

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
THIRD EXTRAORDINARY SESSION, 2022
FIRST DAY

Charleston, West Virginia, Monday, July 25, 2022

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the twentieth day of July, 2022, convening the eighty-fifth Legislature of West Virginia in extraordinary session today (Monday, July 25, 2022), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston at 12 Noon, and was called to order by its President, the Honorable Craig Blair.

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

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

On the call of the roll, the following answered to their names:

Senators Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President).

Thirty-two members having answered to their names, the President declared the presence of a quorum.

Executive Communications

Senator Blair (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, convening the Legislature in extraordinary session, which was read by the Clerk:

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

Charleston

A PROCLAMATION

By the Governor

I, **JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby call the West Virginia Legislature to convene in Extraordinary Session at Noon on Monday, July 25, 2022, in its chambers in the State Capitol, the City of Charleston, for the limited purpose of considering and acting upon only the following matters:

FIRST: To amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated Chapter 11, Article 21, Section 4g, to provide that (a) the tax imposed by Chapter 11, Article 21, Section 3 of the 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 Chapter 11, Article 21 of the code, 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	2.0% of the taxable income
Over \$10,000 but not over \$25,000	\$200 plus 3.7% of excess over \$10,000
Over \$25,000 but not over \$40,000	\$755 plus 4.2% of excess over \$25,000
Over \$40,000 but not over \$60,000	\$1,385 plus 5.5% of excess over \$40,000
Over \$60,000	\$2,485 plus 5.98% of excess over \$60,000;

(b) in the case of husband and wife filing separate returns under Chapter 11, Article 21 of the code for the taxable year, the tax imposed by Chapter 11, Article 21, Section 3 of the code 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	2.0% of the taxable income
Over \$5,000 but not over \$12,500	\$100 plus 3.7% of excess over \$5,000
Over \$12,500 but not over \$20,000	\$377.50 plus 4.2% of excess over \$12,500
Over \$20,000 but not over \$30,000	\$692.50 plus 5.5% of excess over \$20,000
Over \$30,000	\$1,242.50 plus 5.98% of excess over \$30,000;

(c) notwithstanding anything in the code to the contrary, whenever the words “six and one-half percent” appear in Chapter 11, Article 21 of the code, these words shall mean 5.98% ; and

(d) the provisions of this new Chapter 11, Article 21, Section 4g of the code shall be applicable in determining the rates of tax imposed by Chapter 11, Article 21 of the code and shall apply retroactively for all taxable years beginning on and after January 1, 2022, and shall be in lieu of the rates of tax specified in Chapter 11, Article 21, Section 4e of the code; and

SECOND: To authorize and appropriate public funds sufficient to pay for the Extraordinary Session, as necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston,
State of West Virginia, this Twentieth Day of July,
in the Year of our Lord, Two Thousand
Twenty-Two, and in the One Hundred Sixtieth Year
of the State.



By the Governor

James Justice
GOVERNOR

Mrs. Warner
SECRETARY OF STATE

At the request of Senator Takubo, and by unanimous consent, Senator Takubo offered the following resolution from the floor:

Senate Resolution 301—Raising a committee to notify the House of Delegates the Senate has assembled in extraordinary session.

Resolved by the Senate:

That a committee of three be appointed by the President to notify the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business for which the extraordinary session was called by His Excellency, the Governor.

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.

Whereupon, the President appointed as members of such committee the following:

Senators Sypolt, Martin, and Geffert.

Subsequently, Senator Sypolt, from the committee to notify the House of Delegates the Senate has assembled in extraordinary session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Queen, Barrett, and Boggs, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

At the request of Senator Takubo, and by unanimous consent, Senator Takubo offered the following resolution from the floor:

Senate Resolution 302—Raising a committee to notify the Governor the Legislature has assembled in extraordinary session.

Resolved by the Senate:

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

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.

Whereupon, the President appointed as members of such committee the following:

Senators Nelson, Phillips, and Romano.

A message from the House of Delegates, by

Delegates Kimble, Rowan, and Pethtel, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution 302. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Nelson reported that the joint Senate and House committee had performed the duty assigned to it.

The Senate proceeded to the third order of business.

Senator Blair (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:



Jim Justice
Governor of West Virginia

July 25, 2022

Senate Executive Message 1
Third Extraordinary Session 2022

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Workers' Compensation Board of Review, Ted A. White, Charleston, Kanawha County, for the term ending December 31, 2025.
2. For Member, Workers' Compensation Board of Review, Allen R. Prunty, South Charleston, Kanawha County, for the term ending December 31, 2027.
3. For Member, Veterans' Council, Jeffrey T. Elkins, Davisville, Wood County, for the term ending June 30, 2024.
4. For Member, West Virginia Massage Therapy Licensure Board, Kevin Osborne, Charleston, Kanawha County, for the term ending June 30, 2023.
5. For Member, West Virginia Emergency Medical Services Advisory Council, Samantha Richards, Martinsburg, Berkeley County, for the term ending June 30, 2024.
6. For Member, Commission to Advance NG911 in West Virginia, Michael W. Mayhorn II, Madison, Boone County, to serve at the will and pleasure of the Governor.
7. For Member, Commission to Advance NG911 in West Virginia, Mikyle White, Buffalo, Putnam County, to serve at the will and pleasure of the Governor.
8. For Member, Commission to Advance NG911 in West Virginia, Kelly D. Banton, Ronceverte, Greenbrier County, to serve at the will and pleasure of the Governor.

OFFICE OF THE GOVERNOR

9. For Member, Commission to Advance NG911 in West Virginia, Gary A. Wine, Hedgesville, Berkeley County, to serve at the will and pleasure of the Governor.
10. For Member, Athletic Commission, John P. Stevens, Beckley, Raleigh County, for the term ending June 30, 2023.
11. For Member, West Virginia Board of Hearing Aid Dealers, Amanda E. Bonner, Barboursville, Cabell County, for the term ending June 30, 2023.
12. For State Workforce Resiliency Officer, Lorrie Smith, Gassaway, Braxton County, to serve at the will and pleasure of the Governor.
13. For Member, West Virginia University Board of Governors, Susan Lavenski, Hurricane, Putnam County, for the term ending June 30, 2026.
14. For Member, West Virginia Board of Architects, Jan L. Fox, South Charleston, Kanawha County, for the term ending June 30, 2027.
15. For Member, West Virginia Board of Architects, Adam R. Krason, Charleston, Kanawha County, for the term ending June 30, 2027.
16. For Member, West Virginia Board of Architects, Edsel Smith, Jane Lew, Lewis County, for the term ending June 30, 2027.
17. For Member, Statewide Independent Living Council, Elliott H. Birkhead, Charleston, Kanawha County, for the term ending June 30, 2025.
18. For Member, Statewide Independent Living Council, Pisnu Bua-lam, Scott Depot, Putnam County, for the term ending June 30, 2025.
19. For Member, Statewide Independent Living Council, Ardella Cottrill, Fairmont, Marion County, for the term ending June 30, 2025.
20. For Member, Statewide Independent Living Council, Alisa Lively, Buckhannon, Upshur County, for the term ending June 30, 2025.
21. For Member, Statewide Independent Living Council, Jennifer McGinley, Morgantown, Monongalia County, for the term ending June 30, 2025.
22. For Member, Statewide Independent Living Council, Becky Spaulding, Poca, Putnam County, for the term ending June 30, 2025.
23. For Member, Statewide Independent Living Council, Sigal Kuhl, Charleston, Kanawha County, for the term ending June 30, 2025.

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24. For Member, Livestock Care Standards Board, Joe Hatton, Morgantown, Monongalia County, for the term ending June 30, 2027.
25. For Member, Livestock Care Standards Board, James L. Maxwell, Charleston, Kanawha County, for the term ending June 30, 2027.
26. For Member, Livestock Care Standards Board, John R. Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2025.
27. For Member, Livestock Care Standards Board, Darrell W. Donahue, Morgantown, Monongalia County, for the term ending June 30, 2026.
28. For Member, Livestock Care Standards Board, Dale Walker, Fort Seybert, Pendleton County, for the term ending June 30, 2026.
29. For Member, Livestock Care Standards Board, Robert Stenger, Lost Creek, Harrison County, for the term ending June 30, 2023.
30. For Member, Livestock Care Standards Board, Michael R. Morris, Morgantown, Monongalia County, for the term ending June 30, 2026.
31. For Member, Livestock Care Standards Board, Greg C. Mitchell, Upper Track, Pendleton County, for the term ending June 30, 2025.
32. For Member, Livestock Care Standards Board, The Honorable John R. Pitsenbarger, Nallen, Nicholas County, for the term ending June 30, 2024.
33. For Member, Bluefield State College Board of Governors, Michael R. Hastings, Bluefield, Mercer County, for the term ending June 30, 2026.
34. For Member, Bluefield State College Board of Governors, Randall D. Price, Princeton, Mercer County, for the term ending June 30, 2026.
35. For Member, Bluefield State College Board of Governors, Joseph Shannon Remines, Bluefield, Virginia, for the term ending June 30, 2026.
36. For Member, Bluefield State College Board of Governors, Darrin Martin, Bluefield, Virginia, for the term ending June 30, 2026.
37. For Member, Board of Accountancy, Keith D. Fisher, Charleston, Kanawha County, for the term ending June 30, 2025.
38. For Member, Board of Accountancy, Virginia C. Slack, Elkview, Kanawha County, for the term ending June 30, 2025.

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39. For Member, Board of Accountancy, Richard A. Hudson, Vienna, Wood County, for the term ending June 30, 2025.
40. For Member, Board of Accountancy, Jason P. Staats, Hurricane, Putnam County, for the term ending June 30, 2025.
41. For Member, Committee for the Purchase of Commodities and Services from the Handicapped, Aaron B. Topping, Proctorville, Ohio, for the term ending January 31, 2023.
42. For Member, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, Victoria L. Novick, Glen Dale, Marshall County, for the term ending June 30, 2025.
43. For Member, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, Kristi Barnett, Given, Jackson County, for the term ending June 30, 2025.
44. For Member, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, James Brian Martin, Hurricane, Putnam County, for the term ending June 30, 2025.
45. For Member, Educational Broadcasting Authority, Carol Rotruck, Morgantown, Monongalia County, for the term ending June 30, 2029.
46. For Member, Educational Broadcasting Authority, William H. File III, Beckley, Raleigh County, for the term ending June 30, 2023.
47. For Member, West Virginia Board of Acupuncture, Barbara Bayes, Charleston, Kanawha County, for the term ending June 30, 2025.
48. For Member, West Virginia Parole Board, Jack G. Roop, Beckley, Raleigh County, for the term ending June 30, 2028.
49. For Member, West Virginia University - Parkersburg Board of Governors, Ami L. Shaver, Vienna, Wood County, for the term ending June 30, 2026.
50. For Member, West Virginia University - Parkersburg Board of Governors, Stephanie McCoy, Cottageville, Jackson County, for the term ending June 30, 2026.
51. For Member, West Virginia University - Parkersburg Board of Governors, Blaine C. Hess, Ripley, Jackson County, for the term ending June 30, 2026.
52. For Member, West Virginia University - Parkersburg Board of Governors, Savannah R. Morgan, Parkersburg, Wood County, for the term ending June 30, 2024.

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53. For Member, West Liberty University Board of Governors, Richard A. Lucas, Wheeling, Ohio County, for the term ending June 30, 2026.
54. For Member, Glenville State University Board of Governors, Mary Katherine Butler, Normantown, Gilmer County, for the term ending June 30, 2026.
55. For Member, Fairmont State University Board of Governors, Kevin W. Rogers, Fairmont, Marion County, for the term ending June 30, 2026.
56. For Member, Public Employees Insurance Agency Finance Board, Geoffrey S. Christian, Charleston, Kanawha County, for the term ending June 30, 2025.
57. For Member, Public Employees Insurance Agency Finance Board, Damita Johnson, Oak Hill, Fayette County, for the term ending June 30, 2025.
58. For Member, Public Employees Insurance Agency Finance Board, Amanda D. Meadows, Scott Depot, Putnam County, for the term ending June 30, 2024.
59. For Member, Public Employees Insurance Agency Finance Board, Michael T. Cook, Charleston, Kanawha County, for the term ending June 30, 2026.
60. For Member, Commission on the Arts, Charles T. Mathena, Princeton, Mercer County, for the term ending June 30, 2025.
61. For Member, Commission on the Arts, Matthew E. Umstead, Martinsburg, Berkeley County, for the term ending June 30, 2025.
62. For Member, Commission on the Arts, Michael Knepper, Inwood, Berkeley County, for the term ending June 30, 2025.
63. For Member, Commission on the Arts, Peter A. Chirico, Huntington, Cabell County, for the term ending June 30, 2025.
64. For Member, West Virginia Archives and History Commission, Thomas S. Bailey, St. Albans, Kanawha County, for the term ending June 30, 2025.
65. For Member, West Virginia Archives and History Commission, Darlene Hassler, Shenandoah Junction, Jefferson County, for the term ending June 30, 2025.
66. For Member, West Virginia Archives and History Commission, Laura L. Carroll, Wheeling, Ohio County, for the term ending June 30, 2025.
67. For Member, West Virginia Archives and History Commission, John Gavin Hale, Belington, Barbour County, for the term ending June 30, 2023.

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68. For Member, West Virginia Archives and History Commission, Rodney Montague, Princeton, Mercer County, for the term ending June 30, 2024.
69. For Member, Statewide Independent Living Council, Vicki L. Shaffer, Tunnelton, Preston County, for the term ending June 30, 2025.
70. For Member, Board of Examiners in Counseling, James J. Culpépper, Sr., Morgantown, Monongalia County, for the term ending June 30, 2027.
71. For Member, Fire Commission, Edward J. George, Charleston, Kanawha County, for the term ending June 30, 2027.
72. For Member, Capitol Building Commission, Jenelle Armstrong, Charleston, Kanawha County, for the term ending June 30, 2026.
73. For Member, Capitol Building Commission, Michael L. Price, Wheeling, Ohio County, for the term ending June 30, 2026.
74. For Member, Capitol Building Commission, David M. Marshall, Charleston, Kanawha County, for the term ending June 30, 2026.
75. For Member, Capitol Building Commission, Wilson R. Harvey, Morgantown, Monongalia County, for the term ending June 30, 2026.
76. For Member, West Virginia Board of Registered Nurses, Tata M. Hulsey, Morgantown, Monongalia County, for the term ending June 30, 2026.
77. For Member, West Virginia Board of Registered Nurses, Teresa Ritchie, Big Springs, Calhoun County, for the term ending June 30, 2026.
78. For Member, West Virginia Board of Registered Nurses, Wanda Marks, Hurricane, Putnam County, for the term ending June 30, 2026.
79. For Member, West Virginia Board of Registered Nurses, Chad T. Callen, Morgantown, Monongalia County, for the term ending June 30, 2026.
80. For Member, West Virginia Board of Registered Nurses, Leslie D. Perine, Bridgeport, Harrison County, for the term ending June 30, 2025.
81. For Member, West Virginia Board of Registered Nurses, Jason S. Vanhoose, Culloden, Cabell County, for the term ending June 30, 2025.
82. For Member, West Virginia Board of Registered Nurses, Cathy Childers, Ona, Cabell County, for the term ending June 30, 2025.

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83. For Member, Consolidated Public Retirement Board, Larry W. Cole, Prociuous, Clay County, for the term ending June 30, 2027.
84. For Member, Consolidated Public Retirement Board, C. Jeffrey Vallet, Chapmanville, Logan County, for the term ending June 30, 2027.
85. For Member, Consolidated Public Retirement Board, William A. Barker, Jr., West Columbia, Mason County, for the term ending June 30, 2027.
86. For Member, Consolidated Public Retirement Board, Beth K. Morgan, Princeton, Mercer County, for the term ending June 30, 2027.
87. For Member, Consolidated Public Retirement Board, Joseph G. Bunn, Charleston, Kanawha County, for the term ending June 30, 2027.
88. For Member, Consolidated Public Retirement Board, Dominique N. Ranieri, Charleston, Kanawha County, for the term ending June 30, 2025.
89. For Member, West Virginia Parkways Authority, Thomas T. Joyce, Parkersburg, Wood County, for the term ending June 30, 2025.
90. For Member, West Virginia Board of Dentistry, David G. Edwards, Wellsburg, Brooke County, for the term ending June 30, 2027.
91. For Member, West Virginia Board of Dentistry, Kimberly A. Lowe, Beckley, Raleigh County, for the term ending June 30, 2026.
92. For Member, West Virginia Board of Dentistry, Gina Sharps, Bridgeport, Harrison County, for the term ending June 30, 2027.
93. For Member, Marshall University Board of Governors, James C. Smith, Sunny Isles Beach, Florida, for the term ending June 30, 2026.
94. For Member, Southern West Virginia Community and Technical College Board of Governors, Josh Stowers, Alum Creek, Lincoln County, for the term ending June 30, 2026.
95. For Member, West Virginia Records Management and Preservation Board, Sonja K. Embrey, Augusta, Hampshire County, to serve at the will and pleasure of the Governor.
96. For Member, West Virginia Records Management and Preservation Board, Benjamin N. Hatfield, Beaver, Raleigh County, to serve at the will and pleasure of the Governor.
97. For Member, West Virginia Library Commission, Debra K. Sullivan, Charleston, Kanawha County, for the term ending June 30, 2024.

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98. For Member, West Virginia Library Commission, Charles Morris, Williamstown, Wood County, for the term ending June 30, 2024.
99. For Member, West Virginia Library Commission, Chris Rockenstein, Scott Depot, Putnam County, for the term ending June 30, 2025.
100. For Member, West Virginia Library Commission, Robbie N. Skinner, Buckhannon, Upshur County, for the term ending June 30, 2025.
101. For Member, West Virginia Library Commission, Beth L. Hammers, Barboursville, Cabell County, for the term ending June 30, 2026.
102. For Member, West Virginia Library Commission, Caterina Abraham, Triadelphia, Ohio County, for the term ending June 30, 2026.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,



Jim Justice
Governor

JCJ: mrp

cc: Clerk of the Senate
Assistant Clerk of the Senate
Senate Confirmations Chair

Which communication was received.

At the request of Senator Boley, and by unanimous consent, the nominations hereinbefore reported were taken up for immediate consideration.

Thereupon, Senator Blair (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 1, dated July 25, 2022 (*shown in the Senate Journal of today, immediately hereinbefore reported*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in Senate Executive Message 1.

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in Senate Executive Message 1 had been confirmed.

Consideration of executive nominations having been concluded,

On motion of Senator Takubo, at 12:11 p.m., the Senate recessed until 3:45 p.m. today.

The Senate reconvened at 3:54 p.m. and resumed business under the third order.

Senator Blair (Mr. President) laid before the Senate the following supplement to the proclamation dated July 20, 2022, from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA**EXECUTIVE DEPARTMENT****Charleston****A PROCLAMATION****By the Governor**

I, **JIM JUSTICE**, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated July 20, 2022, calling the West Virginia Legislature to convene in Extraordinary Session on Monday, July 25, 2022, in its chambers in the State Capitol, the City of Charleston, by adding item three, as follows:

THIRD: To clarify and modernize the abortion-related laws currently existing as part of the West Virginia Code, to ensure a coherent, comprehensive framework governing abortions and attendant family services and support to expecting mothers to provide the citizens of this State more certainty in the application of such laws.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-Fifth Day of July, in the Year of our Lord, Two Thousand Twenty-Two, and in the One Hundred Sixtieth Year of the State.

**GOVERNOR****By the Governor****SECRETARY OF STATE**

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

On motion of Senator Takubo, at 3:56 p.m., the Senate adjourned until tomorrow, Tuesday, July 26, 2022, at 10 a.m.
