

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
TWENTY-FOURTH DAY

Charleston, West Virginia, Friday, February 3, 2023

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Glenn D. Jeffries, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Thursday, February 2, 2023,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Administration, Department of (Procurement of Recycled Products) (§22-15A-21)

Environmental Protection, Department of (Special Reclamation Fund Advisory Council (§22-1-17)

Treasurer, Office of the (Debt Position Quarterly Report) (§12-6A-6)

The Senate proceeded to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 13, Establishing annual oversight fee for wells producing more than 10,000 cubic feet of gas per day.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 266, Relating to tobacco usage restrictions.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 266 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §16-9A-11 and §16-9A-12, all relating to tobacco usage restrictions; modifying legislative intent; modifying definitions; providing monetary penalties for persons under the age of 21 for purchasing tobacco products, tobacco-derived products, or alternative nicotine products; making it a misdemeanor to use tobacco products, tobacco-derived products, or alternative nicotine products in a building used for school instruction; providing monetary penalties for sales or other provisions of tobacco products, tobacco-derived products, or alternative nicotine products by firm, corporation, or business entity to a person under the age of 21; providing criminal penalties for sales or other provisions of tobacco products, tobacco-derived products, or alternative nicotine products by a knowing individual to a person under the age of 21; making the sale of tobacco products, tobacco-derived products, or alternative nicotine products a permissible reason for dismissal of employee; establishing that an employee's sale of tobacco products, tobacco-derived products, or alternative nicotine products to persons under the age of 21 be considered gross misconduct for purposes of unemployment compensation; designating the Bureau for Behavioral Health of the Department of Health and Human Resources as the entity responsible to enforce tobacco laws and conduct compliance inspections; providing criminal penalties for conducting a compliance inspection in a manner not in accordance with the applicable code section; providing criminal penalties for sales of tobacco products, tobacco-derived products, or alternative nicotine products in a display independently accessible by individuals under the age of 21; and making it a secondary offense to use tobacco products in a motor vehicle while an individual age 16 years of age or younger is present and providing a monetary penalty for such offense.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 266), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 267, Updating law regarding prior authorizations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 267 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-7f of the Code of West Virginia, as amended; to amend said code by adding thereto a new section, designated §9-5-31; to amend and reenact §33-15-4s of said code; to amend and reenact §33-16-3dd of said code; to amend and reenact §33-24-7s of said code; to amend and reenact §33-25-8p of said code; and to amend and reenact §33-25A-8s, all relating to prior authorizations; defining terms; requiring prior authorizations and relating communications to be submitted via an electronic portal; requiring electronic notification to the health care provider confirming receipt of the prior authorization; establishing timelines for compliance; providing communication via the portal regarding the current status of the prior authorization; reducing time frames for prior authorization requests; providing a time frame for a decision to be rendered after the receipt of additional information; providing a time frame for a claim to be submitted to audit or if the step therapy is incomplete; establishing time frame for peer-to-peer appeal; reducing timeline for prior authorization appeal process; revising the percentage approval for a health care provider to be considered for an exemption from prior authorization criteria; revising time frame for prior authorization exemption process; removing limitation on prior authorization exemption that applied exemption to procedures used to justify granting of exemption; expanding auditing of prior authorization exemption process; requiring plan to give health care practitioner rationale for revocation of exemption; providing for limitations to exemption; removing criteria related to electronic submission of pharmacy benefits; amending effective date; requiring oversight and data collection by the Office of the Insurance Commissioner and the Inspector General; and providing for civil penalties.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 267) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 295, Extending time that prescription for spectacles or contact lenses remains valid.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 295 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-8A-1 of the Code of West Virginia, 1931, as amended, relating to extending the time that a prescription for spectacles remains valid.

Senate Bill 300, Relating to law-enforcement training and certification.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 300 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating to law-enforcement training and certification; and modifying definition of "law-enforcement officer".

And,

Senate Bill 514, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 514 (originating in the Committee on Government Organization)—A Bill to amend and reenact §31D-14-1421 of the Code of West Virginia, 1931, as amended, relating to clarifying the procedure for administrative dissolution of corporations by the Secretary of State; and relating to the Secretary of State providing notice to corporations subject to administrative dissolution.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 299, Creating new misdemeanor offense of unlawful entry, occupation or retention of real property.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 299 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3B-3, §61-3B-6 and §61-3B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3B-8, all relating generally to trespass; making double damages applicable to all violations of the article; authorizing sentencing court to assess cleanup expenses; authorizing courts presiding in cases

for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 419 (originating in the Committee on Military), Amending professions and occupations licensure provisions for individuals with military training.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 419 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-1B-1, §30-1B-2, §30-1B-3, and §30-1B-4 of the Code of West Virginia, 1931, as amended; and to repeal §30-1B-5 and §30-1B-7 of said code, all relating to licensure to practice professions and occupations; stating findings; establishing standards for licensure of military-trained applicants; mandating boards act on applications from military-trained applicants not later than 15 days after receipt; providing for conditions for issuance of authorization to practice occupation or trade to military-trained applicants; prohibiting board from charging fee for initial authorization to practice; establishing standards for licensing spouses of current military members; mandating boards act on applications from spouses not later than 15 days after receipt; prohibiting boards from charging fee to spouse of military member for initial authorization to practice; and providing for temporary authorization to practice while application is pending.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 436, Relating to prompt payment of legitimate, uncontested invoices by state agencies.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 436 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

designated §12-10-1 and §12-10-2, all relating to prompt payment of legitimate, uncontested invoices by state agencies; providing that registered and qualified vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate, uncontested invoice; providing the rate of interest and manner of calculation; determining the date an invoice is considered received by a state agency; outlining rights of state agencies to receive updated invoices with interest prior to payment; requiring state agencies to explain and calculate interest on the payment claim at the time it is submitted to the State Auditor; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; providing for the definition of a "state agency"; and providing for exceptions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Jack David Woodrum,
Chair.

The bill (Com. Sub. for S. B. 436), under the original double committee reference, was then referred to the Committee on Finance.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 450 (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-14, and §7-14D-15; to amend and reenact §8-22A-2; to amend and reenact §15-2A-2 and §15-2A-9; to amend and reenact §16-5V-2; to amend and reenact §18-7A-3 and §18-7A-25; and to amend and reenact §20-18-2, §20-18-21, and §20-18-22, all relating to disability retirement medical examinations of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Retirement System, the Emergency Medical Services Retirement System, the Teachers Retirement System, and the Natural Resources Police Officers Retirement System; defining "medical examination"; and providing that board approval of disability awards and benefits be based on a medical examination

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Pensions.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 465, Increasing limit on moneys placed in county's rainy day fund.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 489, Requiring BOE provide free feminine hygiene products in grades six through 12.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 498, Relating to employee jury service tax credit.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. House Bill 2800, All relating to authorizing legislative rules regarding higher education.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Swope:

Senate Bill 553—A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, allowing for evaluation of prequalified bidders to be based on best value.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 554—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-3-21; and to amend said code by adding thereto a new section, designated §12-6D-8, all relating generally to exempting purchases made by the Auditor and West Virginia Enterprise Resource Planning Board from certain provisions of this code; and requiring both the Auditor and Enterprise Resource Planning Board to maintain and adopt internal competitive procurement processes.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 555—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-3A-8, relating to prohibiting banks and payment networks from tracking firearm-related data; and outlining penalties regarding the state and local purchasing card contract if banks and payment networks track firearm-related data.

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

By Senator Weld:

Senate Bill 556—A Bill to amend and reenact § 59-1-14 of the Code of West Virginia, 1931, as amended, relating to the fees to be charged by sheriffs for performing certain tasks.

Referred to the Committee on Government Organization.

By Senator Maroney:

Senate Bill 557—A Bill to amend and reenact §33-51-9 and §33-51-12 of the Code of West Virginia, 1931, as amended, all relating to reimbursement of prescription drug or pharmacy services; providing that a pharmacy or pharmacist may decline to dispense a prescription drug or pharmacy service where reimbursement by a public employees insurance program is less than the pharmacy or pharmacist's drug acquisition cost; and providing reporting by a pharmacy benefit manager to the insurance commissioner of the number of prescription drug or pharmacy services declined on an annual basis.

Referred to the Committee on Health and Human Resources.

By Senator Weld:

Senate Bill 558—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-13, relating to prohibiting law-enforcement agencies of the state from posting the booking photographs of certain criminal defendants on social media.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 559—A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to spousal privilege; and expanding the exceptions to spousal privilege to exclude therefrom cases in which the offense at issue was committed against any child rather than a child of one or both spouses.

Referred to the Committee on the Judiciary.

By Senators Trump and Queen:

Senate Bill 560—A Bill to amend and reenact §29-12-1, §29-12-2, §29-12-4, §29-12-5a, and §29-12-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-12A-5 of said code, all relating to the state's procurement of insurance protection and the limitation of damages available for claims against schools related to abuse.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 561—A Bill to repeal §16-13C-1, §16-13C-2, §16-13C-3, §16-13C-4, §16-13C-5, and §16-13C-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §22-36-1, §22-36-2, §22-36-3, §22-36-4, §22-36-5, and §22-36-6 of said code; to amend and reenact §22C-1-4 and §22C-1-8 of said code; to amend and reenact §22C-2-2 of said code; and to amend said code by adding thereto a new article, designated §22C-2A-1, §22C-2A-2, §22C-2A-3, §22C-2A-4, §22C-2A-5, §22C-2A-6, §22C-2A-7, and §22C-2A-8, all relating to the administration of the West Virginia Drinking Water Treatment Revolving Fund; modifying the Water Development Authority and Water Development Board; removing mention of the federal Safe Drinking Water Act from an area of code; providing for the state administration of the federal Safe Drinking Water Act; and transferring state administration of the West Virginia Drinking Water Treatment Revolving Fund from the Department of Health and Human Resources to the Department of Environmental Protection.

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

By Senators Jeffries, Barrett, Oliverio, and Weld:

Senate Bill 562—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §311-1-1, §311-1-2, §311-1-3, §311-1-4, §311-1-5, §311-1-6, §311-1-7, §311-1-8, §311-1-9, §311-1-10, §311-1-11, and §311-1-12; and to amend and reenact §36-1A-1 of said code, all relating to the operation of private trust companies in the State of West Virginia; and relating to the statutory rule against perpetuities in the State of West Virginia.

Referred to the Committee on Banking and Insurance.

Senators Weld and Rucker offered the following resolution:

Senate Resolution 24—Designating February 6, 2023, as Domestic Violence Awareness Day in West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 23, Designating February 3, 2023, as WV Homeschool Day at Legislature.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Grady regarding the adoption of Senate Resolution 23 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 205, Relating to registration plates.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 205) passed with its title.

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

Eng. Senate Bill 275, Adding State Fire Marshals to statute included with law enforcement and first responders that receive information on school safety requirements.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 275) passed with its title.

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

Eng. Com. Sub. for Senate Bill 294, Clarifying amount of deputy sheriff annual salary increase.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 294) passed with its title.

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

Eng. Com. Sub. for Senate Bill 345, Authorizing Department of Revenue to promulgate legislative rules.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 345) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 345) takes effect from passage.

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

Eng. Senate Bill 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 457) passed with its title.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 461, Relating to WV public employees grievance procedure.

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

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: Woelfel—1.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 461) passed with its title.

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

Eng. Com. Sub. for Senate Bill 472, Creating criminal offense of indecent exposure in front of minors.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 2, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. House Bill 2564, Repeal of administrative hearing procedures for DUI offenses.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2564) passed with its title.

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

Eng. House Bill 2776, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

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

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts,

Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2776) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2776) takes effect from passage.

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

Eng. House Bill 2777, Updating federal taxable income and other terms in the West Virginia Corporation Net Income Tax Act.

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

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2777) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Azinger, Caputo, Hamilton, and Maroney—4.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2777) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 232, Creating study group to make recommendations regarding diversion of persons with disabilities from criminal justice system.

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

Senate Bill 296, Uniform Public Meetings During Emergencies Act.

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

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

Com. Sub. for Senate Bill 463, Increasing validity of CDL instruction permit.

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

Eng. House Bill 2835, Repeal outdated provisions of code relating to the West Virginia graduate college and Marshall University.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 50, Requiring one-year residency within district or county to fill vacancy in Legislature.

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

Com. Sub. for Senate Bill 247, Making administrative appeals and judicial review of board action subject to provisions of Administrative Procedures Act.

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

Com. Sub. for Senate Bill 361, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

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

Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

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

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

Com. Sub. for Senate Bill 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

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

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

Com. Sub. for Senate Bill 475, Modifying examinations for disability pensions.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 2, 2023:

Senate Bill 266: Senator Plymale;

Senate Bill 267: Senator Plymale;

Senate Bill 436: Senator Jeffries;

Senate Bill 440: Senator Jeffries;

Senate Bill 465: Senator Jeffries;

Senate Bill 489: Senator Plymale;

Senate Bill 532: Senator Barrett;

Senate Bill 541: Senator Taylor;

Senate Bill 543: Senator Plymale;

Senate Bill 545: Senators Deeds and Karnes;

Senate Bill 546: Senators Woodrum and Deeds;

Senate Bill 547: Senator Smith;

Senate Bill 552: Senators Taylor, Karnes, Phillips, and Grady;

And,

Senate Resolution 23: Senators Rucker, Taylor, Smith, Plymale, Karnes, and Barrett.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 9:40 a.m., the Senate adjourned until Monday, February 6, 2023, at 11 a.m.
