

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
SEVENTEENTH DAY

Charleston, West Virginia, 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 resolutions 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 senator was removed as a co-sponsor of the following bills on January 26, 2023:

Senate Bill 482: Senator Trump;

And,

Senate Bill 485: 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 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.

SENATE CALENDAR

**Monday, January 30, 2023
11:00 AM**

UNFINISHED BUSINESS

S. R. 16 - Designating January 30, 2023, as Future Farmers of America Day at Legislature

S. R. 17 - Congratulating Kevin Gregory as WV Outstanding Tree Farmer of 2022

THIRD READING

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

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

Eng. S. B. 241 - Relating to Patient Brokering Act

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

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

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

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

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

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

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

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

Eng. Com. Sub. for S. B. 439 - Establishing design-build program for DEP (original similar to HB3129)

SECOND READING

Com. Sub. for S. B. 160 - WV Rail Trails Program

Com. Sub. for S. B. 166 - WV Public Employees Retirement Act

Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023

Com. Sub. for S. B. 222 - Creating adult education taskforce

- S. B. 240 - Requiring state board of examination or registration proceedings to be open to public inspection
- Com. Sub. for S. B. 249 - WV Real Estate License Act
- S. B. 306 - Establishing Summer Feeding for All Program
- Com. Sub. for S. B. 335 - Authorizing Department of Homeland Security to promulgate legislative rules
- Com. Sub. for S. B. 356 - Authorizing DOT to promulgate legislative rules
- 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)
- S. B. 428 - Revising requirements of local school improvement councils - (Com. title amend. pending)
- S. B. 443 - Directing payment of estate administration fee to State Auditor
- S. B. 444 - Transferring moneys in WV Future Fund to General Revenue Fund
- S. B. 446 - Removing methanol and methanol fuel from definition of special fuel

FIRST READING

- Eng. Com. Sub. for H. B. 2018 - Permitting the managed care case coordinator to attend the multidisciplinary team meeting
- Eng. H. B. 2029 - Repealing the creation of an all-payor claims database (original similar to HB2519)