

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
TWENTIETH DAY

Charleston, West Virginia, Monday, January 30, 2023

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Ryan W. Weld, a senator from the first district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ben Queen, a senator from the twelfth district.

Pending the reading of the Journal of Friday, January 27, 2023,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Senate Bill 143, Relating to Adopt-A-Stream Program.

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

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

By striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL ACTION PLAN.

§22-15A-3a. Creation of Adopt-A-Stream Program required.

(a) The Adopt-A-Highway Program was established in the late 1980s to improve the quality of the state's environment by encouraging public involvement in the elimination of highway litter.

That program is cosponsored by the Division of Highways and the Department of Environmental Protection, Rehabilitation Environmental Action Plan. Its objective is to save taxpayer money by increasing public awareness and to serve as an educational tool by focusing on the consequences of littering. The program offers volunteers the opportunity to take charge of their own environment by making a positive effort to create a cleaner, more aesthetic place in which to live.

In West Virginia there are currently 25,000 volunteers who regularly pick up litter on 4,000 miles of highway. They have been responsible for removing more than 40 million pounds of litter since the program began.

(b) As with the Adopt-A-Highway Program, individuals, families, churches, businesses, schools, civic organizations, government agencies, scouting groups, fraternities, and communities may participate in an Adopt-A-Stream Program, which the department shall create and implement. ~~Anyone who is at least 12 years old may participate~~ Participants 17 years of age or younger must be accompanied by an adult. Any stream or river ~~that is a part of the West Virginia Stream Partners Program~~ within the state of West Virginia is eligible for adoption, with the exception of streams or rivers considered determined to be unsafe by the department. ~~Volunteers may select a stream or river to adopt and then have it approved by the department, or they may ask the department to suggest an adoptable stream or river~~ Adopted streams or river sections must be at least one mile long. Applications for adoptions will be reviewed and approved or denied at the department's discretion. The Litter Control Fund, or other sources of funding deemed appropriate by the secretary, may be used to support the Adopt-A-Stream Program.

(c) Adoptions are for a period of ~~one year~~ three years, during which time at least one cleanup is required per year. ~~As volunteers pick up litter, bags that have been filled are placed on stream sides~~ Collected litter will be placed at designated locations approved by the department. The department may coordinate with volunteers, local authorities, and state agencies for removal and disposal by the program of collected litter. Garbage bags, ~~safety vests,~~ safety training, traffic warning signs, and gloves are to be furnished by the program.

(d) Adopted streams or rivers may be identified by a sign at ~~each end of the~~ a location along the adopted section bearing the Adopt-A-Stream logo and the name of the adopter after the first cleanup has been completed. Volunteers who complete one required litter pickup within the ~~one-year~~ first year of the three-year contract period shall be awarded a certificate of accomplishment signed by the secretary.

(e) Any stream obstruction or other cause for concern observed by volunteers may be reported to the Department of Environmental Protection, Division of Natural Resources, the State Conservation Committee, or the appropriate local county emergency manager.

~~(e)~~ (f) The secretary may propose legislative rules for legislative approval in accordance with the provisions of pursuant to §29A-3-1 et seq. of this code.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 143, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 143) passed with its title.

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

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Senate Bill 231, Transferring administration of WV Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program to Department of Economic Development.

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

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of ninety days from passage.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 231) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 2221—A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to bankruptcy; correcting an erroneous term; excluding life insurance proceeds paid to the debtor as a beneficiary; excluding any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary; creating certain limitations thereto; and excluding any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value, from attachment by creditors in a bankruptcy proceeding.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2597—A Bill to amend and reenact §18A-3C-2 of the Code of West Virginia, 1931, as amended, relating to performance evaluations of professional educational personnel; requiring that performance evaluations provide an explanation and data in support of any measure or criterion in which the employee is rated less than accomplished.

Referred to the Committee on Education.

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

Eng. House Bill 2800—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Performance-Based Funding Formula, Capital Project Management, Tuition and Fee Policy, Higher Education Grant Program, Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration; and authorizing legislative rules for the Council for Community and Technical College Education regarding Performance-Based Funding Formula, Capital Project Management, Workforce Development Initiative Grant Programs, Annual Reauthorization of Degree-Granting Institutions, and Human Resources Administration.

Referred to the Committee on Education.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senator Woodrum:

Senate Bill 511—A Bill to amend and reenact §17A-3-17 of the Code of West Virginia, 1931, as amended, relating to ensuring the \$1 service fee for the renewal of vehicle registration is dedicated to the county sheriff for contribution to the county general fund and the deputy sheriff's retirement system.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 512—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to state boards of examination or registration; providing that continuing education credits shall be valid for three years; and providing that boards may choose to extend the amount of time credits may be valid, up to an additional three years.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 513—A Bill to amend and reenact §11-16-6a of the Code of West Virginia, 1931, as amended, relating to brewer and resident brewer licenses; providing that a licensed brewer or

resident brewer may not produce more than 50,000 barrels per calendar year at a brewer or resident brewer's principle place of business and manufacture; clarifying that a licensed brewer or resident brewer may have multiple locations; and providing that licensed brewers and resident brewers may enter into contract brewing services agreements with another licensed brewer or resident brewer for purposes of sharing equipment or facilities as part of the manufacture of nonintoxicating beer or nonintoxicating craft beer.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 514—A Bill to amend and reenact §31D-14-1421 of the Code of West Virginia, 1931, as amended, relating to clarifying the procedure for administrative dissolution of corporations by the Secretary of State; and relating to the Secretary of State providing notice to corporations subject to administrative dissolution.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 515—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to clarifying the deadline to file an annual report for corporations, limited partnerships, domestic limited liability partnerships, and foreign limited liability companies engaged or authorized to do business in West Virginia.

Referred to the Committee on the Judiciary.

By Senators Azinger, Trump, and Weld:

Senate Bill 516—A Bill to amend and reenact §3-8-1a, §3-8-2, and §3-8-2b of the Code of West Virginia, 1931, as amended, all relating to requirements for disclosure of donor contributions; defining terms; modifying the requirements for disclosing individual contributions to an independent expenditure; and clarifying disclosure for contributions made for the specific purpose of electioneering communications.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 517—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-3G-1, §30-3G-2, §30-3G-3, §30-3G-4, §30-3G-5, and §30-3G-6, all relating to creating the Medical Ethics Defense Act to protect medical practitioners, healthcare institutions, and healthcare payers from discrimination, punishment, or retaliation as a result of any instance of conscientious medical objection; providing short title; providing for definitions, legislative findings, and purpose; providing for rights of conscience of medical practitioners, healthcare Institutions, and healthcare payers; providing whistleblower protection; and setting forth civil remedies.

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

By Senator Rucker:

Senate Bill 518—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-4, relating to establishing the dual enrollment pilot

program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

Referred to the Committee on Education.

By Senators Grady, Rucker, Tarr, Trump, and Woodrum:

Senate Bill 519—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18A-8-1, §18A-8-2, §18A-8-3, §18A-8-4, §18A-8-5, §18A-8-6, §18A-8-7, and §18A-8-8, all relating to the creation of the School Personnel Whistle-Blower Law; providing for a short title; providing for definitions; clarifying that discriminatory and retaliatory actions against whistle-blowers prohibited; providing for promotion, and setting forth the increased compensation protected; defining a civil action by whistle-blower for violation; providing for a limitation on actions; setting forth a burden of proof; providing for a defense; setting forth a grievance action available; providing that other rights and actions are not limited; providing redress for a whistle-blower; setting forth a civil penalty; clarifying a termination from public service; setting forth limitations on scope of construction; clarifying protections related to political activity and membership in organization of employee; and setting forth notice to employees of protection of whistle-blowers.

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

Senators Oliverio, Caputo, Maroney, Clements, Smith, and Taylor offered the following resolution:

Senate Resolution 18—Designating January 31, 2023, as West Virginia University Day at the Legislature.

Which, under the rules, lies over one day.

Senators Takubo and Stover offered the following resolution:

Senate Resolution 19—Designating January 31, 2023, as West Virginia Academy of Family Physicians' Day at the Legislature.

Which, under the rules, lies over one day.

Senators Rucker and Barrett offered the following resolution:

Senate Resolution 20—Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County, West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 16, Designating January 30, 2023, as Future Farmers of America Day at Legislature.

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

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

Senate Resolution 17, Congratulating Kevin Gregory as WV Outstanding Tree Farmer of 2022.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 51, Requiring impact statement in certain instances of school closing or consolidation.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 51) passed with its title.

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

Eng. Com. Sub. for Senate Bill 239, Requiring Commissioner of Bureau for Behavioral Health to engage certain providers and leaders to study homeless demographic.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 239) passed with its title.

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

Eng. Senate Bill 241, Relating to Patient Brokering Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 241) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 243) passed with its title.

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

Eng. Com. Sub. for Senate Bill 248, Clarifying when excess funds accumulated by boards are to be transferred to General Revenue Fund.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 248) passed with its title.

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

Eng. Senate Bill 251, Displaying official motto of United States in public schools and institutions of higher education.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 251 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 251) passed with its title.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Azinger as to the passage of Engrossed Senate Bill 251 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 258, Eliminating ceiling on fair market value of consumer goods and permitting dealer to require security deposit.

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

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

The nays were: Caputo and Woelfel—2.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 258) passed with its title.

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

Eng. Com. Sub. for Senate Bill 270, Adding exemption to permit requirement for cremation.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 270) passed with its title.

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

Eng. Com. Sub. for Senate Bill 271, Modifying approval process requirements for First Responders Honor Board.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 271) passed with its title.

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

Eng. Com. Sub. for Senate Bill 282, Creating WV Guardian Program.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 282 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 282) passed with its title.

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

Eng. Senate Bill 283, Relating to Military Incentive Program.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 283) passed.

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

Eng. Senate Bill 283—A Bill to amend and reenact §21A-2C-1, §21A-2C-2, §21A-2C-3, §21A-2C-4, §21A-2C-5, and §21A-2C-6 of the Code of West Virginia, 1931, as amended, all relating to renaming the act to the Military Incentive Program and extending this program to certain veterans, members of the West Virginia National Guard, and the reserve members of the United States; updating definitions; naming Work Force West Virginia as the only agency administering this program; and establishing rulemaking.

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

Eng. Com. Sub. for Senate Bill 439, Establishing design-build program for DEP.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Hamilton and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 439) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 160, WV Rail Trails Program.

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

Com. Sub. for Senate Bill 166, WV Public Employees Retirement Act.

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

Com. Sub. for Senate Bill 188, Grid Stabilization and Security Act of 2023.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 222, Creating adult education taskforce.

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

Senate Bill 240, Requiring state board of examination or registration proceedings to be open to public inspection.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 249, WV Real Estate License Act.

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

Senate Bill 306, Establishing Summer Feeding for All Program.

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

Com. Sub. for Senate Bill 335, Authorizing Department of Homeland Security to promulgate legislative rules.

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

Com. Sub. for Senate Bill 356, Authorizing DOT to promulgate legislative rules.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 426, Banning use of certain products and platforms deemed unsafe or high risk on government systems.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 428, Revising requirements of local school improvement councils.

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

Senate Bill 443, Directing payment of estate administration fee to State Auditor.

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

Senate Bill 444, Transferring moneys in WV Future Fund to General Revenue Fund.

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

Senate Bill 446, Removing methanol and methanol fuel from definition of special fuel.

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

The Senate proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill 2018, Permitting the managed care case coordinator to attend the multidisciplinary team meeting.

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

Eng. House Bill 2029, Repealing the creation of an all-payor claims database.

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

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

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 27, 2023:

Com. Sub. for Senate Bill 85: Senator Woodrum;

Senate Bill 102: Senator Queen;

Senate Bill 447: Senator Taylor;

Senate Bill 473: Senator Martin;

Senate Bill 482: Senator Barrett;

Senate Bill 490: Senators Plymale, Swope, Roberts, and Grady;

Senate Bill 491: Senators Swope and Roberts;

Senate Bill 492: Senators Swope, Martin, and Roberts;

Senate Bill 493: Senators Deeds, Phillips, and Chapman;

Senate Bill 494: Senator Plymale;

Senate Bill 495: Senator Clements;

Senate Bill 497: Senator Plymale;

Senate Bill 498: Senators Plymale, Queen, Swope, Clements, and Roberts;

Senate Bill 509: Senator Phillips;

Senate Joint Resolution 3: Senator Martin;

Senate Joint Resolution 4: Senator Martin;

Senate Joint Resolution 9: Senators Swope, Smith, and Taylor;

Senate Concurrent Resolution 5: Senator Martin;

Senate Resolution 16: Senators Plymale, Deeds, Martin, Rucker, and Phillips;

And,

Senate Resolution 17: Senators Plymale, Deeds, Rucker, Smith, and Phillips.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:53 a.m., the Senate adjourned until tomorrow, Tuesday, January 31, 2023, at 11 a.m.

SENATE CALENDAR

**Tuesday, January 31, 2023
11:00 AM**

UNFINISHED BUSINESS

- S. R. 18 - Designating January 31, 2023, as WVU Day at Legislature
- S. R. 19 - Designating January 31, 2023, as WV Academy of Family Physicians' Day at Legislature
- S. R. 20 - Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County

THIRD READING

- Eng. Com. Sub. for S. B. 160 - WV Rail Trails Program
- Eng. Com. Sub. for S. B. 166 - WV Public Employees Retirement Act
- Eng. Com. Sub. for S. B. 222 - Creating adult education taskforce
- Eng. Com. Sub. for S. B. 249 - WV Real Estate License Act
- Eng. S. B. 306 - Establishing Summer Feeding for All Program
- Eng. Com. Sub. for S. B. 335 - Authorizing Department of Homeland Security to promulgate legislative rules
- Eng. S. B. 428 - Revising requirements of local school improvement councils - (Com. title amend. pending)
- Eng. S. B. 443 - Directing payment of estate administration fee to State Auditor
- Eng. S. B. 444 - Transferring moneys in WV Future Fund to General Revenue Fund
- Eng. S. B. 446 - Removing methanol and methanol fuel from definition of special fuel

SECOND READING

- Com. Sub. for S. B. 188 - Grid Stabilization and Security Act of 2023
- S. B. 240 - Requiring state board of examination or registration proceedings to be open to public inspection
- 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)
- 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-payer claims database (original similar to HB2519)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Tuesday, January 31, 2023

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