

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
FIFTEENTH DAY

Charleston, West Virginia, 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:

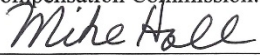
1. That each member of the Legislature shall receive an amount equal to the per capita income in West Virginia, rounded down to the nearest \$1,000, effective with the legislative session beginning in January, 2025; and
2. That each member of the Legislature shall receive compensation for duty days and 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, 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.

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; 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: Senator 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.

SENATE CALENDAR

**Thursday, January 26, 2023
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 5 - US Navy S1 Paul McCue Bridge

S. R. 15 - Designating January 26, 2023, as Hunger-Free WV Day at Legislature

THIRD READING

Eng. S. B. 21 - Requiring certain documents that contain wage records be considered confidential

SECOND READING

Com. Sub. for S. B. 202 - Increasing terms of Natural Resources Commission members from four to seven years

Com. Sub. for S. B. 254 - Relating generally to mandatory state inspection of certain motor vehicles

S. B. 276 - Awarding service weapon of retiring State Fire Marshal (original similar to HB2871)

S. B. 283 - Relating to Military Incentive Program - (Com. title amend. pending)

Com. Sub. for S. B. 292 - Health Care Sharing Ministries Freedom to Share Act

Com. Sub. for S. B. 298 - Relating to non-federally declared emergencies and non-states of emergency

Eng. Com. Sub. for H. B. 2530 - Relating to the extension of the expiration of temporary registration plates from sixty days to ninety days (original similar to SB233)

Eng. H. B. 2533 - Relating to a permanent windshield placard to be valid for the duration of the applicant's life

FIRST READING

Com. Sub. for S. B. 51 - Requiring impact statement in certain instances of school closing or consolidation

Com. Sub. for S. B. 239 - Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic

S. B. 241 - Relating to Patient Brokering Act

Com. Sub. for S. B. 243 - Requiring substance use disorder inpatient providers to provide transportation to patients

Com. Sub. for S. B. 248 - Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund

S. B. 251 - Displaying official motto of United States in public schools and institutions of higher education

Com. Sub. for S. B. 258 - Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit

Com. Sub. for S. B. 270 - Adding exemption to permit requirement for cremation

Com. Sub. for S. B. 271 - Modifying approval process requirements for First Responders Honor Board (original similar to HB2873)

Com. Sub. for S. B. 282 - Creating WV Guardian Program

Com. Sub. for S. B. 426 - Banning use of certain products and platforms deemed unsafe or high risk on government systems (original similar to HB2898)

Com. Sub. for S. B. 439 - Establishing design-build program for DEP

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Thursday, January 26, 2023

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