

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
TWENTY-THIRD DAY

Charleston, West Virginia, Thursday, February 1, 2024

The Senate met at 11:02 a.m.

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

Prayer was offered by the Reverend Robert Fulton, Madison United Methodist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Vince S. Deeds, a senator from the tenth district.

Pending the reading of the Journal of Wednesday, January 31, 2024,

At the request of Senator Woelfel, 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 communication from a state agency as required by the provisions of law:

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

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. Com. Sub. for House Bill 4376—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-21, relating to requirements for smoke evacuation systems for health care facilities; defining terms; and creating penalties for violation of requirement.

Referred to the Committee on Health and Human Resources.

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 4776—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to adding elementary schools into school disciplinary measures added during the 2023 Regular Session of the Legislature.

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 4817—A Bill to amend and reenact §30-7-5 and §30-7-15b of the Code of West Virginia, 1931, as amended, all relating to updating the practice of nursing.

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

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 4830—A Bill to amend and reenact §18-2-40 and §18-2-41 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2C-5 of said code; to amend and reenact §18-5-15a of said code; to amend and reenact §18-9F-10 of said code; and to amend and reenact §61-8F-6 of said code, all relating generally to training requirements for school personnel; modifying frequency of training from annually to upon employment and every three years thereafter, for suicide prevention awareness, child sexual abuse prevention, the county policy on harassment, intimidation or bullying, and multicultural education; requiring first aid training include blood borne pathogen information; requiring those who care for, educate, or house disabled children to be trained on mandatory reporting obligations.

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 4832—A Bill to amend and reenact §18-9B-21 of the Code of West Virginia, 1931, as amended, relating to state superintendent's reports regarding the finances of school districts.

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 4838—A Bill to amend and reenact §18A-2-3 if the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to inform persons, who are employed as a long-term substitute teacher, about completing IEP and 504 plans.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

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 504, Modifying felony offense of sexual misconduct of school employee or volunteer.

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

Com. Sub. for Senate Bill 504 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-11b of the Code of West Virginia, 1931, as amended, relating to a felony offense involving sexual intercourse, intrusion, or contact with a student; clarifying that the offense applies to a student of any private or public elementary or secondary school; and providing an exception for secondary students participating in the teacher pathway youth apprenticeship program.

And,

Senate Bill 516, Determining venue for custodial allocation actions independent of divorce.

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

Com. Sub. for Senate Bill 516 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-9-105 of the Code of West Virginia, 1931, as amended, relating to determining venue for custodial allocation actions; providing venue options for initial custody determinations; providing venue for modification or enforcement of custodial allocation; providing for transfer of venue for modification or enforcement of custodial allocation arising out of a finalized divorce proceeding or independent of divorce if certain conditions are met; allowing family court to decline transfer of venue; providing for transfer of venue for child support and paternity where the venue for modification or enforcement of a custody determination is transferred.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 538, Creating exception for public nuisance.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Outdoor Recreation pending.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration:

Senate Bill 543, Relating to research and economic development agreements for state institutions of higher education.

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

Respectfully submitted,

Glenn D. Jeffries,
Chair.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration:

Senate Bill 571, Creating WV Advanced Energy and Economic Corridor Authority Commission.

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

Com. Sub. for Senate Bill 571 (originating in the Committee on Economic Development)—
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-12-1, §5B-12-2, §5B-12-3, and §5B-12-4, all relating to creating the Corridor H Advanced Energy and Economic Corridor Authority; providing for legislative findings; appointing authority members; providing for terms of membership; providing for certain membership and meeting requirements; providing that members are not compensated; providing for certain powers and duties; and requiring annual reporting to the Joint Committee on Government and Finance.

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,

Glenn D. Jeffries,
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 Economic Development.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 577, Limiting landowner liability when land is used for recreational purposes.

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 the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

Senate Bill 598, Relating to Hope Scholarship Program and micro schools.

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

Com. Sub. for Senate Bill 598 (originating in the Committee on School Choice)—A Bill to amend and reenact §18-5G-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-8-1 and §18-8-12 to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto two new sections, designated §18-31-2a and §18-31-14, all relating generally to the Hope Scholarship Program; allowing charter schools to charge Hope Scholarship students for classes the students enroll in at the charter school; providing that microschoools and learning pods have the authority to issue secondary school diplomas; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; providing that Hope Scholarship students have certain educational privileges made available to other nonpublic school students; clarifying reporting requirements of Hope Scholarship Students to the State Board of Education, county superintendents and county boards of education; clarifying that Hope Scholarship funds may only be utilized for expenses incurred in a kindergarten through secondary school education; specifying that a microschool can be a participating school; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; modifying the composition of members to the Hope Scholarship Board; modifying definitions; requiring parental agreement to include provisions requiring parents to notify the Board if a student reenrolls in public school or graduates from a secondary school program; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure

pursuant to the West Virginia Freedom of Information Act; clarifying that a kindergarten-level applicant's Hope Scholarship participation does not commence if the student does not begin kindergarten-level education that school year; establishing a year-round application and awards process; clarifying annual renewal process for Hope Scholarship parents and students; clarifying that a public charter school may invoice a Hope Scholarship student for educational services; clarifying that the Hope Scholarship Board may take issues involving Hope Scholarship students in charter schools to the West Virginia Professional Charter School Board; authorizing the Hope Scholarship Board to request certain information from county superintendents and county boards of education; modifying qualifying expenses for Hope Scholarship accounts; requiring education service providers conducting background screenings of employees and other persons in contact with students to certify screening results to the board; clarifying that providers may not assess increased or additional fees against Hope Scholarship students based on participation in the program; and adding reporting requirements.

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,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 598), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Grady:

Senate Bill 614—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to elementary behavior intervention and safety; specifying requirements applicable to when a grade kindergarten through six teacher in an elementary setting determines that the behavior of a student is violent, threatening, or intimidating toward staff or peers, or creates an unsafe learning environment, or impedes on other students' ability to learn in a safe environment; and providing that nothing herein may be construed to be in conflict with the Individuals with Disabilities Education Act.

Referred to the Committee on Education.

By Senators Trump, Smith, and Swope:

Senate Bill 615—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to limitations on actions related to certain electric generating facilities designated as exempt wholesale generators under federal law.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 616—A Bill to amend and reenact §48-27-204 of the Code of West Virginia, 1931, as amended, relating to adding brother-in-law and sister-in-law to the definition of "family and household members" subject to the provisions of domestic violence laws.

Referred to the Committee on the Judiciary.

By Senators Smith, Woodrum, Deeds, and Hamilton:

Senate Bill 617—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting the processing of beef, pork, or lamb by a slaughterhouse for an individual owner of the product processed from the consumer sales and service tax.

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

Senator Deeds offered the following resolution:

Senate Concurrent Resolution 26—Requesting the Division of Highways name a portion of County Route 20/Spring Creek Station Road, in Greenbrier County, the "U.S. Army Private First Class Clarence William (Buck) Holliday Memorial Road".

Which, under the rules, lies over one day.

Senators Rucker and Takubo offered the following resolution:

Senate Resolution 23—Designating February 2, 2024, as American Heart Association Day at the Legislature.

Which, under the rules, lies over one day.

Senators Takubo and Rucker offered the following resolution:

Senate Resolution 24—Recognizing February 2, 2024, as West Virginia Home School Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 23, US Navy LT Lewis Joseph D'Antoni Memorial Road.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 24, Recognizing First Responders Honor Board's nominees of Medal of Honor.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution 25, US Army SGT Wyatt K. Hinton Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Resolution 20, Recognizing essential role of CASA for abused and neglected children.

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

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

Senate Resolution 21, Designating February 1, 2024, as National Unclaimed Property Day.

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

At the request of Senator Weld, 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 22, Designating February 1, 2024, as Sexual Violence Awareness Day.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 320, Removing requirement for wineries to serve food when serving wine.

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, Caputo, Chapman, Clements, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Blair (Mr. President)—27.

The nays were: Deeds, Grady, Hamilton, Martin, Roberts, and Woodrum—6.

Absent: Azinger—1.

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. 320) 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 50, Authorizing Department of Revenue 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 436, Prohibiting intentional motor vehicle emissions that create hazards.

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 455, Relating generally to banking and contractual authority of State Treasurer's Office.

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 referred to the Committee on Rules.

Eng. House Bill 4026, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

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 331, Eliminating cap on maximum amount of money in county's financial stabilization fund.

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

Com. Sub. for Senate Bill 466, Requiring State Board of Education develop Safety While Accessing Technology education program.

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

Com. Sub. for Senate Bill 539, Creating cold case database.

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

Eng. House Bill 4594, Relating to extending managed care.

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 Senators Caputo, Takubo, and Nelson.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Caputo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-557-7800

February 1, 2024

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

S. B. 462, Updating definitions of certain terms used in Personal Income Tax Act,

AND

S. B. 483, Amending Corporation Net Income Tax Act;

These bills are presented to you on this day, February 1, 2024.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

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 31, 2024:

- Senate Bill 253:** Senator Maroney;
- Senate Bill 279:** Senator Chapman;
- Senate Bill 294:** Senator Maroney;
- Senate Bill 301:** Senator Maroney;
- Senate Bill 347:** Senator Maroney;
- Senate Bill 356:** Senator Maroney;
- Senate Bill 373:** Senator Plymale;
- Senate Bill 374:** Senator Maroney;
- Senate Bill 421:** Senator Maroney;
- Senate Bill 443:** Senator Plymale;
- Com. Sub. for Senate Bill 450:** Senator Maroney;
- Senate Bill 453:** Senator Maroney;
- Senate Bill 454:** Senator Plymale;
- Senate Bill 467:** Senator Maroney;
- Senate Bill 504:** Senator Deeds;
- Senate Bill 543:** Senator Queen;
- Senate Bill 544:** Senators Plymale, Roberts, and Queen;
- Senate Bill 556:** Senator Plymale;
- Senate Bill 566:** Senator Plymale;
- Senate Bill 571:** Senator Nelson;
- Senate Bill 576:** Senators Plymale and Maroney;
- Senate Bill 589:** Senator Maroney;
- Senate Bill 604:** Senator Plymale;
- Senate Bill 606:** Senator Deeds;
- Senate Bill 607:** Senator Deeds;

Senate Bill 608: Senators Plymale and Deeds;

Senate Bill 609: Senators Plymale and Deeds;

Senate Joint Resolution 7: Senator Maroney;

Senate Concurrent Resolution 23: Senator Stover;

Senate Concurrent Resolution 24: Senator Rucker;

Senate Concurrent Resolution 25: Senator Deeds;

Senate Resolution 20: Senators Chapman and Plymale;

And,

Senate Resolution 22: Senators Woelfel and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:44 a.m., the Senate adjourned until tomorrow, Friday, February 2, 2024, at 9 a.m.

SENATE CALENDAR

**Friday, February 02, 2024
9:00 AM**

UNFINISHED BUSINESS

- S. C. R. 26 - US Army PFC Clarence William (Buck) Holliday Memorial Road
- S. R. 23 - Designating February 2, 2024, as American Heart Association Day
- S. R. 24 - Recognizing February 2, 2024, as WV Home School Day

THIRD READING

- Eng. Com. Sub. for S. B. 50 - Authorizing Department of Revenue to promulgate legislative rules (original similar to HB4075)
- Eng. Com. Sub. for S. B. 436 - Prohibiting intentional motor vehicle emissions that create hazards
- Eng. H. B. 4026 - Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles

SECOND READING

- Com. Sub. for S. B. 331 - Eliminating cap on maximum amount of money in county's financial stabilization fund (original similar to HB4991)
- Com. Sub. for S. B. 466 - Requiring State Board of Education develop Safety While Accessing Technology education program
- Com. Sub. for S. B. 539 - Creating cold case database
- Eng. H. B. 4594 - Relating to extending managed care. - (Com. amend. and title amend. pending) (original similar to SB329)

FIRST READING

- Com. Sub. for S. B. 504 - Relating to felony offense of sexual intercourse, intrusion, or contact with student
- Com. Sub. for S. B. 516 - Determining venue for custodial allocation actions independent of divorce
- S. B. 543 - Relating to research and economic development agreements for state institutions of higher education
- Com. Sub. for S. B. 571 - Creating WV Corridor H Advanced Energy and Economic Corridor Authority

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Friday, February 2, 2024

15 Minutes After
Adjournment of
Floor Session

Workforce

(Room 208W)