said code, all relating to prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations; revoking any ordinance, rule, or regulation previously adopted by county commissions regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization that applies to use of federal or state pesticides, herbicides, or insecticides; prohibiting county commissions from adopting ordinances that regulate dwellings or other buildings on agricultural land or operations; requiring appointment of at-large member on county enforcement agency to have background or knowledge of agricultural operations; and clarifying that authorization of public health official to obtain nuisance injunction does not apply to agricultural operations.

Referred to the Committee on Agriculture and Natural Resources; and then to the Committee on Government Organization.

By Senator Swope:

Senate Bill 586—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6D-8, relating to review of spending unit software purchases to ensure such functionality does not exist within the state's current enterprise resource planning software.

Referred to the Committee on Government Organization.

By Senator Chapman:

Senate Bill 587—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-5A-1, §15-5A-2, §15-5A-3, §15-5A-4, §15-5A-5, §15-5A-6, §15-

5A-7, and §15-5A-8, all relating to enacting the West Virginia Volunteer State Defense Guard Act.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senators Takubo, Smith, Stover, and Weld:

Senate Bill 588—A Bill to amend and reenact §11-21-97 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-44 of said code, all relating to increasing tax credit for employers providing child care for employees.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 589—A Bill to amend and reenact §18-8-1 and §18-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto a new section, designated §18-31-2a, all relating generally to nonpublic kindergarten, elementary, and secondary school education; permitting Hope Scholarship individualized instructional students, microschool students, and learning pod students to participate in public interscholastic athletic events and other extracurricular activities of public secondary schools; providing that microschoools and learning pods have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; establishing qualifying expenses under the Hope Scholarship Act; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program

audits; authorizing the board to promulgate legislative rules for the auditing of educational service providers; and requiring education service providers conducting background screenings of employees and other persons in contact with students and to certify screening results to the board.

Referred to the Committee on School Choice; and then to the Committee on Finance.

Senator Hunt offered the following resolution:

Senate Concurrent Resolution 10—Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the "U. S. Army Air Corps PVT Albert J. Sutphin Memorial Highway".

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 8, US Army PV 2 Harold Richard Plumley Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 9, Declaring Guyandotte River crayfish official crustacean for State of WV.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

Senate Resolution 26, Commemorating and honoring life, military service, and ultimate sacrifice of US Army SGT Brian Christopher Karim.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

Senate Resolution 27, Designating February 8, 2023, as Crime Victims Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Nelson, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 28, Recognizing essential role court appointed special advocates provide to WV children.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 295, Extending time that prescription for spectacles remains valid.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 295) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 299, Relating to crime of trespass generally.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 299) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 300, Relating to law-enforcement training and certification.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 300) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 419, Establishing standards for licensure of military trained applicants.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 419) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 449) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 450 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 450) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 451) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 465, Increasing limit on moneys placed in county's rainy day fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 465) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Senate Bill 489, Requiring BOE provide free feminine hygiene products in certain grades.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Rucker—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 489) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Senate Bill 489—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; requiring boards to provide free feminine hygiene products in grades three through 12 to female students not otherwise having access to the products; and defining terms.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 514, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 514) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 514) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2800, All relating to authorizing legislative rules regarding higher education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2800) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2800) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 216, Requiring all schools to instruct students on Holocaust, other genocides and financial literacy.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 495, Providing correctional institutions and juvenile facilities video and audio records be confidential.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Senate Bill 234, Clarifying uniform statewide deadline for electronically submitted voter registration applications.

Rev. Com. Sub. for Senate Bill 250, Requiring certain drivers display student driver on rear of vehicle.

Com. Sub. for Senate Bill 302, Relating to Law Enforcement Safety Act.

Com. Sub. for Senate Bill 484, Clarifying terms and offense of human smuggling.

Com. Sub. for Senate Bill 490, Patrol Officer Cassie Marie Johnson Memorial Act.

Senate Bill 493, Exempting WV veterans from certain fees and charges at state parks.

Com. Sub. for Senate Bill 515, Clarifying deadline to file annual report for companies authorized to do business in WV.

Senate Bill 529, Allowing businesses to register as limited liability limited partnerships.

Com. Sub. for Senate Bill 532, Sex Offender Registration Act.

Senate Bill 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

And,

Eng. House Bill 2602, Reestablishing certain specialized school service personnel classifications.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Smith.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:50 a.m., the Senate recessed until 4 p.m. today.

The Senate reconvened at 4 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 424, Authorizing refundable tax credit applied against personal income tax or corporation net income tax.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 424 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-101, §11-13MM-201, §11-13MM-202, §11-13MM-301, §11-13MM-302, §11-13MM-303, §11-13MM-401, §11-13MM-402, §11-13MM-403, §11-13MM-501, §11-13MM-502, §11-13MM-503, §11-13MM-601, §11-13MM-602, §11-13MM-603, §11-13MM-701, §11-13MM-702, §11-13MM-703, §11-13MM-801, §11-13MM-802, §11-13MM-803, §11-13MM-901, §11-13MM-902, §11-13MM-903, §11-13MM-1001, §11-13MM-1002, and §11-13MM-1101; and to amend said code by adding thereto two new sections, designated §11-21-4g, and §11-21-4h, all relating to taxation; creating refundable tax credits on certain species of personal property tax; allowing tax credit to be applied against personal income tax during a taxable year; providing findings and purpose; defining terms; providing for application of tax credit; specifying credit is refundable; specifying effective date; providing for treatment of credit upon sale or transfer of eligible taxable personal property; providing a refundable tax credit on real property for disabled veterans; providing for an annual report; providing for an annual audit; allowing rulemaking; relating to reducing the personal income tax; providing for a reduction in the rate of personal income tax; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; providing for an increase in the consumer sales and service tax and service tax and use tax upon the occurrence of certain contingencies; providing that further action of the Legislature is

necessary to raise the personal income tax following a reduction; providing findings; requiring notification to taxpayers of changes to sales and service tax and use tax; requiring annual certification to the Governor and legislative leaders of changes to sales and service tax and use tax; requiring reporting to the legislature; providing for rulemaking; and to provide for tax liabilities that existed prior to elimination of personal income tax.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 424) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo—1.

Absent: Hunt, Maroney, and Stover—3.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Committee Substitute for Senate Bill 424 was then read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 424 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 424) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 424) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:



West Virginia House of Delegates
OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

February 7, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting;

H. B. 2029, Repealing the creation of an all-payer claims database;

And,

H. B. 2506, Creating a title clearinghouse for non-resident businesses.

These bills are presented to you on this day, February 7, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate



West Virginia House of Delegates
OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

February 8, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

H. B. 2564, Repeal of administrative hearing procedures for DUI offenses;

H. B. 2776, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act;

And,

H. B. 2777, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

These bills are presented to you on this day, February 8, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Stephen J. Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 7, 2023:

Senate Bill 272: Senator Nelson.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 7, 2023:

Senate Bill 31: Senator Plymale;

Com. Sub. for Senate Bill 47: Senators Oliverio and Roberts;

Senate Bill 151: Senator Martin;

Com. Sub. for Senate Bill 187: Senators Rucker and Deeds;

Senate Bill 199: Senator Martin;

Senate Bill 215: Senator Hamilton;

Senate Bill 290: Senator Plymale;

Senate Bill 301: Senator Hamilton;

Senate Bill 302: Senator Hamilton;

Senate Bill 442: Senator Oliverio;

Senate Bill 484: Senators Martin and Hamilton;

Senate Bill 515: Senator Hamilton;

Senate Bill 519: Senator Plymale;

Senate Bill 527: Senator Maynard;

Senate Bill 529: Senator Hamilton;

Senate Bill 547: Senator Maynard;

Senate Bill 552: Senators Maynard and Martin;

Senate Bill 559: Senator Maynard;

Senate Bill 577: Senators Woelfel, Rucker, Deeds, and Grady;

Senate Bill 578: Senators Woelfel, Plymale, Caputo, and Jeffries;

Senate Bill 579: Senator Swope;

Senate Bill 581: Senators Plymale and Deeds;

Senate Concurrent Resolution 8: Senator Deeds;

Senate Concurrent Resolution 9: Senator Plymale;

Senate Resolution 26: Senators Plymale and Deeds;

Senate Resolution 27: Senators Hamilton, Plymale, Rucker, Swope, Deeds, and Caputo;

And,

Senate Resolution 28: Senators Hamilton, Plymale, and Deeds.

On motion of Senator Takubo, at 4:27 p.m., the Senate adjourned until tomorrow, Thursday, February 9, 2023, at 11 a.m.

THURSDAY, FEBRUARY 9, 2023

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Philip Mullins, Student Minister, Gateway Christian Church, St. Albans, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Wednesday, February 8, 2023,

At the request of Senator Tarr, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The 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, passage as amended with its House of Delegates amended title, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 241, Relating to Patient Brokering Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, line 27, by striking subsection (c) in its entirety and inserting a new subsection (c) to read as follows:

(c) The Office of the Inspector General shall develop a tool that facilitates the submission of complaints. The Office of the Inspector General shall investigate complaints and enforce the provisions of this article.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 241—A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to patient

brokering; requiring a state agency to regulate patient brokering; and requiring the development of a tool to facilitate complaints.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 241, 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, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Chapman and Stover—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 241) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Chapman and Stover—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 241) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 31, Relating to permissible expenditures by Water Development Authority from Infrastructure Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 31 (originating in the Committee on Finance)—A Bill to amend and reenact §31-15A-17c of the Code of West Virginia, 1931, as amended, relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; modifying the upper limit of funds which may be transferred in to subaccount; raising the cap on total project costs for certain facilities for use of Critical Needs and Failing Systems Sub Account funding; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages.

And,

Senate Bill 478, Relating to Jumpstart Savings Program.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 478 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-12m and §11-21-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-24-10a of said code, to amend and reenact §18-30-3 of said code; and to amend and reenact §18-30A-3, §18-30A-10,

§18-30A-11, and §18-30A-13 of said code, all relating generally to the Jumpstart Savings Program; clarifying that the entire amount of an account distribution used for certain qualified expenses is subject to reducing personal income tax modification; clarifying that the amount of an account distribution is only subject to reducing personal income tax modification to the extent that the amount is not allowable as certain federal deductions; establishing an increasing personal income tax modification for account distributions used for nonqualified expenses and previously applied toward the reducing personal income tax modification for account contributions; defining terms; providing that an employer may not claim a tax credit for matching contributions to an account if the employer is the account owner or account beneficiary; providing that an employer may not claim both the reducing personal income tax modification and the matching credit for an amount contributed to an employee's account; permitting employers to claim matching credit for certain amounts allowable as federal tax deductions; eliminating a definition related to an obsolete account; defining terms; expanding the occupations and professions in which an individual may incur qualified expenses; eliminating the minimum deposit required to open an account and for certain opening incentive deposits; authorizing the board to establish a minimum deposit to open an account or for certain opening incentive deposits; establishing retroactive internal effective date of January 1, 2023, for certain provisions; and making technical and clarifying corrections to reporting requirements.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 99, Relating to meetings among county boards of education.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,
Chair.

Senator 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 274 (originating in the Committee on Education), Third Grade Success Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 274 (originating in the Committee on Finance)—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend and reenact §18-20-10 of said code, all relating to enhancing academic achievement of students including those with learning disabilities; establishing the Third Grade Success Act; replacing transformative system of support for early literacy with multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; revising findings; defining "science of reading"; revising inclusions in West Virginia Board of Education rules required to effectuate Third Grade Success Act section; requiring each county board to adopt high-quality instructional materials; specifying data to be used to inform the classroom teacher's recommendation on grade level retention; requiring county boards of education to provide in-service training for early childhood classroom assistant teachers, aides, classroom

teachers, and in certain instances, interventionists in grades kindergarten through three; updating deadlines for West Virginia Board of Education multi-tiered system of support for early literacy and numeracy reports; modifying provisions pertaining to funding for Third Grade Success Act section; requiring retention in the third grade in certain circumstances; specifying exceptions to third grade retention requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding maximum early childhood classroom assistant teacher or aide-pupil ratio for kindergarten through grade three; phasing in early childhood classroom assistant teacher/aide requirement for grades one through three; allowing county boards to employ an interventionist instead of an early childhood assistant teacher or aide; removing requirement for survey of districts on class overcrowding and report to the Legislative Oversight Commission on Education Accountability a tailored plan for reducing class overcrowding; phasing in increased ratios of service personnel per 1,000 students for the purpose of determining the basic foundation allowance for service personnel; revising findings; making recognitions regarding dyslexia and dyscalculia; and replacing responsibilities of the West Virginia Board of Education pertaining to specific learning disabilities, including dyslexia and dyscalculia, with duties of the state education agency and the local education agencies, including the public charter schools.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 297, Mountain Homes Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 297 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated, §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, §5B-2K-7, §5B-2K-8, §5B-2K-9, §5B-2K-10, §5B-2K-11, §5B-2K-12, and §5B-2K-13, all relating to creation of the Mountain Homes Act; setting forth a short title; setting forth legislative findings; defining terms; providing for rulemaking; providing for an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting forth required elements for the report; exempting certain materials from the Freedom of Information Act; establishing eligibility requirements for guarantee agreement; requiring an application for guarantee agreement; setting forth required elements in application; providing for decision on application for guarantee; establishing evaluation standards and criteria; providing for guarantee agreement; setting forth required terms in agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional guarantee; providing for project administration and certification; setting forth powers and duties of secretary of Department of Economic Development; prohibiting certain projects; and providing for violations and criminal penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 297), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bills 409, 410, 411, 412, 413, 414, 415, 416, 417, and 418, Authorizing WV Department of Economic Development to promulgate legislative rule relating to Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 409 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, as modified and amended, and as amended by the Legislative Rule-Making Review Committee and as amended by Legislature; relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to the Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program; relating to authorizing the Division of Labor to promulgate a legislative rule relating to the West Virginia Board of Manufactured Housing Construction and Safety; relating to authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work; relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies; relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses

in commercial transactions; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing, and other outfitters and guides; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special motorboating regulations; and relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 452, Relating to Emergency Medical Services Retirement System.

And,

Senate Bill 458, Setting rate of interest on delinquent retirement contribution submissions.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bills contained in the foregoing report from the Committee on Pensions.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 453 (originating in the Committee on Pensions)—A Bill to amend and reenact §18-5G-6 and §18-5G-10 of the Code of West Virginia, 1931, as amended, all relating to public charter schools; providing for successor liability and delinquent retirement contributions; and including retirement contribution payments as payroll obligation in distribution of assets.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 474, Requiring municipal pensions oversight board to propose legislative rules.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Chandler Swope,
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 482, Modifying number, allocation, and terms of office of certain judges for next general election.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 482 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of said code; to amend said code by adding thereto a new section, designated §50-1-9c; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-

2A-3 and §51-2A-6 of said code; all relating generally to the circuit composition and staffing of circuit courts, family courts, and magistrates; establishing the number of magistrates per county before and after a date certain; establishing magisterial term length and election dates; setting forth process for Supreme Court of Appeals to undertake magistrate caseload study and submit administrative order regarding magistrate allocation; eliminating limit on maximum number of magistrates; eliminating restriction against reducing number of magistrates; removing payment of magistrates salaries based on population; establishing certain magistrate staff salaries and payment periods; authorizing additional magistrate assistants per magistrate based on workload, subject to certain restrictions; altering the county composition of certain circuit court circuits; establishing the number of circuit court judges per circuit before and after a date certain; altering the county composition of certain family court circuits; establishing the number of family court judges per family court circuit before and after a date certain; establishing salaries of family court judges; establishing certain family court staff salaries and payment periods; permitting Supreme Court of Appeals to increase number of family case coordinators; authorizing the Supreme Court of Appeals to create staff classifications and to appoint additional support staff to family court judges based on workload, subject to certain restrictions; and providing internal effective dates.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 482), under the original double committee reference, was then referred to the Committee on Finance.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 561, Relating to administration of WV Drinking Water Treatment Revolving Fund Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 561 (originating in the Committee on Agriculture and Natural Resources)—A Bill to repeal §16-13C-1, §16-13C-2, §16-13C-3, §16-13C-4, §16-13C-5, and §16-13C-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §22-36-1, §22-36-2, §22-36-3, §22-36-4, §22-36-5, §22-36-6, §22-36-7, and §22-36-8 of said code; to amend and reenact §22C-1-4 and §22C-1-8 of said code; and to amend and reenact §22C-2-2 of said code, all relating to the administration of the West Virginia Drinking Water Treatment Revolving Fund; transferring administration of Drinking Water Treatment Revolving Fund article from Department of Health and Human Resources to Department of Environmental Protection; adding provisions to Drinking Water Treatment Revolving Fund article relating to state construction grants program and review of projects funded by Drinking Water Treatment Revolving Fund; directing Department of Environmental Protection to propose legislative rules for state construction grants program; modifying the Water Development Authority; and changing composition of Water Development Board.

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,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 561), under the original double committee reference, was then referred to the Committee on Finance.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 569, Rehabilitation of Blighted Properties Tax Credit Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Chandler Swope,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 581, Amending provisions of 2023 Farm Bill.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 581 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1-4 of said code; to amend and reenact §19-2-5 of said code; to amend and reenact §19-2C-1, §19-2C-6a,

and §19-2C-10 of said code; to amend and reenact §19-12-2 of said code; to amend and reenact §19-12D-3, §19-12D-4, and §19-12D-5 of said code; and to amend and reenact §19-36-2 of said code, all relating generally to the 2023 Farm Bill; amending definitions of certain terms; authorizing transfer of land owned by the Department of Agriculture; increasing membership and composition of board of review; compensating board of review members for services; limiting consecutive terms served by board of review members; removing public hearing requirement relating to noxious weed and rule; and expanding definition of farm or ranch.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 581), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 Nelson:

Senate Bill 590—A Bill to amend and reenact §16-5V-2, §16-5V-6, and §16-5V-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a two new sections, designated §16-5V-6c and §16-5V-6d, all relating to the Emergency Medical Services Retirement System; defining terms; updating terms to comply with federal laws; authorizing certain 911 personnel to be members of the Emergency Medical Services Retirement System under certain circumstances; providing for transfer of assets pertaining to 911 personnel; requiring certain

computations to be made by the Consolidated Public Retirement Board; and terminating liability of the Public Employees Retirement System; and providing for purchase of service time through payment.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Swope:

Senate Bill 591—A Bill to amend and reenact §7-12-9a of the Code of West Virginia, 1931, as amended, relating to allowing counties and municipalities the opportunity to jointly undertake economic development projects and to allow a pro-rata share in costs and revenues generated from said economic development projects.

Referred to the Committee on Economic Development.

By Senators Takubo, Smith, and Weld:

Senate Bill 592—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-98; and to amend said code by adding thereto a new section, designated §11-24-45, all relating to providing a tax credit against the state corporate net income tax and the state personal income tax for expenditures related to the operation of existing employer-provided or sponsored child care facilities; defining terms; providing for rulemaking; setting the amount of the credit; providing for limitation of the credit; providing for transferrable credit available to nonprofit corporations; and providing for a recapture process.

Referred to the Committee on Finance.

By Senator Barrett:

Senate Bill 593—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7; to amend said code by adding thereto a new section, designated §15-2-5a; and to amend said code by adding thereto a new section, designated §18A-4-5c, all relating to mandating executive branch agencies, State Police, and county boards of

education implement area cost-of-living salary adjustment policy; stating findings; directing state agencies, State Police, and county boards of education implement area cost-of-living salary adjustment policy by certain date; establishing mandatory terms to be included in policy; and providing that no private cause of action or right to grievance arises from enactment or operation of the policy.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Takubo:

Senate Bill 594—A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to fairness in cost-sharing calculations for certain Health Savings Account-qualified High Deductible Health Plans.

Referred to the Committee on Banking and Insurance.

By Senator Tarr:

Senate Bill 595—A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-12-4b; to amend said code by adding thereto a new article, designated §11-12E-1, §11-12E-2, §11-12E-3, and §11-12E-4; and to amend said code by adding thereto a new section, designated §36-4-20, all relating to real property, tax, and registration requirements associated with carbon offset agreements; defining terms; providing exceptions; requiring parties to current and new carbon offset agreements to register with the State Tax Department; requiring reports by Division of Forestry and State Tax Department; authorizing disclosure of information between the Tax Commissioner and Division of Forestry; imposing an excise tax on receipts derived from carbon offset agreements; setting forth reporting requirements; defining "managed timberland" to exclude certain timberland subject to a carbon offset agreement; specifying application of West Virginia Tax Procedure and Administration

Act and West Virginia Tax Crimes and Penalties Act; authorizing promulgation of rules; providing legislative findings and declarations; providing that any covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and minerals or the harvesting of timber for the purposes of carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document is for an initial maximum term of 20 years or less; providing that options to renew or continue such arrangements beyond the maximum term of 20 years shall be valid only if the consideration is required to be renegotiated to exercise the option and the option is for a maximum of 20 years or less; and providing exceptions.

Referred to the Committee on Finance.

By Senators Barrett and Tarr:

Senate Bill 596—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended; relating to the payment of payment for housing and maintenance of inmates; establishing a means of calculating fees; providing for a reduced rate in certain circumstances; providing for an enhanced rate in certain circumstances; providing for recalculation every decennial; requiring publication on the agency webpage; establishing an effective date; and providing for official and personal liability for payment.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 597—A Bill to amend and reenact §21A-2-6 of the Code of West Virginia, 1931, as amended, relating to unemployment compensation; and permitting the Commissioner of Workforce West Virginia to hire up to 200 exempt employees.

Referred to the Committee on the Workforce.

By Senator Stuart:

Senate Bill 598—A Bill to amend and reenact §16-54-3 and §16-54-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-54-8a, all relating to the availability of prescription nonopioid medications available; and requiring the Department of Health and Human Resources to make information available to the public about the availability of such treatments.

Referred to the Committee on Health and Human Resources.

By Senators Rucker, Roberts, Smith, and Taylor:

Senate Bill 599—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring a moment of silence at the beginning of each school day; forbidding teachers from making suggestions as to the nature of the reflection that students may engage in during the moment of silence; and providing for the Attorney General to defend the provisions of this section.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

On motion of Senator Takubo, the Senate reconsidered its action by which on yesterday, Wednesday, February 8, 2023, it passed

Eng. Com. Sub. for Senate Bill 424, Authorizing refundable tax credit applied against personal income tax or corporation net income tax.

The vote thereon having been reconsidered,

At the request of Senator Takubo, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Takubo, the following amendment to the bill was reported by the Clerk and adopted:

On pages 23 and 24, by striking out all of section 4g and inserting in lieu thereof a new section 4g, to read as follows:

§11-21-4g. Rate of tax — Taxable years beginning on or after January 1, 2024.

(a) Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, estates, and trusts. — The tax imposed by section three of this article on the West Virginia taxable income of every individual (except married individuals filing separate returns); every individual who is a head of a household in the determination of his or her federal income tax for the taxable year; every husband and wife who file a joint return under this article; every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse; and every estate and trust shall be determined in accordance with the following table:

If the West Virginia

taxable income is: The tax is:

Not over \$10,000 2.55% of the taxable income

Over \$10,000 but not \$255.00 plus 3.4% of excess
over \$25,000 over \$10,000

Over \$25,000 but not \$765.00 plus 3.825% of excess
over \$40,000 over \$25,000

Over \$40,000 but not \$1,338.75 plus 5.1% of excess
over \$60,000 over \$40,000

Over \$60,000	\$2,358.75 plus 5.525% of excess over \$60,000
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(b) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by section three of this article on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

If the West Virginia

taxable income is: The tax is:

Not over \$5,000	2.55% of the taxable income
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Over \$5,000 but not over \$12,500	\$127.50 plus 3.4% of excess over \$5,000
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Over \$12,500 but not over \$20,000	\$382.50 plus 3.825% of excess over \$12,500
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Over \$20,000 but not over \$30,000	\$669.37 plus 5.1% of excess over \$20,000
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Over \$30,000	\$1,179.37 plus 5.525% of excess over \$30,000
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(c) Effect of rates on Nonresident Composite and Withholding Obligations – Notwithstanding any provision of this article to the

contrary, whenever the words "six and one-half percent" appear in §11-21-51a, §11-21-71a, §11-21-71b, or §11-21-77 of this code, those words shall mean 5.525%, with relation to a tax return of, or the tax rate imposed on income of individuals, individuals filing joint returns, heads of households, and estates and trusts.

(d) Applicability of this section. — The provisions of this section shall be applicable in determining the rates of tax imposed by this article and shall apply for all taxable years beginning on and after January 1, 2024, and shall be in lieu of the rates of tax specified in §11-21-4e of this code.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 424 was then 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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Chapman and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 424) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Chapman and Stover—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 424) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 10, US Army Air Corps PVT Albert J Sutphin Memorial Highway.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 216, Requiring all schools to instruct students on Holocaust, other genocides and financial literacy.

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 216 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Chapman and Stover—2.

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. 216) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 495, Providing correctional institutions and juvenile facilities video and audio records be confidential.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Chapman and Stover—2.

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. 495) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Chapman and Stover—2.

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. 495) 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.

Senate Bill 234, Clarifying uniform statewide deadline for electronically submitted voter registration applications.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Rev. Com. Sub. for Senate Bill 250, Requiring certain drivers display student driver sign on rear of vehicle.

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 302, Relating to Law Enforcement Safety 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 484, Clarifying terms and offense of human smuggling.

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 490, Patrol Officer Cassie Marie Johnson Memorial Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 493, Exempting WV veterans from certain fees and charges at state parks.

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 515, Clarifying deadline to file annual report for companies authorized to do business in WV.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 529, Allowing businesses to register as limited liability limited partnerships.

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 532, Sex Offender Registration Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 2602, Reestablishing certain specialized school service personnel classifications.

On second reading, coming up in regular order, was read a second time and ordered to 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 47, Creating Charter Schools Stimulus Fund.

Com. Sub. for Com. Sub. for Senate Bill 187, Making it felony offense for school employee or volunteer to engage in sexual contact with students.

Senate Bill 237, Relating to Public Employees Retirement System and State Teachers Retirement System.

Com. Sub. for Senate Bill 290, Relating to dental health care service plans.

Senate Bill 441, Removing additional one and one-half percent interest rate for tax underpayments.

Senate Bill 487, Extending additional modification reducing federal adjusted gross income.

Com. Sub. for Senate Bill 505, Supplementing and amending appropriations to Department of Administration, Office of Secretary.

Senate Bill 508, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures.

Com. Sub. for Senate Bill 516, Relating to requirements for disclosure of donor contributions.

Com. Sub. for Senate Bill 527, Allowing family members of military personnel access to discharge records.

And,

Eng. Com. Sub. for House Bill 3061, Relating to updating the authority of the Foster Care Ombudsman.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Grady.

At the request of Senator Grady, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Sergeant Nathan W. Samples, a West Virginia State Trooper who passed away earlier today.

The Senate proceeded to the thirteenth order of business.

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 9, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2530, Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days;

And,

H. B. 2533, Relating to a permanent windshield placard to be valid for the duration of the applicant's life.

These bills are presented to you on this day, February 9, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

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 8, 2023:

Senate Bill 2: Senator Karnes;

And,

Senate Bill 546: Senator Martin.

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 8, 2023:

Senate Bill 101: Senator Stuart;

Com. Sub. for Senate Bill 187: Senator Grady;

Com. Sub. for Senate Bill 199: Senator Queen;

Com. Sub. for Senate Bill 273: Senator Barrett;

Com. Sub. for Senate Bill 274: Senator Barrett;

Senate Bill 285: Senator Stuart;

Senate Bill 297: Senator Queen;

Senate Bill 437: Senator Weld;

Senate Bill 468: Senators Stuart and Karnes;

Senate Bill 470: Senator Karnes;

Senate Bill 474: Senator Oliverio;

Senate Bill 481: Senators Phillips and Deeds;

Com. Sub. for Senate Bill 519: Senator Maroney;

Senate Bill 521: Senator Maroney;

Senate Bill 523: Senator Maroney;

Senate Bill 528: Senator Karnes;

Senate Bill 534: Senator Maroney;

Senate Bill 545: Senator Maroney;

Senate Bill 562: Senator Maroney;

Senate Bill 569: Senator Hunt;

Senate Bill 571: Senator Maroney;

Senate Bill 576: Senator Oliverio;

Senate Bill 577: Senators Hamilton, Queen, Clements, and Oliverio;

Senate Bill 587: Senator Karnes;

Senate Bill 588: Senators Woelfel, Deeds, and Clements;

Senate Joint Resolution 1: Senator Maroney;

Com. Sub. for Senate Joint Resolution 2: Senator Maroney;

Senate Joint Resolution 3: Senator Maroney;

And,

Senate Concurrent Resolution 10: Senator Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:39 a.m., the Senate adjourned until tomorrow, Friday, February 10, 2023, at 9 a.m.

FRIDAY, FEBRUARY 10, 2023

The Senate met at 9 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark Hunt, a senator from the eighth district.

Pending the reading of the Journal of Thursday, February 9, 2023,

At the request of Senator Tarr, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communication from a state agency as required by the provisions of law:

Tax Appeals, Office of (§11-10A-7)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2002—A Bill to amend and reenact §11-21-10a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5K-7; and to amend said code by adding thereto a new article, designated §16-66-1, §16-66-2, and §16-66-3, all relating to providing support for families; increasing adoption tax credit; establishing eligibility of adopted children of West Virginia

residents for early intervention services; establishing the West Virginia Mothers and Babies Pregnancy Support Program; defining terms; establishing which organizations are eligible for funding pursuant to program; allowing bureau to contract with management agency to provide program services; and establishing requirements and responsibilities of management agency.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2346—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to retired bus operators as substitutes in areas of critical need and shortage.

Referred to the Committee on Education; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2548—A Bill to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended, relating to temporary identification cards for released inmates; clarifying that the temporary identification cards are issued at no cost to the inmate; and extending the validity of the temporary identification cards.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2599—A Bill to amend the Code of the West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-2a, relating to creating the utility pole rights-of-way and easement mapping initiative; requiring pole owners to provide information to the Department of Economic Development to map the poles; requiring the Department of Economic Development to create maps with specific information about the poles; requiring confidentiality of information about electrical facilities connected to poles; allowing the Department of Economic Development to provide information to parties who demonstrate the need for the information to determine feasibility of projects; requiring confidentiality agreement of any requestor of the information; and providing exception to reporting if pole owner provides information directly to telecommunications entity.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2762—A Bill to amend and reenact §15A-11-3 and §15A-11-5 of the Code of West Virginia, 1931, as amended, all relating to requiring the State Fire Commission to promulgate rules pertaining to sprinkler protection; requiring that buildings commencing construction after a certain date shall be protected by automatic sprinkler systems; providing that certain buildings are exempt from State Fire Code rules pertaining to sprinkler protection; providing that certain buildings are exempt from State Building Code rules pertaining to sprinkler protection.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2845—A Bill to repeal §16-29F-1 of the Code of West Virginia, 1931, as amended, relating to repealing the section regulating the now-expired uninsured and underinsured pilot program.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2967—A Bill to amend and reenact §30-1-23 of the Code of West Virginia, 1931, as amended, relating to providing for the expedited processing of professional or trade license applications for service members, veterans, and their spouses, when the applicant is licensed and in good standing in another jurisdiction.

Referred to the Committee on Military.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3036—A Bill to amend and reenact §5B-2L-14 and §5B-2L-16 of the Code of West Virginia, 1931, as amended, all relating to the BUILD WV Act generally; removing the limit on the number of certified BUILD WV districts that may be certified in this state; and increasing the limit on aggregate sum of approved costs for all BUILD WV projects for any fiscal year.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3077—A Bill to repeal §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to

eliminating the expiration date of the Multi-State Real-Time Tracking System.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3164—A Bill to amend and reenact §16-5CC-3 of the Code of West Virginia of 1931, as amended, relating to modifying the West Virginia Advisory Council on Rare Diseases; changing the entities to which said Council reports; changing the termination date of said Council.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3191—A Bill to amend and reenact §16-5B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-1-6 of said code; all relating to requiring licensure for certain health facilities operated by the state and defining terms.

Referred to the Committee on Health and Human Resources.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

February 9, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. Eighty-Three (83), which was presented to me on February 6, 2023.

Senate Bill No. Two Hundred Seven (207), which was presented to me on February 6, 2023.

You will note that I have approved these bills on February 9, 2023.

Sincerely

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 168, Providing exemption from state severance tax for coal sold to coal-fired power plants located in WV.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 213, Relating to responsibility for reimbursement of training cost of law-enforcement employees who leave original jurisdiction.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 213 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-29-8 of the Code of West Virginia, 1931, as amended, relating to responsibility for reimbursement of training costs of law-enforcement employees who leave original jurisdiction of

employment for employment in another law-enforcement agency in this state.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,
Chair.

The bill (Com. Sub. for S. B. 213), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 268, Relating to PEIA.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 268 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-2, §5-16-3, §5-16-4, and §5-16-5 of the Code of West Virginia, 1931, as amended; to repeal §5-16-5a and §5-16-5b; to amend and reenact §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, and §5-16-26; to repeal §5-16-28; and to amend said code by adding thereto three new sections, designated §5-16-30, §5-16-31, and §5-16-32; all relating to public employees insurance.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Weld, unanimous consent being granted, the bill (Com. Sub. for S. B. 268) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 467, Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 467 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 522, Allocating percentage of county excise taxes for funding improvements to election administration.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 522 (originating in the Committee on Government Organization)—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding improvements to election administration, infrastructure, and physical and cyber security; accelerating rate at which counties retain excise taxes from transfers of title to real estate in county; allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding other county purposes including, but not limited to, compliance with the Uniform Real Property Electronic Recording Act; authorizing the Secretary of State to promulgate legislative rules establishing minimum adequate funding thresholds and standards based on county classification for improving election administration, infrastructure, and security; and authorizing county clerks to reallocate the excess portion of funding for improving election administration, infrastructure, and security to other approved county purposes upon determination by the Secretary of State that the minimum funding thresholds and standards have been met.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Woodrum, unanimous consent being granted, the bill (Com. Sub. for S. B. 522) contained in the

foregoing report from the Committee on Government Organization was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 543, Authorizing rule-making changes to terms, procedures and reporting duties in higher education.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 543 (originating in the Committee on Education)—A Bill to amend and reenact §29A-3A-1 and §29A-3A-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29A-3A-2a; to amend and reenact §29A-3A-3, §29A-3A-4, §29A-3A-5, §29A-3A-6, §29A-3A-7, §29A-3A-8, §29A-3A-9, §29A-3A-10, §29A-3A-11, §29A-3A-11a, §29A-3A-12, §29A-3A-13, §29A-3A-14, §29A-3A-15, §29A-3A-16, §29A-3A-16a, §29A-3A-17, §29A-3A-18, and §29A-3A-20, all relating to higher education and school building rule-making authority; revising definitions; requiring all sections of rule to be filed when proposing an amendment to an existing rule; requiring rule to be accompanied by not of explanation; requiring agency proposing to repeal a rule to file the rule in its entirety with the provisions of the rule struck through; making provisions applicable to procedural and interpretive rules applicable to legislative exempt rules; allowing an agency to hold a public hearing, schedule a public comment period, or both; requiring agency to respond to public comments and explain the reasoning for comments being incorporated or not incorporated into the rule; reducing time period for filing of notices of hearings for receiving public comment on a proposed rule; allowing repeal of a legislative exempt, procedural, or interpretive rule by filing notice of repeal with the Secretary of State; establishing time limit for filing of notice of approval with the Secretary of State and the Legislative Oversight Commission on Education Accountability (LOCEA); requiring LOCEA make a

continuing investigation, study, and review of the practices, policies, and procedures of the State Board of Education; requiring electronic submission of agency-approved rule to LOCEA; requiring electronic filing of notice of approval in the State Register; adding to information that electronic copies of the proposed legislative rule is to include; modifying topics LOCEA's review of a proposed legislative rule is to include; modifying LOCEA's options in making recommendations to the Legislature after reviewing a legislative rule; requiring bill authorizing legislative rule to incorporate the amendments recommended by LOCEA; modifying date after which proposed legislative rules submitted to LOCEA can be withheld from its report to the clerk of the respective houses; modifying provisions pertaining to bills of authorization; removing provisions pertaining to computation of dates; allowing disapproval of rules not approved or acted upon by the Legislature; requiring Secretary of State to publish an authorized and promulgated legislative rule in the Code of State Rules; adding to information that must be filed with emergency rules in the State Register; providing for effective date for emergency rule and amendment to emergency rule; requiring the agency to file a copy of the emergency rule and the required statement with the Secretary of State and LOCEA; reducing time periods the agency has for filing a notice of public hearing on a proposed emergency rule and for filing the proposed emergency rule with LOCEA; removing provision pertaining to emergency legislative rules currently in effect; making certain provisions pertaining to filing an emergency rule and disapproval of an emergency rule applicable to filing an amendment to an emergency rule and disapproval of an emergency rule; modifying provisions pertaining to LOCEA's review of procedural rules, interpretive rules, or existing legislative rules; providing for prior rules to remain in full force and effect; modifying required sunset date; specifying procedure for renewing legislative rule; and requiring Secretary of State to file a notice of sunset in the State Register within 30 days following expiration of a legislative rule.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 543), under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3055, To create a vocational math class for students interested in careers in the trades.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Phillips:

Senate Bill 600—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-11a; and to amend and reenact §12-6C-13 of said code, all relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments; defining terms; setting forth applicability of new requirements; establishing the standard of care for shareholder voting; prohibiting the boards from relying on proxy advisory services unless the service provider agrees to make recommendations according to the standard of care; prohibiting the boards from entrusting direct holdings to any manager unless the manager agrees to cast proxy votes according to the standard of care; requiring a contractual agreement between the boards and their fiduciaries that the boards be provided advance notice and the opportunity to advise fiduciaries with respect to certain shareholder votes; prohibiting the boards' fiduciaries from casting the shareholder votes for the purpose of furthering non-pecuniary interests; requiring the boards to exercise any proxy voting choice options for indirect holdings according to the standard of care; and establishing reporting requirements related to shareholder voting.

Referred to the Committee on Banking and Insurance.

By Senator Rucker:

Senate Bill 601—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing Hope Scholarship private school students; individualized instructional students; microschool students; and learning pod students to participate in public interscholastic athletic events and other extracurricular activities of public secondary schools.

Referred to the Committee on School Choice.

By Senators Grady, Tarr, and Trump:

Senate Bill 602—A Bill to a to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended, relating to enabling Bluefield State University and West Virginia State University to offer associate degrees on their campus.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Taylor:

Senate Bill 603—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to providing that the West Virginia Secondary School Activities Commission promulgate legislative rules.

Referred to the Committee on Education.

By Senator Woodrum:

Senate Bill 604—A Bill to amend and reenact §15A-1-9 of the Code of West Virginia, 1931, as amended, relating to the Department of Homeland security; and authorizing the Secretary of the Department of Homeland Security to establish within the department an Office of the Inspector General for the purpose of conducting and supervising investigations and other tasks.

Referred to the Committee on the Judiciary.

By Senator Maroney:

Senate Bill 605—A Bill to amend and reenact §61-12-3 of the Code of West Virginia, 1931, as amended; relating to requiring the state medical examiner to enter into contracts and agreements with a procurement organization when necessary to facilitate the efficient and economical recovery of anatomical gifts.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 606—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from ad valorem property tax all property used for divine worship;

and including parts of those properties that are used for educational and other charitable purposes.

Referred to the Committee on Finance.

Senator Woodrum offered the following resolution:

Senate Concurrent Resolution 11—Requesting the Division of Highways name bridge number 45-017/00-000.08 (45A035), (37.64910, -80.75149), locally known as Talcott Bridge, carrying CR 17 over Greenbrier River in Summers County, the "U. S. Army SGT Brian Christopher Karim Memorial Bridge".

Which, under the rules, lies over one day.

Senators Boley, Blair (Mr. President), Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Smith, Stuart, Takubo, Tarr, Taylor, Trump, Weld, and Woodrum offered the following resolution:

Senate Resolution 29—Strongly encouraging Monongahela Power Company to purchase Pleasants Power Station.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 234, Clarifying uniform statewide deadline for electronically submitted voter registration applications.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 234) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 234) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Rev. Com. Sub. for Senate Bill 250, Requiring certain drivers display student driver sign on rear of vehicle.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Karnes, Martin, and Taylor—3.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Rev. Com. Sub. for S. B. 250) passed with its title.

Senator Weld moved that the bill take effect July 1, 2023.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Karnes, Martin, and Taylor—3.

Absent: Maroney, Stover, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Rev. Com. Sub. for S. B. 250) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 302, Relating to Law Enforcement Safety Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 302) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 484, Clarifying terms and offense of human smuggling.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 484 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 484) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 490, Patrol Officer Cassie Marie Johnson Memorial Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 490 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 490) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senators Trump and Deeds as to the passage of Engrossed Committee Substitute for Senate Bill 490 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 493, Exempting WV veterans from certain fees and charges at state parks.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 493) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 515, Clarifying deadline to file annual report for companies authorized to do business in WV.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 515) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 529, Allowing businesses to register as limited liability limited partnerships.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 529) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 532, Sex Offender Registration Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 532 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 532) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 533, Relating to limitations on motor vehicle used by nonprofit cooperative recycling associations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 533 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 533) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2602, Reestablishing certain specialized school service personnel classifications.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2602) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Stover, and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2602) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 47, Creating Charter Schools Stimulus Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 187, Making it felony offense for school employee or volunteer to engage in sexual contact with students.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 237, Relating to Public Employees Retirement System and State Teachers Retirement System.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Pensions, were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 22n, line 13, before the word "shall" by inserting a comma and the words "beginning on or before December 31, 2023,";

On page 2, section 22n, line 22, after the word "month" by inserting the words "beginning on or before December 31, 2023,";

On page 4, section 26y, line 4, after the word "retirant" by inserting a comma and the words "beginning on or before December 31, 2023,";

And,

On page 4, section 26y, line 13, after the word "month" by inserting the words "beginning on or before December 31, 2023".

The bill (S. B. 237), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 290, Relating to dental health care service plans.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 441, Removing additional one and one-half percent interest rate for tax underpayments.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 487, Extending additional modification reducing federal adjusted gross income.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 505, Supplementing and amending appropriations to Department of Administration, Office of Secretary.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 508, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 516, Relating to requirements for disclosure of donor contributions.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 527, Allowing family members of military personnel access to discharge records.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3061, Relating to updating the authority of the Foster Care Ombudsman.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 31, Relating to permissible expenditures by Water Development Authority from Infrastructure Fund.

Senate Bill 99, Relating to meetings among county boards of education.

Com. Sub. for Com. Sub. for Senate Bill 274, Third Grade Success Act.

Com. Sub. for Senate Bill 409, Authorizing Department of Commerce to promulgate legislative rules.

Senate Bill 452, Relating to Emergency Medical Services Retirement System.

Com. Sub. for Senate Bill 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

Senate Bill 458, Setting rate of interest on delinquent retirement contribution submissions.

Senate Bill 474, Requiring municipal pensions oversight board to propose legislative rules.

Com. Sub. for Senate Bill 478, Relating to Jumpstart Savings Program.

And,

Senate Bill 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Trump, Plymale, and Maynard.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Trump were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, unanimous consent being granted, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 9, 2023:

Com. Sub. for Senate Bill 79: Senator Queen;

Senate Bill 99: Senator Oliverio;

Senate Bill 229: Senator Rucker;

Senate Bill 268: Senator Deeds;

Senate Bill 482: Senators Deeds and Rucker;

Senate Bill 552: Senator Azinger;

Senate Bill 590: Senators Plymale and Barrett;

Senate Bill 591: Senators Rucker, Trump, and Roberts;

Senate Bill 592: Senators Trump and Plymale;

Senate Bill 595: Senators Martin and Woodrum;

Senate Bill 597: Senator Roberts;

And,

Senate Bill 599: Senator Deeds.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Weld, at 10:05 a.m., the Senate adjourned until Monday, February 13, 2023, at 11 a.m.

MONDAY, FEBRUARY 13, 2023

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Oliverio II, a senator from the thirteenth district.

Pending the reading of the Journal of Friday, February 10, 2023,

At the request of Senator Plymale, 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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2218—A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; increasing the scope of prohibitions on distracted driving by establishing the Electronically Distracted Driving Act; defining terms; providing exclusions from those terms; providing limitations for the use of wireless telecommunications devices; providing guidelines for safe operation of a vehicle; prohibiting certain actions by all drivers; prohibiting certain actions by commercial drivers; providing each violation of this code section shall constitute a separate offense; providing penalties for violations of these provisions; providing exceptions; providing that the provisions of this section do not

supersede other provisions of this code or any more restrictive provisions for drivers of commercial motor vehicles; and establishing a naming provision for changes made in the 2023 Legislative session.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2832—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to public-school counselors, and clarifying the definition and job duties of school counselors.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2882—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure 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 Economic Development, Office of the Secretary, fund 0256, fiscal year 2023, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill for the fiscal year ending June 30, 2023.

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. House Bill 2970—A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; expungement of criminal records; and when a civil action may be filed to expunge criminal records, also relating to expungement of certain criminal records concerning crimes that have been addressed through deferred adjudication and pretrial diversion, also relating to excluding certain crimes from eligibility for expungement even though a deferred adjudication has been successfully completed.

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 3145—A Bill to amend and reenact §29-1A-2 of the Code of West Virginia, 1931, as amended, relating to requesting the Supreme Court of Appeals adopt a rule providing the Commission on Uniform State Laws shall be deemed a presumptive provider of continuing education and session attendance at its annual meeting shall be deemed continuing education credit for commissioners.

Referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senators Oliverio, Clements, Caputo, Jeffries, and Maroney:

Senate Bill 607—A Bill to amend and reenact §7-22-12 of the Code of West Virginia, 1931, as amended, relating to the rate or

rates of a special district excise tax levied by county commissions; and providing for increases on the rate or rates after July 1, 2023.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senator Trump:

Senate Bill 608—A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; and correcting the partial list of items which are considered deadly weapons.

Referred to the Committee on the Judiciary.

By Senators Smith, Azinger, Boley, and Phillips:

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.

Referred to the Committee on Energy, Industry, and Mining.

By Senator Takubo:

Senate Bill 610—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4F-1, §9-4F-2, §9-4F-3, §9-4F-4, §9-4F-5, §9-4F-6, §9-4F-7, §9-4F-8, and §9-4F-9, all relating to creating the Affordable Medicaid Buy-In Program; requiring the Department of Health and Human Resources to develop and administer the Affordable Medicaid Buy-In Plan; setting eligibility criteria and coverage requirements; specifying role and duties of the Department of Health and Human Resources; establishing an advisory council to the Affordable Medicaid Buy-In Program; defining terms; setting limitations of employers; requiring a full-cost option be available for individuals who do not meet financial qualifications; requiring rulemaking; and mandating application for necessary federal Medicaid options and innovation waivers to maximize federal funding of the program.

Referred to the Committee on Health and Human Resources.

By Senator Smith:

Senate Bill 611—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement.

Referred to the Committee on Energy, Industry, and Mining.

By Senators Barrett and Rucker:

Senate Bill 612—A Bill to amend and reenact §16-2D-8 and §16-2D-11 of the Code of West Virginia, as amended; and to amend said code by adding thereto a new section, designated §16-2D-11a, all relating to certificate of need; eliminating birthing centers as a service that requires a certificate of need; eliminating ambulatory care centers as a service that requires a certificate of need; eliminating ambulatory surgery centers as a service that requires a certificate of need; eliminating birthing centers as having an exemption; creating a pilot project for MRI and CT services; requiring the board make a recommendation to the Legislature regarding the pilot; and providing that if no such recommendation is made, the pilot will become permanent.

Referred to the Committee on Health and Human Resources.

By Senator Maroney:

Senate Bill 613—A Bill to amend and reenact §16-2D-2 and §16-2D-10 of the Code of West Virginia, as amended, all relating to certificate of need; defining terms; and providing that hospitals performing hospital services are exempt from certificate of need requirements.

Referred to the Committee on Health and Human Resources.

Senator Grady offered the following resolution:

Senate Resolution 30—Recognizing February 14, 2023, as National Donor Day at the Legislature.

Which, under the rules, lies over one day.

Senator Tarr offered the following resolution:

Senate Resolution 31—Designating February 14, 2023, as Child Care Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 11, US Army SGT Brian Christopher Karim 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 29, Strongly encouraging Monongahela Power Company to purchase Pleasants Power Station.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Boley, 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 Oliverio demanded the yeas and nays.

The roll being taken, the yeas were: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 29) adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 47, Creating Charter Schools Stimulus Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, 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)—32.

The nays were: Caputo—1.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 47) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 187, Making it felony offense for school employee or volunteer to engage in sexual contact with students.

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: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 187) 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 237, Relating to Public Employees Retirement System and State Teachers 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: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 237) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: 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)—33.

The nays were: None.

Absent: Azinger—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. 237) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 290, Relating to dental health care service plans.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Karnes, Rucker, and Taylor—3.

Absent: Azinger—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. 290) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Senate Bill 487, Extending additional modification reducing federal adjusted gross 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: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 487) 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 505, Supplementing and amending appropriations to Department of Administration, Office of Secretary.

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: 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)—33.

The nays were: None.

Absent: Azinger—1.

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. 505) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Azinger—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. 505) 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 508, Clarifying reporting and disclosure requirements for grassroots lobbying expenditures.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 508 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Hamilton, Plymale, and Woelfel—4.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 508) 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 516, Relating to requirements for disclosure of donor contributions.

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 516 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Hamilton, Martin, Plymale, Stover, and Woelfel—6.

Absent: Azinger—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. 516) 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 527, Allowing family members of military personnel access to discharge records.

On third 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.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 31, Relating to permissible expenditures by Water Development Authority from Infrastructure Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 99, Relating to meetings among county boards of education.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 274, Third Grade Success Act.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 409, Authorizing Department of Commerce to promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 441, Removing additional one and one-half percent interest rate for tax underpayments.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 452, Relating to Emergency Medical Services Retirement System.

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 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

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 458, Setting rate of interest on delinquent retirement contribution submissions.

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 474, Requiring municipal pensions oversight board to propose 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 478, Relating to Jumpstart Savings Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Transportation and Infrastructure committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3061, Relating to updating the authority of the Foster Care Ombudsman.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendment pending and the right for further 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:

Com. Sub. for Senate Bill 467, Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years.

Eng. Com. Sub. for House Bill 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

And,

Eng. Com. Sub. for House Bill 3055, To create a vocational math class for students interested in careers in the trades.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stuart and Chapman.

(Senator Weld in the Chair.)

At the request of Senator Trump, and by unanimous consent, the remarks by Senators Stuart and Chapman were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 10, 2023:

Senate Bill 584: Senator Barrett.

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 resolution on February 10, 2023:

Senate Bill 11: Senators Martin, Karnes, and Smith;

Senate Bill 114: Senators Taylor and Rucker;

Senate Bill 268: Senator Nelson;

Senate Bill 546: Senator Hamilton;

Senate Bill 547: Senator Hamilton;

Senate Bill 552: Senator Woodrum;

Senate Bill 592: Senator Deeds;

Senate Bill 593: Senator Rucker;

Senate Bill 595: Senator Smith;

Senate Bill 600: Senator Rucker;

Senate Bill 601: Senators Deeds and Roberts;

Senate Bill 602: Senator Swope;

Senate Bill 603: Senator Rucker;

Senate Bill 604: Senator Deeds;

Senate Bill 606: Senators Deeds and Roberts;

And,

Senate Resolution 29: Senators Swope, Caputo, and Phillips.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 11:59 a.m., the Senate adjourned until tomorrow, Tuesday, February 14, 2023, at 11 a.m.

TUESDAY, FEBRUARY 14, 2023

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Matt Davis, Bridge Church, Scott Depot, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Monday, February 13, 2023,

At the request of Senator Woelfel, 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, adoption as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Senate Concurrent Resolution 7, Amending Joint Rules of Senate and House of Delegates.

On motion of Senator Takubo, the resolution was taken up for immediate consideration.

The following House of Delegates amendment to the resolution was reported by the Clerk:

On page one, line 17, following the word "introduced", by changing the period to a semicolon and inserting the following: and, be it

Further Resolved, That this rule shall not take effect until *sine die* adjournment of the 2023 Regular Session.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the resolution.

The question being on the adoption of the resolution (S. C. R. 7), as amended, the same was put and prevailed.

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 2621—A Bill to amend and reenact §51-10-1 and §51-10-8 of the Code of West Virginia, 1931, as amended, all relating to professional bondsmen in criminal cases; definitions of "approved securities" and "bondsman"; and requiring the Insurance Commissioner to formulate testing and continuing education requirements for all applicants and license renewals.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3111—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, and §5B-2N-3, relating to establishing Infrastructure Ready Jurisdictions; establishing the requirement for this designation; establishing rulemaking for these Infrastructure Ready Jurisdictions for the Department of Economic Development; awarding an additional five percent preferential scoring for entities on projects within these jurisdictions on all permissible grants; and providing that this is not available within

an uncertified municipality even if the surrounding county or counties are certified.

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 3306—A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to the organizational structure of the Office of Drug Control Policy; providing for the appointing of the director; and requiring the creation of a task force.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3307—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-36-1, §29-36-2, §29-36-3, §29-36-4, §29-36-5, §29-36-6, and §29-36-7; all relating to establishing the West Virginia-Ireland Trade Commission; proposing findings; providing for the composition of the Commission, appointment of members and filling of vacancies; providing for compensation of the Commission members; its meetings, selection of a chair, maintenance of records and what constitutes a quorum; delineating the purpose of the Commission; prescribing reports be generated by Commission; providing for acceptance of funds by Commission; and providing an effective date.

Referred to the Committee on Economic Development.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia
February 13, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for House Bill No. Two Thousand Eighteen (2018), which was presented to me on February 7, 2023.

House Bill No. Two Thousand Twenty-Nine (2029), which was presented to me on February 7, 2023.

House Bill No. Two Thousand Five Hundred Six (2506), which was presented to me on February 7, 2023.

You will note that I have approved these bills on February 13, 2023.

Sincerely,

A handwritten signature in cursive script, 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 Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 151, Relating to levying tax on pass-through entity's income.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 151 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-3a; and to amend and reenact §11-21-20 of said code, all relating to levying a tax on a pass-through entity's income apportioned to West Virginia for pass-through entities that elect to pay West Virginia income tax at the entity level; defining terms; imposing a tax on pass-through entities which elect to pay West Virginia income tax at the entity level; authorizing an income tax credit for an owner for such tax paid; providing for a tax credit for income tax paid to another state; and providing effective dates.

And,

Senate Bill 579, Providing payment to vendors not paid due to an agency's budget limit.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 579 (originating in the Committee on Finance)—A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 585, Prohibiting county commissions from adopting any authorization that exceeds state law regarding agricultural operations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 585 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §7-1-3 and §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-3-6 of said code, all relating to prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations; revoking any ordinance, rule, or regulation previously adopted by county commissions regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization that applies to use of federal or state pesticides, herbicides, or insecticides; prohibiting county commissions from adopting ordinances that regulate dwellings or other buildings on agricultural land or operations; requiring appointment of at-large member on county enforcement agency to have background or knowledge of agricultural operations; and clarifying that authorization of public health official to obtain nuisance injunction does not apply to agricultural operations.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 585), under the original double committee reference, was then referred to the Committee on Government Organization.

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 614—A Bill to amend and reenact §15-2D-1, §15-2D-2, and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to modifying the language in the statutes to extend the jurisdiction of the School Safety Unit of the Division of Protective Services, Capitol Police, to provide services to schools, such as primary, secondary, and post-secondary schools, whether public or private, for purposes of school safety and compliance throughout the state; and providing to extend the jurisdiction of the officers assigned to the School Safety Unit of the Division of Protective Services, Capitol Police, to have statewide jurisdiction in order to respond to and investigate matters of school safety.

Referred to the Committee on the Judiciary.

By Senator Taylor:

Senate Bill 615—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4d, relating to prohibiting mandates for vaccines.

Referred to the Committee on Health and Human Resources.

By Senator Weld:

Senate Bill 616—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, §31-18F-6;

and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2023; establishing a special revenue account known as the West Virginia Veterans' Home Loan Mortgage Account; declaring the purpose of the account; providing that the Housing Development Fund shall administer the account; setting forth terms of the program; authorizing the Housing Development Fund to make certain mortgage loans from the account; authorizing the Housing Development Fund to promulgate legislative and emergency rules; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the account.

Referred to the Committee on Military; and then to the Committee on Finance.

By Senator Barrett:

Senate Bill 617—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, relating to required reporting; requiring that the Commissioner of the Bureau for Medical Services produce a report; requiring that report relate to home and community-based provider reimbursement; requiring use of methodology; requiring use of independent party; and establishing deadline.

Referred to the Committee on Health and Human Resources.

By Senator Maroney:

Senate Bill 618—A Bill to amend and reenact §33-24-7t of the Code of West Virginia, 1931, as amended, relating to cost-sharing calculations; defining terms; and providing that the fairness in cost-sharing calculation does not apply to the voluntary Cost Share Assistance Program.

Referred to the Committee on Health and Human Resources.

By Senator Grady:

Senate Bill 619—A Bill to amend and reenact §18-5-46 of the Code of West Virginia, 1931, as amended, relating to allowing teachers in public schools that include any one or more of grades

kindergarten through 12 to teach intelligent design as a theory of how the universe and/or humanity came to exist.

Referred to the Committee on Education.

By Senator Trump:

Senate Bill 620—A Bill to amend and reenact §3-1-5 of the Code of West Virginia, 1931, as amended, relating to the maximum number of registered voters per precinct and the distance between voting precincts that a county commission may consider for consolidation when the public convenience requires.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 621—A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to serve child abuse and neglect petitions with additional compensation; requiring the sheriff to serve the petition and notice of a preliminary hearing; clarifying the procedure for notices of subsequent hearings; and exempting the sheriff from further mechanisms for notice of the petition and preliminary hearing.

Referred to the Committee on the Judiciary.

By Senator Nelson:

Senate Bill 622—A Bill to amend and reenact §20-18-2 and §20-18-6 of the Code of West Virginia, 1931, as amended, all relating to including state correctional officers in the Division of Natural Resources Police Officer Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Barrett:

Senate Bill 623—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-5V-6c and §16-5V-6d, all relating to authorizing firefighters employed by the 130th and 167th Airlift Wings of the West Virginia National Guard to be members of the Emergency Medical Services Retirement System; providing for transfer of assets

pertaining to firefighters employed by the 130th and 167th Airlift Wings of the West Virginia National Guard; requiring certain computations to be made by the Consolidated Public Retirement Board; and terminating liability of the Public Employees Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Rucker:

Senate Bill 624—A Bill to amend and reenact §17C-5-1 of the Code of West Virginia, 1931, as amended, relating to clarifying the offense of vehicular homicide; changing negligent homicide to vehicular homicide; and adding a misdemeanor offense for when a person dies within a year as a proximate result of driving in a negligent manner.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 625—A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, requiring certain transcripts or credentials to be accepted as record of student's previous performance for placement and credit assignment for microschoool programs.

Referred to the Committee on School Choice.

By Senator Rucker:

Senate Bill 626—A Bill to amend and reenact §61-8-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §61-8-5a; and to amend and reenact §61-8-6, §61-8-7, and §61-8-8 of said code, all relating to increasing the penalties for operating a house of prostitution; specifying persons operating a house of prostitution shall be charged with a felony; increasing fines; increasing punishments; removing antiquated language; adding penalties for customers of prostitution; and specifying punishment will be served in a state correctional facility.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 627—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1, §24-2I-2, and §24-2I-3, all relating to establishing a community solar program for subscribers to gain credits against their utility bills; providing legislative findings; defining terms; authorizing subscriber-based solar projects that allow solar power production to be granted credit against electric power costs; providing that an authorized project is not deemed as a utility; providing conditions and terms for operation for a facility; providing for regulation of the program by the Public Service Commission; providing conditions for credits; providing requirements for subscriber organizations; and providing Public Service Commission rulemaking authority and directives.

Referred to the Committee on Government Organization.

By Senators Rucker and Oliverio:

Senate Bill 628—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-7, §18-5G-12, and §18-5G-15 of said code; and to amend and reenact §18-9A-15 of said code, all relating to revising provisions related to public charter schools; providing public charter school access to funding from School Safety Fund; modifying priorities for funds use; requiring rule on process for needs-based funding requests; expressing legislative intent on comparable levels of funding for public charter school students; authorizing state institution of higher education as applicant; prohibiting imposition of requirements on public charter schools choosing to incorporate post-secondary, industry and workforce programs that are not required of noncharter public schools; authorizing public charter schools to include before and after school programs in their education program; excluding public charter school programs from regulation as child care facility; authorizing public charter school students to participate on the same basis as other public school students in extracurricular athletic and academic interscholastic activities sponsored by noncharter public school serving attendance area if not sponsored by charter school; clarifying

public charter schools are exempt from state board policies unless otherwise specifically provided; requiring professional charter school board to consult with nationally recognized organizations along with the state board; requiring state board to establish framework and procedures for interaction between public charter schools and county boards to facilitate cooperation and ensure prompt transfer of records; providing for invoicing of certain funding when student transfers from and to certain entities after the beginning of the school year; prohibiting sale or other transfer of public facility after public charter school requests usage; authorizing professional charter school board to receive and expend gifts, grants, and donations to carry out purposes of act, to apply for federal funds to implement programs, and to make start-up grants to public charter schools; and requiring for state board rule on method for providing increased enrollment funding for public charter schools.

Referred to the Committee on School Choice; and then to the Committee on Education.

By Senators Hamilton, Clements, Deeds, Hunt, Karnes, Martin, and Stover:

Senate Bill 629—A Bill to amend and reenact §20-2-33 of the Code of West Virginia, 1931, as amended, relating to establishing an auto-renewal program for wildlife licenses; and authorizing the director to assess discounts to fees.

Referred to the Committee on Agriculture and Natural Resources.

By Senators Rucker and Trump:

Senate Bill 630—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, a person acting in his or her official capacity; defining social service worker; and establishing the penalty therefor as life in prison with parole eligibility after service of 15 years.

Referred to the Committee on the Judiciary.

Senator Takubo announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate third reading calendar **Eng. Com. Sub. for Senate Bill 472**; and from the Senate second reading calendar, **Senate Bill 441, Senate Bill 452, Com. Sub. for Senate Bill 453, Senate Bill 458, and Senate Bill 474.**

The Senate proceeded to the seventh order of business.

Senate Resolution 30, Recognizing February 14, 2023, as National Donor Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Grady, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 31, Designating February 14, 2023, as Child Care Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Tarr, 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 31, Relating to permissible expenditures by Water Development Authority from Infrastructure Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, 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. 31) 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 99, Relating to meetings among county boards of education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, 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. 99) passed.

The following amendment to the title of the bill, from the Committee on Education, was reported by the Clerk and adopted:

Eng. Senate Bill 99—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to meetings of county boards of

education to explore and discuss the feasibility of consolidating school districts or sharing certain services; requiring, when two or more county boards of education elect to explore and discuss with each other the idea of possibly consolidating or sharing certain services and functions, the boards to agree on the call of a joint special public meeting; specifying minimum topics; requiring facilitator for the meeting; requiring facilitator to prepare and deliver to the participating boards a detailed written report of the meeting's discussions and identifying any areas for further discussion or consideration by the boards; requiring each participating board to determine whether to accept the report and whether the participating boards should meet again; providing that upon vote to accept of the facilitator's report and hold another meeting, the participating boards shall attend another meeting; specifying minimum topics; requiring the facilitator to prepare and deliver to the participating boards a detailed written report of the meeting's discussion and identifying any areas for further discussion or consideration; requiring each participating board to determine whether to accept the report and whether the participating boards should meet again; requiring meeting process to be repeated until 120 days have passed since the initial joint meeting or until the participating boards no longer wish to meet; requiring a full report of all meetings identifying the extent to which the participating boards think existing laws may enable or complicate the consolidation of school districts or the sharing of services and functions, together with any suggestions of legislation; requiring report, upon approval by the participating boards, to be forwarded to the President of the Senate and the Speaker of the House of Delegates; authorizing Legislature to consolidate participating county boards as a pilot; and authorizing Legislature to incentivize county boards to explore and discuss the feasibility of consolidating school districts or sharing of services.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 274, Third Grade Success Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 13, 2023, for amendments to be received on third reading, was read a third time.

On motions of Senators Rucker and Barrett, the following amendment to the bill was reported by the Clerk:

On page 4, section 10, lines 55-57, by striking out all of subdivision (7) and inserting in lieu thereof a new subdivision (7), to read as follows:

(7) Establishing an approved list of dyslexia screeners to be administered to students no less than twice per year in kindergarten through third grade and any time students with identified deficiencies are not responding to interventions;

Following discussion,

The question being on the adoption of the amendment offered by Senators Rucker and Barrett to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 274 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 274) 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, 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 Com. Sub. for S. B. 274) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 409, Authorizing Department of Commerce to promulgate 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, 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. 409) 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. 409) 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 Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. Com. Sub. for Senate Bill 478, Relating to Jumpstart Savings Program.

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. 478) 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. 478) 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 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program.

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. 481) 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 527, Allowing family members of military personnel access to discharge records.

On third reading, coming up in regular order, was read a third time.

At the request of Senator Weld, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Weld, the following amendment to the bill was reported by the Clerk and adopted:

On page 2, section 3ll, line 31, by striking out the word "report" and inserting in lieu thereof the word "request".

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 527 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 527) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

On third reading, coming up in regular order, with the unreported Transportation and Infrastructure committee amendment pending, and with the right having been granted on yesterday, Monday, February 13, 2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Transportation and Infrastructure committee amendment pending.

Eng. Com. Sub. for House Bill 3061, Relating to updating the authority of the Foster Care Ombudsman.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Monday, February 13, 2023, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9. FOSTER CARE OMBUDSMAN PROGRAM.

§49-9-101. The Foster Care Ombudsman.

(a) There is continued within the Office of the Inspector General the position of the West Virginia Foster Care Ombudsman.

The Office of the Inspector General shall employ a Foster Care Ombudsman to affect the purposes of this article.

(b) In addition to the duties provided in §9-5-27 of this code, the duties of the Foster Care Ombudsman include, but are not limited to, the following:

(1) Establishing a statewide procedure to receive, investigate, and resolve complaints:

(A) Filed on behalf of a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, a foster child, foster parent, or kinship parent; or

(B) On the Foster Care Ombudsman's own initiative, of a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system; or

(C) On the Foster Care Ombudsman's own initiative, on behalf of a foster child, relating to action, inaction, or decisions of the state agency, child-placing agency, or residential care facility which may adversely affect the foster child, foster parent, or kinship parent;

(2) Review periodically and make appropriate recommendations for the policies and procedures established by any state agency providing services to ~~foster children, foster parents, kinship parents, including, but not limited to, the system of providing foster care and treatment~~ the child welfare system;

(3) Pursuant to an investigation, provide assistance to a ~~foster child, foster parent, or kinship parent~~ an individual who the Foster Care Ombudsman determines is in need of assistance, including, but not limited to, collaborating with an agency, provider, or others on behalf of the best interests of the ~~foster~~ child;

(4) Recommend action when appropriate, including, but not limited to, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and

ensure the legal, civil, and special rights of ~~foster children; who reside in this state~~ children in the child welfare system and the juvenile justice system;

(5) Conduct programs of public education when necessary and appropriate;

(6) Have input into the creation of, and thereafter make recommendations consistent with, the foster children, foster parents, and kinship parents bill of rights;

(7) Take appropriate steps to advise the public of the services of the Foster Care Ombudsman, the purpose of the ombudsman, and procedures to contact the office; and

(8) Make inquiries and obtain assistance and information from other state governmental agencies or persons as the Foster Care Ombudsman requires for the discharge of his or her duties.

(c) (1) The Foster Care Ombudsman or his or her staff may not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to the identity of an individual providing information to the ombudsman as part of an official investigation, or the substance of that person's report to the ombudsman as part of an official investigation. All memoranda, work product, notes, or case files developed and maintained as part of an official investigation of the Foster Care Ombudsman Office are confidential and are not subject to discovery, subpoena, or other means of legal compulsion, and are not admissible as evidence in a judicial or administrative proceeding.

(2) The ombudsman may be compelled to provide testimony by a court or administrative body of competent jurisdiction related to any action carried out by the office that is unrelated to the substance of a specific official investigation, or reports submitted to the Legislative Oversight Commission on Health and Human Resources Accountability provided for in §9-5-27 and §49-9-102 of this code. Should the ombudsman be compelled to testify, provide evidence in discovery, respond to a subpoena, or otherwise divulge testimony or evidence in any judicial, administrative, or

legislative proceeding, the ombudsman may not be compelled to provide testimony or evidence concerning the identity of any complainant or any individual providing information to the ombudsman as part of an official investigation, or the substance of any complaint or report unless the ombudsman should decline to exercise that privilege. The purpose of this provision is to ensure a level of confidentiality between the ombudsman and a person reporting to, complaining to, or providing other evidence to the ombudsman as part of an official investigation carried out by the office.

(3) Any objection by the ombudsman to the disclosure of any testimony, documentary, or physical evidence shall be reviewed by the presiding official of such tribunal, in camera, upon the request of the ombudsman, and the presiding official shall prevent the disclosure of the identity of any complainant, witness, or reporter as well as the substance of their complaint, testimony, or report.

§49-9-102. Investigation of complaints.

(a) Upon receipt of a complaint ~~filed on behalf of a foster child, foster parent, or kinship parent, on his or her own initiative~~ or by court order within the scope of the Foster Care Ombudsman Program, the Foster Care Ombudsman shall investigate, except as provided in §49-9-102(c) of this code, any act, practice, policy, or procedure of any state agency, child-placing agency, juvenile facility, or residential care facility which affects the health, safety, welfare, or rights of a foster child, a foster parent, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or a kinship parent.

(b) Investigative activities of the Foster Care Ombudsman include, but are not limited to: information gathering, mediation, negotiation, informing parties of the status of the investigation, notification to any aggrieved party of alternative processes, reporting of suspected violations to a licensing or certifying agency, and the reporting of suspected criminal violations to the appropriate authorities.

(c) The Foster Care Ombudsman need not investigate any complaint upon determining that:

(1) The complaint is trivial, frivolous, vexatious, or not made in good faith;

(2) The complaint has been too long delayed to justify present investigation;

(3) The resources available, considering the established priorities, are insufficient for an adequate investigation;

(4) The matter complained of is not within the investigatory authority of the Foster Care Ombudsman; or

(5) A real or apparent conflict of interest exists and no other person within the office is available to investigate the complaint in an impartial manner.

(d) The Office of the Inspector General and other appropriate state governmental agencies may establish and implement cooperative agreements for receiving, processing, responding to, and resolving complaints involving state governmental agencies under the provisions of this section.

(e) ~~Beginning with the third quarter of 2020, the~~ The Foster Care Ombudsman shall submit a an annual written report to the Governor containing:

(1) The number of complaints;

(2) The types of complaints;

(3) The location of the complaints;

(4) How the complaints are resolved; and

(5) Any other information the Foster Care Ombudsman feels is appropriate.

(f) ~~Beginning in December 2020, the~~ The Foster Care Ombudsman shall summarize the ~~quarterly~~ reports and present that

information to the Legislative Oversight Commission on Health and Human Resources Accountability. Nothing shall preclude the Foster Care Ombudsman office from submitting data, findings, or reports beyond this annual report.

(g) Another office, department, agency, or official may not prohibit the release of an ombudsman's recommendations to the Governor and the Legislature.

§49-9-107. Confidentiality of investigations.

(a) Information relating to any investigation of a complaint that contains the identity of the complainant, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, ~~or a~~ foster child, foster parent, or kinship parent shall remain confidential except:

(1) ~~Where disclosure is authorized in writing by the complainant foster child, foster parent, kinship parent, or the guardian.~~ Where imminent risk of serious harm is communicated directly to the Foster Care Ombudsman or his or her staff;

(2) Where disclosure is necessary to the bureau ~~for Children and Families~~ in order for such office to determine the appropriateness of initiating an investigation regarding potential abuse, neglect, or emergency circumstances; or

(3) Where disclosure is necessary to the Office of Health Facility Licensure and Certification in order for such office to determine the appropriateness of initiating an investigation to determine facility compliance with applicable rules of licensure, certification, or both.

(b) The Foster Care Ombudsman shall maintain confidentiality with respect to all matters including the identities of complainants, witnesses, or others from whom information is acquired, except insofar as disclosures may be necessary to enable the Foster Care Ombudsman to carry out duties of the office or to support recommendations.

(c) Notwithstanding any other section within this article, all information, records, and reports received by or developed by the Foster Care Ombudsman Program which relate to a foster child, foster parent, or kinship parent, including written material identifying a foster child, foster parent, or a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or kinship parent, are confidential pursuant to §49-5-101 *et seq.* of this code and are not subject to the provisions of §29B-1-1 *et seq.* of this code, and may not be disclosed or released by the Foster Care Ombudsman Program, except under the circumstances enumerated in this section.

~~(e)~~ (d) Nothing in this section prohibits the preparation and submission by the Foster Care Ombudsman of statistical data and reports, as required to implement the provisions of this article or any applicable federal law, exclusive of any material that identifies any foster child, foster parent, kinship parent, or complainant.

~~(e)~~ (e) The Inspector General shall have access to the records and files of the Foster Care Ombudsman Program to verify its effectiveness and quality where the identity of any complainant, a child who is subject to a reported allegation of abuse and neglect, a child who has died or sustained a critical incident, a child in the juvenile justice system, or foster child, foster parent, or kinship parent is not disclosed.

Engrossed Committee Substitute for House Bill 3061, as just 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3061) 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. 3061) 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.

Senate Bill 441, Removing additional one and one-half percent interest rate for tax underpayments.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

Senate Bill 452, Relating to Emergency Medical Services Retirement System.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

Com. Sub. for Senate Bill 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

Senate Bill 458, Setting rate of interest on delinquent retirement contribution submissions.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

Com. Sub. for Senate Bill 467, Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 474, Requiring municipal pensions oversight board to propose legislative rules.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. Com. Sub. for House Bill 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2882, Making a supplemental appropriation to the Department of Economic Development.

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.

Eng. Com. Sub. for House Bill 3055, To create a vocational math class for students interested in careers in the trades.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 1, section 13, line 12, after the word "classes" by inserting the words "and specific content".

The bill (Eng. Com. Sub. for H. B. 3055), as amended, was then ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Trump.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Trump were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 13, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each house, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

S. B. 4 - Creating Adopt-A-Trail volunteer programs for public land under DNR.

And,

S. B. 241 - Patient Brokering Act.

These bills are presented to you on this day, February 13, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

**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 13, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

H. B. 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University.

This bill is presented to you on this day, February 13, 2023.

Respectfully submitted,

A handwritten signature in blue ink, 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 13, 2023:

Senate Bill 55: Senator Maynard;

Senate Bill 114: Senator Roberts;

Senate Bill 151: Senators Trump and Maroney;

Senate Bill 182: Senator Maroney;

Senate Bill 184: Senator Maroney;

Senate Bill 193: Senator Maroney;

Com. Sub. for Senate Bill 199: Senator Maroney;

Senate Bill 511: Senator Hamilton;

Senate Bill 520: Senator Hamilton;

Com. Sub. for Senate Bill 522: Senator Woodrum;

Senate Bill 552: Senators Roberts and Deeds;

Senate Bill 555: Senator Woodrum;

Senate Bill 558: Senator Woodrum;

Senate Bill 559: Senator Woodrum;

Senate Bill 563: Senator Woodrum;

Senate Bill 566: Senator Woodrum;

Senate Bill 569: Senator Woodrum;

Senate Bill 570: Senator Woodrum;

Senate Bill 572: Senator Maroney;

Senate Bill 577: Senator Woodrum;

Senate Bill 588: Senator Maroney;

Senate Bill 590: Senators Roberts, Deeds, and Woelfel;

Senate Bill 592: Senators Maroney and Woelfel;

Senate Bill 593: Senator Maroney;

Senate Bill 594: Senator Maroney;

Senate Bill 599: Senator Maynard;

Senate Bill 605: Senator Takubo;

Senate Bill 606: Senators Maynard and Woodrum;

Senate Bill 608: Senator Deeds;

Senate Bill 609: Senator Swope;

Senate Bill 610: Senator Maroney;

Senate Joint Resolution 10: Senator Rucker;

Senate Resolution 30: Senators Caputo, Maroney, Rucker, and Hamilton;

And,

Senate Resolution 31: Senators Caputo, Rucker, and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:56 a.m., the Senate adjourned until tomorrow, Wednesday, February 15, 2023, at 11 a.m.

WEDNESDAY, FEBRUARY 15, 2023

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Dr. Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable David Stover, a senator from the ninth district.

Pending the reading of the Journal of Tuesday, February 14, 2023,

At the request of Senator Nelson, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Stefanie Davis, fiancée of the Honorable Michael J. Maroney, a senator from the second district, privileges of the floor for the day.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2005—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-4, all relating to the dual enrollment pilot program; providing definitions; establishing the program to be administered by the Higher Education Policy Commission and

the Council for Community and Technical College Education in conjunction with the State Board of Education; providing for funding; providing for rulemaking; and requiring annual reporting.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2309—A Bill to amend and reenact §11-1C-11 of the Code of West Virginia, 1931, as amended, relating to the creation of an online renewal process for the Managed Timberland Program of the West Virginia Division of Forestry; creating a deadline for the Division of Forestry to maintain an online renewal application form; providing guidelines for initial information on the form; ensuring the submission of the form is of no cost to the individual; and preserving any costs for the initial application that is used by the West Virginia Division of Forestry.

Referred to the Committee on Agriculture and Natural Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2540—A Bill to repeal §33-12-32b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, §33-62-12, §33-62-13, relating to adopting the Travel Insurance Model Act; giving this act a short title; listing the scope and purposes; providing definitions; providing licensing and registration requirements; establishing a premium tax; establishing forms and rates; setting methods enabling the Commissioner to set pricing structure; establishing acceptable sales practices; establishing requirements for travel administrators; allowing for both individual and group

policies; granting the Commissioner enforcement powers; granting rulemaking for the Commissioner; and setting an effective date.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2605—A Bill to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as amended, all relating to actions for injuries; providing that persons who in good faith render emergency care, or assistance to a person in an accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; and also that persons trained in a qualified program of emergency services who in good faith renders or provides advice, assistance, equipment, or materials at the scene of an actual or threatened accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2817—A Bill to amend and reenact §24-2D-2 and §24-2D-3 of the Code of West Virginia, 1931, as amended, all relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles; clarifying the definitions of alternative fuel and alternative fuel vehicles; limiting Public Service Commission jurisdiction over temporary electric charging locations for alternative fuel vehicles with movable generators, provided the temporary electric charging locations are at fairs, festivals, and other special events, at locations where the electric distribution grid has been adversely effected by emergencies or disasters, natural or otherwise; or at locations

which facilitate evacuations from such emergencies or disasters, impending or otherwise; and making technical improvements.

Referred to the Committee on Energy, Industry, and Mining.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3044—A Bill to amend and reenact §29-22B-1103 of the Code of West Virginia, 1931, as amended, relating to the annual fee for limited video lottery terminal permits; permitting reduced fee in certain circumstances for certain period; establishing criteria for reduced annual fee for video lottery terminals; requiring West Virginia Lottery to determine which permit holders qualify for reduced annual permit fees and amount thereof; and terminating provisions.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3098—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section designated §18-2-44, all relating to standardized testing in state public schools; providing legislative findings and definitions; setting forth requirements to which the state department of education must adhere for a single, comprehensive statewide student assessment program for standardized testing, the frequency therefore and exceptions thereto; requiring that student test results be available to parents and guardians, as well as schools and school districts to which the student transfers; requiring that the department report certain data to the Legislative Oversight Committee on Education Accountability; allowing for certain additional standardized assessments under certain circumstances; clarifying that screener assessments are not prohibited; and providing an effective date.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3113—A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring additional class options for the delivery of a program of instruction on personal finance for students in secondary schools and requiring every student to complete a course prior to high school graduation.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3199—A Bill to amend and reenact §16-5-22 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that an ectopic pregnancy be reported.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3210—A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of propane gas systems; providing definitions; and creating certain prohibitions related to liquefied petroleum containers without consent of the owner.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3261—A Bill to amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended, relating to modifying the qualifications for social workers in West Virginia.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3272—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31I-1-1, §31I-1-2, §31I-1-3, §31I-1-4, §31I-1-5, §31I-1-6, §31I-1-7, §31I-1-8, §31I-1-9, §31I-1-10, §31I-1-11, and §31I-1-12, all relating to the operation of private trust companies in the State of West Virginia; and to amend and reenact §36-1A-1 of said code, relating to the statutory rule against perpetuities in the State of West Virginia.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3302—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-30 of said code; all relating to recognizing an embryo or fetus as a distinct unborn victim for certain DUI offenses; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing death; including an embryo or fetus as a distinct unborn victim for the offense of DUI causing serious bodily injury; and clarifying that a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims as applied to the offenses of DUI causing death and DUI causing serious bodily injury.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3311—A Bill to amend and reenact §60-8-2 of the Code of West Virginia, 1931, as amended, relating to the alcohol content of certain wines; changing the alcohol limit of table wine; changing the minimum alcohol content of nonfortified dessert wine.

Referred to the Committee on Government Organization.

Executive Communications

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia
February 14, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

House Bill No. Two Thousand Five Hundred Sixty-Four (2564), which was presented to me on February 8, 2023.

House Bill No. Two Thousand Seven Hundred Seventy-Six (2776), which was presented to me on February 8, 2023.

House Bill No. Two Thousand Seven Hundred Seventy-Seven (2777), which was presented to me on February 8, 2023.

You will note that I have approved these bills on February 14, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh
cc: The Honorable Lee Cassis



Jim Justice
Governor of West Virginia
February 15, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for House Bill No. Two Thousand Five Hundred Thirty (2530), which was presented to me on February 9, 2023.

House Bill No. Two Thousand Five Hundred Thirty-Three (2533), which was presented to me on February 9, 2023.

You will note that I have approved these bills on February 15, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 61, Providing personal property tax credit to graduates of certain higher education institutions or trade schools.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 61 (originating in the Committee on Education)—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

And,

Senate Bill 578, Hunger-Free Campus Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 578 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to creating the Hunger-Free Campus Act; providing for a short title; requiring the West Virginia Higher Education Policy Commission to establish the Hunger-Free Campus Grant Program; stating the purpose of the program and of the grant funding; establishing requirements for an institution to be designated as a hunger-free campus; requiring, subject to availability of funding, Chancellor for Higher Education to allocate grant funding to certain campuses; and requiring chancellor to submit a report to the Governor and to

the Legislature no later than two years after the establishment of the program.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bills (Com. Sub. for S. B. 61 and 578), under the original double committee references, were then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 191 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a condition of a deferred adjudication agreement; correcting a reference to a code section governing deferred prosecution agreements; and declaring that financial inability to pay court costs cannot be a basis for denying a deferred adjudication.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 293, Increasing fees charged by sheriff.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 293 (originating in the Committee on Government Organization)—A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged by sheriffs; increasing maximum fees that the sheriff may charge for serving notices related to tax sales of real property; increasing maximum fees generally; and increasing portion of fees charged by the sheriff directed to the Deputy Sheriff Retirement Fund.

And,

Senate Bill 303, Relating to Violent Crime Prevention Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 303 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-18, relating to the creation of the Violent Crime Prevention Act; and requiring law enforcement to submit ballistics data to the National Integrated Ballistic Information Network (NIBIN) for alleged use of firearm in connection with charges for certain crimes.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 430, Relating to State Treasurer's authority to contract with financial institutions for banking goods and services.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 430 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1a; and to amend and reenact §12-2-2 of said code, all relating generally to the State Treasurer's authority to contract with financial institutions for banking goods and services; defining terms in chapter; and clarifying Department of Revenue shall utilize State Treasurer's contracts and agreements with financial institutions when collecting moneys owed to the state unless an exemption is granted.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 440, Authorizing DOH pay current obligations from State Road Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 440 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to payments from the State Road Fund; authorizing transfer of spending authority between appropriations; and requiring reporting by the Division of Highways.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 440), under the original double committee reference, was then referred to the Committee on Finance.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 455, Modifying certain used car restrictions.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 455 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-6-1 of the Code of West Virginia, 1931, as amended, relating to modifying requirements for used motor vehicle dealers.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 526, Including early detection and diagnosis of Alzheimer's and other dementias in public health programs and services.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 526 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, relating to including the early detection and diagnosis of Alzheimer's disease and other dementias in existing public health programs and services.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 559, Relating to spousal privilege.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 562, Relating to operation of private trust companies in WV.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 562 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31I-1-1, §31I-1-2, §31I-1-3, §31I-1-4, §31I-1-5, §31I-1-6, §31I-1-7, §31I-1-8, §31I-1-9, §31I-1-10, §31I-1-11, §31I-1-12 and §31I-1-13; and to amend and reenact §36-1A-1 of said code, all relating to the operation of private trust companies and rule against perpetuities; creating the West Virginia Private Trust Company Act; setting forth purposes and findings; defining terms; specifying requirements and limitations for and powers of private trust companies and licensed private trust companies; requiring a nonrefundable application fee; creating a special account in the State Treasury; specifying responsibilities and rule-making authority by State Auditor; modifying statutory rule against perpetuities; and abolishing common law rule against perpetuities or remoteness in vesting.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 562) contained in the foregoing report from the Committee on Banking and Insurance was then referred to the Committee on Rules.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 568, Relating to Dangerousness Assessment Advisory Board.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 568 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-6A-13 of the Code of West Virginia, 1931, as amended, relating generally to the Dangerousness Assessment Advisory Board; clarifying the board's primary purpose; authorizing board to offer its services to the court when requested; providing information and recommendations to the courts; and declaring that the Secretary of the Department of Health and Human Services has no supervisory authority over the board.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 571, Regulating fantasy gaming competitions and sports wagering through independent evaluations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 571 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-22D-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-22D-25, all relating to allowing the West Virginia Lottery Commission to accredit independent evaluators to audit and opine on sports betting content directly or indirectly affiliated with management services providers; and subjecting management services providers and their direct or indirect affiliates to civil and criminal penalties.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack David Woodrum,
Chair.

The bill (Com. Sub. for S. B. 571), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 580, Authorizing election for special levy renewal.

And,

Senate Bill 593, Mandating cost of living salary adjustment policy for state employees.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of Senate Bill 580 contained in the foregoing report from the Committee on Government Organization.

Senate Bill 593, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 605, Requiring state medical examiner to enter into contracts with procurement organization.

And,

Eng. Com. Sub. for House Bill 2845, Relating to removing expired provisions from the code.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Queen, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 609, Obtaining approval for decommissioning or deconstructing of existing power plant.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ben Queen,
Vice Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 3, Dr. Roland P. Sharp Memorial Road.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Concurrent Resolution 3 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a portion of Route 92, beginning at point 38.359565, -79.880861 and ending at point 38.163267, -79.980827, in Pocahontas County, the "Dr. Roland P. Sharp Memorial Road".

Senate Concurrent Resolution 4, Ira 'Noon' Copley and Marie Copley Memorial Bridge.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Concurrent Resolution 4 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 30-003/05-014.61 (30A290), 37.89328, -82.23771, locally known as

Big Rock Beam Span Bridge, carrying CR 3/5 over West Fork of Twelvepole Creek in Mingo County, the "U.S. Navy S1 Ira 'Noon' Copley and Marie Copley Memorial Bridge".

And,

Senate Concurrent Resolution 6, US Army SGT Vincent DiBacco Memorial Bridge.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Concurrent Resolution 6 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 47-219/00-021.87 (47A060), (39.15277, -79.49617), locally known as Thomas Bridge, carrying U.S. Route 219 over North Fork Blackwater River in Tucker County, the "U. S. Army SGT Vincent DiBacco Memorial Bridge".

With the recommendation that the three committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 8, US Army PV 2 Harold Richard Plumley Memorial Bridge.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2596, To modify when a nonresident student's transfer may be denied.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 3164, To extend the termination date of the West Virginia Advisory Council on Rare Diseases due to a delay in beginning its duties.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Queen:

Senate Bill 631—A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-2-6 and §3-2-18 of said code; to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of said code; and to amend and reenact §3-10-3 of said code, all relating to elections in general and specifically expenditures of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund; clarifying the uniform statewide deadline for electronically submitted voter registration applications; changing the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system; making contested elections procedure update; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals, and granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts; providing when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be filled by election; and clarifying that when a vacancy in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 632—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting

COVID-19 and other experimental vaccines and creating religious and philosophical exemptions for school attendance vaccines.

Referred to the Committee on Health and Human Resources.

By Senator Woodrum:

Senate Bill 633—A Bill to amend and reenact §62-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §62-1C-17b of said code; and to amend and reenact §62-2-17 of said code, all relating to failure to appear; requiring prompt appearances for persons detained on capiases; providing procedures for issuing bench warrants for nonappearance at scheduled court hearings; allowing a grace period after a failure to appear to allow a defendant to appear; providing procedures following execution of bench warrants for nonappearance; and requiring courts to ensure that inactive capiases are removed from law-enforcement databases.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 634—A Bill to amend and reenact §8-2-18 of the Code of West Virginia, 1931, as amended, relating to increasing the value at which municipal property must be sold through public auction; and allowing for the negotiated sale of real property to adjacent property owners.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 635—A Bill to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating to indecent exposure of a person's nude penis, vagina, or anus; declaring that indecent exposure requires exposing one's nude penis, vagina, or anus; authorizing a person convicted of third offense indecent exposure for purposes of sexual gratification to be both fined and imprisoned; creating enhanced penalties for second and subsequent violations; creating the criminal offense of indecent exposure in front of minors; removing breast-feeding exemption as

unnecessary due to definition clarification; defining terms; and establishing criminal penalties for the new offense.

Referred to the Committee on the Judiciary.

By Senators Barrett, Jeffries, Nelson, Phillips, Queen, Rucker, Takubo, and Weld:

Senate Bill 636—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; and specifying the eligible purpose for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund.

Referred to the Committee on Finance.

By Senators Phillips and Smith:

Senate Bill 637—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, and §31A-9-4, all relating to the creation of the Fair Access to Financial Services Act; providing for a short title; providing for definitions; providing for legislative findings; and providing for enactment of the article.

Referred to the Committee on Banking and Insurance.

By Senator Grady:

Senate Bill 638—A Bill to amend and reenact §18A-4-10a of the Code of West Virginia, 1931, as amended, relating to bonuses for unused days of personal leave for school personnel, including professional and service employees.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Oliverio and Caputo:

Senate Bill 639—A Bill to amend and reenact §32-4-406 and §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding 12 new sections, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706,

§32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-7-712, all relating generally to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Operating Fund; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; providing an effective date; permitting the Auditor to transfer three percent of securities fees collected to the Securities Restitution Operating Fund; and authorizing the awarding of restitution in an administrative assessment.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Oliverio and Rucker:

Senate Bill 640—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-31-1, §17-31-2, §17-31-3, §17-31-4, and §17-31-5, all relating to requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Chapman:

Senate Bill 641—A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to when vacancies in the office of magistrate shall be filled by election or

appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be filled by election; and clarifying that when a vacancy in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 642—A Bill to amend and reenact §3-2-18 of the Code of West Virginia, 1931, as amended, relating to the deadline by which county clerks must report voter participation history after an election into the statewide voter registration system.

Referred to the Committee on Government Organization.

By Senator Chapman:

Senate Bill 643—A Bill to amend and reenact §3-1-48 of the Code of West Virginia, 1931, as amended, relating to expenditures of federal appropriations from Congress to the Secretary of State for purposes that further the administration of federal elections held in the state, payable from the County Assistance Voting Equipment Fund.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 644—A Bill to amend and reenact §3-7-3, §3-7-6, and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to contested elections procedure update; making procedures for election contests before a special court applicable to contested elections of certain judges; changing jurisdiction of election contests for county, district, and municipal elections to the circuit courts; requiring a recount proceeding to be completed before filing certain election contests; providing certain procedural requirements for election contests before circuit courts; providing for appeals of a decision made by a circuit court in an election contest be made to the Supreme Court of Appeals; and granting rulemaking authority to the Supreme Court of Appeals regarding election contests before circuit courts.

Referred to the Committee on the Judiciary.

By Senators Rucker and Taylor:

Senate Bill 645—A Bill to amend and reenact §16-3-1 of the Code of West Virginia, 1931, as amended, relating to ensuring that no law may require a person to receive or use a medical product; and ensuring there will be no penalties imposed nor benefit denied due to refusing a medical product or refusing to disclose whether a medical product has been used or not.

Referred to the Committee on Health and Human Resources.

By Senator Nelson:

Senate Bill 646—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-12a, relating to creating an emeritus physician license; and providing legislative rulemaking.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 647—A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to substantiation of child abuse and neglect allegations; directing that Department of Health and Human Resources files of unsubstantiated allegations of child abuse and neglect shall be expunged one year after the determination is made unless a substantiated allegation is made within the one-year period; directing that department abuse and neglect files be expunged after five years where the allegation is substantiated but either no petition is filed or the court finds no abuse or neglect; allowing persons adjudicated to be neglectful to petition the court for removal from the central registry and have their department file sealed after five or more years on the registry; requiring that no substantiated allegations are made against the person during the period after the finding of neglect and prior to the filing of a petition; and setting forth factors which may be considered when reviewing a petition.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 648—A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §23-4-2a, §23-4-2b, and §23-4-2c, all relating to the deliberate intent exception to the immunities provided under workers compensation; clarifying the definition of employee; removing occupational pneumoconiosis as a covered injury; requiring bifurcation of discovery upon request of the defendant, establishing a limit on noneconomic loss; accounting for collateral source payments for the same injury; and setting a limit of fees and costs recoverable by attorney for the claimant or dependent.

Referred to the Committee on the Judiciary.

By Senators Blair (Mr. President), Trump, Rucker, and Barrett:

Senate Bill 649—A Bill to amend chapter 232, Acts of the Legislature, Regular Session 2008, by adding thereto a new section designated section six, relating to authorizing the Berkeley County Council to change its name to the Berkeley County Commission; providing that name change does not affect the commission's powers, duties, or responsibilities or the terms of the commission's members; and requiring public notice of the council's intent to change its name.

Referred to the Committee on Government Organization.

By Senators Takubo, Tarr, and Weld:

Senate Bill 650—A Bill to amend and reenact §30-3-14 and §30-3-15, of the Code of West Virginia, 1931, as amended; and to amend and reenact §31B-13-1301, all relating to authorizing physician assistants own a business; denying a license or other authorization for physician assistants for referrals where the physician assistant has a proprietary interest; authorizing medical corporations that have physician assistant shareholders; conforming the definition of "physician assistant" to the American Academy of Physician Associates' term for the profession; and designating the profession of physician assistant as a professional

service for the purposes of the Uniform Limited Liability Company Act.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 651—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-62-1, relating to requiring health benefit plan coverage; creating the Oral Health and Cancer Rights Act; requiring coverage for medically necessary dental procedures that result from cancer treatment; explaining scope of procedures covered as a result of certain cancer treatments; requiring use of specific billing identifier; and setting an effective date.

Referred to the Committee on Health and Human Resources.

Senator Jeffries offered the following resolution:

Senate Resolution 32—Designating February 16, 2023, as West Virginia State University Day at the Legislature.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Queen, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Resolution 33 (originating in the Committee on Energy, Industry, and Mining)—Strongly urging West Virginia's congressional delegation to promote new construction of coal-fired electric generation facilities and development of efficient clean coal technology and carbon sequestration projects in West Virginia.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Ben Queen,
Vice Chair.

At the request of Senator Queen, unanimous consent being granted, the resolution (S. R. 33) contained in the foregoing report from the Committee on Energy, Industry, and Mining was then referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 467, Providing county commissioners ongoing mechanism to consider compensation increases for elected officials every two years.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Karnes, Martin, Maynard, Rucker, and Taylor—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 467) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

On third reading, coming up in regular order, with the unreported Transportation and Infrastructure committee amendment pending, and with the right having been granted on February 13, 2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Transportation and Infrastructure with the right to amend on third reading remaining in effect and with the unreported Transportation and Infrastructure committee amendment pending.

Eng. Com. Sub. for House Bill 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

At the request of Senator Hamilton, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the Marshall University football players who lost their lives in the November 14, 1970, team plane crash.

The question now being "Shall Engrossed Committee Substitute for House Bill 2412 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2412) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Hamilton, Maroney, Plymale, Woelfel, and Maynard regarding the passage of Engrossed Committee Substitute for House Bill 2412 were ordered printed in the Appendix to the Journal.

Eng. House Bill 2882, Making a supplemental appropriation to the Department of Economic Development.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 14, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Phillips, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, to fund 0256, fiscal year 2023, organization 0307 be supplemented and amended to read as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF ECONOMIC DEVELOPMENT

42 – Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2023 Org 0307

	Appropriation	General Revenue Fund
1 Personal Services and Employee Benefits.....	00100 \$	4,151,904
2 Unclassified	09900	108,055
3 Current Expenses	13000	4,738,464
3a Current Expenses – Surplus.....	13099	200,000
4 National Youth Science Camp.....	13200	241,570
5 Local Economic Development Partnerships (R) ...	13300	1,250,000
6 ARC Assessment	13600	152,585
7 Global Economic Development Partnerships (R)....	20201	150,000
8 Guaranteed Work Force Grant (R)	24200	982,630
8a Directed Transfer – Surplus.....	70099	114,800,000
9 Mainstreet Program	79400	170,493
10 BRIM Premium	91300	3,157
11 Hatfield McCoy Recreational Trail ...	96000	<u>198,415</u>
12 Total.....		\$ 127,147,273

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local Economic Development Partnerships (fund 0256, appropriation

13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), and Guaranteed Work Force Grant (fund 0256, appropriation 24200) at the close of the fiscal year 2022 are hereby reappropriated for expenditure during the fiscal year 2023.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership, \$100,000 shall be used for Advantage Valley, \$750,000 shall be used for the Robert C. Byrd Institute, \$548,915 shall be used for West Virginia University, \$298,915 shall be used for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the Department of Economic Development for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.Va. Code §5B-2-14. The Department of Economic Development shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$30,000 per county served by an economic development or redevelopment corporation or authority.

From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099), \$104,800,000 shall be transferred to the Economic Development Project Fund (fund 9069) and \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034).

From the above appropriation for Current Expenses – Surplus (fund 0256, appropriation 13099) \$200,000 shall be used for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

On motion of Senator Smith, the following amendments to the amendment offered by Senator Phillips to the bill (Eng. H. B. 2882) were reported by the Clerk and considered simultaneously:

On page 2, section 1, line 23, by striking out "114,800,000" and inserting in lieu thereof "10,000,000";

On page 2, section 1, line 27, by striking out "\$127,147,273" and inserting in lieu thereof "\$22,147,273";

And,

On page 3, section 1, lines 47 through 49 by striking out the words "From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099), \$104,800,000 shall be transferred to the Economic Development Project Fund (fund 9069) and \$10,000,000 shall be transferred to the Broadband Development Fund (fund 3034)" and inserting in lieu thereof the words "From the above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) \$10,000,000 shall be transferred to the Broadband Development Fund (3034)".

Following discussion,

The question being on the adoption of Senator Smith's amendment to the amendment offered by Senator Phillips to the bill, the same was put and did not prevail.

On motion of Senator Smith, the following amendment to the amendment offered by Senator Phillips to the bill (Eng. H. B. 2882) was next reported by the Clerk:

On page 3, section 1, lines 48 and 49, by striking out the words "Economic Development Project" (fund 9069)" and inserting in lieu thereof the words "Water Development Authority (fund 3384)".

Following discussion,

The question being on the adoption of Senator Smith's amendment to the amendment offered by Senator Phillips to the bill, the same was put and did not prevail.

The question now being on the adoption of the amendment offered by Senator Phillips to the bill (Eng. H. B. 2882).

Following extended discussion,

The question being on the adoption of the amendment offered by Senator Phillips to the bill, and on this question, Senator Phillips demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Grady, Hunt, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Stuart, Tarr, and Taylor—14.

The nays were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—20.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Phillips to the bill rejected.

Thereafter, at the request of Senator Smith, and by unanimous consent, the remarks by Senator Caputo as to the adoption of the amendment offered by Senator Phillips to Engrossed House Bill 2882 were ordered printed in the Appendix to the Journal.

Engrossed House Bill 2882 was then put upon its passage.

Pending extended discussion,

(Senator Swope in the Chair.)

Pending extended discussion,

(Senator Blair, Mr. President, in the Chair.)

Pending discussion,

The question being "Shall Engrossed House Bill 2882 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries,

Maroney, Nelson, Oliverio, Plymale, Queen, Smith, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—22.

The nays were: Azinger, Grady, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Stover, Stuart, Tarr, and Taylor—12.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Martin, Maynard, Phillips, Smith, Stover, Stuart, Tarr, and Taylor—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3055, To create a vocational math class for students interested in careers in the trades.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3055) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the tenth order of business.

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 Senate Bill 151, Levying tax on pass-through entity's income.

And,

Com. Sub. for Senate Bill 579, Providing payment to vendors who provided services to state.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Chapman and Woelfel.

At the request of Senator Phillips, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

On motion of Senator Smith, the Senate reconsidered the vote by which in earlier proceedings today it passed

Eng. House Bill 2882, Making a supplemental appropriation to the Department of Economic Development.

The vote thereon having been reconsidered,

The question again being on the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Grady, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stover, Stuart, Tarr, and Taylor—13.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Karnes, Martin, Maynard, Phillips, Roberts, Smith, Tarr, and Taylor—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2882) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 14, 2023:

Senate Bill 572: Senator Taylor.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 14, 2023:

Senate Bill 191: Senator Hunt;

Senate Bill 230: Senators Chapman, Taylor, and Karnes;

Senate Bill 293: Senator Hamilton;

Senate Bill 303: Senator Hamilton;

Senate Bill 550: Senator Taylor;

Senate Bill 552: Senators Oliverio, Swope, Stuart, and Tarr;

Senate Bill 577: Senator Jeffries;

Senate Bill 578: Senator Oliverio;

Senate Bill 609: Senator Taylor;

Senate Bill 614: Senators Woelfel and Deeds;

Senate Bill 615: Senators Martin and Rucker;

Senate Bill 616: Senator Deeds;

Senate Bill 619: Senator Taylor;

Senate Bill 620: Senator Taylor;

Senate Bill 622: Senators Hamilton and Phillips;

Senate Bill 623: Senators Hamilton, Phillips, and Deeds;

Senate Bill 624: Senator Deeds;

Senate Bill 626: Senator Martin;

Senate Bill 629: Senator Phillips;

And,

Senate Bill 630: Senators Woelfel, Deeds, and Grady.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 1:53 p.m., the Senate adjourned until tomorrow, Thursday, February 16, 2023, at 11:15 a.m.

THURSDAY, FEBRUARY 16, 2023

The Senate met at 11:17 a.m.

(Senator Takubo in the Chair.)

Prayer was offered by the Reverend Kevan Bartlett, Maranatha Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jason Barrett, a senator from the sixteenth district.

Pending the reading of the Journal of Wednesday, February 15, 2023,

At the request of Senator Phillips, 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 concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic.

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 2186—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to requirements for smoke evacuation systems for health care facilities; defining terms; and creating penalties for violation of requirement.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect from passage, of

Eng. House Bill 2800, All relating to authorizing legislative rules regarding higher 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 2821—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12n, relating to authorizing for taxable years beginning on and after January 1, 2020, a decreasing modification reducing federal adjusted gross income for state personal income tax purposes in amount of certain West Virginia gaming and gambling losses, not to exceed the amount of West Virginia gaming and gambling winnings, for the taxable year; allowing taxpayer to amend previously filed returns for the 2020, 2021, and 2022 tax years to recognize this decreasing modification; providing that based on such amended returns as specified herein,

any fines, assessments, penalties, or interest levied thereon are void, and returnable to the taxpayer; requiring detailed records substantiating losses; and placing burden of proving any loss on taxpayer.

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. House Bill 2839—A Bill to amend and reenact §22-2-10 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §22-3-39, all relating to declaring the benefits and effects of the extraction of useful substances from the waters of the state; clarifying the applicability of state policy for provisions of the Abandoned Mine Lands and Reclamation Act and of the Surface Coal Mining and Reclamation Act; and correcting the name of a receiving fund for proceeds received by the Department of Environmental Protection.

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. House Bill 2899—A Bill to repeal §24-2B-1 and 24-2B-2 of the Code of West Virginia, 1931, as amended, relating to gas utility rates that were set for a period of 12 months during 1983.

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 2993—A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating to rural emergency hospital licensure; defining

terms; setting forth licensure standards; permitting a rural emergency hospital to perform certain functions; and providing rulemaking authority.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect from passage, of

Eng. Com. Sub. for House Bill 3061, Relating to updating the authority of the Foster Care Ombudsman.

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 3122—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-51, relating to permitting certain types of rifles using an encapsulated propellant charge that loads from the breech, with the bullet loaded from the muzzle, during any muzzleloader season; and providing an exception.

Referred to the Committee on Agriculture and Natural Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3200—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer certain properties; permits the department to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities; establishing transfer requirements; providing for reversion to the state if the property for certain reasons; permitting the property to be pledged as collateral for a

loan; exempts the transfer from the requirements of the Real Estate Division; exempts the transfer from Attorney General scrutiny.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3268—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17B-2-16; and to amend said code by adding thereto a new article, designated §33-62-1, all relating to adding protections for West Virginia residents who reside out of state for certain time periods from non-renewal of licenses and registration.

Referred to the Committee on Banking and Insurance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3308—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §24-2-4h and §24-2-21a, all relating to the authority of the Public Service Commission; authorizing the Public Service Commission of West Virginia to consider and authorize the recovery of certain costs by certain utilities through the issuance of consumer rate relief bonds; providing legislative findings; providing definitions; providing application process for financing order authorizing the recovery of certain costs; requiring certain information in application for financing order; providing for issuance of financing order and information contained therein; allowing for disposition of consumer rate relief property; providing for the effect and term of financing order; providing for subsequent Public Service Commission proceedings and limits on commission authority; providing for duties of certain utilities; providing for application of adjustment mechanism and filing of schedules with commission; providing for nonbypassability of consumer rate relief changes; providing consequences and procedures for utility

default; providing for requirements and obligations of successors to certain utilities; providing for security interest in consumer rate relief property and transfer and sale of same; providing for limitation on taxation of consumer rate relief charges and exemption thereto; providing that consumer rate relief bonds are not debt of governmental entities or a pledge of taxing power; providing utility consumer rate relief bonds as legal investment; providing for certain pledge of state; providing for governing law; providing for severability and non-utility status; providing for continued viability of certain bonds; and requiring that utilities must obtain consent and approval from the Public Service Commission prior to retiring, abandoning, closing, or otherwise permanently rendering incapable of operating certain plants or units.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3317—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to removing specific continuing education requirements.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 29—Amending joint rules of the Senate and House of Delegates.

At the request of Senator Weld, and by unanimous consent, 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, 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 fourth order of business.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 488, Aligning state and federal accreditation rules.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 530, Expanding candidates eligible for judicial retirement.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 530 (originating in the Committee on Pensions)—A Bill to amend and reenact §51-9-6a of the Code of West Virginia 1931, as amended, relating to expanding those who may be eligible for judicial retirement; and allowing judges first appointed or elected after July 1, 2005, with 12 years of service contributing to the Judges' Retirement System to receive retirement benefits.

Senate Bill 570, Relating to Natural Resources Police Officer Retirement.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 570 (originating in the Committee on Pensions)—A Bill to amend and reenact §20-18-2, §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended, all relating to the Natural Resources Police Officers Retirement System; including newly hired state correctional officers in the Natural Resources Police Officers Retirement System; providing for supplemental funding of the Natural Resources Police Officers Retirement System; and providing for additional recruitment and retention opportunities of Natural Resources Police Officers.

And,

Senate Bill 582, Amending provisions of WV Public Employees Retirement Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 582 (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2, §5-10-14, §5-10-17, and §5-10-48 of the Code of West Virginia, 1931, as amended, all relating generally to legislative employment and retirement; modifying the length of service an employee of the Legislature whose term of employment is otherwise classified as temporary and who is employed to perform services required by the Legislature for its regular sessions must serve to obtain service credit towards retirement; and increasing the maximum annual remuneration a retirant may earn as a temporary legislative employee.

With the recommendation that the three committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

The bills (Com. Sub. for S. B. 530, 570, and 582), under the original double committee references, were then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 543 (originating in the Committee on Education), Authorizing rule-making changes to terms, procedures and reporting duties in higher education.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 543 (originating in the Committee on Finance)—A Bill to amend and reenact §29A-3A-1 and §29A-3A-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29A-3A-2a; to amend and reenact §29A-3A-3, §29A-3A-4, §29A-3A-5, §29A-3A-6, §29A-3A-7, §29A-3A-8, §29A-3A-9, §29A-3A-10, §29A-3A-11, §29A-3A-11a, §29A-3A-12, §29A-3A-13, §29A-3A-14, §29A-3A-15, §29A-3A-16, §29A-3A-16a, §29A-3A-17, §29A-3A-18, and §29A-3A-20, all relating to higher education and school building rule-making authority; revising definitions; requiring all sections of rule to be filed when proposing an amendment to an existing rule; requiring rule to be accompanied by not of explanation; requiring agency proposing to repeal a rule to file the rule in its entirety with the provisions of the rule struck through; making provisions applicable to procedural and interpretive rules applicable to legislative exempt rules; allowing an agency to hold a public hearing, schedule a public comment period, or both; requiring agency to respond to public comments and explain the reasoning for comments being incorporated or not incorporated into the rule; reducing time period for filing of notices of hearings for receiving public comment on a proposed rule; allowing repeal of a legislative exempt, procedural, or interpretive rule by filing notice of repeal with the Secretary of State; establishing timelimit for filing of notice of approval with

the Secretary of State and the Legislative Oversight Commission on Education Accountability (LOCEA); requiring LOCEA make a continuing investigation, study, and review of the practices, policies, and procedures of the State Board of Education; requiring electronic submission of agency-approved rule to LOCEA; requiring electronic filing of notice of approval in the State Register; adding to information that electronic copies of the proposed legislative rule is to include; modifying topics LOCEA's review of a proposed legislative rule is to include; modifying LOCEA's options in making recommendations to the Legislature after reviewing a legislative rule; requiring bill authorizing legislative rule to incorporate the amendments recommended by LOCEA; modifying date after which proposed legislative rules submitted to LOCEA can be withheld from its report to the clerk of the respective houses; modifying provisions pertaining to bills of authorization; removing provisions pertaining to computation of dates; allowing disapproval of rules not approved or acted upon by the Legislature; requiring Secretary of State to publish an authorized and promulgated legislative rule in the Code of State Rules; adding to information that must be filed with emergency rules in the State Register; providing for effective date for emergency rule and amendment to emergency rule; requiring the agency to file a copy of the emergency rule and the required statement with the Secretary of State and LOCEA; reducing time periods the agency has for filing a notice of public hearing on a proposed emergency rule and for filing the proposed emergency rule with LOCEA; removing provision pertaining to emergency legislative rules currently in effect; making certain provisions pertaining to filing an emergency rule and disapproval of an emergency rule applicable to filing an amendment to an emergency rule and disapproval of an emergency rule; modifying provisions pertaining to LOCEA's review of procedural rules, interpretive rules, or existing legislative rules; providing for prior rules to remain in full force and effect; modifying required sunset date; specifying procedure for renewing legislative rule; and requiring Secretary of State to file a notice of sunset in the State Register within 30 days following expiration of a legislative rule.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 548, Clarifying what parties can redeem delinquent property and limiting those entitled to bid.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 548 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11A-3-2, §11A-3-13, §11A-3-38, §11A-3-45 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11A-3-45a; to amend and reenact §11A-3-46, §11A-3-47, §11A-3-48 of said code; to amend said code by adding thereto a new section, designated §11A-3-48a; and to amend and reenact §11A-3-56 of said code, all relating to real property taxes; modifying who is entitled to redeem real estate that is subject to delinquent taxes; modifying certain public notices regarding the certification of real estate to the Auditor; modifying who is entitled to redeem nonentered or certified lands; specifying that participation in certain auctions conducted by West Virginia Auditor constitutes transacting business in West Virginia; providing eligibility requirements to bid on tax liens at certain auctions conducted by the Auditor; providing for certain rule-making authority, including emergency rulemaking; barring certain parties from participating in auctions conducted by Auditor; modifying certain public notices regarding certain auctions conducted by the Auditor; providing for the incurrence of legal expenses related to title examinations by the West Virginia Auditor and the reimbursement for those expenses; authorizing West

Virginia Auditor to refuse to sell unsold lands to potential buyers who fail to meet certain criteria; and barring certain parties from purchasing unsold lands.

With the recommendation that the committee substitute 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 576, Creating Securities Restitution Assistance Fund for victims of securities violations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 576 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §32-4-406 and §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-7-712, all relating generally to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Assistance Fund; permitting the Auditor to transfer three percent of securities fees collected to the Securities Restitution Assistance Fund; authorizing the awarding of restitution in an administrative assessment; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing

for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; and providing an effective date.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill (Com. Sub. for S. B. 576), under the original double committee reference, was then referred to the Committee on Finance.

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

Senate Bill 589, Relating to nonpublic kindergarten, elementary, and secondary school education.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 589 (originating in the Committee on School Choice)—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §18-8-1b and §18-8-1c; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2 of said code; to amend said code by adding thereto a new section, designated §18-31-2a; and to amend and reenact §18-31-3, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-9, §18-31-10, and §18-31-11 of said code, all relating generally to nonpublic kindergarten, elementary, and secondary school education; reorganizing provisions related to exemptions

from compulsory public school attendance; relocating requirements for students receiving home instructions to a new section of the code; relocating requirements for students attending a learning pod or microschool to a new section of the code; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; providing that a student that is exempt from compulsory school attendance may participate in the Hope Scholarship Program if other eligibility requirements are met; defining terms; establishing eligibility requirements for the Hope Scholarship Program; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; establishing qualifying expenses under the Hope Scholarship Act; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program audits; authorizing the board to promulgate legislative rules for the auditing of educational service providers; requiring education service providers conducting background screenings of employees and other persons in contact with students and to certify screening results to the board; and providing rule-making authority to disqualify education service providers based certain conduct.

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,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 589), under the original double committee reference, was then referred to the Committee on Finance.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 590, Transferring 911 personnel from PERS to Emergency Medical Services Retirement System.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 590 (originating in the Committee on Pensions)—A Bill to amend and reenact §16-5V-2, §16-5V-6, and §16-5V-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a two new sections, designated §16-5V-6c and §16-5V-6d, all relating to the Emergency Medical Services Retirement System; defining terms; updating terms to comply with federal laws; authorizing certain 911 personnel to be members of the Emergency Medical Services Retirement System (EMSRS) under certain circumstances; providing for transfer of assets pertaining to 911 personnel; requiring certain computations to be made by the Consolidated Public Retirement Board; requiring administrative costs of the Consolidated Public Retirement Board for transfer of assets pertaining to 911 personnel be borne by participating employers in relative proportion to members employed; and terminating liability of the Public Employees Retirement System (PERS); and providing for purchase of service time through payment.

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,

Eric Nelson, Jr.,
Chair.

The bill (Com. Sub. for S. B. 590), under the original double committee reference, was then referred to the Committee on Finance.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 591, Allowing counties and municipalities to jointly undertake development projects.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Chandler Swope,
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 596, Modifying payment for housing and maintenance of inmates.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 596 (originating in the Committee on Finance)—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended; relating to the payment of payment for housing and maintenance of inmates; setting a per day per inmate base rate; establishing a means of calculating fees; providing for a reduced rate in certain circumstances; providing for an enhanced rate in certain circumstances; providing for recalculation every decennial; requiring publication on the agency webpage; establishing an effective date; providing for official and personal liability for payment; and providing for an exception to personal liability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

Senate Bill 601, Allowing students of certain schools to participate in extracurricular activities of public schools.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 601 (originating in the Committee on School Choice)—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to providing that the West Virginia Secondary School Activities Commission promulgate legislative rules; and modifying eligibility requirements for participation in interscholastic athletic events and other extracurricular activities of secondary schools for students receiving home instruction.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 602, Enabling WVSU and Bluefield State University to offer associate degrees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 602 (originating in the Committee on Education)—A Bill to amend and reenact §18B-1-1f of the Code of West Virginia, 1931, as amended, relating to authorizing Bluefield State University and West Virginia State University to offer associate degrees on their campuses without Higher Education Policy Commission or Community and Technical College Council approval; and providing exception.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 607, Authorizing counties to increase special district excise tax.

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 Finance.

Respectfully submitted,

Chandler Swope,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Economic Development pending.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 629, Establishing auto-renewal program for wildlife licenses.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Eng. Com. Sub. for House Bill 2569, Establishing the Motorsport Responsibility Act.

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 the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Outdoor Recreation pending.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2757, Relating to expanding institutional eligibility for the WV Invests Grant Program.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

House Concurrent Resolution 13, Make 2nd week of February of every year a week of recognition of the Boy Scouts of America.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Mark R. Maynard,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Tarr:

Senate Bill 652—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-1-5b; and to amend and reenact §51-11-4 of said code, all relating to Municipal Home Rule appeals; providing for appeals and grounds therefor; providing who is eligible to appeal; and providing procedures for the appeal.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 653—A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to the criteria for political party status; and allowing a group of affiliated voters to become a recognized political party if the group's candidate receives at least one percent of the votes statewide in an election for either President or Governor.

Referred to the Committee on the Judiciary.

By Senator Maroney:

Senate Bill 654—A Bill to amend and reenact §9-8-4 of the Code of West Virginia, 1931, as amended, relating to eligibility verification for applicants for public assistance; requiring cooperation with child support enforcement as a condition of eligibility for public assistance; and authorizing rulemaking.

Referred to the Committee on Health and Human Resources.

By Senator Maynard:

Senate Bill 655—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-

10-1, §49-10-2, and §49-10-3, all relating to codifying the Parents' Bill of Rights.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 656—A Bill to amend and reenact §21-1B-2, §21-1B-3, and §21-1B-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to labor; verifying the legal employment status of all persons who come into their employ and to report their employment to the appropriate governmental agencies; providing definitions; using E-Verify the electronic verification of federal employment authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and providing that unauthorized workers employment prohibited.

Referred to the Committee on Government Organization.

By Senator Maroney:

Senate Bill 657—A Bill to amend and reenact §33-15A-6 of the Code of West Virginia, as amended, relating to long term care insurance, providing prohibitions regarding coverage and payment; and providing effective date.

Referred to the Committee on Banking and Insurance.

By Senator Jeffries:

Senate Bill 658—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business activity occurs in more than one location; defining terms to reflect the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 659—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 Weld:

Senate Bill 660—A Bill to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to reckless driving; correcting an erroneous internal citation; establishing the aggravated felony offense of reckless driving resulting in the death of another; and providing the penalties for the commission thereof.

Referred to the Committee on the Judiciary.

By Senators Roberts, Jeffries, and Tarr:

Senate Bill 661—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.

Referred to the Committee on the Workforce.

By Senator Barrett:

Senate Bill 662—A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to expanding the private practice exemption; providing that private office private physicians may develop magnetic resonance imaging services without certificate of need review; and providing applicable criteria.

Referred to the Committee on Health and Human Resources.

By Senator Taylor:

Senate Bill 663—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to approving

overtime pay for teachers, based on a 200-day contract and hourly rate.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senator Taylor:

Senate Bill 664—A Bill to repeal §5-16-7e of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-1, §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7a, §5-16-7c, §5-16-7d, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-12, §5-16-12a, §5-16-13, §5-16-15, §5-16-16, §5-16-17, §5-16-18, and §5-16-24 of said code; and to amend said code by adding thereto a new article, designated §5-16A-1, §5-16A-2, §5-16A-3, §5-16A-4, §5-16A-5, §5-16A-6, §5-16A-7, §5-16A-8, §5-16A-9, §5-16A-10, §5-16A-11, §5-16A-12, §5-16A-13, §5-16A-14, §5-16A-15, §5-16A-16, §5-16A-17, §5-16A-18, §5-16A-19, and §5-16A-20, all relating generally to the Public Employees Insurance Agency; providing for dissolution of the Public Employees Insurance Agency; converting state agency to employer-owned mutual insurance company; setting forth a short title; defining terms; clarifying the duties of the director; providing for private carriers to insure public employees; providing for employees of the agency to be exempt from provisions of civil service coverage; providing for personnel provisions for employees laid off in first year of operation; providing for retraining benefits for laid-off employees; providing for transfer of certain Public Employees Insurance Agency functions, rights, responsibilities, employees and assets to the Insurance Commissioner and the Public Employees Insurance Council; providing certain civil remedies to commission, mutual company and private carriers; providing for transfer of authority over certain funds to the Insurance Commissioner; providing for capital and surplus requirements of employers' mutual insurance company; providing for election of a board of directors of employers' mutual insurance company; providing for governance and organization of the new mutual insurance company; providing for establishment of claims index to assist insurers; providing for establishment and administration of certain funds and accounts in the State Treasury; providing for adverse risk assignment plan;

providing, upon meeting of certain criteria, for issuance of proclamation by the Governor; providing for preferential placement of any employee laid off after transfer of functions; providing certain retraining and other benefits; providing for novation of policies to new employers mutual insurance company; providing for requirements of a basic policy of public employees insurance; providing for setting of insurance rates; providing for collection of premiums; providing for transfer of rules to be applicable to the public employees insurance market; providing for transfer of certain assets to new mutual insurance company; providing for selection of finance board members by Governor; providing for a Public Employees Insurance Council; making technical corrections throughout; providing internal effective dates; providing for civil administrative and criminal penalties; and making conforming changes throughout.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senator Rucker:

Senate Bill 665—A Bill to amend and reenact §30-37-2 and §30-37-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-37-13, all relating to licensure requirements; amending the required hours of coursework for therapist licensure; defining terms; requiring a license to operate a massage establishment; providing establishment license requirements; prohibiting certain acts; providing for massage establishment licensure renewal, suspension, and revocation; specifying exemptions; requiring certain establishment licensees to have continuing education; and providing emergency rule-making authority.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

Senators Stover, Chapman, Maynard, and Rucker offered the following resolution:

Senate Concurrent Resolution 12—Requesting the Division of Highways name bridge number 55-010/00-007.43 (55A250),

(37.52310, -81.36703), locally known as Car Wash Bridge, carrying WV 10 over Gooney Otter Creek in Wyoming County, the "Oakey Tolliver Memorial Bridge".

Which, under the rules, lies over one day.

Senators Martin and Queen offered the following resolution:

Senate Concurrent Resolution 13—Requesting the Division of Highways name a portion of road, beginning at north and southbound 21-079/00-101.34 (39.05393, -80.40043) and ending at north and southbound County Overpass 14, carrying Interstate 79 over Rt. 14 in Lewis County as, the "Wyant Brothers Memorial Road".

Which, under the rules, lies over one day.

Senator Deeds offered the following resolution:

Senate Concurrent Resolution 14—Supporting the Medal of Valor nominees recommended by the First Responders Honor Board.

Which, under the rules, lies over one day.

Senators Maynard and Plymale offered the following resolution:

Senate Concurrent Resolution 15—Permitting the West Virginia Department of Tourism to proceed with procuring bids and interest in companies to place a lodge on the property of Beech Fork Lake.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

Senate Resolution 34—Recognizing February 17, 2023, as Adventure Travel Day at the Legislature.

Which, under the rules, lies over one day.

Senator Weld announced that in the meeting previously held, the Committee on Rules had returned to the Senate calendar, on second reading, **Senate Bill 452, Com. Sub. for Senate Bill 453, Senate Bill 458, and Senate Bill 474.**

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 3, Dr. Roland P Sharp Memorial Road.

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 and request concurrence therein.

Com. Sub. for Senate Concurrent Resolution 4, US Navy S1 Ira "Noon" Copley and Marie Copley Memorial Bridge.

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 and request concurrence therein.

Com. Sub. for Senate Concurrent Resolution 6, US Army SGT Vincent DiBacco Memorial Bridge.

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 and request concurrence therein.

Senate Concurrent Resolution 8, US Army PV 2 Harold Richard Plumley Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk.

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 and request concurrence therein.

Senate Resolution 32, Designating February 16, 2023, as WVSU Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, 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, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Martin and Rucker—2.

So, a majority of those present and voting having voted in the affirmative, the Chair declared the resolution (S. R. 32) adopted.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 151, Levying tax on pass-through entity's income.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 452, Relating to Emergency Medical Services Retirement System.

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 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 458, Setting rate of interest on delinquent retirement contribution submissions.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 474, Requiring municipal pensions oversight board to propose legislative 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 579, Providing payment to vendors who provided services to state.

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.

Com. Sub. for Senate Bill 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 293, Increasing fees charged by sheriff.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 303, Relating to Violent Crime Prevention Act.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 430, Relating to State Treasurer's authority to contract with financial institutions for banking goods and services.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 455, Modifying certain used car restrictions.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 526, Including Alzheimer's disease in existing public health programs.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

On motion of Senator Weld, 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, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart,

Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Martin and Rucker—2.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Committee Substitute for Senate Bill 526 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, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Martin and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. Com. Sub. for S. B. 526) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Bill 559, Relating to spousal privilege.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for Senate Bill 568, Relating to Dangerousness Assessment Advisory Board.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill 580, Authorizing election for special levy renewal.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill 605, Requiring state medical examiner to enter into contracts with procurement organization.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Senate Bill 609, Obtaining approval for decommissioning or deconstructing of existing power plant.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. Com. Sub. for House Bill 2596, To modify when a nonresident student's transfer may be denied.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. Com. Sub. for House Bill 2845, Relating to removing expired provisions from the code.

On first reading, coming up in regular order, was read a first time and ordered to second 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 first reading, coming up in regular order, was read a first time and ordered to second reading.

Eng. House Bill 3272, Relating to the operation of private trust companies in West Virginia.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Plymale.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 15, 2023:

Senate Bill 101: Senator Rucker;

Senate Bill 193: Senator Rucker;

Com. Sub. for Senate Bill 447: Senator Maynard;

Senate Bill 552: Senators Barrett, Hunt, and Chapman;

Senate Bill 576: Senator Stuart;

Senate Bill 589: Senator Roberts;

Senate Bill 590: Senator Queen;

Senate Bill 622: Senator Queen;

Senate Bill 627: Senator Oliverio;

Senate Bill 630: Senator Barrett;

Senate Bill 632: Senator Taylor;

Senate Bill 633: Senators Trump and Deeds;

Senate Bill 634: Senators Trump and Clements;

Senate Bill 635: Senators Deeds and Plymale;

Senate Bill 636: Senator Plymale;

Senate Bill 638: Senators Swope, Rucker, Jeffries, and Clements;

Senate Bill 641: Senator Trump;

Senate Bill 642: Senator Trump;

Senate Bill 650: Senator Deeds;

Senate Bill 651: Senator Deeds;

And,

Senate Resolution 32: Senators Hamilton, Rucker, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 11:50 a.m., the Senate adjourned until tomorrow, Friday, February 17, 2023, at 9:30 a.m.

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, relating to 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 be 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 the sheriff is the 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 "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 resilience 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; and then to 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 Solider.

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 black ink, appearing to read "Steve Harrison", written over a faint, illegible printed name.

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.

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, appearing to read "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 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 WVV 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 §7-1-31 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.

TUESDAY, FEBRUARY 21, 2023

The Senate met at 11:06 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Dr. D. W. Cummings, Senior Pastor, Bethlehem Apostolic Temple, Wheeling, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, February 20, 2023,

At the request of Senator Oliverio, 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, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 89, Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

Page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.**§15-9B-1a. Definitions.**

As used in this article:

(1) "Biological evidence" includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue, or other identified biological material.

(2) "DNA" means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

"Hospital" means a facility licensed pursuant to the provisions of §16-5B-1 et seq. of this code that primarily provides inpatient diagnostic, treatment, or rehabilitative services to the injured, disabled, or sick persons under the supervision of physicians with a 24-hour emergency department.

(3) "Nonreported kit" means a kit collected from an alleged victim who has consented to the collection of the kit, but has not consented to participation in the criminal justice process.

(4) "Sexual assault forensic examination kit" or "kit" means a set of materials, including, but not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to gather forensic evidence from a victim of a reported sexual offense and the evidence obtained with the materials.

(5) "Sexual offense" means any offense or attempted offense in the jurisdiction of the state in which a sexual assault forensic examination kit is collected, including, but not limited to, the following sections:

(A) §61-8-12 of this code;

(B) §61-8A-2 of this code;

(C) §61-8A-4 of this code;

(D) §61-8A-5 of this code;

(E) Any offenses listed in §61-8B-1 *et seq.* of this code;

(F) Any offenses listed in §61-8C-1 *et seq.* of this code;

(G) Any offenses listed in §61-8D-1 *et seq.* of this code.

(6) "Unfounded" means evidence developed after reasonable investigation and supported by proper documentation proving no crime occurred or where the alleged victim has recanted.

§15-9B-4. Submission, testing, and retention of sexual assault forensic examination kits.

(a) The Sexual Assault Forensic Examination Commission created by §15-9B-1 of this code shall establish a subgroup of persons with subject matter expertise to establish best-practice protocols for the submission, testing, retention, and disposition of sexual assault forensic examination kits collected by health care providers. The commission shall propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, detailing best-practice protocols. Upon approval of the legislative rules, local sexual assault forensic examination boards shall follow the rules.

(b) Rules promulgated pursuant to subsection (a) of this section shall include:

(1) Time frames for submission of sexual assault forensic examination kits in the possession of law enforcement; ~~and~~

(2) Protocols for storage of DNA samples and sexual assault forensic examination kits; and,

(3) Requiring a hospital to have trained health care provider available or transfer agreement as provided in a county plan, to complete a sexual assault forensic examination. "Available" includes, but not limited, having access to a trained sexual assault forensic examination expert via telehealth.

(c) The commission may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code in order to implement this section: *Provided*, That no emergency rule may permit the destruction of any DNA evidence.

(d) Upon collection, a sexual assault forensic examination kit shall be submitted for testing by the health care provider to the West Virginia State Police Forensic Laboratory within 30 days of collection or as soon thereafter as practicable. All packaging kits for transmittal and transmittal protocols shall be designed to meet applicable standards for maintaining the efficacy of the sample and chain of custody.

(e) No sexual assault forensic examination kit need be tested where the alleged victim has not consented to the testing, requests that the kit not be tested, where he or she recants as to the allegation of a sexual offense, or the allegation that a sexual offense occurred is determined to be unfounded. If the alleged victim does not consent to law enforcement involvement, the kit shall be designated a nonreported kit and transmitted to the Marshall University Forensic Science Center.

(f) The Commission shall, in cooperation with the West Virginia State Police, develop protocols for storage of previously tested materials to be made available for secondary testing upon a court order to do so.

(g) Biological evidence obtained through tests of a sexual assault forensic examination kit shall not be destroyed:

(1) During the time period of incarceration of a person whose DNA was identified by the use of the biological evidence, or while the person remains under continued supervision, whichever is later in time; or;

(2) For as long as the offense from which the biological evidence is obtained remains unresolved;

(h) Notwithstanding any provision of this code, or any rule or policy promulgated thereunder, upon completion of the processing and testing set forth in subsection (d) of this section, the sexual

assault forensic examination kit shall be transmitted to the appropriate investigating local or state law-enforcement agency which shall retain all identified biological material that is secured in connection with any sexual offense or attempted sexual offense for the periods set forth in subsection (g) of this section.

(i) After processing and testing of a sexual assault forensic examination kit, the West Virginia State Police Laboratory shall transmit the sexual assault forensic examination kit to the appropriate investigating state or local law-enforcement agency through any reasonable means sufficient to establish the proper chain of custody, including, but not limited to, use of the United States Postal Service or hand delivery by appropriate personnel or a law-enforcement officer. The appropriate investigating state or local law-enforcement agency shall preserve the sexual assault forensic examination kit for the period of time prescribed in subsection (g) of this section in a condition where any biological evidence is suitable for DNA testing. The lack of timely submission, or the inadvertent loss or destruction of a sexual assault forensic examination kit, standing alone, shall not constitute a bar to the prosecution of a sexual offense.

(j) Sexual assault forensic examination kits retained pursuant to this section shall be made available for DNA testing pursuant to §15-2B-7 of this code or pursuant to an appropriate order of a circuit court of competent jurisdiction for secondary testing.

(k) The appropriate investigating state or local law-enforcement agency responsible for retaining the sexual assault forensic examination kit shall obtain approval from the circuit court of competent jurisdiction for the county in which the crime occurred before disposal of any biological evidence. Before the disposal of any sexual assault forensic examination kit, reasonable efforts shall be made to provide written notice to the victim by the prosecuting attorney of the county in which the crime occurred.

(l) Nothing in this section shall be construed as limiting a state or local law-enforcement agency's discretion concerning the conditions under which biological evidence is retained, preserved,

or transferred among different entities if the evidence is retained in a condition that is suitable for DNA testing.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 89—A Bill to amend and reenact §15-9B-1a and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to sexual assault forensic examinations; defining terms; requiring legislative rules; requiring hospitals to have health care providers available to conduct sexual assault forensic examinations.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 89, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: 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)—33.

The nays were: None.

Absent: Azinger—1.

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. 89) 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 2150—A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents, guardians, or custodians to participate in programs for juveniles in an out-of-home placement unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring certain services to include programs that require the participation of parents, guardians, or custodians unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring provisions in a valid court order to enforce certain compliance mandating that parents, guardians, or custodians participate in programs for juveniles in an out-of-home placement; and requiring parents, guardians, or custodians to participate in programs designed for out-of-home placement including family therapy sessions offered by the treatment provider unless there is a finding by the court that said participation is not in the best interest of the juvenile.

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 2848—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g, related to modifying the requirements for out of state wastewater operators to obtain a license in the state; setting forth application requirements; and providing a waiver.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3101—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new

section, designated §16-5A-6, relating to the notification of breast density; and providing for medical guidelines and information.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3147—A Bill to amend and re-enact §20-17A-1 and §20-17A-2 of the Code of West Virginia, 1931, as amended, and by adding thereto a new article, designated §20-17B-1, §20-17B-2, §20-17B-3, §20-17B-4, and §20-17B-5, all relating to the expansion of the Mountaineer Trail Network Recreation Authority and the creation of the Upper Ohio Valley Trail Network Recreation Authority; providing for legislative findings and purposes; providing for interconnection of recreational trail networks; providing for the continuation of the Upper Ohio Valley Trail Network Recreation Authority and the establishment of the recreation area; providing recreational purposes; providing for a governing body and expenses; and providing for protection for private landowners.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3215—A Bill to amend and reenact §8A-1-2, §8A-2-7, §8A-4-2, §8A-5-1, §8A-5-3, §8A-5-6, §8A-5-8, §8A-8-4, and §8A-8-5, of the Code of West Virginia, 1931, as amended, all relating to land use planning; modifying definitions; modifying the frequency of planning commission meetings; clarifying contents of subdivision and land development ordinances; addressing jurisdiction of planning commission; clarifying process for minor proposals; modifying provisions related to approval of major proposals; providing for flexibility in qualifications for

county boards of zoning appeals; and modifying frequency of board of zoning appeals meetings.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3428—A Bill to amend and reenact §24-2-1n, relating to the West Virginia Business Ready Sites Program; to eliminate the West Virginia Business Ready Sites Program as a pilot program; to eliminate the maximum number of industrial development sites; to eliminate certain requirements that industrial development sites be apportioned geographically amongst West Virginia's congressional districts; and to eliminate the sunset provision of the West Virginia Business Ready Sites Program.

Referred to the Committee on Economic Development.

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 79 (originating in the Committee on Government Organization), Relating to compensable diseases of certain firefighters covered by workers' compensation.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 79 (originating in the Committee on Finance)—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and

testicular cancer; providing for conditions of the presumption; and providing that the rebuttable presumption expires on July 1, 2027, unless extended by the Legislature.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 480, Modifying group accident and sickness insurance requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 480 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-16-1a and §33-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-16-2a, all relating to modifying group accident and sickness insurance requirements and permitting self-insured multiple employer welfare arrangements; modifying and creating definitions; reducing requirements for bona fide associations; authorizing bona fide associations in good standing to sponsor and operate self-insured multiple employer welfare arrangements if certain requirements are met; setting forth requirements for self-insured multiple employer welfare arrangements; authorizing Insurance Commissioner to issue certificates of authority; imposing a non-refundable filing fee; requiring annual reporting by the arrangements; requiring rulemaking by Insurance Commissioner; and authorizing rulemaking on penalties, fines, and

suspension and revocation of certificates of authority for violations of requirements for multiple employer welfare arrangements.

And,

Senate Bill 657, WV Long-Term Care Insurance Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 657 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-15A-6 of the Code of West Virginia, 1931, as amended, relating to requirements for long term care insurance.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, one of the bills (Com. Sub. for S. B. 480) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 594, Specifying fairness in cost sharing calculations for certain high deductible health plans.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 594 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to cost-sharing calculations in insurance code and Health Savings Account eligibility.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 594) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 616, WV Veterans' Home Loan Mortgage Program of 2023.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 616 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, §31-18F-3, §31-18F-4, §31-18F-5, and §31-18F-6; and to amend and reenact §36-8-13 of said code, all relating generally to creating the West Virginia Veterans' Home Loan Mortgage Program of 2023; establishing a fund known as the West Virginia

Veterans' Home Loan Mortgage Fund; declaring the purpose of the fund; providing that the Housing Development Fund shall administer the fund; setting forth terms of the program; authorizing the Housing Development Fund to make certain mortgage loans from the fund; and authorizing the unclaimed property administrator to transfer a certain amount from the Unclaimed Property Trust Fund to the fund.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 678, Adding appropriations to DHHR, Division of Human Services.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Eng. Com. Sub. for House Bill 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3122) contained in the preceding report from the Committee on Agriculture and Natural Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senator Blair (Mr. President) offered the following resolution:

Senate Resolution 37—Reaffirming support of the signing of a Bilateral Trade Agreement (BTA) between the United States and the Republic of China (Taiwan) in strengthening the sisterhood partnership between the State of West Virginia and Taiwan, and reaffirming support for Taiwan's meaningful participation and contributions in international organizations.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 18, Requesting Joint Committee on Government and Finance study increasing availability of prescription nonopioid medications.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 488, Aligning state and federal accreditation 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: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 488) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 543, Authorizing rule-making changes to terms, procedures and reporting duties in higher education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 543) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Azinger—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 Com. Sub. for S. B. 543) 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 Senate Bill 548, Clarifying what parties can redeem delinquent property and limiting those entitled to bid.

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: 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)—33.

The nays were: None.

Absent: Azinger—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. 548) 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 591, Allowing counties and municipalities to jointly undertake development projects.

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: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 591) 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 596, Modifying payment for housing and maintenance of inmates.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 20, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Barrett, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-16. Funds for operations of jails under the jurisdiction of the commissioner.

(a) Any special revenue funds previously administered by the Regional Jail and Correctional Facility Authority or its executive director are continued, and shall be administered by the commissioner.

(b) Funds that have been transferred by §15A-3-16(a) of this code shall be limited in use to operations of jail functions, and for payment to the Regional Jail and Correctional Facility Authority Board, for payment of indebtedness. In no case shall a fund be utilized to offset or pay operations of nonjail parts of the facility: *Provided*, That funds may be utilized on a pro rata basis for shared staff and for operational expenses of facilities being used as both prisons and jails.

(c) Whenever the commissioner determines that the balance in these funds is more than the immediate requirements of this article, he or she may request that the excess be invested until needed. Any excess funds so requested shall be invested in a manner consistent with the investment of temporary state funds. Interest earned on any moneys invested pursuant to this section shall be credited to these funds.

(d) These funds consist of the following:

(1) Moneys collected and deposited in the State Treasury which are specifically designated by Acts of the Legislature for inclusion in these funds;

(2) Contributions, grants, and gifts from any source, both public and private, specifically directed to the operations of jails under the control of the commissioner;

(3) All sums paid pursuant to §15A-3-16(g) of this code; and

(4) All interest earned on investments made by the state from moneys deposited in these funds.

(e) The amounts deposited in these funds shall be accounted for and expended in the following manner:

(1) Amounts deposited shall be pledged first to the debt service on any bonded indebtedness;

(2) After any requirements of debt service have been satisfied, the commissioner shall requisition from these funds the amounts that are necessary to provide for payment of the administrative expenses of this article, as limited by this section;

(3) The commissioner shall requisition from these funds, after any requirements of debt service have been satisfied, the amounts that are necessary for the maintenance and operation of jails under his or her control. These funds shall make an accounting of all amounts received from each county by virtue of any filing fees, court costs, or fines required by law to be deposited in these funds and amounts from the jail improvement funds of the various counties;

(4) Notwithstanding any other provisions of this article, sums paid into these funds by each county pursuant to §15A-3-16(g) of this code for each inmate shall be placed in a separate account and shall be requisitioned from these funds to pay for costs incurred; and

(5) Any amounts deposited in these funds from other sources permitted by this article shall be expended based on particular needs to be determined by the commissioner.

(f)(1) After a jail facility becomes available pursuant to this article for the incarceration of inmates, each county within the region shall incarcerate all persons whom the county would have incarcerated in any jail prior to the availability of the jail facility in the jail facility, except those whose incarceration in a local jail facility used as a local holding facility is specified as appropriate

under the previously promulgated, and hereby transferred standards and procedures developed by the Jail Facilities Standards Commission, and whom the sheriff or the circuit court elects to incarcerate therein.

(2) Notwithstanding the provisions of §15A-3-16(f)(1) of this code, circuit and magistrate courts are authorized to:

(A) Detain persons who have been arrested or charged with a crime in a county or municipal jail specified as appropriate under the standards and procedures referenced in §15A-3-16(f)(1) of this code, for a period not to exceed 96 hours; or

(B) Commit persons convicted of a crime in a county or municipal jail, specified as appropriate under the standards and procedures referenced in §15A-3-16(f)(1) of this code, for a period not to exceed 14 days.

(g) When inmates are placed in a jail facility under the jurisdiction of the commissioner pursuant to §15A-3-16(f) of this code, the county, and municipality if the incarceration is a municipal violation, shall pay into this fund a cost per day for each incarcerated inmate, to be determined as set forth in subsection (k) of this section. ~~by the state Budget Office annually by examining the most recent three fiscal years of costs submitted by the commissioner for the cost of operating the jail facilities and units under his or her jurisdiction, and taking an average per day, per inmate cost of maintaining the operations of the jail facilities or units: *Provided, That beginning* Beginning July 1, 2018, and continuing through July 1, 2023 June 30, 2023, in no case shall any county or municipality be required to pay a rate that exceeds \$48.25 per day, per inmate. ~~Nothing in this section shall be construed to mean that the per diem cannot be decreased or be less than \$48.25 per day per inmate.~~~~

(h) The per diem costs for incarcerating inmates may not include the cost of construction, acquisition, or renovation of the regional jail facilities: *Provided, That* each jail facility or unit operating in this state shall keep a record of the date and time that an inmate is incarcerated, and a county may not be charged for a

second day of incarceration for an individual inmate until that inmate has remained incarcerated for more than 24 hours. After that, in cases of continuous incarceration, subsequent per diem charges shall be made upon a county only as subsequent intervals of 24 hours pass from the original time of incarceration.

(i) The county is responsible for costs incurred by the division for housing and maintaining inmates in its facilities who are pretrial inmates and convicted misdemeanants. The costs of housing shall be borne by the division on a felony conviction on which an inmate is incarcerated beginning the calendar day following the day of sentencing: *Provided*, That beginning July 1, 2019, the costs of housing shall be borne by the division on a felony conviction when an inmate is incarcerated beginning the calendar day following the day of conviction. In no case shall the county be responsible for any costs of housing and maintaining felony convicted inmate populations.

(j) The county is responsible for the costs incurred by the authority for housing and maintaining an inmate who, prior to a felony conviction on which the inmate is incarcerated and is awaiting transportation to a state correctional facility for a 60-day evaluation period as provided in §62-12-7a of this code.

~~(k) On or before July 1, 2020, the commissioner shall prepare a report on the feasibility of phasing out the county and municipal per diem charges required by §15A-3-16(g) of this code. This report shall include information regarding savings realized because of the consolidation of the former Division of Corrections, Division of Juvenile Services, and the operations of the Regional Jail and Correctional Facility Authority, as well as any other recommendations that might ease the burden of paying the per diem inmate costs by the counties or municipalities. On or before January 1, 2019, January 1, 2020, January 1, 2021, and January 1, 2023 the commissioner shall report to the Joint Committee on Government and Finance and the co-chairmen of the Joint Standing Committee on Finance the actual per diem rate as calculated pursuant to §15A-3-16(g) of this code and any amount not assessed to counties if the actual per diem cost is larger than the amount~~

~~charged to the counties or municipalities pursuant to §15A-3-16(g) between July 1, 2018, and July 1, 2023~~

(k) (1) Effective July 1, 2023, the cost per day per inmate for an incarcerated inmate shall be determined as set forth in this subsection. The base rate per day per inmate rate shall be set at \$54.48. The State Budget Office shall annually examine the most recent three fiscal years of costs submitted by the commissioner for the cost of operating the jail facilities and units under his or her jurisdiction, and taking an average per day, per inmate cost of maintaining the operations of the jail facilities or units shall adjust the per day per inmate rate annually. Notice of the adjusted per day per inmate rate shall be provided to each county commission.

(2) Beginning July 1, 2023, the commissioner shall determine the pro rata share of inmate days per county. This figure shall be calculated by multiplying each counties population as contained in the 2020 United States Census by .52.

(3) A county or municipality, if the incarceration is a municipal violation, shall pay 80 percent of the base rate per day per inmate cost as set forth in this subsection (k)(1) of this section for any inmate whose period of incarceration is 80 percent less than the base number of pro rata days resulting from the calculation as set forth in subsection (k)(2) of this section. The rate shall be determined by multiplying the pro rata night figure by 80 percent. This will set the number of days which the county or municipality shall pay at the reduced rate of 80 percent of the per day per inmate cost as set forth in subsection (k)(1) of this section.

(4) The per day per inmate cost between the reduced rate as determined by subsection (k)(3) of this section up to and including the base number of pro rata days as set determined by subsection (k)(2) of this section shall be 100 percent of the base rate per day per inmate costs as set forth in subsection (k)(1) of this section.

(5) A county or municipality shall pay an increased per day per inmate cost for any inmate whose incarceration exceeds the base number of pro rata days for that county as set forth in subsection (l)(1) of this section. That cost will be determined by adding an

additional 20 percent over and above the base rate per day per inmate cost as set forth in subsection (k)(1) of this section.

(6) Beginning July 1, 2031, and every 10 years thereafter the pro rata share of inmate days per county shall be calculated by dividing the number of inmate days from the previous calendar year by the state's population according to the most recent United States Census data and then multiplying that number by each counties population.

(7) The commissioner shall post on the Division of Corrections and Rehabilitations webpage by county:

(i) The pro rata share of inmate days;

(ii) The base number of pro rata days;

(iii) The reduced rate of the per day per inmate costs;

(iv) The increased per day per inmate; and

(v) Any other information deemed necessary by the commissioner.

(l) County commissioners may be liable in both their official and individual capacity for the payment of the fees established in this section. County commissioners pursuant to the jurisdiction, powers, and duties placed upon them pursuant to §7-1-1 et seq. of this code and Section 11, Article 9 of the West Virginia Constitution are responsible for the fiscal affairs of their county. This includes oversight of all financial transaction including compliance with legal requirements for the operation of a county government. The non-payment of the expenses associated with providing housing and maintaining inmates as required by this section is in direct contradiction of their established statutory and constitutional duties as the fiscal officers of a county. This violation of the clearly established statutory and constitutional duty to manage all fiscal matters of a county abrogates any qualified immunity county commissioners may have as a government official: *Provided*, That if a county commission has entered into a payment agreement to pay the amount of arrears for the housing

and maintenance of inmates and continues to remain current in the payment of the arrears as set forth in the agreement, that shall stay any personal liability of a county commissioner as set forth in this subsection.

On motion of Senator Karnes, the following amendment to Senator Barrett's amendment to the bill (Eng. Com. Sub. for S. B. 596) was reported by the Clerk:

On page 6, section 16, lines 38 through 51, by striking out subsection (l) and adding thereto two new subsections (l) and (m), to read as follows:

(l) Payment for fees incurred by a county related to housing and maintaining inmates shall be applied in reverse chronological order, to the most recent bills first and the oldest bills last, unless a different application is specifically authorized by a county commission.

(m) County Commissioners may be liable in both their official and individual capacity for the payment of the fees established in this section except where one of the following exceptions apply:

(i) A County Commissioner may not be held personally liable for fees incurred before their service on the county commission commenced.

(ii) A County Commission's inability to pay, as a result of fulfilling other constitutional or statutory obligations, shall negate any personal liability of individual County Commissioners.

(iii) If a County Commission has entered into a payment agreement to pay the amount of arrears for the housing and maintenance of inmates and continues to remain current in the payment of the arrears as set forth in the agreement, that shall stay any personal liability of a county commissioner as set forth in this subsection.

Following discussion,

The question being on the adoption of the amendment offered by Senator Karnes to Senator Barrett's amendment to the bill (Eng. Com. Sub. for S. B. 596), and on this question, Senator Karnes demanded the yeas and nays.

The roll being taken, the yeas were: Chapman, Hamilton, Karnes, Martin, Maynard, Rucker, Smith, Stover, and Taylor—9.

The nays were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—24.

Absent: Azinger—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Karnes to Senator Barrett's amendment to the bill rejected.

The question now being on the adoption of Senator Barrett's amendment to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 596 was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Swope, Tarr, Trump, Woelfel, Woodrum, and Blair (Mr. President)—22.

The nays were: Chapman, Hamilton, Karnes, Martin, Maynard, Rucker, Smith, Stuart, Takubo, Taylor, and Weld—11.

Absent: Azinger—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. 596) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Hamilton, Karnes, Martin, and Taylor—5.

Absent: Azinger—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. 596) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 602, Enabling WVSU and Bluefield State University to offer associate degrees.

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 602 pass?"

On the passage of the bill, the yeas were: 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)—33.

The nays were: None.

Absent: Azinger—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. 602) 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 629, Establishing auto-renewal program for wildlife licenses.

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: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 629) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 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 February 17, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Azinger, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 31I. TRUST COMPANIES.

ARTICLE 1. PRIVATE TRUST COMPANIES AND PRIVATE TRUST BUSINESS.

§31I-1-1. Short title.

This article may be cited as the "Private Trust Company Act".

§31I-1-2. Purposes; findings.

(a) The purpose of the article is to establish requirements for licensing private trust companies, to regulate persons who provide fiduciary services to family members of no more than three families and their related interests as a private trust company, and to establish the degree of regulatory oversight required of the State Auditor over such companies. The public interest served by this article is to ensure that fiduciary activities performed by a private trust company are restricted to family members and their related interests and as otherwise provided in this article.

(b) The Legislature finds that:

(1) A private trust company is not a financial institution, and licensure of such a company is not required.

(2) A private trust company may elect to be a licensed private trust company under this article if the company desires to be subject to the regulatory oversight of the State Auditor, as provided in this article, notwithstanding that the company restricts its services to family members.

(3) With respect to a licensed private trust company, the State Auditor is responsible for regulating, supervising, and examining the company as provided under this article.

(4) With respect to a private trust company that does not elect to be licensed, the State Auditor's role is limited to ensuring that fiduciary services provided by the company are restricted to family

members and authorized related interests and not to the general public. The State Auditor is not responsible for examining a private trust company regarding the safety or soundness of its operations.

§31I-1-3. Definitions.

As used in this article, unless the context requires a different meaning:

(1) "Applicant" means the corporation or limited liability company on whose behalf an application for a license to operate as a licensed private trust company is submitted under §31I-1-4(e) of this code.

(2) "Capital account" means the aggregate value of unimpaired capital stock based on the par value of the shares, plus any unimpaired surplus and undivided profits or retained earnings of a private trust company organized as a corporation; or the initial cash investment remitted for membership interests in a private trust company organized as a limited liability company, plus any undivided profits or retained earnings of the limited liability company.

(3) "Capital stock" means the shares of stock issued to create nonwithdrawable capital for a corporation, or membership interests issued to create nonwithdrawable capital for a limited liability company.

(4) "Collateral kinship" means a relationship that is not lineal but derives from a common ancestor.

(5) "Degrees of kinship" means, with respect to two persons:

(A) Degrees of lineal kinship computed by counting one degree for each person in the line of ascent or descent, exclusive of the person from whom the computing begins; and

(B) Degrees of collateral kinship computed by commencing with one of the persons and ascending from that person to a common ancestor, descending from that ancestor to the other person, and counting one degree for each person in the line of

ascent and in the line of descent, exclusive of the person from whom the computation begins, the total to represent the degree of such kinship.

(6) "Designated relative" means a common ancestor of a family, who may be a living or deceased person, who is the individual to or through whom the family members are related, and who is so designated in the application for a license.

(7) "Family" means a designated relative and family members of that designated relative.

(8) "Family affiliate" means a company or other entity in which one or more family members own, control, or have the power, directly or indirectly, to vote all of the capital stock, partnership interests, membership interests, or other equity interests of the entity.

(9) "Family member" means a designated relative and:

(A) Any individual within: (i) the fifth degree of lineal kinship to a designated relative of a private trust company, or the sixth degree of lineal kinship to a designated relative of a licensed private trust company, or (ii) the seventh degree of collateral kinship to a designated relative of a private trust company, or the ninth degree of collateral kinship to a designated relative of a licensed private trust company;

(B) The present or past spouse of any individual qualifying as a family member and an individual who is within the fifth degree of lineal kinship to such spouse or former spouse;

(C) A trust established by: (i) a family member if the trust is funded exclusively by one or more family members and, for these purposes, a trust to which property has been transferred as a result of a family member's exercise of a power of appointment shall be considered established by that family member if all qualified beneficiaries of the appointee trust are family members, or (ii) an individual who is not a family member if all of the noncharitable qualified beneficiaries of the trust are family members, except that a trust composed exclusively of nonindividual qualified

beneficiaries is considered to be a family member if all of the nonindividual qualified beneficiaries are charitable foundations or other charitable entities as described in paragraph (F) of this subdivision;

(D) A family affiliate or officer or former officer of a family affiliate: *Provided*, That in the case of a former officer, such officer must have qualified as an officer of the family affiliate at any time within the past three years;

(E) The estate of a family member or the estate of an individual who is not a family member if all of the noncharitable beneficiaries of such estate are family members, except that an estate composed exclusively of nonindividual beneficiaries is considered to be a family member if all of the nonindividual beneficiaries are charitable foundations or other charitable entities as described in paragraph (F) of this subdivision; or

(F) A charitable foundation or other charitable entity that either: (i) was created by a family member, or (ii) has a governing body consisting mostly of family members.

(10) "Fiduciary" means executor, administrator, conservator, guardian, committee, or trustee.

(11) "Licensed private trust company" means a private trust company that operates in accordance with this article and has been issued a license that has not been revoked or suspended by the State Auditor.

(12) "Lineal kinship" means a family member who is in the direct line of ascent or descent from a designated relative.

(13) "Officer" of a family affiliate means an individual, regardless of whether the individual has an official title or receives a salary or other compensation, who may participate in the major policymaking functions of a family affiliate, other than as a director. The term does not include an individual who may have an official title and exercise discretion in the performance of duties and functions, but who does not participate in determining the major policies of the family affiliate and whose decisions are

limited by policy standards established by other officers, regardless of whether the policy standards have been adopted by the board of directors or other members of management. The chair of the board of directors, the president, the chief officer, the chief financial officer, the senior trust officer, and all executive vice presidents of a family affiliate, and all managers if organized as a limited liability company, are presumed to be officers unless such officer is excluded by resolution of the board of directors or members or by the bylaws or operating agreement of the family affiliate, other than in the capacity of a director, from participating in major policymaking functions of the family affiliate, and such excluded officer does not actually participate therein.

(14) "Operating plan" means a plan that establishes the policies and procedures a private trust company will have in effect when the institution opens for business and thereafter:

(A) To ensure that trust accounts are handled in accordance with recognized standards of fiduciary conduct; and

(B) To assure compliance with applicable laws and regulations.

(15) "Private trust business" means acting as or performing the duties of a fiduciary in the regular course of its business for family members. A person does not engage in private trust business by:

(A) Rendering services as an attorney-at-law in the performance of duties as a fiduciary;

(B) Rendering services as a certified or registered public accountant in the performance of duties as such;

(C) Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act;

(D) Acting as a trustee in bankruptcy or as a receiver;

(E) Holding trusts of real estate for the primary purpose of subdivision, development, or sale, or to facilitate any business transaction with respect to such real estate;

(F) Engaging in the business of an escrow agent;

(G) Holding assets as trustee of a trust created for charitable purposes if:

(i) The trustee is an entity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code; and

(ii) The trust is: (I) exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code, (II) a charitable remainder trust described in Section 664 of the Internal Revenue Code, (III) a pooled income fund described in Section 642(c)(5) of the Internal Revenue Code, or (IV) a trust the charitable interest in which is either a guaranteed annuity or a fixed percentage distributed yearly of the fair market value of the trust property, described in Section 2055(e)(2)(B) or Section 2522(c)(2)(B) of the Internal Revenue Code;

(H) Receiving rents and proceeds of sale as a licensed real estate broker on behalf of the principal; or

(I) Engaging in securities transactions as a broker-dealer or salesman.

(16) "Private trust company" means a corporation or limited liability company that:

(A) Is exclusively owned by one or more family members;

(B) Is organized or qualified to do business in this state;

(C) Engages or proposes to engage in private trust business under this article with one or more family members;

(D) Does not serve as a fiduciary for a person, entity, trust, or estate that is not a family member, except that it may serve as a fiduciary for up to 35 individuals who are not family members if the individuals are current or former employees of the private trust company or one or more trusts, companies, or other entities that are family members; and

(E) Does not transact business with the general public.

(17) "Qualified beneficiary" has the meaning provided in §44D-1-103(r) of this code.

(18) "State Auditor" means the West Virginia State Auditor.

(19) "Tax" includes, but is not limited to, federal, state, or local income, gift, estate, generation-skipping transfer, or inheritance tax.

(20) "Trust institution" means a bank or trust company chartered by a state bank supervisory agency or by the Office of the Comptroller of Currency.

§31I-1-4. Organization; minimum capital requirements; notice to State Auditor; control; application for license.

(a) No person other than a corporation or limited liability company organized under the laws of this state to engage exclusively in the private trust business shall act as a private trust company or licensed private trust company.

(b) A licensed private trust company that has one designated relative may not be organized or operated with an owners' capital account of less than \$250,000. The minimum capital account is \$350,000 if two designated relatives of the licensed private trust company are named in the application for a license or in the annual license renewal. The minimum capital account is \$450,000 if three designated relatives of the licensed private trust company are named in the application for a license or in the annual license renewal. A private trust company may not be organized or operated with a capital account of less than \$250,000.

(c) No person shall engage in business as a private trust company or licensed private trust company without first giving written notice to the State Auditor. The notice shall identify at least one designated relative for any private trust company, and up to three designated relatives for any licensed private trust company, whose relationship to other individuals determines whether the individuals are family members. The notice shall identify the location of the principal office and additional office, if any, within this state. The notice shall be accompanied by an operating plan

and such other books, records, documents, or information as the State Auditor may require. The notice shall also certify that:

(1) All provisions of law have been complied with;

(2) The private trust company or licensed private trust company is formed for no other reason than to engage in the private trust business;

(3) Family members have subscribed for capital stock, surplus, and a reserve for operation in an amount equal to or in excess of \$250,000; and

(4) The private trust company or licensed private trust company is serving or will serve as trustee for one or more trusts having an aggregate of at least \$50,000,000 in trust assets as further specified in §31I-1-10 of this code.

(d) All of the capital stock, membership interests, or other equity interests of a private trust company or licensed private trust company shall be and shall remain owned by, and under the voting control of, family members, including any spouses, trusts, stock corporations, limited partnerships, limited liability companies, or estates that qualify under §31I-1-3(9)(B) through (E) of this code of one or more families.

(e) An applicant seeking to operate as a licensed private trust company must file an application with the State Auditor on forms prescribed by the State Auditor, accompanied by a nonrefundable \$10,000 application fee to be deposited into a special account in the State Treasury to be known as the Private Trust Company Application Fund. Expenditures from the fund shall be for the purpose of the State Auditor administering this article. Expenditures are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions of §11B-2-1 *et seq.* of this code: *Provided*, That for the fiscal year ending June 30, 2024, expenditures are authorized from collections rather than pursuant to appropriation by the Legislature. The application to operate as a

licensed private trust company must also contain or be accompanied by:

(1) The name of the proposed licensed private trust company;

(2) A copy of the articles of incorporation or articles of organization and the bylaws or operating agreement of the proposed licensed private trust company;

(3) The physical address and mailing address of the proposed licensed private trust company, which must be located in this state;

(4) A statement describing in detail the services that will be provided to family members by the proposed licensed private trust company;

(5) The name and biographical information of each individual who will initially serve as a director, officer, manager, or member acting in a managerial capacity of the proposed licensed private trust company;

(6) The name and biographical information of each individual who owns or has the ability or power to directly or indirectly vote at least 10 percent or more of the outstanding shares, membership interest, or membership units of the proposed licensed private trust company;

(7) The names of the designated relatives;

(8) The amount of the initial capital account of the proposed licensed private trust company and the form in which the capital was paid and will be maintained;

(9) The type and amount of bonds or insurance that will be procured and maintained on directors, officers, managers, or members acting in a managerial capacity or employees pursuant to §31I-1-12 of this code;

(10) A statement signed by the applicant, or by the individual signing on behalf of the proposed licensed private trust company,

under penalty of perjury, affirming that the following statements are true:

(A) The proposed licensed private trust company is not currently transacting business with the general public;

(B) No director, officer, manager, or member served as a director, officer, or manager, or acted in a managerial capacity, for a trust company or any other financial institution that had a license issued under the financial institutions codes or by the Federal Government or any other state, the District of Columbia, a territory of the United States, or a foreign country that was suspended or revoked within the 10 years preceding the date of the application;

(C) No director, officer, manager, or member acting in a managerial capacity has been convicted of, or pled guilty or nolo contendere, regardless of whether adjudication of guilt is entered by the court, to a violation of the financial institutions codes, or other similar state or federal laws or related rules, or to a crime involving fraud, misrepresentation, or moral turpitude;

(D) No director, officer, manager, or member acting in a managerial capacity has had a professional license suspended or revoked within the 10 years preceding the date of the application;

(E) All information contained in the application is true and correct to the best knowledge of the individual signing the application on behalf of the proposed licensed private trust company; and

(11) Any other additional information reasonably required by the State Auditor.

§31I-1-5. Operation and powers.

Every private trust company and licensed private trust company shall conduct its business in accordance with an operating plan and in accordance with generally accepted fiduciary standards. A private trust company or licensed private trust company when engaging in a private trust business shall have the same rights, powers, and privileges as a banking or trust institution

pursuant to §31A-4-14 of this code, including the power to act as executor under the last will and testament or administrator of the estate of any deceased family member.

§31I-1-6. Reacquisition of shares or interests; dividends.

A private trust company or licensed private trust company shall not buy, redeem, or otherwise reacquire shares of stock or membership interests that the private trust company or licensed private trust company has issued, or declare a dividend or other distribution to its stockholders, members, or holders of equity interests, to the extent that such purchase, redemption, reacquisition, dividend, or distribution shall cause the private trust company's or licensed private trust company's paid-in capital, retained surplus, and reserves to be reduced below \$250,000.

§31I-1-7. Offices.

(a) The office at which a private trust company or licensed private trust company begins business shall be designated initially as its principal office. The board of directors or managers of a private trust company or licensed private trust company may thereafter redesignate as the principal office another authorized office of the private trust company or licensed private trust company in this state.

(b) The board of directors or managers of a private trust company or licensed private trust company may designate, and from time to time redesignate, one additional office at which the private trust company or licensed private trust company may conduct business in this state.

(c) The private trust company or licensed private trust company shall notify the State Auditor of any such redesignation of its principal office or designation or redesignation of an additional office not later than 30 days before its effective date and shall confirm to the State Auditor any such designation or redesignation within 10 days of its occurrence.

§31I-1-8. Directors or managers.

The affairs of every private trust company or licensed private trust company shall be directed by a board of directors if a corporation, or managers if a limited liability company, consisting of not less than five nor more than 25 persons. At least one director or manager shall be a resident of this state.

§31I-1-9. Limitation on powers.

(a) In the exercise of any power held by a private trust company or licensed private trust company in its capacity as a fiduciary, the private trust company or licensed private trust company shall have a duty not to exercise any power in such a way as to deprive the estate, trust, or other entity for which it acts as a fiduciary of an otherwise available tax exemption, deduction, or credit for tax purposes, or deprive a donor of trust assets of a tax exemption, deduction, or credit or operate to impose a tax upon a donor or other person as owner of any portion of the estate, trust, or otherwise.

(b) Without limitation to subsection (a) of this section, no family member who is a stockholder or member or who otherwise holds an equity interest in, or is serving as a director, officer, manager, or employee of, a private trust company or licensed private trust company shall participate in or otherwise have a voice in any discretionary decision by the private trust company or licensed private trust company to distribute income or principal of any trust in order to discharge a legal obligation of a family member or for a family member's pecuniary benefit, unless:

(1) The exercise of the discretion is limited by an ascertainable standard relating to the health, education, support, or maintenance of that family member;

(2) The distribution is necessary for that family member's support, health, or education; or

(3) The instrument governing the administration of that trust clearly so provides.

§31I-1-10. Minimum trust assets under management certification.

As part of the notice to the State Auditor required of any private trust company or licensed private trust company that is required under §31I-1-4 of this code, an affidavit must also be submitted by the applicant, signed under penalty of perjury, certifying that the private trust company or licensed private trust company serves or will serve as trustee for one or more trusts having at least \$50,000,000 in aggregate trust assets under management as of the date of such affidavit.

§31I-1-11. Unlawful to advertise services.

A private trust company or licensed private trust company may not advertise its services to the public.

§31I-1-12. Fidelity bonds; insurance.

(a) The directors or managers of a licensed private trust company shall procure and maintain fidelity bonds on all active officers, directors, managers, members acting in a managerial capacity, and employees of the company, regardless of whether they receive a salary or other compensation from the company, in order to indemnify the company against loss because of a dishonest, fraudulent, or criminal act or omission on their part, whether acting alone or in combination with other persons.

(b) Each fidelity bond shall be issued in an amount of at least \$1,000,000.

(c) In lieu of the fidelity bonds required under subsection (a) of this section, a licensed private trust company may increase its capital account required under §31I-1-4(b) of this code by \$1,000,000 so that if it has:

(1) One designated relative, then it is organized or operated with a capital account of at least \$1,250,000;

(2) Two designated relatives, then it is organized or operated with a capital account of at least \$1,350,000; or

(3) Three designated relatives, then it is organized or operated with a capital account of at least \$1,450,000.

(d) The licensed private trust company shall also procure and maintain an errors and omissions insurance policy of at least \$1,000,000 in which it is listed as the insured to cover the acts and omissions of officers, directors, managers, and members acting in a managerial capacity, regardless of whether the person receives a salary or other compensation from the company.

(e) A private trust company or licensed private trust company may also procure and maintain other insurance policies necessary or desirable in connection with the business of the company, including, but not limited to, one or more casualty insurance policies.

(f) A private trust company that is not a licensed private trust company may procure and maintain fidelity bonds as described in this section.

(g) A private trust company that is not a licensed private trust company may procure and maintain errors and omissions insurance coverage as described in this section.

§31I-1-13. Rule-making authority by State Auditor.

The State Auditor shall promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code and may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article.

CHAPTER 36. ESTATES AND PROPERTY.

ARTICLE 1A. UNIFORM STATUTORY RULE AGAINST PERPETUITIES.

§36-1A-1. Statutory rule against perpetuities.

(a) A ~~Except~~ as provided in subsection (e) of this section, a nonvested property interest is invalid unless:

(1) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of an individual then alive; or

(2) The interest either vests or terminates within 90 years after its creation.

(b) A Except as provided in subsection (e) of this section, a general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(1) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of an individual then alive; or

(2) The condition precedent either is satisfied or becomes impossible to satisfy within 90 years after its creation.

(c) A Except as provided in subsection (e) of this section, a nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

(1) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of an individual then alive; or

(2) The power is irrevocably exercised or otherwise terminates within 90 years after its creation.

(d) In determining whether a nonvested property interest or a power of appointment is valid under the provisions of ~~subdivision (1), subsection (a), or subdivision (1), subsection (b), or subdivision (1), subsection (e)~~ of this section, the possibility that a child will be born to an individual after the individual's death is disregarded.

(e) As to any trust created by a private trust company pursuant to §31I-1-1 et seq. of this code on or after July 1, 2023, this subsection shall apply to a nonvested property interest or power of appointment contained in a trust by substituting 1,000 years in place of "90 years" in each place such term appears in this section.

unless the terms of the trust require that all beneficial interests in the trust vest or terminate within a lesser period.

On motion of Senator Trump, the following amendment to Senator Azinger's amendment to the bill (Eng. H. B. 3272) was reported by the Clerk:

On page 14, section 1, line 22, by striking out the word "created" and inserting in lieu thereof the word "administered".

Following discussion,

Senators Nelson and Trump, 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 Nelson and Trump would be as members of a class of persons and that they would be required to vote.

The question being on the adoption of Senator Trump's amendment to Senator Azinger's amendment to the bill, the same was put and prevailed.

The question now being on the adoption of Senator Azinger's amendment to the bill, as amended, the same was put and prevailed.

Engrossed House Bill 3272, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: 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)—33.

The nays were: None.

Absent: Azinger—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3272) passed.

On motion of Senator Azinger, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 3272—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31I-1-1, §31I-1-2, §31I-1-3, §31I-1-4, §31I-1-5, §31I-1-6, §31I-1-7, §31I-1-8, §31I-1-9, §31I-1-10, §31I-1-11, §31I-1-12, and §31I-1-13; and to amend and reenact §36-1A-1 of said code, all relating to the operation of private trust companies; creating the West Virginia Private Trust Company Act; setting forth purposes and findings; defining terms; specifying requirements and limitations for and powers of private trust companies and licensed private trust companies; requiring a nonrefundable application fee; creating a special account in the State Treasury; specifying responsibilities and rule-making authority of the State Auditor; and modifying statutory rule against perpetuities.

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 Com. Sub. for Senate Bill 195, Glucagon for Schools Act.

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 Com. Sub. for Senate Bill 273, Relating to allocation of child protective workers in counties based upon population of county.

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 297, Mountain Homes 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 429, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Woodrum, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 3uu, line 1, by striking out "\$1";

On page 1, section 3uu, line 1, after the word "Fee", by inserting the words "of up to \$1";

And,

On page 3, section 3uu, line 46, after the word "emergency", by inserting the word "medical".

The bill (Com. Sub. for S. B. 429), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 436, Prompt Payment Act of 2023.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Nelson, the following amendment to the bill was reported by the Clerk and adopted:

On page 3, section 2, lines 58 and 59, by striking out all of subsection (h), and inserting in lieu thereof two new subsections (h) and (i), to read as follows:

(h) Nothing in this article should be construed to limit the right of a state agency or the State Auditor to refuse illegitimate, erroneous, fraudulent, or disputed claims for payment. Examples of these types of payments include, but are not limited to:

(1) Payment claims that do not conform to a State agency's standards for payment or internal controls;

(2) Payment claims of a fraudulent or a personal nature;

(3) Payment claims for services not ordered, rendered, or received;

(4) Payment claims that appear to be in violation of any State, local, or Federal law;

(5) Claims for payment that do not conform to the payment standards administered by the State Auditor in authorized promulgated administrative law, rule, or policy, or;

(6) Any other situation where paying a claim for payment would be unlawful, inappropriate, or not in the best interests of the State of West Virginia. *Provided:* That no state agency shall arbitrarily deem an invoice illegitimate, erroneous, fraudulent, or disputed solely in order to circumvent the requirements of this article.

(i) No state agency shall be liable for the interest provided for in this article if the Legislature declines to fund the payment claim's program or appropriation for a given state agency in a subsequent fiscal year or if the State Budget Office determines that the payment of interest provided for in this article provides a financial hardship or burden on the State in any given fiscal year.

The bill (Com. Sub. for Com. Sub. for S. B. 436), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 523, Clarifying purpose and use of Economic Development Project Fund.

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 539, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 553, Allowing for evaluation of prequalified bidders to be based on best value.

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 577, Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription.

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 580, Authorizing election for special levy renewal.

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 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 referred to the Committee on Rules.

Senate Bill 608, Correcting list of items which are considered deadly weapons.

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 621, Requiring sheriff to serve child abuse and neglect petitions without additional compensation.

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 630, Creating offense of knowingly and willfully obstructing social service worker.

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 635, Updating language and increasing penalties for indecent exposure.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Chapman, the following amendment to the bill was reported by the Clerk:

On page 1, section 9, line 2, after word "anus," by inserting the words "or the sex organs or anus of another person, or intentionally causes such exposure by another or engages in any overt act of sexual gratification".

Following discussion,

The question being on the adoption of Senator Chapman's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 635), as amended, was then ordered to engrossment and third reading.

Senate Bill 674, Providing statutory recognition and appointment of board members for WV First Foundation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2006, Relating to reorganizing the Department of Health and Human Resources.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3141, Relating to the practice of dentistry.

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.

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 597, Allowing Workforce WV to hire classified service exempt employees.

Senate Bill 620, Increasing maximum number of registered voters per precinct and distance between polling places.

Com. Sub. for Senate Bill 631, Updating administration, funding, and requirements for federal elections held in WV.

Senate Bill 641, Clarifying when magistrate vacancies shall be filled.

Com. Sub. for Senate Bill 644, Updating contested elections procedures.

And,

Com. Sub. for Senate Bill 661, Clarifying preferential recall rights for employees sustaining compensable injury.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 20, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

Com. Sub. for S. B. 239 - Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic.

This bill is presented to you on this day, February 20, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 20, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

S. B. 275 - Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements.

This bill is presented to you on this day, February 20, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates



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 20, 2023

The Honorable Jim Justice, II
 Governor, State of West Virginia
 1900 Kanawha Boulevard, East
 Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2412, Declaring November 14 every year, a special Memorial Day in remembrance of the Marshall University airplane crash;

H. B. 2800, All relating to authorizing legislative rules regarding higher education;

H. B. 2882, Making a supplemental appropriation to the Department of Economic Development;

And,

Com. Sub. for H. B. 3061, Relating to updating the authority of the Foster Care Ombudsman.

These bills are presented to you on this day, February 20, 2023.

Respectfully submitted,

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 removed as co-sponsors of the following bills on February 20, 2023:

Senate Bill 642: Senator Chapman;

And,

Senate Bill 673: Senator Weld.

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 20, 2023:

Senate Bill 3: Senator Karnes;

Senate Bill 5: Senator Taylor;

Senate Bill 9: Senator Taylor;

Senate Bill 55: Senator Taylor;

Com. Sub. for Senate Bill 79: Senators Barrett and Oliverio;

Com. Sub. for Senate Bill 199: Senator Oliverio;

Senate Bill 304: Senator Smith;

Senate Bill 594: Senator Nelson;

Senate Bill 633: Senator Woelfel;

Senate Bill 639: Senator Woelfel;

Senate Bill 656: Senator Stuart;

Senate Bill 657: Senator Nelson;

Senate Bill 678: Senator Barrett;

Senate Bill 679: Senator Woelfel;

Senate Bill 681: Senator Woelfel;

Senate Bill 682: Senator Rucker;

Senate Bill 686: Senator Woelfel;

Senate Bill 687: Senator Deeds;

Senate Bill 690: Senator Queen;

Senate Bill 693: Senator Rucker;

Senate Bill 694: Senator Woelfel;

Senate Bill 695: Senators Phillips, Grady, and Woelfel;

Senate Bill 727: Senators Barrett and Hamilton;

Senate Bill 729: Senators Queen and Smith;

Senate Joint Resolution 9: Senator Taylor;

Senate Joint Resolution 10: Senator Taylor;

Senate Resolution 35: Senator Taylor;

And,

Senate Resolution 37: Senator Weld.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:10 p.m., the Senate adjourned until tomorrow, Wednesday, February 22, 2023, at 11 a.m.

WEDNESDAY, FEBRUARY 22, 2023

The Senate met at 11:04 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Chad Cobb, River Ridge Church, Teays Valley Campus in Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jason Barrett, a senator from the sixteenth district.

Pending the reading of the Journal of Tuesday, February 21, 2023,

At the request of Senator Roberts, 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 concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 10, Campus Self-Defense Act.

The Senate proceeded to the fourth order of business.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 1, Requiring Higher Education Policy Commission to create and administer PROMISE Plus Program.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 268 (originating in the Committee on Health and Human Resources), Relating to PEIA.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 268 (originating in the Committee on Finance)—A Bill to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, and §5-16-26 of the Code of West Virginia, 1931, as amended; to repeal §5-16-5b and §5-16-28 of said code; and to amend said code by adding thereto three new sections, designated §5-16-30, §5-16-31, and §5-16-32, all relating to the West Virginia Public Employees Insurance Act.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 268) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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 462, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 462 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17A-6A-3, §17A-6A-8a, §17A-6A-10, and §17A-6A-18 of the Code of West Virginia, 1931, as amended, all relating generally to new motor vehicle dealers, distributors, wholesalers, manufacturers, factory branches, and distributor branches; defining terms; clarifying a manufacturer's obligations for warranty and recall reimbursement to a new motor vehicle dealer; restricting manufacturer and distributor right of first refusal; identifying and clarifying unlawful and prohibited practices; and clarifying statutory authority of dealer data systems vendor agreements.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 544, Increasing power purchase agreement cap.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 554, Exempting purchases made by Auditor and WV Enterprise Resource Planning Board from certain provisions of WV code.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 554 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §12-3-21; and to amend said code by adding thereto a new section, designated §12-6D-8, all relating generally to exempting purchases made by the Auditor and West Virginia Enterprise Resource Planning Board from certain provisions of this code; requiring both the Auditor and Enterprise Resource Planning Board to maintain and adopt internal competitive procurement processes; and allowing the Auditor and the Enterprise Resource Planning Board to promulgate rules related to the exemption of purchases and the procurement process.

Senate Bill 649, Authorizing Berkeley County Council to change its name to Berkeley County Commission.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 649 (originating in the Committee on Government Organization)—A Bill to amend chapter 232, Acts of the Legislature, Regular Session 2008, by adding thereto a new section designated section six, relating to authorizing the Berkeley County Council to change its name to the Berkeley County Commission; providing that name change does not affect commission's powers, duties, or responsibilities, or number or terms of commission's members; and requiring public notice of council's intent to change its name.

And,

Senate Bill 656, Verifying legal employment status of workers to governmental agencies.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 656 (originating in the Committee on Government Organization)—A Bill to amend and reenact §21-1B-2, §21-1B-3, and §21-1B-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to labor; verifying the legal employment status of all persons who come into their employ and to report their employment to the appropriate governmental agencies; providing definitions; using E-Verify, the electronic verification of federal employment authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and providing that unauthorized workers employment prohibited.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 554, 649, and 656) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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 558, Prohibiting law enforcement agencies from posting booking photographs of certain criminal defendants on social media.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 558 (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 §62-1-6a, relating to prohibiting law enforcement agencies of the state from posting on social media the booking photographs of individuals alleged to have committed a minor offense; providing exceptions; and requiring removal of booking photographs in certain instances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 585 (originating in the Committee on Agriculture and Natural Resources), Prohibiting county commissions from adopting any authorization that exceeds state law regarding agricultural operations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 585 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-1-3 and §7-1-3ff of the Code of West Virginia, 1931, as amended, all relating to prohibiting county commissions from adopting any ordinance, rule, license requirement, or other authorization that exceeds state law, rule, or regulation regarding agricultural operations; revoking any ordinance, rule, or regulation previously adopted by county commissions that exceeds state law, rule, or regulation regarding agricultural operations; prohibiting county commissions from adopting any ordinance, rule, regulation, or other authorization that prohibits or alters permissible use of federal or state pesticides, herbicides, or insecticides; prohibiting county commissions from adopting ordinances that regulate dwellings or other buildings on agricultural land or operations; and requiring appointment of at-large member on county enforcement agency to have background or knowledge of agricultural operations.

With the recommendation that the committee substitute for committee substitute 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 613, Exempting hospitals from certificate of need requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 613 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2D-2, §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia, as amended, all relating to certificate of need; defining terms; removing birthing centers from the list of reviewable services; providing physician office practice meeting specified criteria may acquire an utilize one magnetic resonance imaging scanner; providing for data verification; providing that hospitals performing hospital services are exempt from certificate of need requirements; providing that birthing centers are exempt from certificate of need review; and removing an exemption for hospital based birthing centers.

Senate Bill 617, Requiring Commissioner of Bureau for Medical Services produce report regarding home and community-based providers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 617 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to the Intellectual and Development Disabilities Waiver Program workforce study; outlining program data required to be included in the study; requiring recommendations for hourly pay; and creating an annual capitation review.

Senate Bill 646, Creating emeritus physician license.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 646 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-12a, relating to creating an emeritus physician license; and providing legislative rulemaking.

And,

Senate Bill 676, Requiring report on Medicaid fees and managed care provider reimbursements compared to PEIA, Medicare, and surrounding states.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 676 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new 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.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, Committee Substitute for Senate Bills 617 and 646 contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 619, Allowing teachers in public schools to teach intelligent design.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 638, Providing bonuses to school personnel for unused personal days.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 638 (originating in the Committee on Education)—A Bill to amend and reenact §18A-4-10a of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to pay their employees, for the purpose of reducing absenteeism, a bonus at the end of an employment term for each of up to 10 unused days of personal leave accumulated by the employee; making receipt of bonus optional to employee; making number of days employee receives bonus for at the discretion of the employee; stating amount of bonus; stating all employees are eligible for the bonus; providing that days for which employee receives bonus are lost to the employee and cannot be converted into extended insurance coverage or increased retirement benefits; and prohibiting bonus from being counted as final average salary for the purpose of calculating retirement.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 638), under the original double committee reference, was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 665, Amending licensure requirements for massage therapist.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 665 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-37-2 and §30-37-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-37-13, all relating to licensure requirements; amending the required hours of coursework for therapist licensure; defining terms; requiring a license to operate a massage establishment; providing establishment license requirements; prohibiting certain acts; providing for massage establishment licensure renewal, suspension, and revocation; specifying exemptions; requiring certain establishment licensees to have continuing education; and providing emergency rule-making authority.

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.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

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 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability Commission.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 730 (originating in the Committee on Health and Human Resources)—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 of the Department of Health and Human Resources; removing limitation on commission review; expanding authority of commission to conduct review into administrative, fiscal, programmatic, and systematic areas of department; permitting commission to require reports; and permitting commission and Joint Committee to designate format and submission instructions for reporting.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 730) contained in the

preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2993, Relating to rural emergency hospital licensure.

And has amended same.

And,

Eng. Com. Sub. for House Bill 3317, Relating to removing specific continuing education requirements.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3113, Requiring high school students to complete course of study in personal finance.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,
Chair.

The Senate proceeded to the seventh order of business.

Senate Resolution 37, Recognizing sister-state relationship between WV and Taiwan.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 273, Relating to allocation of child protective workers in counties based upon population of county.

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 Committee Substitute for Senate Bill 273 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 Com. Sub. for S. B. 273) 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 297, Mountain Homes Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Karnes and Martin—2.

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. 297) 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 429, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

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 429 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Chapman and Martin—2.

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. 429) passed.

On motion of Senator Woodrum, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 429—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to authorizing county commissions to impose a Health and Safety Fee for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be 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 the sheriff is the county's agent for collection of fee; and establishing requirements for use of proceeds from fee.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 436, Prompt Payment Act of 2023.

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 Com. Sub. for S. B. 436) 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, 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 Com. Sub. for S. B. 436) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 523, Clarifying purpose and use of Economic Development Project Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith,

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. 523) 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. 523) 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 Senate Bill 539, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

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. 539) 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. 539) 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 553, Allowing for evaluation of prequalified bidders to be based on best value.

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. 553) 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 580, Authorizing election for special levy renewal.

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. 580) 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. S. B. 580) 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 Senate Bill 621, Requiring sheriff to serve child abuse and neglect petitions.

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. 621) 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 630, Creating offense of knowingly and willfully obstructing social service worker.

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 630 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. 630) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Woelfel regarding the passage of Engrossed Committee Substitute for Senate Bill 630 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 635, Updating language and increasing penalties for indecent exposure.

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. 635) 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 674, Providing statutory recognition and appointment of board members for WV First Foundation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 674 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. S. B. 674) 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. S. B. 674) 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 2006, Relating to reorganizing the Department of Health and Human Resources.

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, 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)—33.

The nays were: Caputo—1.

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. 2006) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 195, Glucagon for Schools Act.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Grady, the following amendment to the bill was reported by the Clerk and adopted:

On page 4, section 4, lines 5 through 12, by striking out all of subsection (b) and inserting in lieu thereof a new subsection (b), to read as follows:

(b) Designated school personnel may be trained to perform tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan, including training to do the following: (1) check blood glucose and record results; (2) recognize and respond to the symptoms of hypoglycemia according to the diabetes care plan; (3) recognize and respond to the symptoms of hyperglycemia according to the diabetes care plan; and (4) respond in an emergency, including administering glucagon and calling local emergency assistance, such as 911.

The bill (Com. Sub. for Com. Sub. for S. B. 195), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 480, Modifying group accident and sickness insurance requirements.

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 577, Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription.

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 594, Specifying fairness in cost sharing calculations for certain high deductible health plans.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 597, Allowing Workforce WV to hire classified service exempt employees.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 608, Correcting list of items which are considered deadly weapons.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 620, Increasing maximum number of registered voters per precinct and distance between polling places.

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 631, Updating administration, funding, and requirements for federal elections held in WV.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 641, Clarifying when magistrate vacancies shall be filled.

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 644, Updating contested elections procedures.

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 661, Clarifying preferential recall rights for employees sustaining compensable injury.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Roberts, the following amendment to the bill was reported by the Clerk and adopted:

On page 2, section 3, line 21, by striking out "30" and inserting in lieu thereof "90".

The bill (Com. Sub. for S. B. 661), as amended, was then ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3141, Relating to the practice of dentistry.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. WEST VIRGINIA DENTAL PRACTICE ACT.

§30-4-3. Definitions.

As used in §30-4-1 *et seq.*, §30-4A-1 *et seq.*, and §30-4B-1 *et seq.* of this code, the following words and terms have the following meanings:

"AAOMS" means the American Association of Oral and Maxillofacial Surgeons;

"AAPD" means the American Academy of Pediatric Dentistry;

"ACLS" means advanced cardiac life support;

"ADA" means the American Dental Association;

"AMA" means the American Medical Association;

"ASA" means American Society of Anesthesiologists;

"Anxiolysis/minimal sedation" means removing, eliminating, or decreasing anxiety by the use of a single anxiety or analgesia medication that is administered in an amount consistent with the manufacturer's current recommended dosage for the unsupervised treatment of anxiety, insomnia, or pain, in conjunction with nitrous oxide and oxygen. This does not include multiple dosing or exceeding current normal dosage limits set by the manufacturer for unsupervised use by the patient at home for the treatment of anxiety;

"Approved dental hygiene program" means a program that is approved by the board and is accredited, or its educational standards are deemed by the board to be substantially equivalent to those required by the Commission on Dental Accreditation of the American Dental Association;

"Approved dental school, college, or dental department of a university" means a dental school, college, or dental department of a university that is approved by the board and is accredited, or its educational standards are deemed by the board to be substantially equivalent to those required by the Commission on Dental Accreditation of the American Dental Association;

"Authorize" means that the dentist is giving permission or approval to dental auxiliary personnel to perform delegated procedures in accordance with the dentist's diagnosis and treatment plan;

"BLS" means basic life support;

"Board" means the West Virginia Board of Dentistry;

"Business entity" means any firm, partnership, association, company, corporation, limited partnership, limited liability company, or other entity;

"Central nervous system anesthesia" means an induced, controlled state of unconsciousness or depressed consciousness produced by a pharmacologic method;

"Certificate of qualification" means a certificate authorizing a dentist to practice a specialty;

"CPR" means cardiopulmonary resuscitation;

"Conscious sedation/moderate sedation" means an induced, controlled state of depressed consciousness, produced through the administration of nitrous oxide and oxygen and/or the administration of other agents whether enteral or parenteral, in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

"CRNA" means certified registered nurse anesthetist;

"Defibrillator" means ~~a device used to sustain asthmatic heartbeat in an emergency~~ an electronic device that applies an electric shock to the heart to restore the normal functional rhythm of a fibrillating, nonfunctional heart and includes an Automatic Electronic Defibrillator (AED);

"Delegated procedures" means those procedures specified by law or by rule of the board and performed by dental auxiliary personnel under the supervision of a licensed dentist;

"Dentist anesthesiologist" means a dentist who is trained in the practice of anesthesiology and has completed an additional approved anesthesia education course;

"Dental anesthesiology" is the specialty of dentistry and discipline of anesthesiology encompassing the art and science of managing pain, anxiety, and overall patient health during dental, oral, maxillofacial, and adjunctive surgical or diagnostic procedures throughout the entire perioperative period. The specialty is dedicated to promoting patient safety as well as access to care for all dental patients, including the very young and patients with special health care needs;

"Dental assistant" means a person qualified by education, training, or experience who aids or assists a dentist in the delivery of patient care in accordance with delegated procedures as specified by the board by rule or who may perform nonclinical duties in the dental office;

"Dental auxiliary personnel" or "auxiliary" means dental hygienists and dental assistants who assist the dentist in the practice of dentistry;

"Dental hygiene" means the performance of educational, preventive or therapeutic dental services and as further provided in §30-4-11 of this code and legislative rule;

"Dental hygienist" means a person licensed by the board to practice and who provides dental hygiene and other services as specified by the board by rule to patients in the dental office and in a public health setting;

"Dental laboratory" means a business performing dental laboratory services;

"Dental laboratory services" means the fabricating, repairing, or altering of a dental prosthesis;

"Dental laboratory technician" means a person qualified by education, training, or experience who has completed a dental laboratory technology education program and who fabricates, repairs, or alters a dental prosthesis in accordance with a dentist's work authorization;

"Dental office" means the place where the licensed dentist and dental auxiliary personnel are practicing dentistry;

"Dental prosthesis" means ~~an artificial appliance~~ a fixed or removable device fabricated to replace one or more teeth or other oral or peri-oral structure in order to restore or alter function or aesthetics;

"Dental public health" is the science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which considers the community to be the patient rather than any individual. It is concerned with the dental health education of the public, with applied dental research, and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis;

"Dentist" means an individual licensed by the board to practice dentistry;

"Dentistry" means the evaluation, diagnosis, prevention, and treatment, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent, and associated structures and their impact on the human body; ~~maxillofacial area, and the adjacent and associated structures provided by a dentist~~

"Direct supervision" means supervision ~~of dental auxiliary personnel~~ provided by a licensed dentist who is physically present in the dental office or treatment facility when procedures are being performed;

"Endodontics" is the branch of dentistry which is concerned with the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp and associated periradicular conditions;

"Facility permit" means a permit for a facility where sedation procedures are used that correspond with the level of anesthesia provided;

"General anesthesia" means an induced, controlled state of unconsciousness in which the patient experiences complete loss of protective reflexes, as evidenced by the inability to independently maintain an airway, the inability to respond purposefully to physical stimulation or the inability to respond purposefully to verbal command;

"Deep conscious sedation/general anesthesia" includes partial loss of protective reflexes while the patient retains the ability to independently and continuously maintain an airway;

"General supervision" means a dentist is not required to be in the office or treatment facility when procedures are being performed, ~~by the auxiliary dental personnel, but has personally diagnosed the condition to be treated~~ has personally authorized the procedures to be completed, and will evaluate the treatment provided at a future appointment, by the dental auxiliary personnel;

~~"Good moral character" means a lack of history of dishonesty;~~

"Health care provider BLS/CPR" means health care provider basic life support/cardiopulmonary resuscitation;

"License" means a license to practice dentistry or dental hygiene;

"Licensee" means a person holding a license;

"Mobile dental facility" means any self-contained facility in which dentistry or dental hygiene will be practiced which may be moved, towed, or transported from one location to another;

"Portable dental unit" means any non-facility in which dental equipment, utilized in the practice of dentistry, is transported to and utilized on a temporary basis in an out-of-office location, including, but not limited to, patients' homes, schools, nursing homes, or other institutions;

"Oral medicine" is the specialty of dentistry responsible for the oral health care of medically complex patients and for the diagnosis and management of medically related disorders or conditions affecting the oral and maxillofacial region;

"Oral pathology" is the specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations;

"Oral and maxillofacial radiology" is the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders, and conditions of the oral and maxillofacial region;

"Oral and maxillofacial surgery" is the specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries, and defects involving both the functional and aesthetic aspects of the hard and soft tissues of the oral and maxillofacial region;

"Orofacial pain" is the specialty of dentistry that encompasses the diagnosis, management and treatment of pain disorders of the jaw, mouth, face and associated regions, which specialty is dedicated to the evidenced-based understanding of the underlying pathophysiology, etiology, prevention, and treatment of these disorders and improving access to interdisciplinary patient care. These disorders as they relate to orofacial pain include but are not limited to temporomandibular muscle and joint (TMJ) disorders, jaw movement disorders, neuropathic and neurovascular pain disorders, headache, and sleep disorders;

"Orthodontics and dentofacial orthopedics" is the dental specialty that includes the diagnosis, prevention, interception, and

correction of malocclusion, as well as neuromuscular and skeletal abnormalities of the developing or mature orofacial structures;

~~"Other dental practitioner" means those persons excluded from the definition of the practice of dentistry under the provisions of §30-4-24(3), §30-4-24(4), and §30-4-24(5) of this code and also those persons who hold teaching permits which have been issued to them under the provisions of §30-4-14 of this code~~

"PALS" means pediatric advanced life support;

"Pediatric dentistry" is an age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs;

"Pediatric patient" means infants and children;

"Periodontics" is that specialty of dentistry which encompasses the prevention, diagnosis, and treatment of diseases of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function, and aesthetics of these structures and tissues;

"Physician anesthesiologist" means a physician, medical doctor, or doctor of osteopathy who is specialized in the practice of anesthesiology;

"Prosthodontics" is the dental specialty pertaining to the diagnosis, treatment planning, rehabilitation and maintenance of the oral function, comfort, appearance and health of patients with clinical conditions associated with missing or deficient teeth and/or oral and maxillofacial tissues using biocompatible substitutes;

"Public health practice" means treatment or procedures in a public health setting which shall be designated by a rule promulgated by the board to require direct, general, or no supervision of a dental hygienist by a dentist;

"Public health setting" means hospitals, schools, correctional facilities, jails, community clinics, long-term care facilities,

nursing homes, home health agencies, group homes, state institutions under the West Virginia Department of Health and Human Resources, public health facilities, homebound settings, accredited dental hygiene education programs, and any other place designated by the board by rule;

"Qualified monitor" means an individual who by virtue of credentialing and/or training is qualified to check closely and document the status of a patient undergoing anesthesia and observe utilized equipment;

"Relative analgesia/minimal sedation" means an induced, controlled state of minimally depressed consciousness, produced solely by the inhalation of a combination of nitrous oxide and oxygen or single oral premedication without the addition of nitrous oxide and oxygen in which the patient retains the ability to independently and continuously maintain an airway and to respond purposefully to physical stimulation and to verbal command;

"Specialty" means the practice of a certain branch of dentistry;

"Subcommittee" means West Virginia Board of Dentistry Subcommittee on Anesthesia; and

"Work authorization" means a written order for dental laboratory services which has been issued by a licensed dentist ~~or other dental practitioner.~~

§30-4-8a. Dental specialties.

(a) The Board of Dentistry may issue a dental specialty license authorizing a dentist to represent himself or herself to the public as a specialist, and to practice as a specialist, upon proper application and fee for each specialty and as provided pursuant to the provisions of this article.

(b) A dentist may not represent himself or herself to the public as a specialist, nor practice as a specialist, unless the individual:

(1) Has successfully completed a board-recognized dental specialty/advanced education program accredited by the Commission on Dental Accreditation;

(2) Holds a general dental license in this state; and

(3) Has completed any additional requirements set forth in state law or rules and has been issued a dental specialty license by the board.

(c) Specialties recognized by the board and the educational requirements for obtaining a specialty license shall include:

(1) Dental public health. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of one full-time academic year of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(2) Endodontics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(3) Oral and maxillofacial surgery. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of three full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(4) Oral and maxillofacial radiology. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time years of at least eight calendar months each, of graduate or post-graduate education, internship, or residency.

(5) Orthodontics and dentofacial orthopedics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency. In addition, any applicant for

an orthodontic and dentofacial orthopedic specialty certificate ~~commencing on July 1, 2019~~ shall submit verification of successful completion of the American Board of Orthodontics written examination.

(6) Pediatric dentistry. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(7) Periodontics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(8) Prosthodontics. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(9) Oral pathology. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years of at least eight calendar months, each of graduate or post-graduate education, internship, or residency.

(10) Dental anesthesiology. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years, accredited by the Commission on Dental Accreditation of the American Dental Association, through (1) a graduate or post-graduation education; (2) an internship; or (3) a residency. Each full-time academic year must have consisted of at least eight calendar months.

(11) Oral medicine. — In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years, accredited by the Commission on Dental Accreditation of the American Dental Association, through (1) a graduate or post-graduation education; (2) an internship; or (3) a residency. Each full-time academic year must have consisted of at least eight calendar months.

(12) Orofacial pain. – In order to qualify for this specialty, the licensee shall have successfully completed a minimum of two full-time academic years, accredited by the Commission on Dental Accreditation of the American Dental Association, through (1) a graduate or post-graduation education; (2) an internship; or (3) a residency. Each full-time academic year must have consisted of at least eight calendar months.

(d) The licensee shall limit his or her practice of dentistry only to the specialty or specialties in which he or she is licensed and in which he or she holds himself or herself out to the public as a specialist.

~~(e) The licensee shall limit his or her listing in the telephone directory to the specialties in which he or she has an office or offices.~~ If a licensee lists his or her services in a telephone directory or on the internet, then the licensee shall only list those specialties in which he or she practices in his or her office or offices.

(f) The limitation of practice is removed for purposes of volunteering services in organized health clinics and at charitable events.

§30-4-25. Declared public health emergencies.

During a declared public health emergency, dentists and dental hygienists with a local anesthesia certificate, may administer vaccines, perform FDA-authorized diagnostic tests to screen patients for infectious diseases, triage medical patients, and perform other ancillary medical procedures and activities as requested by medical personnel.

The bill (Eng. H. B. 3141), as amended, was then ordered to 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 79, Relating to compensable diseases of certain firefighters covered by workers' compensation.

Com. Sub. for Senate Bill 616, WV Veterans' Home Loan Mortgage Program of 2023.

Com. Sub. for Senate Bill 657, WV Long-Term Care Insurance Act.

And,

Senate Bill 678, Adding appropriations to DHHR, Division of Human Services.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 423, Increasing salary for certain state employees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 423 (originating in the Committee on Finance)—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date.

And,

Senate Bill 469, Providing funding for CPR instruction to high school students.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 469 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-50, relating to providing funding for Cardiopulmonary Resuscitation Instruction Fund for instruction of public high school students.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, one of the bills (Com. Sub. for S. B. 423) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Phillips.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 21, 2023:

Senate Bill 1: Senator Plymale;

Senate Bill 525: Senator Woelfel;

Senate Bill 535: Senator Stuart;

Com. Sub. for Senate Bill 576: Senator Plymale;

Com. Sub. for Senate Bill 585: Senator Jeffries;

Senate Bill 638: Senator Plymale;

Senate Bill 656: Senator Jeffries;

Senate Bill 667: Senator Taylor;

Senate Bill 673: Senators Rucker and Chapman;

Senate Bill 676: Senator Takubo;

Senate Bill 679: Senator Plymale;

And,

Senate Resolution 37: Senators Barrett and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:16 p.m., the Senate adjourned until tomorrow, Thursday, February 23, 2023, at 11 a.m.

THURSDAY, FEBRUARY 23, 2023

The Senate met at 11 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Very Reverend Donald X. Higgs, Basilica of the Co-Cathedral of the Sacred Heart, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Wednesday, February 22, 2023,

At the request of Senator Barrett, 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:

Development Office (Tax Increment Financing) (§7-11B-15)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2283—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended, relating to authorized expenditures of revenues from certain state funds for fire departments; clarifying and expanding categories of allowable expenditures; permitting state grant funds to be deposited into a state account and be transferred from the account for unrestricted use; and setting forth a 60-day time frame for fire departments receiving grant funds to transfer unrestricted funds from a restricted account.

Referred to the Committee on Pensions; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2596, To modify when a nonresident student's transfer may be denied.

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 2937—A Bill to amend and reenact §47-21-7 of the Code of West Virginia, 1931, as amended, relating to reducing the license fee paid to the Tax Commissioner for annual Raffle licenses for volunteer fire departments to \$250.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 3055, To create a vocational math class for students interested in careers in the trades.

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 3233—A Bill to amend and reenact §15-1B-11 of the Code of West Virginia, 1931, as amended, relating generally to uniform and equipment allowances for the National Guard.

Referred to the Committee on Military; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 3272, Relating to the operation of private trust companies in West Virginia.

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 22, 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:

Committee Substitute for House Bill No. Two Thousand Four Hundred Twelve (2412), which was presented to me on February 20, 2023.

You will note that I have approved this bill on February 22, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis



Jim Justice
Governor of West Virginia
February 22, 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 Six Hundred Two (2602), which was presented to me on February 16, 2023.

You will note that I have approved this bill on February 22, 2023.

Sincerely,

A handwritten signature in blue 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 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 267, Updating law regarding prior authorizations.

And,

Senate Bill 438, Return to WV Tax Credit Act.

And reports the same back with the recommendation that they each 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 522 (originating in the Committee on Government Organization), Allocating percentage of county excise taxes for funding improvements to election administration.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 522 (originating in the Committee on Finance)—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding improvements to election administration, infrastructure, and physical and cyber security; accelerating rate at which counties retain excise taxes from transfers of title to real estate in county;

allocating a percentage of county excise taxes received from transfers of title to real estate in each county for funding other county purposes including, but not limited to, compliance with the Uniform Real Property Electronic Recording Act; authorizing the Secretary of State to promulgate legislative rules establishing minimum adequate funding thresholds and standards based on county classification for improving election administration, infrastructure, and security; and authorizing county clerks to reallocate the excess portion of funding for improving election administration, infrastructure, and security to other approved county purposes upon determination by the Secretary of State that the minimum funding thresholds and standards have been met.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 534, Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 534 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-16-3, §11-16-6a, §11-16-6d, §11-16-6f, §11-16-8, §11-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-3a and §60-3A-8 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-7-2, §60-7-2a, §60-7-6, and §60-7-8a of said code; to amend said code by adding thereto a new section, designated §60-8-6g; to amend and reenact §60-8A-5

of said code; and to amend and reenact §61-8-27 of said code; all relating to nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor license requirements; defining terms; creating special permit for Class A licensees who apply to be qualified permit holders to operate in private outdoor designated areas, setting forth requirements, and setting fees; promoting tourism in the state by permitting authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries a limited off-site retail privilege for off-premises consumption sales for nonintoxicating beer manufactured by them and permitting limited complimentary samples at private fair and festivals; providing requirements for the conduct of the sales at private fairs and festivals; requiring payment of taxes, fees and markups, and no license fee; clarifying the nonintoxicating beer growler requirements for contents and sealing; allowing brewer and resident brewer to have additional places of manufacture under one license and based on manufacturing volume capacity; removing limit on nonintoxicating beer or nonintoxicating craft beer which may be included with an order, sale or delivery of multiple meals; allowing commissioner to refuse a license if applicant or manager is not a suitable applicant; increasing number and size of liquor samples that are permitted; requiring manager to be suitable applicant and of good moral character; reducing and modifying food inventory required for private cigar shop, private club bars, and private food truck; allowing a private manufacturer club to have operating food truck or other portable kitchen in lieu of on-premises food preparation facilities; removing acreage requirement for private wedding venue or barn license; clarifying nonintoxicating beer license requirements for persons, trusts and fairs and festivals; clarifying retail liquor outlet license requirements for applicants; clarifying that the statute applying to distilleries and mini-distilleries also applies to micro-distilleries; permitting dually licensed events, and a license fee; creating a private coliseum or center license and specifying license requirements; authorizing private coliseum or center license to conduct a temporary event in conjunction with a private fair and festival licensee and setting forth requirements; setting fees; increasing fee for private fair and festival special license and fee; creating a private food court license and specifying license

requirements; lawful admission to dance hall; clarifying dual licensing requirements and authorization for private fair and festivals, requirements, and no license fee; permitting private fairs and festivals to conduct on-premises consumption sales with certain requirements; permitting private fairs and festivals to allow authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries to conduct limited off-premises consumption retail sales with certain requirements from the private fair and festival's licensed premises; permitting a private wine restaurant to operate a separately licensed but connected wine specialty shop; and exempting permit holder operating a private outdoor designated area, private coliseum or center licensee, or private food court from prohibition on admitting persons under the age of 18.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 561 (originating in the Committee on Agriculture and Natural Resources), Relating to administration of WV Drinking Water Treatment Revolving Fund Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 561 (originating in the Committee on Finance)—A Bill to repeal §16-13C-1, §16-13C-2, §16-13C-3, §16-13C-4, §16-13C-5, and §16-13C-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §22-36-1, §22-36-2, §22-36-3, §22-36-4, §22-36-5, §22-36-6, §22-36-7, and §22-36-8, all

relating to the administration of the West Virginia Drinking Water Treatment Revolving Fund; transferring administration of Drinking Water Treatment Revolving Fund from Department of Health and Human Resources to Department of Environmental Protection; adding provisions to Drinking Water Treatment Revolving Fund article relating to state construction grants program and review of projects funded by Drinking Water Treatment Revolving Fund; directing Department of Environmental Protection to propose legislative rules for state construction grants program; and directing Department of Environmental Protection to propose legislative rules for environmental review of each project funded by the Drinking Water Treatment Revolving Fund.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 561) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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 590 (originating in the Committee on Pensions), Transferring 911 personnel from PERS to Emergency Medical Services Retirement System.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 590 (originating in the Committee on Finance)—A Bill to amend and reenact §16-5V-2, §16-5V-6, and §16-5V-14a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a two new sections, designated §16-5V-6c and §16-5V-6d, all relating to the Emergency Medical Services Retirement System; defining terms; updating terms to comply with federal laws; authorizing certain 911 personnel to be members of the Emergency Medical Services Retirement System under certain circumstances; requiring costs of the vote to participate be borne by participating employers in relative proportion to members employed; providing for transfer of assets pertaining to 911 personnel; requiring certain computations to be made by the Consolidated Public Retirement Board; requiring administrative costs of the Consolidated Public Retirement Board for transfer of assets pertaining to 911 personnel be borne by participating employers in relative proportion to members employed; terminating liability of the Public Employees Retirement System; and providing for purchase of service time through payment.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

Senate Bill 625, Requiring certain transcripts to be accepted as record of student's performance for placement in micro school programs.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2820, To provide HOPE Scholarship recipients with the ability to play sports.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Takubo, unanimous consent being granted, one of the bills (S. B. 625) contained in the preceding report from the Committee on School Choice was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

Senate Bill 628, Revising provisions related to public charter schools.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 628 (originating in the Committee on School Choice)—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-7, §18-5G-12, and §18-5G-15 of said code; and to amend and reenact §18-9A-15 of said code, all relating to revising provisions related to public charter schools; providing public charter school access to funding from School Safety Fund; modifying priorities for funds use; requiring rule on process for needs-based funding requests; expressing legislative intent on comparable levels of funding for

public charter school students; authorizing state institution of higher education as applicant; prohibiting imposition of requirements on public charter schools choosing to incorporate post-secondary, industry and workforce programs that are not required of noncharter public schools; authorizing public charter schools to include before and after school programs in their education program; excluding public charter school programs from regulation as child care facility; authorizing public charter school students to participate on the same basis as other public school students in extracurricular athletic and academic interscholastic activities sponsored by noncharter public school serving attendance area if not sponsored by charter school; clarifying public charter schools are exempt from state board policies unless otherwise specifically provided; requiring professional charter school board to consult with nationally recognized organizations along with the state board; requiring state board to establish framework and procedures for interaction between public charter schools and county boards to facilitate cooperation and ensure prompt transfer of records; providing for invoicing of certain funding when student transfers from and to certain entities after the beginning of the school year; prohibiting sale or other transfer of public facility after public charter school requests usage; authorizing professional charter school board to receive and expend gifts, grants, and donations to carry out purposes of act, to apply for federal funds to implement programs, and to make start-up grants to public charter schools; and requiring for state board rule on method for providing increased enrollment funding for public charter schools.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Education.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Grady, as chair of the Committee on Education, unanimous consent was granted to dispense with the

second committee reference of the bill contained in the foregoing report from the Committee on School Choice.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 667, Requiring periodic performance audits of WV Secondary Schools Athletic Commission.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 667 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25e, relating to requiring the Legislative Auditor to conduct periodic performance audits of the West Virginia Secondary Schools Activities Commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 677, Clarifying role and responsibilities of State Resiliency Officer.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 677 (originating in the Committee on Economic Development)—A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; to repeal §15-5-4b, §15-5-4c, §15-5-24, §15-5-25, and §15-5-26, and of said code; to amend and reenact §29-31-1 and §29-31-2 of said code; to amend said code by adding thereto new sections, 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 resilience 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.

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,

Glenn D. Jeffries,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Economic Development.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Eng. Com. Sub. for House Bill 2062, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. House Bill 3307, Establishing the West Virginia-Ireland Trade Commission.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. House Bill 3428, Relating to the West Virginia Business Ready Sites Program.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

The Senate proceeded to the sixth order of business.

Senators Woodrum and Trump offered the following resolution:

Senate Concurrent Resolution 19—Requesting the Joint Committee on Government Organization study the operations of the Division of Personnel; to study the feasibility of transferring the division's functions to individual agencies; and to determine if agencies should be provided rule-making authority to effectuate their new functions.

Which, under the rules, lies over one day.

Senator Clements offered the following resolution:

Senate Resolution 38—Designating February 24, 2023, as Corrections Day at the Legislature.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

Senate Resolution 39—Recognizing February 24, 2023, as West Virginia Motorsports Day at the Legislature.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate reconsidered its action by which on February 1, 2023, it adopted Senator Takubo's amendments to the House of Delegates amendments to

Eng. Senate Bill 128, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Takubo's amendments to the House of Delegates amendment to the bill (*shown in the Senate Journal of February 1, 2023, pages 469 to 490, inclusive*).

Thereafter, at the request of Senator Takubo, and by unanimous consent, Senator Takubo's amendments to the House of Delegates amendments to the bill were withdrawn.

On motion of Senator Takubo, the following amendments to the House of Delegates amendments to the bill (Eng. S. B. 128) were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-2. Definitions.

As used in this article:

(1) "Board" means the West Virginia Disaster Recovery Board created by this article;

(2) "Code" means the Code of West Virginia, 1931, as amended;

(3) "Community facilities" means a specific work, or improvement within this state or a specific item of equipment or tangible personal property owned or operated by any political subdivision or nonprofit corporation and used within this state to provide any essential service to the general public;

(4) "Critical infrastructure" includes any systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of such systems and assets would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters;

(5) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or terrorist or man-made cause, including weapons of mass destruction, fire, flood, earthquake, wind, snow, storm, chemical or oil spill or other water or soil contamination, epidemic, air contamination, blight, drought, infestation or other public calamity requiring emergency action;

(6) "Disaster recovery activities" means activities undertaken prior to, during or following a disaster to provide, or to participate in the provision of, critical infrastructure, emergency services, temporary housing, residential housing, essential business activities, and community facilities;

(7) "Emergency services" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to protect, respond, and recover, to prevent, detect, deter, and mitigate, to minimize and repair injury and damage resulting from disasters or other event caused by flooding, terrorism, enemy attack, sabotage, or other natural or other man-made causes. These functions include, without limitation, critical infrastructure services, firefighting services, police services, medical and health services, communications, emergency telecommunications, radiological, chemical, and other special weapons defense, evacuation of

persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to the health, safety, and welfare of the citizens of this state, together with all other activities necessary or incidental to the preparation for and carrying out of these functions. Disaster includes the imminent threat of disaster as well as its occurrence and any power or authority exercisable on account of a disaster that may be exercised during the period when there is an imminent threat;

(8) "Essential business activities" means a specific work or improvement within this state or a specific item of equipment or tangible personal property used within this state by any person to provide any essential goods or critical infrastructure services determined by the authority to be necessary for continued operations during a disaster, state of emergency, or state of preparedness, and for recovery from a disaster;

~~"Essential workers" means employees or contractors that fall under the definition of essential business activities during a disaster, state of emergency, or state of preparedness~~

(9) "Local organization for emergency services" means an organization created in accordance with the provisions of this article by state or local authority to perform local emergency services function functions;

(10) "Mobile support unit" means an organization for emergency services created in accordance with the provisions of this article by state or local authority to be dispatched by the Governor to supplement local organizations for emergency services in a stricken area;

(11) "Person" means any individual, corporation, voluntary organization or entity, partnership, firm, or other association, organization, or entity organized or existing under the laws of this or any other state or country;

(12) "Political subdivision" means any county or municipal corporation in this state;

(13) "Recovery fund" means the West Virginia Disaster Recovery Trust Fund created by this article;

(14) "Residential housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for residential housing, including, but not limited to, facilities for temporary housing and emergency housing, and any other nonhousing facilities that are incidental or appurtenant thereto;

(15) "Secretary" means the Secretary of the West Virginia Department of Military Affairs and ~~Public Safety~~ Homeland Security; and

(16) "State of emergency" means the duly proclaimed existence of conditions of disaster or other serious threat to the health or safety of persons and property within West Virginia, or a specific geographic area thereof, including but not limited to an attack upon the state or the United States, a natural or man-made disaster of major proportions, a pandemic, or other large-scale threat beyond the capacity of local control;

(17) "State of preparedness" means the duly proclaimed authorization for:

(A) Specialized planning and preparation activities intended to minimize the anticipated effect of conditions constituting a state of emergency, as defined in this section, which, in the judgment of the Governor, are expected to commence within the next 30 days, or within a period of longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a "Class I state of preparedness"; or

(B) Specialized planning and preparation activities intended to minimize, by use of any available and appropriate federal or state

governmental resources, the anticipated impact of or anticipated threats caused by a planned or anticipated event of such large size or scope that it is beyond the capacity of local control, and which is scheduled to commence within the next 30 days, or within a period of time longer than 30 days if necessary to obtain funding or maintain compliance with federal or interjurisdictional requirements: *Provided*, That a state of preparedness which is duly proclaimed under such circumstances shall be referred to as a "Class II state of preparedness"; and

(18) "Temporary housing" means a specific work or improvement within this state undertaken primarily to provide dwelling accommodations, including the acquisition, construction or rehabilitation of land, buildings and improvements thereto, for temporary residential shelters or housing for victims of a disaster and such other nonhousing facilities that are incidental or appurtenant thereto.

§15-5-6. Emergency powers of Governor Proclamation of a state of emergency or state of preparedness by the Governor or the Legislature; additional powers of the Governor during a state of emergency or state of preparedness.

~~(a) The provisions of this section are operative only during the existence of a state of emergency or state of preparedness. The existence of a state of emergency or state of preparedness may be proclaimed by the Governor or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural or man made disaster of major proportions has actually occurred or is imminent within the state, or that an emergency exists or may be imminent due to a large scale threat beyond local control, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.~~

~~(b) Any state of emergency or state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination by the Governor, or the passage~~

~~by the Legislature of a concurrent resolution terminating the state of emergency or state of preparedness: *Provided*, That in no case shall a state of preparedness last longer than thirty days.~~

~~(c) So long as a state of emergency or state of preparedness exists, the Governor has and may exercise the following additional emergency powers:~~

~~(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the state.~~

~~(2) To sell, lend, lease, give, transfer, or deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes and without regard to the limitations of any existing law and to account to the State Treasurer for any funds received for the property.~~

~~(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of chapter fifty-four of this code or seizure pending institution of condemnation proceedings within thirty days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for property so procured shall be made in the manner provided in chapter fifty-four of this code.~~

~~(4) To obtain the services of necessary personnel, required during the emergency, and to compensate them for their services from his or her contingent funds or other funds available to him or her.~~

~~(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees.~~

~~(6) To control ingress and egress to and from a disaster area or an area where large scale threat exists, the movement of persons within the area and the occupancy of premises therein.~~

~~(7) To suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency.~~

~~(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency.~~

~~(9) To suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives, and combustibles; (10) To make provision for the availability and use of temporary emergency housing; and~~

~~(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.~~

~~(d) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in section twenty two of this article and the Statewide Mutual Aid Systems set forth in section twenty eight of this article.~~

~~(e) The powers granted under this section do not authorize any action that would violate the prohibitions of section nineteen a of this article~~

(a) The provisions of this section, and any executive order issued pursuant to the provisions of this section, are operative only during the existence of a state of emergency or state of preparedness: *Provided*, That nothing in this section or in any executive order issued hereunder may be construed to suspend or supersede any provision of the United States Constitution or West Virginia Constitution.

(b) The existence of a state of emergency may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature if the Governor in the proclamation, or the Legislature in the concurrent resolution, finds that conditions

warranting the proclamation of a state of emergency, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require an invocation of the provisions of this section: *Provided*, That a gubernatorially proclaimed state of emergency expires 60 days after issuance of the executive order unless, prior to the 60th day, the Legislature adopts a concurrent resolution extending the state of emergency beyond 60 days. A concurrent resolution adopted by the Legislature to extend a state of emergency proclaimed by the governor shall set forth within its terms the length of time for which the state of emergency shall be extended. A state of emergency, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the state of emergency.

(c) The existence of a state of preparedness may be proclaimed by the Governor by executive order or by concurrent resolution of the Legislature, if the Governor in the proclamation or the Legislature in the resolution, finds that conditions warranting the proclamation of a state of preparedness, as defined in this article, exist, and that the health, safety, and welfare of the inhabitants of this state require the invocation of the provisions of this section: *Provided*, That the Governor or the Legislature shall proclaim a state of preparedness as a "Class I state of preparedness" or a "Class II state of preparedness", as defined in this article, by law: *Provided however*, That a gubernatorially proclaimed Class I state of preparedness expires 30 days after issuance of the executive order unless, prior to the 30th day, the Legislature adopts a concurrent resolution extending the state of preparedness beyond 30 days. A concurrent resolution adopted by the Legislature to extend a Class I state of preparedness proclaimed by the governor shall set forth within its terms the length of time for which the state of preparedness shall be extended. A Class II state of preparedness, whether proclaimed by the Governor or by the Legislature, terminates upon the issuance of a proclamation of termination by the Governor, or the passage by the Legislature of a concurrent resolution terminating the Class II state of preparedness.

(d) When a state of emergency follows a state of preparedness involving the same or substantially similar circumstances, the total time allotted for the duration of the two combined shall be no more than 90 days, unless the Governor follows the requirements for extending the state of emergency under subsection (b) of this section.

(e) Any proclamation or concurrent resolution issued under this section shall include, in general terms:

(1) A description of the facts and circumstances warranting the proclamation or concurrent resolution; and

(2) A designation of the geographic area threatened.

(f) Any proclamation or resolution shall be disseminated as soon as practicable to the news media and any other means which are calculated to bring its contents to the attention of the general public: *Provided*, That for a gubernatorial proclamation of a state of emergency or state of preparedness, the Governor shall provide a copy of the executive order to the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.

(g) Under a duly proclaimed state of emergency or state of preparedness, the Governor has the following additional powers which are intended to be construed to authorize actions which are consistent with constitutional or statutory law, or with final orders of those courts of competent jurisdiction to which the Governor is subject:

(1) To enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service entities and personnel in the state;

(2) To sell, lend, lease, give, or transfer property, to make purchases, deliver materials or perform functions relating to emergency services on terms and conditions he or she prescribes without regard to the limitations of any existing law or being required to account to the State Treasurer for any funds received for the property;

(3) To procure materials and facilities for emergency services by purchase, condemnation under the provisions of §54-1-1 et seq. of this code, or seizure pending institution of condemnation proceedings within 30 days from the seizing thereof and to construct, lease, transport, store, maintain, renovate, or distribute the materials and facilities. Compensation for the procured property shall be made in the manner provided in §54-1-1 et seq. of this code;

(4) To obtain the services of necessary personnel required during the emergency or in preparation for the emergency, and to compensate such personnel for their services from the Governor's Contingent Fund or other funds available to him or her;

(5) To provide and compel the evacuation of all or part of the population from any stricken or threatened area within the state and to take steps that are necessary for the receipt and care of the evacuees;

(6) To control ingress and egress into or out of a disaster area or other area subject to a state of emergency or state of preparedness, as well as the movement of persons and occupancy of premises within the area;

(7) To suspend the provisions of any statute prescribing the procedures for the conduct of state business or the orders, or rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency: *Provided*, That nothing in this subdivision may be construed as granting the Governor the power to suspend any provision of this section;

(8) To use available resources of the state and of its political subdivisions that are reasonably necessary to cope with the emergency or to prepare for the emergency;

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles: *Provided*, That explosives and combustibles do not include firearms,

ammunition, components of ammunition, or ammunition-reloading equipment and supplies;

(10) To make provision for the availability and use of temporary emergency housing; and

(11) To perform and exercise other functions, powers and duties that are necessary to promote and secure the safety and protection of the civilian population.

(h) The declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact established in §15-5-22 of this code, and the Statewide Mutual Aid System set forth in §15-5-28 of this code.

(i) The powers granted under this section do not authorize any action that would violate the prohibitions of §15-5-19a of this code.

(j) During any state of preparedness or state of emergency proclaimed at any time, an executive order of the Governor may not:

(1) Close churches or other houses of worship or prevent their operation in any manner that is more restrictive than the least restrictive provisions in place for the operation of the most essential facilities of government or private enterprise.

(2) Suspend or limit the lawful sale, lawful transfer, or lawful transportation of firearms, ammunition, components of ammunition, or ammunition-reloading equipment and supplies; or

(3) Except as authorized by the provisions of this article, interfere with, or impair the operation of the news media.

(k) Unless expressly authorized by an executive order of the Governor, a municipal, county, or state health officer, under color of a duly proclaimed state of emergency or state of preparedness, shall not take any enforcement action which is not authorized by statute.

(l) Any suit filed challenging an executive order issued relating to a state of preparedness or emergency pursuant to the authority granted in this section shall be limited to a petition for a writ of prohibition or mandamus pursuant to Rule 16 of the Rules of the West Virginia Supreme Court of Appeals. The provisions of §55-17-3 of this code are not applicable to any suit filed challenging an executive order issued pursuant to this section.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 128—A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating to states of emergency and preparedness; defining terms; clarifying the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed states of emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor's authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as just amended.

Engrossed Senate Bill 128, 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. S. B. 128) passed with its Senate amended 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. S. B. 128) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Karnes moved that the Senate Committee on Health and Human Resources be discharged from further consideration of

Senate Bill 584, Removing rape and incest exception to obtain abortion in WV.

The question being on the adoption of the aforesated motion by Senator Karnes, and on this question, Senator Karnes demanded the yeas and nays.

Senator Takubo moved that the aforesated motion by Senator Karnes be tabled.

Following a point of inquiry to the President, with resultant response thereto,

The question now being on the adoption of Senator Takubo's motion that the aforesated motion by Senator Karnes be tabled, and on this question, Senator Karnes demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Azinger, Karnes, Martin, Roberts, and Rucker—5.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's aforesated motion had prevailed and the motion by Senator Karnes was thereafter tabled.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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 Concurrent Resolution 20 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the operations of the West Virginia Board of Risk and Insurance Management (BRIM), including, but not

limited to, whether BRIM should continue to provide coverage for persons and entities covered by BRIM; the handling of claims filed against entities covered by BRIM; BRIM's policy on the charging of premiums to insured entities; and BRIM's activities to mitigate risk and prevent losses by activities to which it provides coverage.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 195, Glucagon for Schools Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, 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 Com. Sub. for S. B. 195) 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 480, Modifying group accident and sickness insurance requirements.

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. 480) 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 577, Reducing copay cap on insulin and devices and permitting purchase of testing equipment without prescription.

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 577 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, 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)—32.

The nays were: Azinger and Karnes—2.

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. 577) 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 594, Specifying fairness in cost sharing calculations for certain high deductible health plans.

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. 594) 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. 594) 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 597, Allowing Workforce WV to hire classified service exempt employees.

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. 597) 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 608, Correcting list of items which are considered deadly weapons.

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. 608) 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 620, Increasing maximum number of registered voters per precinct and distance between polling places.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 620 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Barrett, Caputo, Chapman, Martin, Plymale, Queen, and Woelfel—7.

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. 620) 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 631, Updating administration, funding, and requirements for federal elections held in WV.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, 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. 631) 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 641, Clarifying when magistrate vacancies shall be filled.

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. 641) 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 644, Updating contested elections procedures.

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. 644) 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 661, Clarifying preferential recall rights for employees sustaining compensable injury.

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, 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, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo and Woelfel—2.

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. 661) passed.

On motion of Senator Roberts, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 661—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 employee to make written demand for reinstatement and mailing demand to the employer's principal office; removing provision for restoring employee to a comparable position; providing for a preferential recall time period of 90 days from the date the employee is released to return to regular employment; providing that it is the obligation of the employee to continually seek employment during the employee's preferential recall time period; and removing provision relating to preferential right of recall for a one-year period.

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 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech.

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. 3122) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3141, Relating to the practice of dentistry.

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. H. B. 3141) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 79, Relating to compensable diseases of certain firefighters covered by workers' compensation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 268, Relating to PEIA.

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 423, Increasing salary for certain state employees.

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 554, Exempting purchases made by Auditor and WV Enterprise Resource Planning Board from certain provisions of WV code.

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 616, WV Veterans' Home Loan Mortgage Program of 2023.

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 617, Relating to Intellectual and Development Disabilities Waiver Program Workforce Study.

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 646, Creating emeritus physician license.

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 649, Authorizing Berkeley County Council to change its name to Berkeley County Commission.

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 656, Verifying legal employment status of workers to governmental agencies.

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 657, WV Long-Term Care Insurance Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 678, Adding appropriations to DHHR, Division of Human 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 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Maroney, the following amendment to the bill was reported by the Clerk and adopted:

On page 3, section 7, line 21, by striking out the word "designed" and inserting in lieu thereof the word "designated".

The bill (Com. Sub. for S. B. 730), as amended, was then 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 Senate Bill 462, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers.

Com. Sub. for Senate Bill 469, Providing funding for CPR instruction to high school students.

Senate Bill 544, Increasing power purchase agreement cap.

Com. Sub. for Senate Bill 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media.

Com. Sub. for Com. Sub. for Senate Bill 585, Prohibiting county commissions from adopting any authorization that exceeds state law regarding agricultural operations.

Com. Sub. for Senate Bill 613, Relating generally to certificates of need.

Senate Bill 619, Allowing teachers in public schools to teach intelligent design.

Com. Sub. for Senate Bill 665, Amending licensure requirements for massage therapist.

Com. Sub. for Senate Bill 676, Requiring report on Medicaid fees and managed care provider reimbursements compared to PEIA, Medicare, and surrounding states.

Eng. Com. Sub. for House Bill 2993, Relating to rural emergency hospital licensure.

Eng. Com. Sub. for House Bill 3113, Requiring high school students to complete course of study in personal finance.

And,

Eng. Com. Sub. for House Bill 3317, Relating to removing specific continuing education requirements.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 23, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

Com. Sub. for S. B. 89 - Requiring hospitals to staff qualified personnel to perform sexual assault forensic exams.

This bill is presented to you on this day, February 23, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates



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@WHHOUSE.GOV

February 23, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2845, Relating to removing expired provisions from the code;

And,

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.

These bills are presented to you on this day, February 23, 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 senator was removed as a co-sponsor of the following bill on February 22, 2023:

Senate Bill 468: Senator Stover.

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 22, 2023:

Senate Bill 1: Senator Hamilton;

Senate Bill 15: Senator Maroney;

Senate Bill 52: Senators Maynard, Hunt, Karnes, and Caputo;

Senate Bill 220: Senators Stuart and Hamilton;

Senate Bill 438: Senator Nelson;

Senate Bill 549: Senator Phillips;

Senate Bill 550: Senators Smith, Phillips, Stuart, Karnes, Rucker, Stover, Clements, Woodrum, Roberts, and Martin;

Senate Bill 552: Senator Queen;

Senate Bill 572: Senator Hamilton;

Com. Sub. for Senate Bill 576: Senator Smith;

Senate Bill 623: Senator Maroney;

Senate Bill 638: Senator Maroney;

Senate Bill 651: Senator Maroney;

Senate Bill 660: Senator Hamilton;

Senate Bill 673: Senator Azinger;

Senate Bill 677: Senator Rucker;

Senate Bill 697: Senator Karnes;

Senate Joint Resolution 7: Senator Karnes;

And,

Senate Resolution 37: Senators Karnes and Maroney.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:09 p.m., the Senate adjourned until tomorrow, Friday, February 24, 2023, at 11 a.m.

FRIDAY, FEBRUARY 24, 2023

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Dianna Vinscavich, Chaplain, Lakin Correctional Center and Jail, West Columbia, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Thursday, February 23, 2023,

At the request of Senator Queen, 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 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 2538—A Bill to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended, to amend and reenact §49-2-111c of said code, all relating to the creation of a child welfare information technology systems; requiring the Bureau of Social Services to implement of a child welfare information technology system; providing access to the system; setting forth the requirements of the system.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2607—A Bill to amend and reenact §18-5-13 of the Code of West Virginia, 1931, as amended, relating to the transportation of students and passengers for school-sponsored activities.

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 2827—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended, relating to safety and security measures for school facilities and the Safe Schools Fund; making public charter schools eligible for Safe Schools Funds; providing that Safe Schools Funds shall be distributed first to meet the special education video requirements, then safe school entry way needs, and when met, on the basis of need; providing that any moneys distributed from the Safe Schools Fund for facility improvements shall only be expended on facilities owned by a county board of education, public charter school or multicounty vocational center, unless the improvements to such facilities may be removed with minimal effort; and, providing that the West Virginia Board of Education shall promulgate rules to govern the process by which county boards of education, public charter

schools and multicounty vocational centers may apply for needs-based funding from the Safe Schools Fund.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2917—A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, relating to allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3005—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to accelerating the conversion of the state excise tax on the privilege of transferring real property into a county excise tax.

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. Rev. Com. Sub. for House Bill 3110—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, and to amend and reenact §22-6-2, §22-6-29, and §22-6A-7 of said code; all relating to funding the Office of Oil and Gas in the Department of Environmental Protection; providing for the apportionment of three fourths of one percent of oil and gas severance taxes to Office of Oil and Gas; establishing two tiers of annual oversight fees for wells producing more than 60,000 cubic feet of gas per day; increasing the expedited permit modification

fee by \$2500 over the current level; eliminating the one million dollar cap on deposits to the Oil and Gas Operating Permit and Processing Fund from collections of fees for expedited permits and expedited permit modifications; providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund; and making technical corrections.

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 3148—A Bill to amend and reenact §8-22-16 and §8-22-20 of the Code of West Virginia, 1931, as amended, all relating to financing options for municipal policemen's and firemen's pensions and relief funds; prohibiting municipalities from using the conservation method of financing for their municipal policemen's and firemen's pension and relief funds; and providing that certain municipalities may convert to either the optional method or optional II method of financing under certain circumstances.

Referred to the Committee on Pensions; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3337—A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating to prohibiting a certificate of need; prohibiting licensed substance abuse treatment beds in certain counties; and making recent purchases exempt.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3340—A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, and §7-11B-10 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing; amending definition of tax increment financing; modifying the existing authorization for a county commission or municipality to extend the termination time of certain districts; providing for certain notice to other levying bodies prior to a new project plan or project plan amendment for certain property tax districts being considered for approval; and eliminating certain approval of other levying bodies prior to amendment of an existing district by the county commission or governing body of the municipality making the amendment.

Senator Takubo requested unanimous consent that the bill be taken up for immediate consideration.

Which consent was not granted, Senator Martin objecting.

On motion of Senator Takubo, the bill was taken up for immediate consideration, read a first time, ordered to second reading, and then 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. House Bill 3353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-3d; to amend and reenact §5F-2-2 of said code; and to amend said code by adding thereto a new section, designated §31-15-6d; all relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3376—A Bill to amend and reenact §18A-3-1c and §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to changing the term teacher in residence to clinical teacher of record.

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 3387—A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years and clarifying when and how a new convention and visitors bureau can qualify for a distribution of the hotel occupancy tax proceeds.

Referred to the Committee on Economic Development.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3391—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-3-25b; and to amend and reenact §11-10A-19 of said code, all relating to appeals to the Office of Tax Appeals; establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals, providing that appeal petitions of property tax issues to the West Virginia Office of Tax Appeals shall be heard *de novo*, providing a time frame for hearings before the Office of Tax Appeals regarding property tax matters, clarifying that the Intermediate Court of Appeals has jurisdiction to hear appeals from a final decision of a property tax matter by the Office of Tax Appeals, and clarifying that further appeals are to the Supreme Court of Appeals.

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. House Bill 3431—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, all relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades, specifying effective date; and making stylistic changes.

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. House Bill 3441—A Bill to amend and reenact §18B-1D-9 of the Code of West Virginia, 1931, as amended, all relating to revising the training requirements for members of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional governing boards; requiring that the chancellor of the commission and the chancellor of the council develop a comprehensive orientation and training program for members of the commission, council and the institutional governing boards and ongoing educational opportunities for the ongoing members of those governing bodies; setting forth requirements for new member training; clarifying ongoing member training requirements; allowing for alternative training under certain circumstances; removing reporting requirement to the Legislative Oversight Commission on Education Accountability; and making technical changes.

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 3547—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to

increasing number of personal leave days an employee may use without regard to the cause for the absence; and providing for use on consecutive days.

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 3548—A Bill to amend and reenact §18A-4-14 of the Code of West Virginia, 1931, as amended, relating to requiring state board rule providing uniform procedure, prohibition, form and benefit regarding a teacher's voluntary exchange of duty-free lunch recess to perform duties at the school.

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 3549—A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to prohibiting regular classroom teachers and special education classroom teachers required to participate an individualized education program committee from being required to prepare or reduce to writing the individualized education program plan unless no other knowledgeable professional is available.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

Com. Sub. for House Concurrent Resolution 2—Requesting the Division of Highways name bridge number 32-023/03-000.17 () (32A097), locally known as Cooks Fort Bridge, carrying CR

23/3 over Indian Creek in Monroe County, the "U. S. Army CPL Billy F. Mann Memorial Bridge".

House Concurrent Resolution 14—Requesting the Division of Highways name bridge number: 16-020/01-000.18 () (16A044), (38.87673, -78.86634) locally known as Stanley See Bridge, carrying CR 20/1 over Lost River in Hardy County the "Stanley W. and Evelyn C. See Memorial Bridge".

House Concurrent Resolution 16—Requesting the Division of Highways name bridge number 28-077/00-002.95 (SB & NB) (28A113, 28A176), (37.30200, -81.09395), locally known as the Southbound and Northbound East River Bridge, carrying Interstate 77 over the East River, NS RR,CO 38/5 in Mercer County, the "U. S. Army Staff Sgt. James Ira "Junior" Spurrier Memorial Bridge".

House Concurrent Resolution 21—Requesting the Division of Highways name bridge number 18-015/01-000.29 () 18A193, (38.80947 -81.70504)), locally known as the Ripley Jr. High Bridge (CSWB), carrying CR 15/01 over Mill Creek, in Jackson County, the "Michael Lee "Rube" Ruben Memorial Bridge".

House Concurrent Resolution 22—Requesting the Division of Highways name a portion of Rt. 16, otherwise known as the "Clay Highway" starting at the intersection of Rt. 16 and Fola Road and ending at the end of the bridge on Rt. 16 in Clay County, as the "U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge".

House Concurrent Resolution 24—Requesting the Division of Highways name bridge number 06-049/00-008.51 () (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the "U. S. Army PFC Herman H. Lucas Memorial Bridge".

House Concurrent Resolution 25—Requesting the Division of Highways name Bridge Numbers: 02-009/00-017.48 (EB & WB) (02A142, 02A143), (39.42463, -77.93802) locally known as OPEQUON CREEK BRIDGE EB & WB, carrying WV 09 over

OPEQUON CREEK in Berkeley county, the "U. S. Marine Corps, PFC John Louis "Johnny" Brumbaugh, Jr. Memorial Bridge".

House Concurrent Resolution 26—Requesting the Division of Highways name a bridge bearing the bridge number 40-817/00-001.06 () (40A163), (38.43345,-81.85331) locally known as Battle of Scary Bridge, carrying WV 817 over Scary Creek in Putnam County as the "U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge".

House Concurrent Resolution 28—Requesting the Division of Highways name a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on W V 2/4, together with the small bridge in front of the Providence Baptist Church in Braxton County, the "Terra Dawn Lewis Memorial Road and Bridge".

House Concurrent Resolution 32—Requesting the Division of Highways name bridge number 30-003/05-014.61 () (30A290), (37.89328, -82.23771) locally known as Big Rock Beam Span, carrying CR 03/05 over WEST FK TWELVEPOLE CK in Mingo County, the "Albert 'Ab' Baisden Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 27—Requesting the Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent.

Referred to the Committee on Government Organization.

At the request of Senator Takubo, and by unanimous consent, the Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 19, Requesting Joint Committee on Government Organization study operations of Division of Personnel.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution 20, Requesting Joint Committee on Judiciary study operations of WV BRIM.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

Senate Resolution 38, Designating February 24, 2023, as Corrections Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Clements, unanimous consent being granted, reference of the resolution to a committee was dispensed with and it was taken up for immediate consideration and adopted.

Senate Resolution 39, Recognizing February 24, 2023, as WV Motorsports 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.

The question being on the adoption of the resolution, and on this question, Senator Roberts 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. 39) adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 79, Relating to compensable diseases of certain firefighters covered by workers' compensation.

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 Committee Substitute for Senate Bill 79 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 Com. Sub. for S. B. 79) 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 Com. Sub. for S. B. 79) 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 Com. Sub. for Senate Bill 268, Relating to PEIA.

On third 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.

Eng. Com. Sub. for Senate Bill 423, Increasing salary for certain state employees.

On third 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.

Eng. Com. Sub. for Senate Bill 554, Exempting purchases made by Auditor and WV Enterprise Resource Planning Board from certain provisions of WV 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, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Stuart—1.

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. 554) 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 616, WV Veterans' Home Loan Mortgage Program of 2023.

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. 616) 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 617, Relating to Intellectual and Development Disabilities Waiver Program Workforce Study.

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. 617) 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 646, Creating emeritus physician license.

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 646 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. 646) 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 649, Authorizing Berkeley County Council to change its name to Berkeley County Commission.

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 649 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. 649) 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 656, Verifying legal employment status of workers to governmental agencies.

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. 656) 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 657, WV Long-Term Care Insurance Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, 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. 657) 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 678, Adding appropriations to DHHR, Division of Human Services.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 678) 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. S. B. 678) 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 Senate Bill 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability.

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. 730) 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. 730) 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 462, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers.

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 469, Providing funding for CPR instruction to high school students.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 544, Increasing power purchase agreement cap.

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 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 561, Relating to administration of WV Drinking Water Treatment Revolving Fund Act.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Com. Sub. for Senate Bill 585, Prohibiting county commissions from adopting any authorization that exceeds state law regarding agricultural operations.

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 613, Relating generally to certificates of need.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 619, Allowing teachers in public schools to teach intelligent design.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 625, Requiring certain transcripts to be accepted as record of student's performance for placement in micro school programs.

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 665, Amending licensure requirements for massage therapist.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Woodrum, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 2, line 25, by striking out the word "outcall" and inserting in lieu thereof the word "offsite";

On page 5, section 13, line 27, by striking out the word "solo" and inserting in lieu thereof the word "sole";

On page 6, section 13, line 64, by striking out the word "July" and inserting in lieu thereof the word "October";

And,

On page 6, section 13, line 68, by striking out the word "July" and inserting in lieu thereof the word "October".

The bill (Com. Sub. for S. B. 665), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 676, Requiring report on Medicaid fees and managed care provider reimbursements compared to PEIA, Medicare, and surrounding states.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Maroney, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 16b, line 1, by striking out the word "Medicaid" and inserting in lieu thereof the word "Medical";

On page 1, section 16b, line 7, by striking out the word "Medicaid" and inserting in lieu thereof the word "Medical";

On page 1, section 16b, line 12, by striking out the word "Medicaid" and inserting in lieu thereof the word "Medical";

On page 3, section 16b, line 50, by striking out the word "Medicaid" and inserting in lieu thereof the word "Medical";

And,

On page 3, section 16b, line 54, by striking out the word "Medicaid" and inserting in lieu thereof the word "Medical".

The bill (Com. Sub. for S. B. 676), as amended, was then ordered to engrossment and third reading.

Eng. Com. Sub. for House Bill 2993, Relating to rural emergency hospital licensure.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.

§16-5B-14. ~~The Critical Access Hospital Designation~~ Rural Emergency Hospital Act.

(a) Definitions – As used in this section:

(1) "Critical Access Hospital" means a hospital that has been deemed eligible and received designation as a critical access hospital by the Centers for Medicare and Medicaid Services (CMS).

(2) "Rural Emergency Hospital" means a facility that:

(A) Was a critical access hospital;

(B) Does not provide acute care inpatient services; and

(C) Provides, at a minimum, rural emergency hospital services.

(3) "Rural Emergency Hospital Services" means emergency department services and observation care furnished by a rural emergency hospital that does not exceed an annual per patient average of 24 hours in such rural emergency hospital.

(4) "Staffed Emergency Department" means an emergency department of a rural emergency hospital that meets the following requirements:

(A) The emergency department is staffed 24 hours a day, 7 days a week; and

(B) A licensed physician, advanced practice registered nurse, clinical nurse specialist, or physician assistant is available to furnish rural emergency hospital services in the facility 24 hours a day.

(b) A hospital located in an urban area (Metropolitan Statistical Areas (MSA) county), can be considered rural for the purposes of a designation as a critical access hospital pursuant to U.S.C. §1395i-4(c)(2) if it meets the following criteria:

(1) Is enrolled as both a Medicaid and Medicare provider and accepts assignment for all Medicaid and Medicare patients;

(2) Provides emergency health care services to indigent patients;

(3) Maintains 24-hour emergency services; and

(4) Is located in a county that has a rural population of 50 percent or greater as determined by the most recent United States decennial census.

~~(b)~~ (c) A critical access hospital designated pursuant to this section may apply to be designated licensed as a community outpatient medical center rural emergency hospital if:

(1) It has been designated as a critical access hospital for at least one year; and

(2) It is designated as a critical access hospital at the time of application for licensure as a to convert to a community outpatient medical center rural emergency hospital.

~~(e)~~ (d) In addition to the requirements of subsection ~~(b)~~ (c) of this section, ~~a community outpatient medical center~~ rural emergency hospital shall, at a minimum:

(1) Provide ~~emergency medical care and observation care 24 hours a day, seven days a week;~~ rural emergency hospital services through a staffed emergency department;

(2) Treat all patients regardless of insurance status; and

(3) Have ~~protocols in place for the timely transfer of patients who require a higher level of care~~ in effect a transfer agreement with a Level I or Level II trauma center.

(e) A rural emergency hospital may:

(1) With respect to services furnished on an outpatient basis, provide other medical and health services as specified by the secretary through rulemaking; and

(2) Include a unit of a facility that is a distinct part licensed as a skilled nursing facility to furnish post-hospital extended care services.

~~(d)~~ (f) The department of ~~Health and Human Resources~~ shall propose a ~~new~~ rule for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this section.

The bill (Eng. Com. Sub. for H. B. 2993), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3113, Requiring high school students to complete course of study in personal finance.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 1, section 2, line 7, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c), to read as follows:

(c) Beginning with the class of students entering 9th grade in the 2024-2025 school year and thereafter, each high school student shall complete one-half credit course of study in personal finance during their 11th or 12th grade year as a requirement for high school graduation. The State Board of Education shall develop and issue implementation guidance to local school boards and other education agencies as to curriculum, content matter standards, eligible teacher certification(s), and graduation requirements the course may fulfill before July 1, 2024.

The bill (Eng. Com. Sub. for H. B. 3113), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3317, Relating to removing specific continuing education requirements.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-7a. Continuing education.

(a) A board referred to in this chapter shall establish continuing education requirements as a prerequisite to license renewal. A

board shall develop continuing education criteria appropriate to its discipline, which shall include, but not be limited to, course content, course approval, hours required, and reporting periods.

(b) Notwithstanding any other provision of this code, ~~or the provision of a legislative rule to the contrary~~ each a person issued a an initial license to practice medicine and surgery, a license to practice podiatry or licensed as a physician assistant by the West Virginia Board of Medicine; ~~each~~ a person issued a license to practice dentistry by the West Virginia Board of Dental Examiners; ~~each~~ a person issued a license to practice optometry by the West Virginia Board of Optometry, ~~each~~ a person licensed as a pharmacist by the West Virginia Board of Pharmacy; ~~each~~ a person licensed to practice registered professional nursing or licensed as an advanced nurse practitioner by the West Virginia Board of Examiners for Registered Professional Nurses; ~~each~~ a person licensed as a licensed practical nurse by the West Virginia State Board of Examiners for Licensed Practical Nurses; and ~~each~~ a person licensed to practice medicine and surgery as an osteopathic physician and surgeon, or licensed or certified as an osteopathic as physician assistant by the West Virginia Board of Osteopathy shall complete drug diversion training, best-practice prescribing of controlled substances training, and training on prescribing and ~~administration~~ of administering an opioid antagonist ~~and other relevant trainings as promulgated by the appropriate licensing board, as the trainings are established by his or her respective licensing board,~~ if that person prescribes, administers, or dispenses a controlled substance as that term is defined in §60A-1-101 of this code.

(1) ~~Notwithstanding any other provision of this code or the provision of any legislative rule to the contrary, the West Virginia Board of Medicine, the West Virginia Board of Dental Examiners, the West Virginia Board of Optometry, the West Virginia Board of Pharmacy, the West Virginia Board of Examiners for Registered Professional Nurses, the West Virginia State Board of Examiners for Licensed Practical Nurses and the West Virginia Board of Osteopathy shall establish continuing education requirements and criteria appropriate to their respective discipline on the subject of~~

~~drug diversion training, best practice prescribing of controlled substances training and prescribing and administration of an opioid antagonist training for each person issued a license or certificate by their respective board who prescribes, administers or dispenses a controlled substance, as that term is defined in section one hundred one, article one, chapter sixty a of this code, and shall develop a certification form pursuant to subdivision (b)(2) of this section.~~

~~(2) Each A person who receives his or her initial license or certificate from any of the boards set forth in subsection (b) of this section shall complete the continuing education requirements set forth in subsection (b) of this section within one year of receiving his or her initial license from that board. and each person licensed or certified by any of the boards set forth in subsection (b) of this section. who has held his or her license or certificate for longer than one year shall complete the continuing education requirements set forth in subsection (b) of this section as a prerequisite to each license renewal: *Provided*, That a person subject to subsection (b) of this section may waive the continuing education requirements for license renewal set forth in subsection (b) of this section if he or she completes and submits to his or her licensing board a certification form developed by his or her licensing board attesting that he or she has not prescribed, administered or dispensed a controlled substance, as that term is defined in section one hundred one, article one, chapter sixty a of this code, during the entire applicable reporting period.~~

~~(c) Notwithstanding any other provision of this code or the provision of any legislative rule to the contrary, each person licensed to practice registered professional nursing or licensed as an advanced nurse practitioner by the West Virginia Board of Examiners for Registered Professional Nurses, each person licensed as a licensed practical nurse by the West Virginia State Board of Examiners for Licensed Practical Nurses, each person licensed to practice psychology by the Board of Examiners of Psychologists, each person licensed to practice social work by the West Virginia Board of Social Work and each person licensed to practice professional counseling by the West Virginia Board of Examiners in Counseling shall complete two hours of continuing~~

~~education for each reporting period on mental health conditions common to veterans and family members of veterans, as the continuing education is established by his or her respective licensing board. In cooperation with the Secretary of the Department of Veterans' Assistance, the continuing education shall include training on inquiring about whether the patients are veterans or family members of veterans, and screening for conditions such as post-traumatic stress disorder, risk of suicide, depression and grief and prevention of suicide. The two hours shall be part of the total hours of continuing education required by each board and not two additional hours~~

The bill (Eng. Com. Sub. for H. B. 3317), as amended, was then ordered to 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 Senate Bill 267, Updating law regarding prior authorizations.

Senate Bill 438, Return to WV Tax Credit Act.

Com. Sub. for Com. Sub. for Senate Bill 522, Allocating percentage of county excise taxes for funding improvements to election administration.

Com. Sub. for Senate Bill 534, Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements.

Com. Sub. for Com. Sub. for Senate Bill 590, Emergency Medical Services Retirement System Act.

Com. Sub. for Senate Bill 628, Revising provisions related to public charter schools.

Com. Sub. for Senate Bill 667, Requiring periodic performance audits of WV Secondary Schools Athletic Commission.

Com. Sub. for Senate Bill 677, Clarifying role and responsibilities of State Resiliency Officer.

Eng. Com. Sub. for House Bill 2062, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law.

Eng. Com. Sub. for House Bill 2820, To provide HOPE Scholarship recipients with the ability to play sports.

Eng. House Bill 3307, Establishing the West Virginia-Ireland Trade Commission.

And,

Eng. House Bill 3428, Relating to the West Virginia Business Ready Sites Program.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned 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 62, Establishing secondary location for racetrack video lottery terminals.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 62 (originating in the Committee on Government Organization)—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; to amend and reenact §29-22C-3, §29-22C-4, §29-22C-6, and §29-22C-7 of said code; to

amend said code by adding thereto a new section, designated §29-22C-7a; to amend and reenact §29-22C-8 of said code; and to amend and reenact §29-22D-15 of said code, all relating to allowing for the establishment of a secondary location for pari-mutuel wagering on simulcast races, racetrack video lottery terminals, sport wagering kiosks, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack; providing that the original venue must remain in operation; providing that the original venue continue to offer amenities, accommodations, options and services at the same level; providing for a local option election; defining terms; providing Lottery Commission authority to regulate secondary locations; providing for rulemaking; providing for licensing of secondary locations; and removing special elections to establish racetracks.

And,

Senate Bill 634, Increasing value at which municipal property must be sold through public auction.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 634 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to increasing the value at which municipal property must be sold through public auction; and allowing for the negotiated sale of real property to adjacent property owners.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 91, Creating Fire Service Recruitment and Retention Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 91 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in the Fire Protection Fund.

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. 91), under the original double committee reference, was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 150, Budget Bill.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 150 (originating in the Committee on Finance)—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 150) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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 220, Kratom Consumer Protection Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 220 (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 §19-12E-12; to amend said code by adding thereto a new article, designated §19-12F-1, §19-12F-2, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, §19-12F-10,

and §19-12F-11; and to amend said code by adding thereto a new article, designated §60-10-1 and §60-10-2, all relating to further regulation of hemp-derived cannabinoid products and regulation of kratom; creating the Hemp-Derived Cannabinoid Regulation Act; creating the Select Plant-Derived Regulation Act; making legislative findings and declaring the purpose of the acts; defining terms; requiring licenses to process, distribute, and sell regulated products; vesting regulatory authority in the Commissioner of Agriculture and the Alcohol Beverage Control Commission; granting legislative and emergency rule-making authority to the Commissioner of Agriculture and the Alcohol Beverage Control Commission; limiting lawful sale of regulated products to persons 21 years of age or older; requiring age verification for internet sales and sales not made face-to-face; creating a 15 percent tax on retail sales to be collected by the Tax Commissioner quarterly; authorizing the Alcohol Beverage Control Commissioner to enforce regulation of the product; and creating criminal offenses related to regulated products and establishing criminal penalties therefor.

Senate Bill 547, Increasing penalties for drug possession and updating list of offenses.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 547 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416, all relating to controlled substances violations; increasing sentences for certain controlled substances offenses; making certain offenses ineligible for suspension or probation, or alternative sentencing; making possession of Schedule I and II narcotics and methamphetamine a felony; expressing legislative intent; authorizing reduction from felony to misdemeanor under certain circumstances; declaring that minimum period of 10 years' incarceration for the offense of drug delivery death; requiring inert substances mixed with controlled substances to be considered a controlled substance for purposes of weight measurement; and modifying sentences for certain offenses.

Senate Bill 660, Establishing aggravated felony offense of reckless driving resulting in death.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 660 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5-3 of the Code of West Virginia, 1931, as amended, relating to reckless driving; establishing the aggravated felony offense of reckless driving resulting in the death of another; and providing the criminal penalties for the offense.

And,

Senate Bill 681, Clarifying that juvenile competency determination process extends to status offenders.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 681 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-4-728, §49-4-729, 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; and clarifying that there is no presumption of incompetence based on age for status offenders.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 422, Requiring public schools to publish curriculum online at beginning of each new school year.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 422 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-27 of the Code of West Virginia, 1931, as amended, relating to a school's requirement to publish curriculum online at the beginning of each new school year, or within 30 days after curriculum is revised or new curriculum is adopted; and requiring schools to publish adopted, up-to-date, county-adopted classroom curriculum.

And,

Senate Bill 688, Allowing BOE to hire retired teachers to assist with tutoring.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 688 (originating in the Committee on Education)—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; defining terms; providing tutor eligibility requirements; providing exclusions from eligibility; limiting civil and criminal liability of county school board; and providing miscellaneous provisions regarding program.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, one of the bills (Com. Sub. for S. B. 688) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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 440 (originating in the Committee on Transportation and Infrastructure), Authorizing DOH pay current obligations from State Road Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 440 (originating in the Committee on Finance)—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to payments from the State Road Fund; authorizing transfer of spending authority between appropriations; and requiring reporting by the Division of Highways

With the recommendation that the committee substitute for 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 464, Authorizing locality pay to correctional officers working at facilities having critical staffing shortages.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 464 (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 §15-3-7a, relating to authorizing the Commissioner of the West Virginia Division of Corrections and Rehabilitation to offer locality pay to correctional officers working at certain facilities designated by the commissioner as having critical staffing shortages.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Woodrum, unanimous consent being granted, the bill (Com. Sub. for S. B. 464) contained in the foregoing report from the Committee on Government Organization was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 476, Increasing number of managed care organizations in Mountain Health Trust.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 476 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §9-5-31, relating to managed care contracts; providing that the Bureau for Medical Services is exempt from the requirements of the Purchasing Division with respect to managed care contracts; and providing for exceptions.

And,

Senate Bill 650, Allowing physician assistants to own practice.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 650 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-3-14 and §30-3-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31B-13-1301 of said code, all relating to physician assistants owning a practice; establishing grounds for discipline or denial of a license or other authorization for physician assistants; clarifying physician assistant shareholder eligibility for medical corporations; permitting physician assistants to serve as designated corporate representatives; and designating the profession of physician assistant as a professional service for the purposes of the Uniform Limited Liability Company Act.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 541, Providing for election reforms.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 541 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-5-7, §3-5-11, and §3-5-19 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-1 of said code; and to amend and reenact §18-5-1a of said code, all relating generally to elections; clarifying the contents of the certificate of announcement of candidacy; specifying what information must be sworn or affirmed by candidates for office; clarifying the timing of challenges to candidate qualifications; amending the authority of political parties to fill ballot vacancies caused by voluntary withdrawals after the primary election; and prohibiting persons who have been convicted of certain crimes against minors from being eligible to hold positions on boards of education.

And,

Senate Bill 666, Placing cap on maximum penalty that may be imposed for first-degree robbery.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 666 (originating in the Committee on the Judiciary)—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 of robbery in the first degree; and eliminating the separate crime of bank robbery.

With the recommendation that the two committee substitutes 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 546, Adding and removing certain compounds from controlled substance list.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 546 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210, and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to classifying additional drugs and substances to Schedules I, II, IV, and V of the Uniform Controlled Substances Act; removing a substance from Schedule V; modifying language for clarity, that unless expressly exempted by law, all delta tetrahydrocannabinols are included in schedule I; and declaring that the provisions related to tetrahydrocannabinols are inapplicable to products lawfully manufactured, distributed, or possessed pursuant to the Industrial Hemp Development Act and the Medical Cannabis Act.

With the recommendation that the committee substitute 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 572, Codifying common law cause of action on public nuisance.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 572 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended; and to amend said code

by adding thereto a new section, designated §55-7-32, all relating to reforming the cause of action for public nuisance; providing definitions; outlining appropriate remedies; clarifying when municipal entities and individuals have standing to pursue a public nuisance action; and noting that any changes to current law of public nuisance have only prospective effect.

And,

Senate Bill 573, Relating to child support guidelines and Support Enforcement Commission.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 573 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-1-205 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-13-301, §48-13-303, §48-13-403, §48-13-404, §48-13-501, and §48-13-502 of said code, all relating generally to the child support guidelines and the Support Enforcement Commission; clarifying circumstances and factors for attributed income; updating monthly basic child support obligations to reflect 2022 financial data; updating income amount requiring manual calculation to determine basic child support obligation; updating amount for the ability to pay calculation and self-support reserve; and amending the multiplier for extended shared parenting adjustment.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
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 576 (originating in the Committee on the Judiciary), Creating Securities Restitution Assistance Fund for victims of securities violations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 576 (originating in the Committee on Finance)—A Bill to amend and reenact §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, §32-7-711, and §32-7-712, all relating generally to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Assistance Fund; authorizing the awarding of restitution in an administrative assessment; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; and providing an effective date.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 576) contained in the preceding report from the Committee on Finance was taken up for

immediate consideration, read a first time, and ordered to second reading.

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 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 679) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 691, Using DHHR group home funds for cadet enrollment cost at Mountaineer Challenge Academy.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 691 (originating in the Committee on Education)—A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to requiring the Mountaineer Challenge Academy and the Bureau for Social Services to implement a plan that requires the Bureau for Social

Services to provide room and board reimbursement for cadets' enrollment costs at the Mountaineer Challenge Academy; and limiting application of plan to cadets who are eligible for the payments by the Bureau.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 691), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 732 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-23; to amend said code by adding thereto a new section designated §33-16-19; to amend said code by adding thereto a new section designated §33-24-7x; to amend said code by adding thereto a new section designated §33-25-8u; and to amend said code by adding thereto a new section designated §33-25A-8x, all relating to prohibiting an insurer from imposing a copayment, for services rendered by a licensed occupational therapist, licensed occupational therapist assistant, licensed speech-language pathologist, licensed speech-language pathologist assistant, licensed physical therapist or a licensed physical therapist assistant, that is more than a copayment imposed for the services of a primary care physician or an osteopathic physician.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael J. Maroney,
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 733 (originating in the Committee on Government Organization)—A Bill to amend and reenact §20-2-421 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2B-7 and §20-2B-8 of said code, all relating to wildlife licenses and stamps; clarifying right to carry firearm for self-defense without Class A-1 small arms hunting stamp; creating nonresident lifetime hunting, fishing, and trapping licenses; and establishing privileges of nonresident lifetime licenses.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 733) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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 734 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-3c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e; and to amend and reenact §5A-6B-4 of said code, all relating to state data accessibility and infrastructure resiliency; requiring adoption of cloud computing services by state agencies; requiring development of a cloud strategy by Chief Information Officer; encouraging digitization of state agency forms; and requiring annual reporting on information technology modernization.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 735 (originating in the Committee on Government Organization)—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, to amend and reenact §5B-2A-3 and §5-2A-4 of said code; to amend and reenact §5B-8-1 of said code; 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.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 735) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 736 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-45b, relating to requiring the State Superintendent of Schools to establish a three-year nontraditional school week pilot project in up to five county school districts in which students in all grade levels are present four days per week and on the fifth day, educators engage in activities designed to improve instruction, bus drivers and cooks ensure that students have access to school breakfast and lunch, and instruction is delivered to students through alternative methods; addressing priority of school districts to designate for the pilot; requiring all school personnel to report for work, use personal leave, or forgo pay on fifth day; requiring each participating county board to determine day of week when students not present; designating allowable activities that educators may engage in on day when students not present; specifying allowable alternative methods of instruction; providing for updates to the Legislative Oversight Commission on Education Accountability on the status of the pilots; and allowing state superintendent to end the pilot in any county that he or she determines that the pilot is negatively impacting student achievement.

And reports the same back with the recommendation that it 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

Senate Bill 737 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-25, relating to emergency medical services funding; creating a special revenue account; providing for administration of the fund by the Office of Emergency Medical Services; providing for rulemaking; and requiring an annual report.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 737) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Grady, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2005) contained in the foregoing report from the Committee on Education was then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2526, Relating to reducing the personal income tax.

And reports the same back without recommendation as to passage.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2526) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, ordered to second reading, and then rereferred 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

Eng. House Bill 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

And reports the same back with the recommendation that it 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

Eng. Com. Sub. for House Bill 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

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 Trump.

The Senate next proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 24, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

Com. Sub. for S. B. 10 - Campus Self-Defense Act.

This bill is presented to you on this day, February 24, 2023.

Respectfully submitted,


Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

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 23, 2023:

Senate Bill 541: Senator Chapman;

Senate Bill 572: Senator Hamilton;

And,

Senate Bill 654: Senator Woelfel.

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 23, 2023:

Senate Bill 52: Senator Martin;

Senate Bill 550: Senator Azinger;

Senate Bill 552: Senator Stover;

Com. Sub. for Senate Bill 576: Senators Jeffries and Queen;

Senate Bill 610: Senator Martin;

Senate Bill 634: Senator Jeffries;

Senate Bill 679: Senator Roberts;

Senate Bill 684: Senator Rucker;

Senate Bill 688: Senator Oliverio;

Senate Resolution 38: Senator Rucker;

And,

Senate Resolution 39: Senators Queen and Rucker.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:16 p.m., the Senate adjourned until tomorrow, Saturday, February 25, 2023, at 10 a.m.

SATURDAY, FEBRUARY 25, 2023

The Senate met at 10 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by David Lavender, Senate Sergeant at Arms, Hurricane, 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 24, 2023,

At the request of Senator Karnes, 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:

Medicine, Board of (§30-1-12)

At the request of Senator Takubo, unanimous consent being granted, the Senate proceeded to the sixth order of business.

Senator Oliverio offered the following resolution:

Senate Resolution 40—Designating February 27, 2023, as Human Resources Day at the Legislature.

Which, under the rules, lies over one day.

Senators Blair (Mr. President), Trump, and Rucker offered the following resolution:

Senate Resolution 41—Recognizing Leadership Berkeley for its services, dedication, and commitment to Berkeley County, West Virginia.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

Senate Resolution 42—Recognizing the contributions of AARP West Virginia and its Capitol Advocacy Team of volunteers to the betterment of our state and its people.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 268, Relating to PEIA.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Com. Sub. for Senate Bill 423, Increasing salary for certain state employees.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion

of bills on today's first reading calendar, following consideration of Engrossed Committee Substitute for Committee Substitute for Senate Bill 268, already placed in that position.

Eng. Com. Sub. for Senate Bill 462, Modifying certain guidelines for motor vehicle dealers, distributors, wholesalers, and manufacturers.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 462) 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 469, Providing funding for CPR instruction to high school students.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 469) 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, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 469) 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 544, Increasing power purchase agreement cap.

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, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Caputo, Chapman, Karnes, Maynard, and Phillips—5.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 544) 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 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media.

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 558 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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 558) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 561, Relating to administration of WV Drinking Water Treatment Revolving Fund Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, February 24, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Com. Sub. for Senate Bill 585, Prohibiting county commissions from adopting any authorization that exceeds state law regarding agricultural operations.

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, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Taylor—1.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 585) 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 613, Relating generally to certificates of need.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, February 24, 2023, for

amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Senate Bill 619, Allowing teachers in public schools to teach intelligent design.

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, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Caputo, Hamilton, Nelson, Plymale, Trump, and Woelfel—6.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 619) 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 625, Requiring certain transcripts to be accepted as record of student's performance for placement in micro school programs.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 625) passed.

The following amendment to the title of the bill, from the Committee on School Choice, was reported by the Clerk and adopted:

Eng. Senate Bill 625—A Bill to amend and reenact §18-8-1a of the Code of West Virginia, 1931, as amended, regarding certain transcripts or credentials of microschoool programs to be accepted as record of student's previous performance for placement and credit assignment.

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 665, Amending licensure requirements for massage therapist.

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, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Karnes—1.

Absent: Smith—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. 665) 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 676, Requiring report on Medicaid fees and managed care provider reimbursements compared to PEIA, Medicare, and surrounding states.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 676) 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 2993, Relating to rural emergency hospital licensure.

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, Stover,

Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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 H. B. 2993) 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 3113, Requiring high school students to complete course of study in personal finance.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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 H. B. 3113) 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 3317, Relating to removing specific continuing education requirements.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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 H. B. 3317) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3317—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to continuing education requirements; establishing requirements for initial license; establishing timeframe for completion of continuing education training for initial license; removing continuing education requirements; removing associated continuing education completion timeframes; and removal of waiver process.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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 H. B. 3317) 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 150, Budget Bill.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 423, already placed in that position.

Com. Sub. for Senate Bill 267, Updating law regarding prior authorizations.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Maroney, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 5, section 7f, line 84, by striking out the words "adverse decision" and inserting in lieu thereof the words "appeal submission";

On page 10, section 31, lines 74-75, by striking out the words "adverse decision" and inserting in lieu thereof the words "appeal submission";

On page 14, section 4s, line 79, by striking out the words "adverse decision" and inserting in lieu thereof the words "appeal submission";

On page 19, section 3dd, line 79, by striking out the words "adverse decision" and inserting in lieu thereof the words "appeal submission";

On page 24, section 7s, line 79, by striking out the words "adverse decision" and inserting in lieu thereof the words "appeal submission";

On page 29, section 8p, line 79, by striking out the words "adverse decision" and inserting in lieu thereof the words "appeal submission";

And,

On page 34, section 8s, line 84, by striking out the words "adverse decision" and inserting in lieu thereof the words "appeal submission".

The bill (Com. Sub. for S. B. 267), as amended, was then ordered to engrossment and third reading.

Senate Bill 438, Return to WV Tax Credit Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 522, Allocating percentage of county excise taxes for funding improvements to election administration.

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 534, Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Com. Sub. for Senate Bill 576, Creating Securities Restitution Assistance Fund for victims of securities violations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 590, Emergency Medical Services Retirement System 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 628, Revising provisions related to public charter schools.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 667, Requiring periodic performance audits of WV Secondary Schools Athletic Commission.

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 677, Clarifying role and responsibilities of State Resiliency Officer.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes.

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 688, Allowing BOE to hire retired teachers to assist with tutoring.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 733, Relating to wildlife licenses and stamps.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 735, Clarifying department responsible for administration of certain programs.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 737, Emergency Medical Services Act.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2062, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2820, To provide HOPE Scholarship recipients with the ability to play sports.

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 referred to the Committee on Rules, with the unreported School Choice committee amendment to the bill pending.

Eng. House Bill 3307, Establishing the West Virginia-Ireland Trade Commission.

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 unreported Economic Development committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 3428, Relating to the West Virginia Business Ready Sites Program.

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 unreported Economic Development committee amendment pending and the right for further 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:

Com. Sub. for Senate Bill 62, Establishing secondary location for racetrack video lottery terminals.

Com. Sub. for Senate Bill 220, Industrial Hemp Development Act.

Com. Sub. for Senate Bill 422, Requiring public schools to publish curriculum online at beginning of each new school year.

Com. Sub. for Com. Sub. for Senate Bill 440, Authorizing DOH pay current obligations from State Road Fund.

Com. Sub. for Senate Bill 476, Exempting managed care contracts from purchasing requirements.

Com. Sub. for Senate Bill 541, Providing for election reforms.

Com. Sub. for Senate Bill 546, Adding and removing certain compounds from controlled substance list.

Com. Sub. for Senate Bill 547, Increasing penalties for drug possession and updating list of offenses.

Com. Sub. for Senate Bill 572, Reforming cause of action for public nuisance.

Com. Sub. for Senate Bill 573, Relating to child support guidelines and Support Enforcement Commission.

Com. Sub. for Senate Bill 634, Increasing value at which municipal property must be sold through public auction.

Com. Sub. for Senate Bill 650, Allowing physician assistants to own practice.

Com. Sub. for Senate Bill 660, Establishing aggravated felony offense of reckless driving resulting in death.

Com. Sub. for Senate Bill 666, Placing cap on maximum penalty that may be imposed for first-degree robbery.

Com. Sub. for Senate Bill 681, Clarifying that juvenile competency determination process extends to status offenders.

Senate Bill 732, Prohibiting insurer from imposing copayment for certain services.

Senate Bill 734, Requiring adoption of cloud computing services by state agencies.

Senate Bill 736, Establishing three-year nontraditional school week pilot project.

Eng. House Bill 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

And,

Eng. Com. Sub. for House Bill 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds.

At the request of Senator Woelfel, and by unanimous consent, Senator Woelfel addressed the Senate regarding Senate Bill 726 (*Preventing compensatory damage awards for outstanding medical expenses*).

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senator Woelfel were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 10:47 a.m., the Senate recessed until 1:30 p.m. today.

The Senate reconvened at 1:44 p.m. and, at the request of Senator Jeffries, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2526, Relating to reducing the personal income tax.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 24, 2023;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2526) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 13MM. WEST VIRGINIA PROPERTY TAX
ADJUSTMENT ACT.**

§11-13MM-1. Findings and Purpose

(a) This article shall be known and cited as the West Virginia Property Tax Adjustment Act.

(b) The Legislature finds that the encouragement of economic growth and development in this state is in the public interest and promotes the general welfare of the people of this state. In order to encourage capital investment in business and industry in this state and thereby increase economic development, there is hereby

provided certain tax credits against the taxes imposed under §11-21-1 et seq. of this code, or against the tax imposed under §11-24-1 et seq. of this code based upon the amount of property tax timely paid on certain property subject to *ad valorem* property taxation.

§11-13MM-2. Definitions.

(a) *General.* — When used in this article, or in the administration of this article, terms defined in subsection (b) of this section have the meanings ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used.

(b) *Terms defined.* —

(1) "Ad valorem property tax" means and is limited to the West Virginia *ad valorem* property tax.

(2) "Business" means any activity taxable under article §11-12-1 et seq. of this code, which is engaged in by any person in this State.

(3) "Disabled veteran taxpayer" means a person honorable discharged from any branch of the armed services of the United States and who is considered at least ninety percent totally and permanently disabled due solely to service-connected disabilities by the Department of Veterans Affairs.

(4) "Eligible motor vehicle" means a motor vehicle on which the *ad valorem* property tax has been paid for the taxable year by the eligible taxpayer, and which is a motor vehicle as defined in this article.

(5) "Flow-through entity," "conduit entity," or "pass through entity" means an S Corporation, partnership, limited partnership, limited liability partnership, or limited liability company. The term "flow-through entity," "conduit entity," or "pass through entity" includes a publicly traded partnership as that term is defined in section 7704 of the Internal Revenue Code that has equity securities registered with the Securities and Exchange Commission under section 12 of Title I of the Securities Exchange Act of 1934,

15 USC §781: *Provided*, That a publicly traded partnership as defined in section 7704 of the Internal Revenue Code having equity securities registered with the Securities and Exchange Commission under section 12 of Title I of the Securities Exchange Act of 1934, 15 USC §781, and any other person or entity that is treated as a C corporation for federal income tax purposes, shall be treated as a corporation taxable under article §11-24-1 *et seq.* of this code for purposes of this article.

(6) "Motor Vehicle" means the following class of vehicles defined in §17A-10-1 of this code: Class A, Class B, Class G, Class H, Class T, Class V, Class X, and all-terrain vehicles and utility terrain vehicles as defined in §20-15-2 of this code.

(7) "Person" means and includes an individual, a trust, estate, partnership, pass through entity, association, company, or corporation.

(8) "Personal property" shall have the same meaning as in §11-5-1 *et seq.* of this code: *Provided*: That, for the purposes of this article, the term "personal property" shall not include a working interest in any oil, natural gas, or natural gas liquid producing property or any property of a public service company.

(9) "Personal property taxes paid" means the aggregate of regular levies, excess levies and bond levies extended against personal property that are paid during the calendar year and determined after any application of any discount for early payment of taxes. "Personal property taxes paid" does not include any untimely *ad valorem* property tax paid, or any payment of delinquent *ad valorem* property tax, or payment of "back tax" *ad valorem* property taxes, or any penalty or interest for late payment of property taxes.

(10) "Public service company" means a corporation or other business entity which delivers services considered essential to the public interest that are regulated by the applicable federal or state regulatory body, including, but not limited to, businesses furnishing electricity, natural gas, telecommunications, and water, and those transporting personal property or passengers, including,

but not limited to, airlines, railroads, trucking, and bus companies, and which are centrally assessed by the state for property tax purposes.

(11) "Real property taxes paid" means the aggregate of regular levies, excess levies and bond levies that are paid during the calendar year and determined after any application of any discount for early payment of taxes. "Real property taxes paid" does not include any untimely *ad valorem* property tax paid, or any payment of delinquent *ad valorem* property tax, or payment of "back tax" *ad valorem* property taxes, or any penalty or interest for late payment of property taxes.

§11-13MM-3. Motor vehicle property tax adjustment credit.

(a) *Credit allowed.* — There shall be allowed to every eligible taxpayer a credit, as determined under this section, against the tax imposed under §11-21-1 *et seq.* of this code, or against the tax imposed under §11-24-1 *et seq.* of this code, as applicable.

(b) "*Eligible taxpayer*" defined.—

(1) "Eligible taxpayer" – Owned motor vehicles — "Eligible taxpayer" means any person who owns a motor vehicle for which the *ad valorem* property tax has been paid during the corporation net income tax taxable year or the personal income tax taxable year, as applicable. For purposes of this definition, ownership of a motor vehicle includes ownership and possession of a motor vehicle for which a title has been issued by the Division of Motor Vehicles to the eligible taxpayer. For purposes of this definition, ownership of a motor vehicle also includes ownership and possession of a motor vehicle, subject to a purchase financing arrangement whereby a financial institution holds a lien on the motor vehicle, or for which ultimate issuance of title by the Division of Motor Vehicles to the taxpayer, as owner of the motor vehicle, is contingent upon payment in full of the purchase price of the motor vehicle pursuant to an installment payment financing arrangement.

(2) "Eligible taxpayer" – Leased motor vehicles — "Eligible taxpayer" also means and includes any lessor of a motor vehicle,

as herein defined, who owns a motor vehicle for which the *ad valorem* property tax has been paid during the corporation net income tax taxable year or the personal income tax taxable year, as applicable: *Provided*, That, the lessor shall pass on to the lessee the value of the tax credit asserted by the lessor by causing a decreasing in the amount of rent or lease payment payable by the lessee on the leased motor vehicle.

(3) "Eligible taxpayer" – Pass through entities — "Eligible taxpayer" also means and includes any owner, interest holder, partner or S corporation shareholder that derives conduit income from a pass-through entity.

(4) "Eligible taxpayer" – Prohibition for motor vehicle dealers — "Eligible taxpayer" does not mean or include any motor vehicle dealer, motor vehicle dealership, retailer or any business that sells new or used motor vehicles at the retail level, other than a lessor of motor vehicles. In circumstances where any such motor vehicle dealer, motor vehicle dealership, retailer or business that sells new or used motor vehicles at the retail level is engaged in both retail sales of motor vehicles, and leasing of motor vehicles as lessor, the tax credit authorized by this article may only be asserted by such business based upon the *ad valorem* property tax paid on leased motor vehicles, and only to the extent that the lessor has passed on, to the lessee, the value of the tax credit asserted by the lessor by causing a decreasing in the amount of rent or lease payment payable by the lessee on the leased motor vehicle. No credit may be asserted or applied by the business based upon *ad valorem* property tax paid on motor vehicle retail inventories, not actively leased to lessees. To the extent that motor vehicle retail inventories may be held as both motor vehicle retail inventories, and as motor vehicles potentially subject to lease during the taxable year, *ad valorem* property tax paid on such motor vehicles is excluded from eligibility for the tax credit authorized by this article.

(c) *Amount of credit*. – The amount of credit allowed under this article to the eligible taxpayer is the amount of West Virginia *ad valorem* property tax timely paid during the personal income taxable year or the corporation net income tax taxable year, as applicable, to a county sheriff on the value of a motor vehicle

owned by the eligible taxpayer: *Provided*, That in no case shall any credit be allowed under this article for any untimely *ad valorem* property tax paid, or any payment of delinquent *ad valorem* property tax, or payment of "back tax" *ad valorem* property taxes.

(d) *Application of credit against personal income tax and corporation net income tax.* —

(1) Personal income tax — If the eligible taxpayer is subject to the personal income tax imposed by §11-21-1 *et seq.* of this code, the amount of credit allowed shall be taken against the personal income tax liability of the eligible taxpayer for the current personal income tax taxable year.

(2) Corporation net income tax — If the eligible taxpayer is subject to the corporation net income tax imposed by §11-24-1 *et seq.* of this code, the amount of credit allowed shall be taken against the corporation net income tax liability of the eligible taxpayer for the current corporation net income tax taxable year.

(e) *Refundable portion of annual credit allowance.* — If annual tax credit allowed under this article exceeds the amount of personal income tax or corporation net income tax, as applicable, subject to offset under this article in any taxable year, the eligible taxpayer may claim, for that taxable year, the excess amount as a refundable tax credit.

(f) *Transfer or sale of the motor vehicle.* —

(1) Where there is a sale or transfer of the motor vehicle from an eligible taxpayer to any other person or entity, the transferor retains entitlement to the tax credit authorized under this article for the timely paid *ad valorem* property tax paid by the transferor in the transferor's personal income tax taxable year or corporation net income tax taxable year, as applicable, on the transferred motor vehicle.

(2) If the transferee meets all requirements for qualification as an eligible taxpayer under this article and meets all requirements for entitlement to the tax credit authorized under this article, then the transferee shall be entitled to the tax credit authorized under

this article for the timely paid *ad valorem* property tax paid by the transferee in the transferee's personal income tax taxable year or corporation net income tax taxable year, as applicable on the eligible motor vehicle.

(3) In no case shall the transferor and the transferee take the tax credit authorized under this article for the same taxable year.

(g) *Annual schedule.* — The Tax Commissioner shall prescribe and supply all necessary instructions and forms for administration of this section. For purposes of asserting the credit against tax, the taxpayer shall prepare and file an annual schedule showing the amount of personal income tax paid for the taxable year, and the amount of property tax paid on the motor vehicle for the taxable year, and the amount of credit allowed under this article. The annual schedule shall set forth the information and be in the form prescribed by the Tax Commissioner.

§11-13MM-4. Disabled veteran real property tax credit.

(a) *Credit allowed.* — Disabled veterans may receive a tax credit against the tax imposed under §11-21-1 *et seq.* of this code in the amount of West Virginia *ad valorem* property tax timely paid on his or her homestead during the personal income taxable year.

(b) *Amount of credit.* — Any homeowner meeting the definition of a disabled veteran under this article, shall be allowed a refundable credit against the taxes imposed by §11-21-1 *et seq.* of this code equal to the amount of West Virginia *ad valorem* real property taxes timely paid a county sheriff on a homestead which is used or occupied exclusively for residential purposes, as those terms are defined in §11-6B-2, during the personal income taxable year: *Provided*, That in no case shall any credit be allowed under this article for any untimely real property tax paid, or any payment of delinquent real property tax, or payment of "back tax" real property taxes.

(c) *Application of credit against personal income tax.* — The amount of credit allowed under this section shall be taken against

the personal income tax liability, imposed by article §11-21-1 et seq. of this code, of the eligible taxpayer.

(d) Refundable portion of annual credit allowance. — If annual tax credit allowed under this article exceeds the amount of personal income tax subject to offset under this article in any taxable year, the eligible taxpayer may claim, for that taxable year, the excess amount as a refundable tax credit.

(e) Termination of tax credit. — Any tax credit approved in accordance with the provisions of this section shall terminate immediately when any of the following events occur:

(1) The death of the owner of the property for which the tax credit was authorized;

(2) The sale of the property for which the tax credit was approved; or

(3) A determination by the assessor that the property for which the tax credit was approved no longer qualifies for the tax credit in accordance with the provisions of this section.

(f) Forms and instructions. — The Tax Commissioner shall prescribe and supply all necessary instructions and forms for administration of this section.

§11-13MM-5. Small business property tax adjustment credit.

(a) Credit allowed. — There shall be allowed to every eligible small business taxpayer a credit, as determined under this section, against the tax imposed under §11-21-1 et seq. of this code, or against the tax imposed under §11-24-1 et seq. of this code, as applicable.

(b) Definitions – The following definitions apply to this section:

(1) "Aggregate appraised value" means the true and actual value of all property in the state owned by the eligible taxpayer

including the true and actual value of all property of any related entity;

(2) "Related entity" means:

(A) An individual, corporation, partnership, affiliate, association or trust or any combination or group thereof controlled by the taxpayer;

(B) An individual, corporation, partnership, affiliate, association or trust or any combination or group thereof that is in control of the taxpayer;

(C) An individual, corporation, partnership, affiliate, association or trust or any combination or group thereof controlled by an individual, corporation, partnership, affiliate, association or trust or any combination or group thereof that is in control of the taxpayer; or

(D) A member of the same controlled group as the taxpayer.

For purposes of this section, "control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty percent or more of the total combined voting power of all classes of the stock of the corporation which entitles its owner to vote. "Control", with respect to a trust, means ownership, directly or indirectly, of fifty percent or more of the beneficial interest in the principal or income of the trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) of the United States Internal Revenue Code, as amended: Provided, That paragraph (3) of section 267(c) of the United States Internal Revenue Code shall not apply.

(3) "Small business" means a business with personal property located in this state with an aggregate appraised value of \$1 million or less; Provided, That, for the purposes of this section, "small business" does not include any person holding a working interest in any oil, natural gas, or natural gas liquid producing property or

any public service company that is centrally assessed by the state for property tax purposes.

(c) Amount of credit. — The amount of credit allowed pursuant to this article to the eligible small business taxpayer is 50% of the amount of West Virginia *ad valorem* property tax due and owing and timely paid to a county sheriff by the eligible taxpayer on personal property, as that term is defined in this article: *Provided*, That in no case shall any credit be allowed under this article for any untimely *ad valorem* property tax paid, or any payment of delinquent *ad valorem* property tax, or payment of "back tax" *ad valorem* property taxes.

(d) Application of credit against personal income tax and corporation net income tax. — The amount of credit determined under this section is allowed as a credit against 100 percent of that portion of the taxpayer's state income tax liability and applied as provided in subsections (1) and (2), and in that order.

(1) Corporation net income taxes. — If the eligible taxpayer is subject to the corporation net income tax imposed by §11-24-1 *et seq.* of this code, the amount of credit allowed shall be taken against the corporation net income tax liability of the eligible taxpayer for the current corporation net income tax taxable year.

(2) Personal income taxes. — If the small business taxpayer is an electing small business corporation, as defined in section 1361 of the United States Internal Revenue Code, a partnership, a limited liability company that is treated as a partnership for federal income tax purposes, or a sole proprietorship, then any unused credit is allowed as a credit against the taxes imposed by §11-21-1 *et seq.* of this code.

(3) Electing small business corporations, limited liability companies treated as partnerships for federal income tax purposes, partnerships, and other unincorporated organizations shall allocate the credit allowed by this article among its members in the same manner as profits and losses are allocated for the taxable year.

(4) No credit is allowed under this section against any employer withholding taxes imposed by §11-21-1 et seq. of this code.

(e) Refundable portion of annual credit allowance. — If the annual tax credit allowed under this article exceeds the amount of personal income tax or corporation net income tax, as applicable, subject to offset under this article in any taxable year, the eligible taxpayer may claim, for that taxable year, the excess amount as a refundable tax credit.

(f) Annual schedule. — The Tax Commissioner shall prescribe and supply all necessary instructions and forms for administration of this section. For purposes of asserting the credit against tax, the taxpayer shall prepare and file an annual schedule showing the amount of personal income tax paid for the taxable year, and the amount of property tax paid on the personal property subject to *ad valorem* property taxation pursuant to this chapter and pursuant to Article X of the Constitution of this State, as applicable for the taxable year, and the amount of credit allowed pursuant to this article. The annual schedule shall set forth the information and be in the form prescribed by the Tax Commissioner.

§11-13MM-6. Rulemaking.

The Tax Commissioner may promulgate such interpretive, legislative, and procedural rules as the commissioner deems to be useful or necessary to carry out the purpose of §11-13MM-1 et seq. of this code and to implement the intent of the Legislature. All rules shall be promulgated in accordance with the provisions of §29A-3-1 et seq. of this code.

§11-13MM-7. Annual Reports.

The Tax Commissioner shall make an annual report, as soon as possible after the close of each tax year, of the actions taken by the West Virginia Tax Division with respect to the tax credits authorized pursuant to this article. This report shall be filed with the Joint Committee on Government and Finance. The report shall include at a minimum the amount of the credit claimed in the preceding tax year in each of the categories set forth in this article.

Information set forth in the report shall be subject to the confidentiality restrictions of §11-10-1 *et seq.* of this code, and shall be redated and otherwise formatted and presented so as to preserve the confidentiality of taxpayers and tax information.

11-13MM-8. Tax administration and procedures.

(a) Each and every provision of the "West Virginia Tax Procedure and Administration Act" set forth in §11-10-1 *et seq.* of this code applies to the tax credits allowed under §11-13MM-1 *et seq.* of this code, except as otherwise expressly provided in this article, with like effect as if that act were applicable only to the tax credit allowed by §11-13MM-1 *et seq.* of this code and were set forth *in extenso* in this article.

(b) Each and every provision of the "West Virginia Tax Crimes and Penalties Act" set forth in §11-9-1 *et seq.* of this code applies to the tax credit allowed by §11-13MM-1 *et seq.* of this code with like effect as if that act were applicable only to the tax credit §11-13MM-1 *et seq.* of this code and were set forth *in extenso* in this article.

§ 11-13MM-9. Severability.

(a) If any provision of §11-13MM-1 *et seq.* of this code, or the application thereof, is for any reason adjudged by any court of competent jurisdiction to be invalid, the judgment may not affect, impair, or invalidate the remainder of §11-13MM-1 *et seq.* of this code, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered, and the applicability of the provision to other persons or circumstances may not be affected thereby.

(b) If any provision of §11-13MM-1 *et seq.* of this code, or the application thereof, is made invalid or inapplicable by reason of the repeal or any other invalidation of any statute therein addressed or referred to, such invalidation or inapplicability may not affect, impair, or invalidate the remainder of §11-13MM-1 *et seq.* of this code, but shall be confined in its operation to the provision thereof directly involved with, pertaining to, addressing, or referring to the statute, and the application of the provision with regard to other statutes or in other instances not affected by any such repealed or invalid statute may not be abrogated or diminished in any way.

§11-13MM-10. Effective Date.

This article shall be effective for personal income taxable years beginning on or after January 1, 2024, and for corporation net income tax taxable years beginning on or after January 1, 2024. Subject to the restrictions, limitations and requirements set forth in this article, *ad valorem* property tax timely paid in the personal income tax taxable year, or the corporation net income tax taxable year, as applicable, beginning on or after January 1, 2024, may qualify for the tax credits specified in this article.

ARTICLE 21. PERSONAL INCOME TAX**§11-21-4g Rate of tax — Taxable years beginning on and after January 1, 2023.**

(a) *Rate of tax on individuals (except married individuals filing separate returns), individuals filing joint returns, heads of households, and estates and trusts.* — The tax imposed by §11-21-3 of this code on the West Virginia taxable income of every individual (except married individuals filing separate returns); every individual who is a head of a household in the determination of his or her federal income tax for the taxable year; every husband and wife who file a joint return under this article; every individual who is entitled to file his or her federal income tax return for the taxable year as a surviving spouse; and every estate and trust shall be determined in accordance with the following table:

If the West Virginia**taxable income is:****The tax is:**Not over \$10,0002.36% of the taxable incomeOver \$10,000
but not over \$25,000\$236 plus 3.15% of excess
over \$10,000Over \$25,000
but not over \$40,000\$708.50 plus 3.54% of excess
over \$25,000

<u>Over \$40,000</u> <u>but not over \$60,000</u>	<u>\$1,239.50 plus 4.72% of excess</u> <u>over \$40,000</u>
<u>Over \$60,000</u>	<u>\$2,183.50 plus 5.12% of excess</u> <u>over \$60,000</u>

(b) Rate of tax on married individuals filing separate returns. — In the case of husband and wife filing separate returns under this article for the taxable year, the tax imposed by §11-21-3 of this code on the West Virginia taxable income of each spouse shall be determined in accordance with the following table:

If the West Virginia

<u>taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$5,000</u>	<u>2.36% of the taxable income</u>
<u>Over \$5,000</u> <u>but not over \$12,500</u>	<u>\$118 plus 3.15% of excess</u> <u>over \$5,000</u>
<u>Over \$12,500</u> <u>but not over \$20,000</u>	<u>\$354.25 plus 3.54% of excess</u> <u>over \$12,500</u>
<u>Over \$20,000</u> <u>but not over \$30,000</u>	<u>\$619.75 plus 4.72% of excess</u> <u>over \$20,000</u>
<u>Over \$30,000</u>	<u>\$1,091.75 plus 5.12% of excess</u> <u>over \$30,000</u>

(c) Effect of rates on Nonresident Composite and Withholding Obligations — Notwithstanding any provision of this article to the contrary, for taxable years beginning on and after the retroactive date specific in §11-21-4g(d) of this code, whenever the words "six and one-half percent" appear in §11-21-51a, §11-21-71a, §11-21-71b, or §11-21-77, of this article, with relation to a tax return of, or the tax rate imposed on income of individuals, individuals filing

joint returns, heads of households, and estates and trusts, the stated percentage shall be changed to 5.12%.

(d) *Applicability of this section.* — The provisions of this section shall be applicable in determining the rates of tax imposed by this article and shall apply retroactively for all taxable years beginning on and after January 1, 2023, and shall be in lieu of the rates of tax specified in §11-21-4e of this code.

§11-21-4h Future personal income tax reductions.

(a) For the purposes of this section, the terms defined in this section have the meanings ascribed to them unless a different meaning is clearly required by the context in which the term is used:

(1) "Adjusted consumer price ratio" means the fiscal year consumer price index divided by the base year consumer price index.

(2) "Adjusted general revenue fund collections" means all net general revenue fund collections minus the net general revenue fund collections related to the imposition of the taxes imposed under the provisions of §11-13A-1, *et seq.* of this code.

(3) "Base year revenues" means actual general revenue fund collections for 2019 fiscal year, which is \$4,293,884,754

(4) "Base year consumer price index" means a 12-month average of the not seasonally adjusted Consumer Price Index for all urban consumers for the months between July 2018 and June 2019.

(5) "Excess fiscal year general revenue fund collections" means the positive difference from subtracting the inflation adjusted base year revenues from the adjusted general revenue fund collections from the immediately preceding fiscal year.

(6) "Fiscal year consumer price index" means a 12-month average of the not seasonally adjusted Consumer Price Index for

all urban consumers for the months between July and June of the immediately preceding fiscal year.

(7) "Inflation adjusted base year revenues" means the base year general revenue fund collections multiplied by the adjusted consumer price ratio.

(b) *Future personal income tax rate reductions.* — Beginning on August 15, 2024, and every August 15 thereafter, the Secretary of Revenue will determine whether the total fiscal year adjusted general revenue fund collections from the immediately preceding fiscal year are in excess of the inflation adjusted base year revenues. If the total fiscal year adjusted general revenue fund collections from the immediately preceding fiscal year are in excess of the inflation adjusted base year revenues, then there will be a reduction in the personal income tax rates as determined under this section beginning in the next taxable year.

(c) *Determination of rate.* — In order to determine the amount of a personal income tax reduction, the excess fiscal year general revenue fund collections will be divided by the amount of the immediately preceding fiscal year's total personal income tax collections for all funds and will be rounded down to the nearest whole percentage. The amount of the percentage of reduction will be applied equally across the tax rates applicable in the tax year immediately preceding the rate reduction: *Provided*, That reduction in personal income tax rates may not result in an amount larger than a 10% reduction in the rates set forth in §11-21-4e of this code.

(d) *Certification of reduction.* — The Secretary of Revenue and the State Auditor will certify to the Tax Commissioner that a rate change is required under this section as soon as possible after August 15 so that the Tax Commissioner may notify taxpayers of any change in personal income tax rates. The certification will provide base year revenues, the total fiscal year general revenue fund collections from the immediately preceding fiscal year, the base year consumer price index, the fiscal year consumer price index, the adjusted consumer price ratio, the amount of inflation adjusted base year revenues, the amount of excess fiscal year

general revenue fund collections and the amount of the immediately preceding fiscal year's total personal income tax collections for all funds.

(e) *Applicability of this section.* — The provisions of this section shall be applicable in determining the rates of tax imposed by this article and shall apply for all taxable years beginning on and after January 1, 2025, and shall be in lieu of the rates of tax specified in §11-21-4g of this code.

(f) *Annual Reports.* — The Tax Commissioner shall prepare an annual report to the Joint Committee on Government and Finance detailing any relevant modifications to the personal income tax.

(g) *Rulemaking.* — Notwithstanding any provision of this code to the contrary, the Tax Commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code explaining and implementing this section.

Following discussion,

The question being on the adoption of the Finance committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2526), as amended, was then ordered to 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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Smith—1.

Engrossed Committee Substitute for House Bill 2526 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, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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 H. B. 2526) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2526—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, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, and §11-13MM-10; and to amend said code by adding thereto two new sections, designated §11-21-4g and §11-21-4h, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; applying the rates retroactively to January 1, 2023; providing for additional reductions in the personal income tax rates when certain criteria have been met; providing for a method for calculating the rate reduction and cap on the reduction; providing for certification to the Tax Commissioner; authorizing a refundable tax credit applied against personal income tax or corporation net income tax based upon amount of property tax timely paid on motor vehicles; providing for the treatment of credit

upon transfer of eligible motor vehicle; authorizing a refundable tax credit applied against personal income tax based upon the amount of real property tax timely paid on a homestead owned by eligible disabled veterans; authorizing a refundable tax credit against corporation net income tax or personal income tax based upon 50% of property tax timely paid on personal property owned by a small business; designating a short title; providing findings and purpose; defining terms; providing for the application of tax credits; allowing rulemaking; providing for annual reports to the legislature; and providing effective dates.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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 H. B. 2526) 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 again proceeded to the tenth order of business.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Com. Sub. for Senate Bill 268, Relating to PEIA.

On third reading, coming up in deferred order, was read a third time.

At the request of Senator Takubo, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Takubo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 18, section 5, after line 130, by adding thereto a new subsection, designated subsection (j), to read as follows:

(j) In the event the revenues in a given year exceed the expenses, the amount of revenues in excess of the expenses shall be retained by the Public Employees Insurance Agency to offset future premium increases.:

On page 44, section 9, line 157, by striking out the words "a nationally accredited network" and inserting in lieu thereof the word "networks";

And,

On page 46, lines 9-16, section 13, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision (2), to read as follows:

(2) The spouse and dependent coverage is limited to excess or secondary coverage for each spouse and dependent who has primary coverage from any other source. If an employee's spouse has health insurance available through an employer not defined in §5-16-2 of this code, then the employer may not cover any portion of premiums for the employee's spouse coverage, unless the employee adds his or her spouse to his or her coverage by paying the cost of the actuarial value of the plan: *Provided*, That this does not apply to spouses of retired employees or voluntary employers as defined in §5-16-22 of this code.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 268 was then put upon its passage.

Pending discussion,

Senator Weld arose to a point of order stating that debate had digressed to the discussion of a different bill rather than the bill in question.

Which point of order, the President ruled well taken.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 268 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Chapman, Stuart, and Woelfel—4.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 268) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Chapman, Stuart, and Woelfel—4.

Absent: Smith—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 Com. Sub. for S. B. 268) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Action as to Engrossed Committee Substitute for Committee Substitute for Senate Bill 268 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for Senate Bill 423, Increasing salary for certain state employees.

On third reading, coming up in deferred order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 423 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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 423) 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, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 423) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Consideration of Engrossed Committee Substitute for Senate Bill 423 having been concluded, the Senate proceeded to the consideration of

Com. Sub. for Senate Bill 150, Budget Bill.

On second reading, coming up in deferred order, was read a second time and 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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Smith—1.

Engrossed Committee Substitute for Senate Bill 150 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, Rucker, Stover,

Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—1.

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. 150) 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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—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. 150) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Consideration of Engrossed Committee Substitute for Senate Bill 150 having been concluded,

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Senate Bill 128, Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness.

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 2252—A Bill to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of the Code of West Virginia, all relating to increasing criminal penalties and mandatory fines for human trafficking; establishing limitations on parole; and providing immunity from criminal liability for juvenile victims.

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 2761—A Bill to amend and reenact §18A-2-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county boards to employ eligible classroom aides as classroom teachers when certain conditions are met.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2865—A Bill to amend and reenact §24-2H-4, §24-2H-5, §24-2H-6, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the Public Service Commission may enter an order in a distressed or failing utility case requiring corrective measures up to and including an acquisition by an acquiring utility; providing the Commission shall provide the list of potentially unstable water and wastewater utilities to statewide water or wastewater technical assistance non-profits; providing the Commission staff shall

publish annually, by hyperlink, the list of potentially unstable water and wastewater utilities on the commission's homepage; providing that eligibility of a utility to receive state grant funding and federal grant funding in a similar manner as the distressed utility is a factor in determining whether a utility is a capable proximate utility; providing that petitions filed with the commission include factual data supporting the justification for the utility to be considered as a distressed or failing utility; providing that high loss and unaccounted for water is not evidence of a distressed or failing utility; and clarifying that an acquiring utility becomes such only after approval of the necessary operating agreement.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3166—A Bill to amend and reenact §27-5-2a of the Code of West Virginia, 1931, as amended, relating to a hospital holding a patient for a certain period of time.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3188—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §15-3F-1, §15-3F-2, §15-3F-3, §15-3F-4, §15-3F-5 and §15-3F-6 of said code, all relating to the establishment of an alert system for missing cognitively impaired persons; providing for the use of video image recording devices for search purposes during a Purple Alert; providing legislative findings; providing criteria for the activation of a Purple Alert; providing for notice and broadcasting of a Purple Alert; and providing immunity for individuals providing information pursuant to a Purple Alert in good faith.

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 3189—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying the sources of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing state and federal regulation history, status, and future expectations; providing definitions; requiring the Department of Environmental Protection to begin identifying sources of PFAS in water sources and address sources of PFAS for certain public water systems with action plans; requiring facilities using PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; providing information disclosure provisions; requiring the Secretary of the Department of Environmental Protection to propose changes to statutes and rules and to update numeric public water supply human health criteria; requiring the Department of Environmental Protection to implement permit modifications to require monitoring; and requiring legislative rule-making.

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 3198—A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company; and removing the requirement that the loan value of the motor vehicle be less than \$9500 to allow the automobile dealer, licensed automobile auction, motor vehicle

repair facility or towing company to obtain a certificate of title and registration for the abandoned motor vehicle or junked vehicle.

Referred to the Committee on Transportation and Infrastructure.

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 3247—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31; to amend and reenact §16,2D-2, §16-2D-8, §16-2D-9, and §16-2D-11; to amend said code by adding thereto a new article designated, §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6 and §16-5W-7; to repeal §27-8-2b and §27-8-3 of said code; to repeal §27-9-1 of said code; to repeal §27-13-1 and §27-13-2 of said code; and to repeal §27-17-1, §27-17-2, §27-17-3, and §27-17-4 of said code; all relating to regulation of behavioral health services; requiring the Bureau of Medical Services to develop a reimbursement model relating to in home services of Intellectually and Developmentally Disabled Intermediate Care waivers; requiring the bureau to use a performance based contract; defining terms; removing services from the moratorium; removing services from certificate of need; adding services to certificate of need; providing exceptions from certificate of need; permitting the Health Care Authority to redistribute bed capacity; requiring access to consumers; requiring access to records; regulating behavioral health centers; providing rulemaking authority; establishing a mental health ombudsman; providing authority to the ombudsman; providing an exemption of consumer information from the Freedom of Information Act; requiring reporting; and permitting a civil penalty.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3265—A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to service of process by sheriff; and requiring a county sheriff to owe fees to another sheriff's department or law enforcement agency for service.

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 3278—A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, all relating to the practice of optometry; defining terms; removing obsolete areas of the code; and permitting a licensee to perform certain procedures trained by an approved accredited body.

Referred to the Committee on Government Organization; 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 3417—A Bill to amend and reenact §18B-3D-6 of the Code of West Virginia, 1931, as amended, relating to creating a three-year pilot program to include Potomac State College of West Virginia University as an eligible institution for participation in the "Learn and Earn Program".

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 3448—A Bill to amend and reenact §62-12-5 of the Code of West Virginia, 1931, as amended, relating to probation officer field training.

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. House Bill 3499—A Bill to amend and reenact §36-12-13 of the Code of West Virginia, 1931, as amended, relating to allowing death deeds to specify joint tenancy with right of survivorship.

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. House Bill 3555—A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to clarifying the requirements imposed on institutions in instances where the required course materials or digital courseware has not been selected prior to a student's enrollment or if a change to the course materials or digital courseware required would cause an increased charge to the student.

Referred to the Committee on Education.

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 24, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for Senate Bill No. Two Hundred Thirty-Nine (239), which was presented to me on February 20, 2023.

Senate Bill No. Two Hundred Seventy-Five (275), which was presented to me on February 20, 2023.

You will note that I have approved these bills on February 24, 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 24, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

House Bill No. Two Thousand Eight Hundred (2800), which was presented to me on February 20, 2023.

House Bill No. Two Thousand Eight Hundred Eighty-Two (2882), which was presented to me on February 20, 2023.

Committee Substitute for House Bill No. Three Thousand Sixty-One (3061), which was presented to me on February 20, 2023.

You will note that I have approved these bills on February 24, 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 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 123, Creating enhanced penalties for fleeing officer.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 123 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating enhanced second and third offenses for fleeing from an officer on foot or in a vehicle; establishing criminal penalties for the new offenses; and declaring that a conviction for fleeing while under the influence of alcohol or drugs is treated as a driving under the influence for licensure purposes.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

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 470, Making adoption records accessible for medical purposes.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 470 (originating in the Committee on the Judiciary)—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803; and to amend and reenact §49-4-604 and §49-4-607 of said code, all relating to adoption; and specifically making the medical records of an adopted child's biological parents available to the child, the child's guardian, or the child's lineal descendants for medical purposes; authorizing adult adoptees to access to certain records, including adoption records and medical history; requiring biological parents to provide certain health information; allowing biological parents to designate a contact preference and allowing them to provide certain information; allowing biological parents to request name redaction; providing for a name redacting process; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; providing for the tracking of information and reporting to the Legislative Oversight Commission on Health and Human Resources Accountability; requiring biological parents whose parental rights are terminated to provide identifying information to the Department of Health and Human Services; requiring biological parents whose parental rights are terminated to provide authorization to the Department of Health and Human Services to access their medical records upon a showing of legitimate medical need and provide those records to an adopted child, their lineal descendants, or legal guardian; requiring biological parents whose parental rights are terminated to provide authorization to the Department of Health and Human Services to provide to the Department of Health and Human Services a DNA or other biological sample upon a showing of legitimate medical need and authorizing the department to transfer that sample to an adopted child, their lineal descendants, legal guardian, or medical professional providing treatment; requiring

the department to obtain agreement regarding medical records and the collection of biological samples as a condition of voluntary relinquishment of parental rights; and authorizing the Department of Health and Human Resources to promulgate legislative rules related to these provisions.

Without recommendation as to passage; but with the recommendation that it be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 470) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading, and then rereferred to the Committee on the Judiciary.

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 540, Creating misdemeanor offense of willfully urinating or defecating in public.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 540 (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 §61-8-32, relating to the creation of the misdemeanor offense of willfully urinating or defecating in public; creating an exception for public restrooms; establishing criminal penalties; and clarifying that a person may be charged for the offense by citation.

And,

Senate Bill 647, Changing time on child abuse registry for certain persons.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 647 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to substantiation of abuse and neglect allegations; requiring that when an abuse and neglect allegation is substantiated and a child abuse petition could be filed and the department does not do so, records related to the allegation are sealed after one year, absent a new allegation within that year; excluding persons from having records sealed who have a substantiated case but no court case can be filed; requiring that substantiated cases where the court does not adjudicate abuse and neglect be deemed unsubstantiated; allowing a petition to seal a file after five years for persons found only to be neglectful; exceptions; criteria; directing the department to propose legislative rules to effectuate the statutory directive; and defining terms.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 552, Relating to abortion.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 552 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2I-1, §16-2I-2, §16-2I-3, and §16-2I-4 of the Code of West Virginia, 1931, as amended; to repeal §16-2I-5 of said code; to amend and reenact §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of said code; and to amend and reenact §16-2R-9 of said code, all relating to abortion; defining terms; making article applicable to physicians that meet qualifications and are certified under Mifepristone risk evaluation and mitigation strategy; amending information provided during informed consent; removing liability protection for a physician when prescribing a non-Food and Drug Administration approved drug therapy; providing resource to contact if questions rise regarding chemical abortion; requiring the Secretary of the Department of Health and Human Resources to have a 24-hour telephone number to maximize awareness; revising information to be made available; requiring the Bureau of Public Health to publish information on its website; setting forth the required information; providing for administrative discipline against a licensed medical professional for violation of article; and revising severability clauses.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, 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.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 581, Amending provisions of 2023 Farm Bill.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 633, Requiring prompt appearances for persons detained on capiases.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 633 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §62-1C-17b of said code; and to amend and reenact §62-2-17 of said code, all relating to failure to appear; requiring compliance with the magistrate court criminal rules; requiring prompt court appearances for persons detained on capiases or warrants for failure to appear; providing procedures for issuing bench warrants and capiases for nonappearance at scheduled court hearings or other proceeding; allowing a grace period after a failure to appear to allow certain defendants to appear except in defined circumstances; providing procedures following execution of bench warrants for nonappearance; and requiring courts to ensure that all inactive warrants and capiases for failure to appear are removed from law-enforcement databases.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 738 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, §19-39-9, and §19-39-10, all relating to creation of the Right to Repair Act; creating a short title; defining terms; establishing jurisdiction of the Commissioner of Agriculture; establishing requirements; establishing limitations; establishing prohibitions; providing for rulemaking; establishing violations; imposing civil penalties; authorizing civil actions, penalties, and injunctive relief; and providing for applicability and effective date of article.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Bill 739 (originating in the Committee on Rules)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1 and §22-11C-

2, all relating to the declaration of a moratorium for 60 days on entering into contracts or agreements selling, leasing, letting, or otherwise transferring property rights relating to any carbon storage, carbon capture, carbon sequestration, or similar agreements, in order to give the Legislature time to deliberate and pass laws as may be determined to be necessary to prevent or mitigate substantial economic harm to West Virginia citizens.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 739) contained in the preceding report from the Committee on Rules was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 3340, To revise the West Virginia Tax Increment Financing Act.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 24, 2023;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3340) contained in the preceding report

from the Committee on Finance was taken up for immediate consideration and read a second time.

At the further 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 twelfth order of business.

Remarks were made by Senator Tarr.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Tarr were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 24, 2023:

Senate Bill 547: Senator Chapman.

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 24, 2023:

Senate Bill 52: Senator Queen;

Senate Bill 92: Senator Stuart;

Senate Bill 123: Senator Hunt;

Senate Bill 220: Senator Trump;

Senator Bill 547: Senators Weld and Trump;

Senate Bill 550: Senators Chapman, Hunt, and Grady;

Senate Bill 555: Senator Stuart;

Senate Bill 572: Senator Stuart;

Senate Bill 624: Senator Stuart;

Senate Bill 633: Senator Rucker;

Senate Bill 660: Senators Rucker and Trump;

Senate Bill 693: Senator Stuart;

Senate Bill 697: Senator Stuart;

Senate Joint Resolution 3: Senator Stuart;

Senate Joint Resolution 9: Senator Stuart;

And,

Senate Resolution 37: Senator Stuart.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 3:05 p.m., the Senate adjourned until Monday, February 27, 2023, at 11 a.m.

MONDAY, FEBRUARY 27, 2023

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Maroney, a senator from the second district.

Pending the reading of the Journal of Saturday, February 25, 2023,

At the request of Senator Hunt, 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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2016—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to releasing information to facilitate care of a child; providing for qualified disclosure of confidential information between certain entities; requiring the disclosed records to be maintained in compliance with code; and requiring the department to provide electronic access to certain information.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2064—A Bill to amend and reenact §8A-7-3 of the Code of West Virginia, 1931, as amended, and to add thereto a new article, designated §11-13PP-1, §11-13PP-2, §11-13PP-3, §11-13PP-4, §11-13PP-5, §11-13PP-6, §11-13PP-7, §11-13PP-8, §11-13PP-9, and §11-13PP-10, all relating to the Tourism and Commercial Opportunity Zone Tax and Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating a new species and class of property directed by law; creating definitions; establishing the Tourism and Commercial Opportunity Zone tax and tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax and tax credit review and accountability; creating rules; and providing for an effective date.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2065—A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, all relating generally to taxation for the manufacturing, sale, and use of heavy duty trucks and products associated therewith to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include heavy duty truck manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Heavy Duty Truck Excise Tax Elimination Act; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and

construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective date.

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 2483—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-8i; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to reducing income tax liability for taxpayers who improve certain building facades in historic districts; providing for a tax credit of the replacement cost of historic facades; providing for a reduction in federal adjusted gross income in certain circumstances for certain replacement costs of historic facades; setting forth conditions; providing for application; and requiring rulemaking.

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 2567—A Bill to amend and reenact §61-3B-2 and §61-3B-3 of the Code of West Virginia, 1931, as amended, relating to creating a misdemeanor criminal penalty for unlawful trespass into the home of another person; creating a felony criminal penalty for second or subsequent offenses of unlawful trespass into the home of another person; creating affirmative defenses to prosecution; providing a definition; and increasing criminal penalties for certain trespass crimes from misdemeanors to felonies.

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 2648—A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, and to amend and reenact §16-12-2 of said code; all relating to generally authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified, and as disapproved by the Legislative Rule-Making Review Committee and as amended by the Legislature and directing certain agencies of the Department of Health and Human Resources to amend current legislative rules; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to standards for local boards of health; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program – dispensaries; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosures; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Uniform Bill Database; relating to directing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Core Behavioral Health Crisis Services System; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; relating to authorizing the Department

of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center licenses; relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payers Claims Database - Submission Manual; and relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payer Claims Database – Data Submission Requirements.

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 2759—A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to updating the rate of a certain health care provider tax and expand the practitioners eligible for payment fee schedules.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2760—A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting firefighters to drive ambulances when both attendants are needed to administer patient care.

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 3006—A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the "West Virginia Critical Infrastructure Protection Act"; providing for the criminal offense of willfully damaging, destroying, vandalizing, defacing, stealing or tampering with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500; providing felony penalties for same; providing for forfeiture of items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act.

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 3013—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Jefferson County Commission to levy a

special district excise tax; authorizing the special district excise tax for the benefit of the Hill Top House Hotel Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount.

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 3114—A Bill to amend and reenact §5F-2-8 of the Code of West Virginia, 1931, as amended; relating to requiring the denial of severance pay to probationary employees of Department of Transportation who are terminated for failing or refusing to submit to drug or alcohol screens.

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 3214—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to creation of the "Road Optimization and Assessment Data (R.O.A.D.) Pilot Program"; legislative findings and purpose; Commissioner of Highways to promulgate rules; and specifics to be contained in rules to determine how best to maintain roads and highways.

Referred to the Committee on Transportation and Infrastructure.

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 3274—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, all relating to requiring the Bureau of Medical Services to apply for waiver.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3341—A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §16-9A-11, relating to permitting cigar bars and cigar lounges to operate in West Virginia resorts; and providing for guidelines for resort cigar bars and lounges.

Referred to the Committee on Government Organization; and then to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3398—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism.

Referred to the Committee on Military; 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 3409—A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

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. House Bill 3444—A Bill to amend and reenact §4-13A-2 of the Code of West Virginia, 1931, as amended, relating to adding the Cabinet Secretary of Economic Development, or a designee to the West Virginia Semiquincentennial Commission.

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 3450—A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; specifying eligible purposes for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund; and modifying the distribution of net terminal income to counties where the video lottery terminals are located.

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 July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3473—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §17-2E-10, relating to creating a work group to create procedures and policies and a plan for the construction of a database with information necessary for infrastructure maintenance and development, providing a date by which a report must be given to the Committee on Technology, and providing an effective date.

Referred to the Committee on Transportation and Infrastructure.

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 3479—A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aerial vehicles; adding definitions; requiring compliance with all federal laws and regulations relating to such vehicles; and creating criminal offenses and penalties for certain conduct using an unmanned aerial vehicle.

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. House Bill 3493—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-1-21a, relating to the prohibition of certain foreign ownership of land in this state.

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 3551—A Bill to amend and reenact §5-1-16a of the Code of West Virginia, 1931, as amended, relating to restricting access to criminal history record information of individuals who have been convicted of a crime and pardoned by the Governor and individuals who have been convicted of a crime; providing procedure for obtaining the restriction; outlining crimes for which criminal history restriction is not available; and exceptions.

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. House Bill 3552—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to per diem jail costs; and providing authority for counties to seek reimbursement from certain municipalities for certain per diem costs.

Referred to the Committee on Government Organization; 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 3556—A Bill to amend the Code of West Virginia, 1931, as amended by creating a new article, §48-28B-1, et seq., relating to establishing a process to recognize and enforce Canadian domestic violence protective orders, relating to providing a short title, relating to providing definitions, relating to enforcement of Canadian domestic violence protective orders by law enforcement, relating to enforcement of Canadian domestic violence protective orders by a court, relating to registration of a

Canadian domestic violence protective order, and relating to a severability clause.

Referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

Senator Rucker offered the following resolution:

Senate Resolution 43—Designating February 28, 2023, as Rare Disease Awareness Day at the Legislature.

Which, under the rules, lies over one day.

Senators Queen, Martin, and Stover offered the following resolution:

Senate Resolution 44—Recognizing the 151st anniversary of Glenville State University.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 40, Designating February 27, 2023, as Human Resources Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Oliverio, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 41, Recognizing Leadership Berkeley for its services, dedication, and commitment to Berkeley County, WV.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Barrett, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 42, Recognizing contributions of AARP WV and its Capitol Advocacy Team of volunteers to betterment of our state and its people.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, 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 267, Updating law regarding prior authorizations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) 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 438, Return to WV Tax Credit Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 438) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 522, Allocating percentage of county excise taxes for funding improvements to election administration.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 522) 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 534, Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

On motions of Senators Nelson, Barrett, Maroney, Oliverio, Queen, Takubo, Weld, and Caputo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, after the enacting clause by inserting a new section, designated section 26, to read as follows:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-26. Authorizing municipalities to create private outdoor designated areas.

(a) In addition to all other powers and duties conferred by law upon municipalities, municipalities are empowered and authorized pass an ordinance establishing private outdoor designated areas as described in §60-7-8g of this code.

(b) The municipality shall include in the ordinance, at a minimum, all of the following:

(1) Requirements for the purpose of ensuring compliance with all state and municipal laws, and public health and safety within a private outdoor designated area;

(2) The proposed outdoor designated area or proposed licensed premises shall be indicated on a submitted map or survey in

sufficient detail to identify the boundaries of the area, subject to the limitations in subsection (b);

(3) A general statement of the nature and types of qualified permit holders that may operate within the proposed outdoor designated area;

(4) That certain public property that is legally demarcated by the ordinance is within the proposed private outdoor designated area and such area is in compliance with the comprehensive plan or zoning ordinances of the municipality, if the municipality has so adopted, for the consumption of liquor, wine, nonintoxicating beer and nonintoxicating craft beer;

(5) The specific boundaries of the private outdoor designated area, including street addresses;

(6) The number, spacing, and type of signage designating the private outdoor designated area;

(7) The days and hours of operation for the private outdoor designated area which may not be greater than, authorized by §11-16-1 *et seq.* and chapter 60 of the code, but may be less than;

(8) The estimated number of personnel needed to ensure public safety and efficient operations in the private outdoor designated area;

(9) A sanitation plan that will help maintain the appearance and public health of the private outdoor designated area, including the number of restrooms and trash receptacles.

(10) A requirement that liquor, wine, nonintoxicating beer, and nonintoxicating craft beer be served in non-glass containers, not greater than 18 fluid ounces, approved by the municipality and the commissioner as set forth in §60-7-8g; and

(11) Public health and safety measures, and requirements to meet compliance with current health permitting and zoning requirements.

(c) The municipality shall provide to the Commissioner notice of the approval of the private outdoor designated area and identify the qualified permit holders that will be applying for permits set forth in §60-7-8g.

(d) The municipality shall be responsible for ensuring compliance with its ordinances and compliance with all criminal laws associated with the operation of a private outdoor designated area. The municipality shall provide the Commissioner copies of all non-compliance and violations. The Commissioner shall ensure all qualified permit holders operate in accordance with requirements set forth in §11-16-1 *et seq.* and chapter 60 of the code.

(e) The municipality shall have the authority to dissolve a private outdoor designated area by ordinance and further may suspend a private outdoor designated area immediately when in the interest of public safety.;

And,

On page 75 after line 119 by inserting a new section, designated §8g to read as follows:

§60-7-8g. Special permit for a qualified permit holders in a private outdoor designated area; license fee and application; license subject to provisions of article.

(a) There is hereby created a special permit designated Class S4 for a qualified permit holder operating in a private outdoor designated area approved by a municipality as set forth in §8-12-26 of the code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption at a certain public property designated as a private outdoor designated area where multiple private club license type licensees who apply and obtain a qualified permit holder permit shall share liability and responsibility. Each qualified permit holder may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) Definitions:

(1) "Private outdoor designated area" means public property that has become a legally demarcated area established by a municipal ordinance as set forth in §8-12-26 of the code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

(2) "Qualified permit holder" means the holder of a Class A license issued under §60-7-1 et seq. of this code.

(c) To be eligible for the license authorized by subsection (a) of this section, the qualified permit holder shall:

(1) Operate in a private outdoor designated area created by municipal ordinance as set forth in §8-12-26 of the code, and provide the Commissioner a copy of the certified ordinance from the municipality;

(2) Apply to the commissioner for the special permit prior to operating in an approved private outdoor designated area on an application provided by the Commissioner;

(3) Pay a nonrefundable non-prorated annual license fee of \$100 to the Commissioner;

(4) Be in compliance with all state and federal laws and be in good standing with the Commissioner;

(5) Be approved by the municipality to operate in the private outdoor designated area;

(6) Provide the days and hours of operation in the private designated area which cannot exceed the stated private club hours of operation;

(7) Provide, in conjunction with the municipality, adequate restroom facilities, whether permanent or portable, to serve the members and guests who will be attending the private outdoor designated area;

(8) Provide an executed agreement between all qualified permit holders stating that each qualified permit holder is jointly and

severally liable for any improper acts or conduct committed in the operation of the private outdoor designated area in conjunction with operation of their Class A license;

(9) Provide a security plan for the private outdoor designated area indicating: all qualified permit holders' licensed premises where alcohol will be served in approved non-glass containers; all entrances and exits in order to verify members', patrons', and guests' ages, and to assess whether a member, patron, or guest is under 21 years of age or intoxicated; and a plan to provide for the public health and safety of members, patrons, and guests;

(10) Provide a floorplan for the private outdoor designated area indicating a legally demarcated area that is bounded or utilizes signage to safely account for the ingress and egress of members, patrons, and guests who will be within the private outdoor designated area and also be permitted to carry liquor, wine, nonintoxicating beer, and nonintoxicating craft beer on and off of the qualified permit holders' licensed premises and within the private outdoor designated area when contained in an approved non-glass container. The private outdoor designated area's floorplan does comprise a separate licensed premises authorized only for the lawful consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises when lawfully purchased from a qualified permit holder;

(11) Meet and be subject to all other private club license type requirements;

(12) Provide a plan to prevent members, guests, and patrons from bringing, consuming, or selling alcohol not in an approved non-glass container in the private outdoor designated area; and

(13) Use an age verification system approved by the commissioner.

(c) As set forth in §8-12-26 of the code a municipality may, by ordinance, establish a private outdoor designated area where the municipality may zone, set requirements and establish conditions

for safe operation of private outdoor designated area by qualified permit holders.

(d) A municipality shall be responsible for the enforcement of any criminal violations occurring in a private outdoor designated area and shall report such violations to Commissioner for a determination of any violation of §11-16-1 et seq. and chapter 60 of the code.

(e) The Commissioner shall enforce any violations of §11-16-1 et seq. and chapter 60 of the code committed by qualified permit holders against their permit and their Class A license.

(f) A qualified permit holder that is separately authorized for an outdoor dining area or sidewalk dining area may continue to operate those areas in conjunction with the private outdoor designated area subject to the Commissioner's requirements.

(g) A licensee permitted under this section is subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the Commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of for the operation of qualified permit holders in each private outdoor designated area. The Commissioner may revoke or suspend immediately any permit issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, However*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

On motion of Senator Rucker, the following amendments to the bill (Eng. Com. Sub. for S. B. 534) were next reported by the Clerk, considered simultaneously, and adopted:

On page 42, section 2, line 61, by striking out the words "\$750 of" and inserting the word "a";

On page 43, section 2, line 87, by striking out the words "not less than \$200 of" and inserting in lieu thereof the word "a";

On page 45, section 2, line 149, by striking out the words "not less than \$200 of" and inserting in lieu thereof the word "a";

And;

On page 70, section 6, line 12, by striking out "\$4,000" and inserting in lieu thereof "\$2,000."

On motions of Senators Rucker and Trump, the following amendment to the bill (Eng. Com. Sub. for S. B. 534) was next reported by the Clerk and adopted:

On page 31, section 3a, line 16, after the word "volume." by adding the words "Samples may be mixed with each other or with non-alcoholic liquids as long as the total amount of the liquor sampled does not exceed one and one-half ounces."

On motion of Senator Trump, the following amendments to the bill (Eng. Com. Sub. for S. B. 534) were next reported by the Clerk, considered simultaneously, and adopted:

On page 66, section 2, line 676, by striking out the word "associate" and inserting in lieu thereof the word "association";

On page 66, section 2, line 678, after the word "are" by inserting the word "licensed";

On page 67, section 2, line 705, by striking the word "businesses" and inserting in lieu thereof the word "business";

On page 67, section 2, line 706, after the word "all" by inserting the word "licensed";

And,

On page 67, section 2, line 713, after the word "each" by inserting the word "licensed".

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 534 was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Chapman, Deeds, Grady, Karnes, Maynard, Roberts, and Smith—8.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 534) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 534—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-26; to amend and reenact §11-16-3, §11-16-6a, §11-16-6d, §11-16-6f, §11-16-8, §11-16-9 of said code; to amend and reenact §60-3A-3a, and §60-3A-8 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-7-2, §60-7-2a, §60-7-6, and §60-7-8a of said code; to amend said code by adding thereto a new section designated §60-7-8g; to amend said code by adding thereto a new section, designated §60-8-6g; to amend and reenact §60-8A-5 of said code; and to amend and reenact §61-8-27 of said code; all relating to nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor license requirements; defining terms; authorizing municipalities to create private outdoor designated areas; creating special permit for Class A licensees who apply to be qualified permit holders to operate in private outdoor designated areas, setting forth requirements, and setting fees; promoting tourism in the state by permitting authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries a limited off-site retail privilege for off-premises consumption sales for nonintoxicating beer manufactured by them and permitting limited complimentary samples at private fair and

festivals; providing requirements for the conduct of the sales at private fairs and festivals; requiring payment of taxes, fees and markups, and no license fee; clarifying the nonintoxicating beer growler requirements for contents and sealing; allowing brewer and resident brewer to have additional places of manufacture under one license and based on manufacturing volume capacity; removing limit on nonintoxicating beer or nonintoxicating craft beer which may be included with an order, sale or delivery of multiple meals; allowing commissioner to refuse a license if applicant or manager is not a suitable applicant; increasing number and size of liquor samples that are permitted; requiring manager to be suitable applicant and of good moral character; reducing and modifying food inventory required for private cigar shop, private club bars, and private food truck; allowing a private manufacturer club to have operating food truck or other portable kitchen in lieu of on-premises food preparation facilities; removing acreage requirement for private wedding venue or barn license; clarifying nonintoxicating beer license requirements for persons, trusts and fairs and festivals; clarifying retail liquor outlet license requirements for applicants; clarifying that the statute applying to distilleries and mini-distilleries also applies to micro-distilleries; permitting dually licensed events, and a license fee; creating a private coliseum or center license and specifying license requirements; authorizing private coliseum or center license to conduct a temporary event in conjunction with a private fair and festival licensee and setting forth requirements; setting fees; increasing fee for private fair and festival special license and fee; creating a private food court license and specifying license requirements; lawful admission to dance hall; clarifying dual licensing requirements and authorization for private fair and festivals, requirements, and no license fee; permitting private fairs and festivals to conduct on-premises consumption sales with certain requirements; permitting private fairs and festivals to allow authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries to conduct limited off-premises consumption retail sales with certain requirements from the private fair and festival's licensed premises; permitting a private wine restaurant to operate a separately licensed but connected wine specialty shop; and exempting permit holder

operating a private outdoor designated area, private coliseum or center licensee, or private food court from prohibition on admitting persons under the age of 18.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 561, Relating to administration of WV Drinking Water Treatment Revolving Fund Act.

On third reading, coming up in regular order, with the right having been granted on February 24, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk and adopted:

On page 7, section 7, line 5, after the word "code." by inserting the following: Until such time as the Secretary of the Department of Environmental Protection's rules are promulgated pursuant to this section, West Virginia Rule §64 CSR 49 regarding the Drinking Water Treatment Revolving Fund shall remain effective.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 561 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 561) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 576, Creating Securities Restitution Assistance Fund for victims of securities violations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 576) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 590, Emergency Medical Services Retirement System Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart,

Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 590) 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 613, Relating generally to certificates of need.

On third reading, coming up in regular order, with the right having been granted on February 24, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Maroney, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 12, section 10, line 17, after the word "one" by inserting the words "fixed-site";

And,

On page 14, section 10, line 63 after the word "center" by changing the period to a colon and inserting the following proviso: *Provided*, That a hospital shall be deemed a trauma center, subject to the provisions of §55-7B-9c of this code, for any and all claims arising out of any medical services provided by a hospital or physician to an individual as a result of birth complications at a birthing center.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 613 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 613 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Phillips—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Phillips—2.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) 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 Senate Bill 628, Revising provisions related to public charter schools.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

On motions of Senators Rucker and Oliverio, the following amendment to the bill was reported by the Clerk and adopted:

On page 11, section 3, lines 51 through 59 by striking out all of subdivision (6) and inserting in lieu thereof a new subdivision (6), to read as follows:

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools. If a public charter school does not sponsor an extracurricular athletic and/or academic interscholastic activity for the students enrolled in the public charter school, the public charter school students may participate on the same basis as other public school students in those activities that are sponsored by the noncharter public school serving the attendance area in which the student resides;

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 628 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Caputo—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 628) 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 667, Requiring periodic performance audits of WV Secondary Schools Athletic Commission.

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 667 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Hamilton, Plymale, and Woelfel—4.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 667) 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 677, Clarifying role and responsibilities of State Resiliency Officer.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Jeffries, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 14, section 3, line 18, by striking out the word "odd-numbered" and inserting lieu thereof the word "even-numbered";

On page 24, section 12, line 22, after the word "provide" by inserting the words "loans or";

On page 25, section 12, line 24, after the word "provide" by inserting the words "loans or";

On page 25, section 12, line 27, after the word "provide" by inserting the words "loans or".

And,

On page 26, section 15, line 5, after the word "Virginia" by striking out the word "Disaster" and inserting in lieu thereof the word "Flood".

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 677 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 677) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

(Senator Weld in the Chair.)

Eng. Senate Bill 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Weld, Woelfel, and Woodrum—31.

The nays were: Trump—1.

Absent: Stover and Blair (Mr. President)—2.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 679) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Weld, Woelfel, and Woodrum—31.

The nays were: Trump—1.

Absent: Stover and Blair (Mr. President)—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 679) 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 Senate Bill 688, Allowing BOE to hire retired teachers to assist with tutoring.

On third reading, coming up in regular order, was read a third time and put upon its passage.

(Senator Blair, Mr. President, in the Chair.)

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 688 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 688) 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 733, Relating to wildlife licenses and stamps.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 733) 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 735, Clarifying department responsible for administration of certain programs.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 735) 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 737, Emergency Medical Services Act.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk and adopted:

On page 1, section 25, line 4, by striking out the word "workers" and inserting in lieu thereof the words "personnel as that term is defined in §16-4C-3(g) of this code".

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill 737 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 737) 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 2062, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2062) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3307, Establishing the West Virginia-Ireland Trade Commission.

On third reading, coming up in regular order, with the unreported Economic Development committee amendment pending, and with the right having been granted on February 25, 2023, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Economic Development was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 36. WEST VIRGINIA-IRELAND TRADE COMMISSION.

§29-36-1. Findings.

Findings—the Legislature finds that:

Over 15 percent of West Virginia's population is of Irish descent, which, according to the Irish diplomat Barbara Jones, represents a higher figure than that in Boston or New York City;

The ties that bind Ireland to West Virginia are deep and lasting, reflected on West Virginia's map from Ireland to Irish Mountain, from Tyrone to Tralee; and

Irish heritage has been the fortunate lot of many great West Virginians, such as philanthropist Bernard P. McDonough, the inventor Michael Owens, and US Senator John Kenna;

Ireland and West Virginia are attempting to reinvent their economies for success in the Twenty-first century; and

West Virginians have both historic and practical reasons to desire the building of firmer commercial links with Ireland.

§29-36-2. Establishment of commission; Composition; Appointments; Vacancies.

For these and other reasons, there is hereby established the West Virginia-Ireland Trade Commission. The commission shall consist of 9 members, to be appointed as follows:

(a) Two members of the Senate, who shall be appointed by the President of the Senate, shall have knowledge of or current or past involvement in organizations that promote Irish affairs, or shall have interest in the well-being of trade relations between West Virginia and Ireland; and two members of the House of Delegates, who shall be appointed by the Speaker of the House of Delegates, shall have knowledge of or current or past involvement in organizations that promote Irish affairs, or shall have interest in the well-being of trade relations between West Virginia and Ireland. The legislative members of the commission shall serve during the two-year legislative term in which the appointments are made.

(b) Five members of the commission shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of four years. The members thus appointed shall include at least one representative from: a public institution of higher education; the West Virginia Chamber of Commerce, or its successor organization; and at least two public members shall represent Irish American communities or interest, neither of whom shall be members of the same political party.

(c) All appointments shall be made no later than July 1, 2023. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

§29-36-3. Compensation; Meetings; Chair; Records; Quorum.

(a) Members of the commission shall receive the same compensation authorized by law for members of the Legislature for the interim duties for each day, or portion thereof, the member is engaged in the discharge of official duties. All members shall be reimbursed for their actual and necessary expenses incurred in the discharge of official duties, except that mileage shall be reimbursed at the same rate as that authorized for members of the Legislature.

(b) (1) The commission shall meet and hold hearings at the places it designates throughout the State.

(2) The commission shall elect a chair from amongst its members. The chair may appoint from among the commission members subcommittees and subcommittee chairs at their discretion.

(c) The commission shall keep records of all proceedings which shall be public and open to inspection, shall adopt a seal, and shall exercise and perform the duties prescribed by this section.

(d) A majority of the members of the commission shall constitute a quorum for the transaction of the business of the commission.

§29-36-4. Purpose of Commission.

The purpose of the West Virginia-Ireland Trade Commission shall be to:

(1) Advance bilateral trade and investment between West Virginia and Ireland;

(2) Initiate joint action on policy issues of mutual interest to West Virginia and Ireland;

(3) Promote business and academic exchanges between West Virginia and Ireland;

(4) Encourage mutual economic support between West Virginia and Ireland;

(5) Encourage mutual investment in the infrastructure of West Virginia and Ireland; and

(6) Address such other issues as determined by the Commission.

§29-36-5. Reports

The commission shall report its findings, results, and recommendations to the Governor, and the Legislature, within one year of its initial organizational meeting and by February 1st of each succeeding year for the activities of the preceding calendar year. The report shall be in writing and include recommendations as deemed appropriate by the commission to effectuate its purpose, as provided by this section.

§29-36-6. Funds.

The West Virginia-Ireland Trade Commission shall be authorized to raise funds, through direct solicitation or other fundraising events, alone, or with other groups, and accept gifts, grants, and bequests from individuals, corporations, foundations, governmental agencies, and public and private organizations and institutions, to defray the commission's administrative expenses and to carry out its purposes.

§29-36-7. Effective Date.

This act shall take effect March 17, 2023.

Engrossed House Bill 3307, as just 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3307) passed.

The following amendment to the title of the bill, from the Committee on Economic Development, was reported by the Clerk and adopted:

Eng. House Bill 3307—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-36-1, §29-36-2, §29-36-3, §29-36-4, §29-36-5, §29-36-6, and §29-36-7, all relating to establishing the West Virginia-Ireland Trade Commission; establishing findings; providing for the composition of commission, appointment of members and filling of vacancies; providing for compensation of commission members; providing for meetings, selection of a chair, maintenance of records, and a quorum; setting forth purposes of the commission; requiring commission to make certain reports, findings, and recommendations to Governor and Legislature; providing for acceptance of funds by commission; and providing an effective date.

Senator Takubo moved that the bill take effect March 17, 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, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3307) takes effect March 17, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3340, To revise the West Virginia Tax Increment Financing Act.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Martin, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 14, section 7, line 114, by striking out the word "and";

On page 14, section 7, line 115, after the word "Office" by striking out the period and inserting the words "and obtain the formal consent of the governing body of any Class I, II, III, or IV municipality a portion of which is located within the boundaries of the development or redevelopment district.";

And,

On pages 14-15, section 7, lines 117-120, by striking out the words "No consent or approval from the local levying bodies having the power to levy taxes on property within the development or redevelopment district shall be required in order to amend such order or ordinance for the purposes herein described, aside from the county commission or the governing body of the municipality which is amending such order or ordinance."

Following discussion,

The question being on the adoption of Senator Martin's amendments to the bill, and on this question, Senator Martin demanded the yeas and nays.

Following a point of inquiry to the President, with resultant response thereto,

The roll being taken, the yeas were: Chapman, Hamilton, Hunt, Karnes, Martin, Maynard, Smith, Stuart, and Woelfel—9.

The nays were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—24.

Absent: Stover—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Martin's amendments to the bill rejected.

Engrossed House Bill 3340 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Chapman, Karnes, Martin, Maynard, Smith, and Woelfel—6.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3340) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Chapman, Karnes, Martin, Maynard, Smith, and Woelfel—6.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3340) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3428, Relating to the West Virginia Business Ready Sites Program.

On third reading, coming up in regular order, with the unreported Economic Development committee amendment pending, and with the right having been granted on February 25, 2023, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Economic Development was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1n. West Virginia Business Ready Sites Program.

(a) The Legislature finds and declares that:

(1) Presently, West Virginia's available industrial sites lack competitiveness with industrial sites in surrounding states due in part to the lack of presently constructed, adequate utility infrastructure serving sites having industrial potential;

(2) Having construction-ready industrial sites with adequately developed utility infrastructure will increase the state's potential to

attract new industrial projects to the state and advance the state's economic development efforts;

(3) Incentivizing utilities to construct adequate public utility infrastructure and provide services to sites identified as having industrial potential will increase the likelihood that such sites are developed; and

(4) Responsibly increasing the number of industrial sites with adequate and fully developed utility services is in the public interest of the state.

(b) Definitions. – For the purpose of this section:

(1) "Industrial Development Agency" means any individual, incorporated organization, foundation, association, private incorporated entity, or agency to whose members or shareholders no profit inures, which has as its primary function the promotion, encouragement, and development of industrial, commercial, manufacturing, and tourist enterprises or projects in this state;

(2) "Industrial Development Site" means a land development containing a minimum of 50 contiguous acres that is identified by the secretary as having potential for industrial development and that does not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission;

(3) "Secretary" means the Secretary of the Department of Commerce; and

(4) "Utility" means electricity, natural gas, water, or sewage service provided by a public utility regulated by the Public Service Commission.

(c) The secretary shall ~~identify a pilot~~ administer a program known hereafter as "The West Virginia Business Ready Sites Program" for the purpose of promoting economic development in certain areas of the state by facilitating the construction of utility infrastructure necessary to increase the attractiveness of such sites for industrial development within the state.

(d) An industrial development agency may identify a potential industrial development site and apply to the secretary for approval of the site as an industrial development site, including recommendations as to any required criteria for utility service to the site.

(e) Upon receipt of the application, the secretary shall determine whether the potential industrial development site has the attributes to accomplish the public purposes of this section; and, upon determining that the site has such attributes, the secretary may certify the site as an industrial development site subject to, at his or her discretion, all or some of the identified required criteria for utility service and communicate such certification to the Public Service Commission.

(f) After the Public Service Commission receives the certification described in subsection (e) of this section, public utilities that are able to meet the required criteria, if any, may file with the Public Service Commission an application for a multi-year comprehensive plan for infrastructure development to construct public utility infrastructure and provide services to industrial development sites. Subject to commission review and approval, a plan may be amended and updated by the public utility as circumstances warrant. The recovery of costs in support of the plans shall be allowed in the manner set forth in this section if the proposed plans have been found to be prudent and useful.

(g) The application submitted to the Public Service Commission under subsection ~~(f)~~ (e) of this section is in lieu of a proceeding pursuant to §24-2-11 of this code and shall contain the following:

(1) A description of the infrastructure program, in such detail as the Public Service Commission prescribes, and the projected annual amount in approximate line sizes and feet, general location, type, and projected installation timing of the facilities that the applicant proposes to replace, construct, or improve;

(2) The projected net cost, on an annual basis, of the replacement, construction, or improvements;

(3) The projected start date for the infrastructure program;

(4) The projected numbers of potential new customers that may be served by the infrastructure program and the projected annual demand for public utility services of the customers;

(5) The projected debt for the infrastructure program funding and the projected capital structure for infrastructure program funding;

(6) A proposed full and timely cost recovery mechanism consistent with this section; and

(7) Other information the applicant considers relevant or the Public Service Commission requires.

(h) Upon filing of the application, the applicant shall publish, in the form the Public Service Commission directs, which form shall include, but not be limited to, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, the publication area to be each county in which service is provided by the public utility, a notice of the filing of the application, and that the commission shall hold a hearing on the application within 90 days of the notice; unless no substantial opposition to the rate change is received by the commission within one week of the proposed hearing date, in which case the hearing can be waived, and issue a final order within 150 days of the application filing date.

(i) Upon notice and hearing, if required by the Public Service Commission, the commission shall approve the infrastructure program and allow expedited recovery of costs related to the expenditures as provided in subsection ~~(j)~~ (i) of this section, if the commission finds that the expenditures and the associated rate requirements are just, reasonable, and are not contrary to the public interest. ~~Provided, That the commission may approve infrastructure programs undertaken in connection with a maximum of 10 industrial development sites under this program. Provided,~~

~~however, That no more than four industrial development sites shall be located in any one congressional district, as such congressional districts are defined in §1 2 3 of this code on the effective date of this section: *Provided further*, That if the number of congressional districts is reduced to two, that no more than five industrial development sites shall be located in any one congressional district~~

(j) Upon Public Service Commission approval, utilities will be authorized to implement the infrastructure programs and to recover related incremental costs, net of contributions to recovery of return, operation, and maintenance, depreciation and tax expenses directly attributable to the infrastructure program served by the infrastructure program investments, if any, as provided in the following:

(1) An allowance for return shall be calculated by applying a rate of return to the average planned net incremental increase to rate base attributable to the infrastructure program for the coming year, considering the projected amount and timing of expenditures under the infrastructure program plus any expenditures in previous years of the infrastructure program. The rate of return shall be determined by utilizing the rate of return on equity authorized by the Public Service Commission in the public utility's most recent rate case proceeding or in the case of a settled rate case, a rate of return on equity as determined by the commission, and the projected cost of the public utility's debt during the period of the infrastructure program to determine the weighted cost of capital based upon the public utility's capital structure.

(2) Income taxes applicable to the return allowed on the infrastructure program shall be calculated at the statutory tax rate for inclusion in rates.

(3) Incremental operation and maintenance, depreciation, and property tax expenses directly attributable to the infrastructure program shall be estimated for the upcoming year.

(4) Following Public Service Commission approval of its infrastructure program, a public utility shall place into effect rates that include an increment that recovers the allowance for return,

related income taxes at the statutory rate, operation and maintenance, depreciation, and property tax expenses associated with the public utility's estimated infrastructure program investments for the upcoming year, net of contributions to recovery of those incremental costs provided by new customers served by the infrastructure program investments, if any. In each year subsequent to the order approving the infrastructure program and the incremental cost recovery increment, the public utility shall file a petition with the Public Service Commission setting forth a new proposed incremental cost recovery increment based on investments to be made in the subsequent year, plus any under-recovery or minus any over-recovery of actual incremental costs attributable to the infrastructure program investments, for the preceding year.

(5) The facilities installed in an application approved by the Public Service Commission shall be considered used and useful as of the date of construction expenditure for rate recovery.

(k) The public utility may make any accounting accruals necessary to establish a regulatory asset or liability through which actual incremental costs incurred and costs recovered through the rate mechanism are tracked.

(l) Utilities may defer incremental operation and maintenance expenditures attributable to regulatory and compliance-related requirements introduced after the public utility's last rate case proceeding, and not included in the public utility's current rates. In a future rate case, the Public Service Commission may allow recovery of the deferred costs amortized over a reasonable period of time to be determined by the commission provided the commission finds that the costs were reasonable and prudently incurred and were not reflected in rates in prior rate cases.

~~(m) The provisions of this section shall expire on December 31, 2024. The expiration of this section shall not affect the full and timely cost recovery of constructing a project that is commenced pursuant to this section prior to such date~~

~~(n)~~(m) The provisions of this section are effective upon passage.

Engrossed House Bill 3428, as just 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3428) passed.

The following amendment to the title of the bill, from the Committee on Economic Development, was reported by the Clerk and adopted:

Eng. House Bill 3428—A Bill to amend and reenact §24-2-1n of the Code of West Virginia, 1931, as amended, relating to the West Virginia Business Ready Sites Program; establishing the West Virginia Business Ready Sites Program as a permanent program; authorizing industrial development agencies to recommend required criteria for utility service to certain industrial development sites; giving Public Service Commission discretion to certify sites based on required criteria for utility service; providing for public utilities that can meet required criteria to apply to Public Service Commission for a certain plan to provide utility services to industrial development sites; waiving public hearing on proposed rate change for utility service to industrial development sites if no substantial opposition is received; eliminating the cap on the number of industrial development sites that may be designated by the Public Service Commission; eliminating certain requirements that industrial development sites be apportioned geographically

amongst West Virginia's congressional districts; and eliminating the sunset provision of the West Virginia Business Ready Sites Program.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3428) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:41 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 6:05 p.m. and proceeded to the ninth order of business.

Com. Sub. for Senate Bill 62, Establishing secondary location for racetrack video lottery terminals.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Stuart, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 3, section 12a, lines 48-49, after the word "races:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That the licensed racetrack receives approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On pages 5 and 6, section 12, lines 35-55, by striking out all of subsection (e), and inserting in lieu thereof a new subsection (e), to read as follows:

(e) Notwithstanding any provision in this chapter to the contrary, a licenses racetrack may establish a secondary location for its business, including authorized operational video lottery terminals, at any building owned or leased by the licensed racetrack within the county the licensed racetrack is located: *Provided*, That the licensed racetrack receives approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code. The total amount of locations a licensed racetrack may operate within a county is two locations: *Provided, however*, That if any licensed racetrack relocates operational video lottery terminals outside of a municipality, the municipality may receive the share of funds it received under §29-22A-10 and §29-22A-10b of this code up to the amount received in the fiscal year immediately preceding the relocation of the operational video lottery terminals, and the excess of this amount shall be divided proportionally to the said municipality and the new municipality, if any, based on the revenues generated at each location: *Provided, further*, That the total amount of funds transferred to the municipalities may not exceed the percentage provided under §29-22A-10 and §29-22A-10b of this code: *And provided further*, That any licensed racetrack establishing a secondary location shall continue to operate its original facility and continue to maintain and offer amenities, accommodations, options, and services at the original facility, and shall continue to maintain and offer the same level of amenities, accommodations,

options, and services as of the effective date of the amendments to this section enacted during the 2023 regular session of the Legislature. As used in this subsection, amenities, accommodations, options, and services may include, but are not limited to, table games, video lottery terminals, live racing, and sports wagering kiosks offered to the public.;

On page 10, section 3, lines 109-110, after the word "located:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On page 15, section 6, lines 30-31, after the word "location:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows:

Provided, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On page 23, section 8, after line 93, by inserting a new subdivision, designated subdivision (5), to read as follows:

(5) If a licensee who operates a secondary or satellite location fails to apply to renew its license under §19-23-1 *et seq.* and §29-22A-1 *et seq.* of this code until after the license expires, the commission shall renew its license under this article at the time it renews its license under §29-22A-1 *et seq.* of this code provided the licensee has paid the annual license fees required by subsection (g) and subsection (n) of this section, and during the preceding license year the licensee complied with all provisions of this article, all rules adopted by the commission and all final orders of the commission applicable to the licensee.;

On page 24, section 8, lines 124-126, after the word "located:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On page 25, section 8, lines 142-148, by striking out all of subsection (n), and inserting in lieu thereof a new subsection (n), to read as follows:

(n) *Initial fee and annual renewal fees for secondary or satellite locations.* —

(1) After receiving approval to operate a secondary or satellite location from the State Lottery Commission, the licensed racetrack shall pay an initial fee of \$250,000 to operate the secondary or satellite location.

(2) Upon establishment of a secondary or satellite location, the licensed racetrack shall pay an additional annual fee to the commission in the amount of \$250,000. Annual fees to operate secondary or satellite locations paid pursuant to this subsection shall be included in the annual license fee payment to be made pursuant to subsection (g) of this section.

(3) Any license obtained pursuant to this section, payment of licensing fees as incident to a racetrack's license, payment of initial and annual fees associated with the establishment and operation of a secondary or satellite location, and any required surety bonds allows operation of a secondary or satellite location. Any license issued pursuant to §29-22A-1 *et seq.* of this code, §29-22D-1 *et seq.* of this code, and §19-23-1 *et seq.* of this code would also extend to any secondary or satellite location as those terms are defined in §29-22C-3 of this code. The secondary location is not required to operate a racetrack.;

And,

On pages 26-27, section 15, lines 33-45, by striking out all of section (i), and adding in lieu thereof a new subsection (i), to read as follows:

(i) Notwithstanding any provision of this chapter to the contrary, a licensed racetrack may establish a secondary location for its business at any building owned or leased by the licensed racetrack within the county the licensed racetrack is located to provide sports wagering kiosks: *Provided*, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code. The total amount of locations a licensed racetrack may operate within a county is two locations: *Provided, however*, That any licensed racetrack establishing a secondary location shall continue to operate its original facility and continue to maintain and offer amenities, accommodations, options, and services at such original facility, and shall continue to maintain and offer the same level of amenities, accommodations, options, and services as of the effective date of the amendments to this section enacted during the 2023 regular session of the Legislature. As used in this subsection, amenities, accommodations, options, and services may include, but are not limited to, table games, video lottery terminals, live racing, and sports wagering kiosks offered to the public.

Following discussion,

The question being on the adoption of Senator Stuart's amendments to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 62), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 220, Industrial Hemp Development Act.

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 422, Requiring public schools to publish curriculum online at beginning of each new school year.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Com. Sub. for Senate Bill 440, Authorizing DOH pay current obligations from State Road Fund.

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 476, Exempting managed care contracts from purchasing requirements.

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 541, Providing for election reforms.

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 546, Adding and removing certain compounds from controlled substance list.

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 547, Increasing penalties for drug possession and updating list of offenses.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. OFFENSES AND PENALTIES

§60A-4-401. Prohibited acts; penalties.

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than ~~one year~~ three years nor more than 15 years, or fined not more than ~~\$25,000~~ \$50,000, or both fined and imprisoned; ~~Provided, That any person who violates this section knowing that the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000, or be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both fined and imprisoned;~~

(ii) Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

~~(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.~~

~~Any person who violates this subsection with respect to:~~

~~(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;~~

~~(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;~~

~~(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;~~

~~(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined~~

~~not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply. Notwithstanding the provisions of subsection (a) of this section, any person who willfully manufactures, delivers, or possesses with the intent to manufacture or deliver one kilogram or more of heroin, one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, 50 grams or more of methamphetamine, or five grams or more of fentanyl, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than 10 nor more than 30 years, or fined not more than \$100,000, or both fined and imprisoned.~~

(c)(1) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor, and disposition may be made under §60A-4-407 of this code, subject to the limitations specified in said section, or upon conviction thereof, the person may be confined in jail not less than 90 days nor more than six months, or fined not more than \$1,000, or both fined and confined: *Provided*, That notwithstanding any other provision of this act to the contrary, any first offense for possession of synthetic cannabinoids as defined by §60A-1-101(d)(32) of this code; 3,4-methylenedioxypropylvalerone (MPVD) and 3,4-methylenedioxypropylvalerone and/or mephedrone as defined in §60A-1-101(f) of this code; or less than 15 grams of marijuana, shall be disposed of under §60A-4-407 of this code.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, possession of a controlled substance classified in Schedule I or II which is a narcotic drug or which is methamphetamine is a felony, and upon conviction, the person shall be imprisoned in a state correctional facility for not less than one year nor more than five years: *Provided*, That a person charged

pursuant to this subdivision may, upon successful completion of a court ordered or approved drug treatment program, have his or her offense revert to a misdemeanor with disposition under subdivision (1) of this subsection: *Provided*, That the modification in law effected by the amendment to this subsection enacted during the 2023 Regular Session of the Legislature is expressly designed to assist in getting persons unlawfully using controlled substances in Schedules I and II which are narcotic drugs or methamphetamine in obtaining treatment for any substance abuse issue they may have; *Provided, however*, That the legislature recommends that courts and prosecuting attorneys, where possible, avail themselves of the full panoply of sentencing alternatives available in code, including but not limited to the provisions of §62-11B-1, et seq., §62-11C-1, et seq. §62-11F-1 et seq. , and §62-13-1, et seq.

(d) It is unlawful for any person knowingly or intentionally:

~~(1) To create, distribute, deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or~~

~~(2) To create, possess, sell, or otherwise transfer any equipment with the intent that the equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled substance, or the container or label of a counterfeit substance or an imitation controlled substance.~~

~~(3) Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined. Any person 18 years old or more who violates subdivision (1) of this subsection and distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than that person is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned.~~

~~(4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who administers or dispenses a placebo.~~

(d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully manufactures or delivers or possesses with intent to manufacture or deliver not less than 100 but fewer than 1,000 grams of heroin, not less than 100 but fewer than 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine, or one gram or more but less than five grams of fentanyl, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than five nor more than twenty years, or fined not more than \$75,000, or both fined and imprisoned.

(e) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(f) Under this section, where one act involves two or more controlled substances, the manufacture, delivery, or possession with intent to manufacture or deliver of each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

(g) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional

facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;

(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided, That for offenses relating to any substance classified as Schedule V in §60A-10-1 et seq. of this code, the penalties established in said article apply.*

(e) (h) It is unlawful for any person knowingly or intentionally:

(1) To adulterate another controlled substance using fentanyl as an adulterant;

(2) To create a counterfeit substance or imitation controlled substance using fentanyl; or

(3) To cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl.

(4) Any person who violates this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years, or fined not more than \$50,000, or both fined and imprisoned.

(5) For purposes of this section:

(i) A controlled substance has been adulterated if fentanyl has been mixed or packed with it; and

(ii) Counterfeit substances and imitation controlled substances are further defined in §60A-1-101 of this code.

§60A-4-409. Prohibited acts – Transportation of controlled substances into state; penalties.

(a) Except as otherwise authorized by the provisions of this code, it is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.

(b) Any person who violates this section with respect to:

(1) A controlled substance classified in Schedule I or II, which is a narcotic drug, shall be guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than ~~one~~ five years nor more than ~~15~~ 20 years, or fined not more than ~~\$25,000~~ \$50,000 or both fined and imprisoned. ~~Provided, That any person who violates this section knowing that the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000 or imprisoned in a state correctional facility for a definite term of not less than 10 nor more than 20 years, or both fined and imprisoned~~

(2) Any other controlled substance classified in Schedule I, II or III ~~shall be~~ is guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than 10 years, or fined not more than \$15,000, or both: *Provided*, That for the substance marijuana, as scheduled in ~~subdivision (24) subsection (d),~~ §60A-2-204(d)(24) of this code, the penalty, upon conviction of a violation of this subsection, shall be that set forth in subdivision (3) of this subsection.

(3) A substance classified in Schedule IV ~~shall be~~ is guilty of a felony and, upon conviction thereof, may be imprisoned in the state

correctional facility for not less than one year nor more than five years, or fined not more than \$10,000, or both;

(4) A substance classified in Schedule V ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(c) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine, or five grams or more of fentanyl ~~500 grams of a substance or material containing a measurable amount of methamphetamine~~, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 15 nor more than 30 years.

(d) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving 100 but fewer than 1,000 grams of heroin, not less than ~~500~~ 100 but fewer than ~~5,000~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than 99 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine ~~or not less than 50 grams but fewer than 500 grams of a substance or material containing a measurable amount of methamphetamine~~, or one gram or more but less than five grams of fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 7 nor more than 20 years.

(e) Notwithstanding the provisions of subsection (b) of this section, any person violating or attempting to violate the provisions of subsection (a) of this section involving not less than 10 grams

nor more than 100 grams of heroin, not less than ~~50~~ 10 grams nor more than ~~500~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~499~~ milligrams one gram nor more than five grams of methamphetamine ~~or not less than 20 grams nor more than 50 grams of a substance or material containing a measurable amount of methamphetamine~~ or less than one gram of fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 5 nor more than ~~15~~ 20 years.

(f) The offense established by this section shall be in addition to and a separate and distinct offense from any other offense set forth in this code.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the transportation into the state involves two or more controlled substances, the transportation into the state of each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

~~(5)~~ (i) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation.

§60A-4-414. Conspiracy.

(a) Any person who willfully conspires with one or more persons to commit a felony violation of ~~section four hundred one~~ §60A-4-401 of this ~~article~~ code, if one or more of such persons

does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than 10 years: *Provided*, That the provisions of this subsection are inapplicable to felony violations of ~~section four hundred one~~ §60A-4-401 of this ~~article~~ code prohibiting the manufacture, delivery or possession with intent to manufacture or deliver marijuana.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with intent to manufacture or deliver one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine, or ~~five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ five grams or more of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate an~~ indeterminate sentence of not less than ~~two~~ 5 nor more than thirty years.

(c) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with intent to manufacture or deliver not less than 100 but fewer than 1,000 grams of heroin, not less than ~~five hundred~~ 100 but fewer than ~~five thousand~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine, or ~~not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ one gram or more but less than five grams of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate an~~

indeterminate sentence of not less than ~~two~~ three nor more than 20 years.

(d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver, possess with intent to manufacture, or deliver not less than 10 grams nor more than 100 grams of heroin, not less than ~~fifty~~ 10 grams nor more than ~~five hundred~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~four hundred ninety nine milligrams~~ one gram nor more than five grams of methamphetamine or ~~not less than twenty grams nor more than fifty grams of a substance or material containing a measurable amount of methamphetamine or less than one gram of fentanyl~~, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than two nor more than 15 years.

(e) The trier of fact shall determine the quantity of the controlled substance attributable to the defendant beyond a reasonable doubt based on evidence adduced at trial.

(f) The determination of the trier of fact as to the quantity of controlled substance attributable to the defendant in a charge under this section may include all of the controlled substances manufactured, delivered, or possessed with intent to deliver or manufacture by other participants or members of the conspiracy.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the conspiracy involves two or more controlled substances, each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

~~(g)~~ (i) Offenses in this section proscribing conduct involving lesser quantities are lesser included offenses of offenses proscribing conduct involving larger quantities.

~~(h)~~ (j) A person may be charged under the provisions of §61-10-61, of this code for conduct that is charged under this section.

~~(i)~~ (k) Nothing in this section may be construed to place any limitation whatsoever upon alternative sentencing options available to a court.

§60A-4-416. Drug delivery resulting in death; failure to render aid.

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of the provisions of §60A-4-401 of this ~~chapter~~ code, for an illicit purpose and the use, ingestion, or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting, or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than ~~three~~ 10 years nor more than ~~15 years~~ 40 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of 10 years of his or her sentence.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, ~~who~~ knowingly fails to seek medical assistance for ~~such~~ the other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon

conviction thereof, shall be imprisoned for not less than ~~one year~~ two years nor more than ~~five~~ 10 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of two years of his or her sentence.

(c) The sentences provided in this section are mandatory and are not subject to suspension or probation.

The bill (Com. Sub. for S. B. 547), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 572, Reforming cause of action for public nuisance.

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 573, Relating to child support guidelines and Support Enforcement Commission.

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 634, Increasing value at which municipal property must be sold through public auction.

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 650, Allowing physician assistants to own practice.

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 660, Establishing aggravated felony offense of reckless driving resulting in death.

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 666, Placing cap on maximum penalty that may be imposed for first-degree robbery.

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 681, Clarifying that juvenile competency determination process extends to status offenders.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 732, Prohibiting insurer from imposing copayment for certain services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 734, Requiring adoption of cloud computing services by state agencies.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 736, Establishing three-year nontraditional school week pilot project.

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 739, Relating to moratorium on carbon capture agreements.

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 ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

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.

Eng. Com. Sub. for House Bill 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds.

On second reading, coming up in regular order, was read a second time and ordered to 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 Senate Bill 123, Creating enhanced penalties for fleeing officer.

Com. Sub. for Senate Bill 540, Creating misdemeanor offense of willfully urinating or defecating in public.

Com. Sub. for Senate Bill 552, Relating to abortion.

Com. Sub. for Senate Bill 581, Amending provisions of 2023 Farm Bill.

Com. Sub. for Senate Bill 633, Requiring prompt appearances for persons detained on capiases.

Com. Sub. for Senate Bill 647, Relating to substantiation of abuse and neglect allegations.

And,

Senate Bill 738, Equipment Right to Repair Act.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 91 (originating in the Committee on Government Organization), Relating to distribution of certain taxes and surcharges to benefit fire departments and emergency medical services providers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 91 (originating in the Committee on Finance)—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in the Fire Protection Fund.

Without recommendation as to passage.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 91) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Tarr, and by unanimous consent, the bill was rereferred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 199 (originating in the Committee on Government Organization), Requiring purchases of certain commodities and services from state use program partners.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 199 (originating in the Committee on Finance)—A Bill to amend and reenact §5A-1-1 of the West Virginia Code, 1931, as amended; to amend and reenact §5A-3-10 of said code; to amend and reenact §5A-3A-2 of said code; and to repeal §5A-3A-3, §5A-3A-4, §5A-3A-5, and §5A-3A-6 of said code, all relating to requiring purchases of certain commodities and services from state use program partners; revising definitions; updating terms; and requiring Division of Purchasing to purchase certain commodities and services from approved state use program partners if approved state use program partner bid is within five percent of lowest competitor bid.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 199) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 468, Continuing Cabwaylingo State Forest Trail System.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 468 (originating in the Committee on Outdoor Recreation)—A Bill to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating to continuing the Cabwaylingo State Forest Trail System and developing the existing Hatfield-McCoy trail system solely for the purpose of providing access to state park and state forest recreational facilities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 468) contained in the preceding report from the Committee on Outdoor Recreation was

taken up for immediate consideration, read a first time, and ordered to second reading.

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 589, Relating to nonpublic kindergarten, elementary, and secondary school education.

And reports the same back without recommendation as to passage.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 589) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, ordered to second reading, and then rereferred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 593, Mandating cost of living salary adjustment policy for state employees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 593 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7; to amend said code by adding thereto a new section, designated §15-2-5a; and to amend said code by adding thereto a new section, designated §18A-4-5c, all relating to mandating executive branch

agencies, State Police, and county boards of education develop and report an area market rate salary adjustment policy; stating findings; directing state agencies, State Police, and county boards of education develop and report an area market rate salary adjustment policy by certain date; establishing mandatory terms to be included in policy; and providing that no private cause of action or right to grievance arises from operation of the policy.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 593) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Bill 740 (originating in the Committee on Rules)—A Bill to amend and reenact §4-2A-2, §4-2A-4, §4-2A-5, §4-2A-6, and §4-2A-7 of the Code of West Virginia, 1931, as amended, all relating to compensation and expense reimbursement for members of the Legislature as recommended by the Citizens Legislative Compensation Commission; modifying the basic compensation to an amount equal to the per capita income in West Virginia; modifying the per diem expense allowance for members of the Legislature when in regular, extended, or extraordinary session; modifying the compensation, per diem expense allowance, and travel reimbursement paid to designated members of the Legislature when not receiving compensation for being in attendance during a regular, extended, or extraordinary session; modifying interim compensation paid to members of the

Legislature; authorizing members-elect to the Legislature to receive certain travel reimbursement; and modifying the per diem expense allowance for members of the Legislature who both commute and do not commute.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 740) contained in the preceding report from the Committee on Rules was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 10, US Army Air Corps PVT Albert J Sutphin Memorial Highway.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Concurrent Resolution 10 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the "U.S. Army Air Corps PVT Albert J. Sutphin Memorial Highway".

Senate Concurrent Resolution 13, Wyant Brothers Memorial Road.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Concurrent Resolution 13 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a portion of road, beginning at north and southbound 21-079/00-101.34 (39.05393, -80.40043) and ending at north and southbound County Overpass 14, carrying Interstate 79 over Rt. 14 in Lewis County, West Virginia, the "Wyant Brothers WWII Veterans Memorial Road".

Senate Concurrent Resolution 16, US Army 1SG James Arnold Browning Memorial Bridge.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Concurrent Resolution 16 (originating in the Committee on Transportation and Infrastructure)—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".

And,

Senate Concurrent Resolution 17, US Navy HT2 Phillip Joseph "PJ" Hainer Memorial Bridge.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Concurrent Resolution 17 (originating in the Committee on Transportation and Infrastructure)—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 PO2 Phillip Joseph 'P.J.' Hainer Memorial Bridge".

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution 37, Recognizing sister-state relationship between WV and Taiwan.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Craig Blair,
Chair ex officio.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

And has amended same.

Now on third reading, with the right to amend, having been rereferred to the Committee on Transportation and Infrastructure on February 15, 2023;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 2540, Travel Insurance Model Act.

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 the Judiciary.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Banking and Insurance pending.

Senator Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

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

Eng. Com. Sub. for House Bill 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

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

Eng. Com. Sub. for House Bill 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Takubo and Maynard.

At the request of Senator Takubo, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Charlie Mounts, a founding member of Logan Emergency Ambulance Service Authority.

Thereafter, at the request of Senator Phillips, and by unanimous consent, the remarks by Senator Takubo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 27, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

S. B. 128 - Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness.

This bill is presented to you on this day, February 27, 2023.

Respectfully submitted, ,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

**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 27, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2006, Relating to reorganizing the Department of Health and Human Resources;

And,

Com. Sub. for H. B. 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech.

These bills are presented to you on this day, February 27, 2023.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate



West Virginia House of Delegates
OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

February 27, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2596, To modify when a nonresident student's transfer may be denied;

And,

Com. Sub. for H. B. 3055, To create a vocational math class for students interested in careers in the trades.

These bills are presented to you on this day, February 27, 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 25, 2023:

Senate Bill 52: Senator Roberts;

Com. Sub. for Senate Bill 91: Senator Woodrum;

Senate Resolution 40: Senator Rucker;

Senate Resolution 41: Senator Barrett;

And,

Senate Resolution 42: Senator Rucker.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 6:32 p.m., the Senate adjourned until tomorrow, Tuesday, February 28, 2023, at 11 a.m.

TUESDAY, FEBRUARY 28, 2023

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by Pastor Paul Coon, Coal Fork United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Caputo, a senator from the thirteenth district.

Pending the reading of the Journal of Monday, February 27, 2023,

At the request of Senator Deeds, 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.

(Senator Weld in the Chair.)

The Senate proceeded to the sixth order of business.

Senators Barrett, Woodrum, and Queen offered the following resolution:

Senate Concurrent Resolution 21—Requesting the Joint Committee on Technology study the feasibility of Digital Identification implementation to allow citizens to access state agency services with a signal sign-on platform.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 10, US Army Air Corps PVT Albert J Sutphin Memorial Highway.

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 and request concurrence therein.

Com. Sub. for Senate Concurrent Resolution 13, Wyant Brothers WWII Veterans Memorial Road.

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 and request concurrence therein.

Com. Sub. for 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.

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 and request concurrence therein.

Com. Sub. for Senate Concurrent Resolution 17, US Navy PO2 Phillip Joseph "PJ" Hainer Memorial Bridge.

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 and request concurrence therein.

On motion of Senator Takubo, at 11:14 a.m., the Senate recessed.

The Senate reconvened at 11:20 a.m.

(Senator Blair, Mr. President, in the Chair.)

The Senate resumed business under the seventh order.

Senate Resolution 37, Recognizing sister-state relationship between WV and Taiwan.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, and on this question, Senator Tarr 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 37) adopted.

Thereafter, at the request of Senator Woodrum, and by unanimous consent, the remarks by Senators Takubo and Trump regarding the adoption of Senate Resolution 37 were ordered printed in the Appendix to the Journal.

Senate Resolution 43, Designating February 27, 2023, as Rare Disease Awareness Day at Legislature.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Rucker, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 44, Recognizing 151st anniversary of Glenville State University.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 44) adopted.

Thereafter, at the request of Senator Woodrum, and by unanimous consent, the remarks by Senator Martin regarding the adoption of Senate Resolution 44 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 62, Establishing secondary location for racetrack video lottery terminals.

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 62 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Hamilton, Hunt, Jeffries, Maroney, Martin,

Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Clements, Deeds, Grady, Karnes, Maynard, Roberts, and Smith—8.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 62) passed.

On motion of Senator Stuart, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 62—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; to amend and reenact §29-22C-3, §29-22C-4, §29-22C-6, and §29-22C-7 of said code; to amend said code by adding thereto a new section, designated §29-22C-7a; to amend and reenact §29-22C-8 of said code; and to amend and reenact §29-22D-15 of said code, all relating to allowing for the establishment of a secondary or satellite location for pari-mutuel wagering on simulcast races, racetrack video lottery terminals, sport wagering kiosks, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack; providing that the original venue must remain in operation; providing that the original venue continue to offer amenities, accommodations, options and services at the same level; providing for a local option election; defining terms; providing Lottery Commission authority to regulate secondary locations; providing for rulemaking; providing for licensing of secondary or satellite locations; providing for fees to operate secondary or satellite locations; and restricting special elections to begin operating racetracks.

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 422, Requiring public schools to publish curriculum online at beginning of each new school year.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 27, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Grady, the following amendment to the bill was reported by the Clerk and adopted:

On page 1, section 27, lines 1-8, by striking out all of subsection (a) and inserting in lieu thereof a new subsection (a), to read as follows:

(a) Each public school shall ensure that the adopted, up-to-date, county adopted classroom curriculum is posted on the school's internet website at the beginning of each school year, or no later than 30 business days after new or revised curriculum is adopted. The state board of education may provide access, or authorize access, to the county-adopted classroom curriculum. Only students, parents, or guardians of the students shall be given the log in information provided to gain access to the online curriculum: *Provided*, That if the public school has no accessible website, the information shall be posted on the website of the appropriate county board of education. For purposes of this section, class curriculum shall include curriculum created pursuant to §18-5A-6 of this code.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 422 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 422) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 440, Authorizing DOH pay current obligations from State Road Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 440) 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 476, Exempting managed care contracts from purchasing requirements.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 476) 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 541, Providing for election reforms.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 541 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Karnes, Maynard, Rucker, and Smith—5.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 541) 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 547, Increasing penalties for drug possession and updating list of offenses.

On third reading, coming up in regular order, was read a third time and put upon its passage.

(Senator Tarr in the Chair.)

Pending discussion,

(Senator Blair, Mr. President, in the Chair.)

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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Smith—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 547) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 547—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416 of the Code of West Virginia, 1931, as amended, all relating to controlled substances violations; increasing sentences for certain controlled substances offenses; making certain offenses ineligible for suspension of sentence or probation, or alternative sentencing; making possession of Schedule I and II narcotics and methamphetamine a felony; expressing legislative intent; authorizing reduction from felony to misdemeanor under certain

circumstances; declaring that minimum period of 10 years' incarceration for the offense of drug delivery causing death; requiring inert substances mixed with controlled substances to be considered a controlled substance for purposes of weight measurement; setting forth method for measurement where more than one controlled substance is in a mixture; and modifying sentences for certain offenses.

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 572, Reforming cause of action for public nuisance.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 572) 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 573, Relating to child support guidelines and Support Enforcement Commission.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 573) 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 650, Allowing physician assistants to own practice.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 650) 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 660, Establishing aggravated felony offense of reckless driving resulting in death.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 660) 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 666, Placing cap on maximum penalty that may be imposed for first-degree robbery.

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, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Karnes and Weld—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 666) 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 681, Clarifying that juvenile competency determination process extends to status offenders.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 681) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.