

WEST VIRGINIA LEGISLATURE

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TWENTY-EIGHTH DAY

Charleston, West Virginia, Tuesday, February 6, 2024

The Senate met at 11:09 a.m.

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

Prayer was offered by Pastor Steve Wotring of Mission: Take Back in Bruce-ton Mills, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Monday, February 5, 2024,

At the request of Senator Clements, 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.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Medal of Valor recipients and their spouses privileges of the floor for the day.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 31, Authorizing Department of Human Services to promulgate legislative rules.

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 5006—A Bill to amend and reenact §22-15A-2 and §22-15A-16 of the Code of West Virginia, 1931, as amended, relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan to eliminate antiquated recycling goals and to set new

criteria for evaluating the State's success in achieving its recycling goals; defining new terms; providing certain exceptions; establishing reporting requirements for recycling establishments of certain defined recycled materials; establishing a required yearly reporting date; and providing for rule making.

Referred to the Committee on Energy, Industry, and Mining.

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 5019—A Bill to amend and reenact §17B-3-9 of the Code of West Virginia, 1931, as amended, relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. Com. Sub. for House Bill 5045—A Bill to amend and reenact §22-11-4, §22-11-22, §22-11-22a, §22-11-24, and §22-11-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-11B-3 and §22-11B-12 of said code, all related to the administration of the West Virginia Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage to provide assurances to the United States Environmental Protection Agency regarding the State of West Virginia's application for primary enforcement authority over underground carbon dioxide sequestration programs; to insert cross references between the Underground Carbon Sequestration and Storage statutes and the West Virginia Water Pollution Control Act to protect water resources; providing that before a Certificate of Completion can be issued all the requirements of a class 6 injection well permit must be met, including post injection site care and closure requirements; altering the minimum 10-year period between the end of injections and the issuance of the certificate to be either 50 years or another time period on a site-specific basis as determined by DEP rules; providing exceptions and limitations to what liability is transferred to the state and what remains with the permittee; providing that a permittee will be responsible for certain contractual obligations and criminal liability; providing that a release of liability does not apply to owners or operators of a facility when liability arises from noncompliance with applicable laws, regulations, or permits prior to issuance of the Certificate of Completion; providing for liability when it is determined that fluid migration has occurred that causes or threatens underground sources of drinking water; providing that the secretary will implement the article in a manner consistent with the requirements of the federal Safe Drinking Water Act; providing for the exercise of the state's authority to restrain people from endangering or damaging public health or the environment.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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 5096—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §16-13A-26, relating to publication of notices of federal or state violations by public service districts.

Referred to the Committee on Government Organization.

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 5127—A Bill to amend and reenact §18B-3D-6 of the Code of West Virginia, 1931, as amended, relating to including Potomac State College of West Virginia University as an eligible institution for permanent participation in the "Learn and Earn Program"; and removing reference to the program being a "pilot" program.

Referred to the Committee on Economic Development.

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

Eng. Com. Sub. for House Bill 5157—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to increasing the tax rate imposed on certain hospitals up to the maximum amount allowed by the Centers for Medicare and Medicaid Services (CMS).

Referred 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. House Bill 5310—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-63-1, relating to the creation of the Remote Patient Outcome Improvement Act; providing for definitions; providing for a short title; creating definitions; and providing for utilization.

Referred to the Committee on Health and Human Resources.

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

House Concurrent Resolution 64—In the spirit of our great Republic binding the states of our shared country, we, the Legislature of West Virginia, in solemn assembly, do hereby avow support for our sister state, Texas, which faces a crisis of unprecedented scale at our nation's southern border.

Referred to the Committee on the Judiciary.

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

Com. Sub. for Senate Bill 441 (originating in the Committee on Transportation and Infrastructure), Restricting driving in left lane of multi-lane highways in WV.

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

Com. Sub. for Com. Sub. for Senate Bill 441 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to the regulation of driving on the right side of roadways and restricting driving in the left lane of multilane highways; adding exemptions from the requirement of driving upon the right half of the roadway; specifying when a vehicle may not be driven in the left lane of a multilane highway and providing exemptions; and requiring the Division of Highways to erect signs.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 512, Clarifying non-agricultural status of solar farms.

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

Com. Sub. for Senate Bill 512 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-19-2 of said code; all relating to clarifying when solar farms are not agricultural operations or in the business of farming for purposes of agricultural production and taxation; and clarifying the definition of "Agricultural operation".

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,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 512), under the original double committee reference, was then referred to the Committee on Finance.

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 548, WV Appellate Reorganization Act.

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

Com. Sub. for Senate Bill 548 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §51-11-4 of the Code of West Virginia, 1931, as amended, relating to clarifying the appellate jurisdiction of the Intermediate Court of Appeals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 554, Prohibiting certain persons from receiving compensation for advising or assisting with veterans benefits.

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,

Ryan W. Weld,
Chair.

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

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 595, Amending embalmer licensing requirements.

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

Com. Sub. for Senate Bill 595 (originating in the Committee on Military)—A Bill to amend and reenact §30-6-3 and §30-6-8 of the Code of West Virginia, 1931, as amended, relating to amending the embalmer licensing requirements to permit a certain number of years of active military duty to substitute for college credit hours to qualify for licensure.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Woodrum, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 600, Revising criteria for receiving reenlistment or retention bonus.

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,

Ryan W. Weld,
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 Military.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

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

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 24) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 24) adopted.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Deeds and Karnes regarding the adoption of Senate Concurrent Resolution 24 were ordered extended in the Journal as follows:

SENATOR DEEDS: Thank you, Mr. President.

The Medal of Valor is awarded to firefighters, law-enforcement officers, and emergency medical services personnel who distinguish themselves by going above and beyond the call of duty to protect human life at the risk of their own lives.

The First Responders Honor Board has submitted the following nominees for the Senate's consideration and, and will announce two and then explain their story just for a moment and then give the third nominee and his story in just a moment.

The first nominee is Deputy Director Derek Long of the Upshur County Emergency Management Department for extraordinary effort and exemplary service. And also the same incident Sheriff John Coffman of the Upshur County Sheriff's Department who was severely wounded in the line of duty.

This all began on June 16, 2022 . . . and this was in a very public area. It was on Interstate 79 which most of us travel on a regular basis. And it was in, near, the town of Weston, about mile marker 100. On that morning, Director Long was going to work and he was passing by and he saw what appeared to be a motor vehicle accident in the southbound lanes. So, doing his job, as he traditionally did, he pulled across and approached the vehicle. As he approached the vehicle, the perpetrator fired two rounds. And so Director Long, he retreated, got on 911 on the radio, called for assistance. And then he began to block motorists from driving by the suspect. As the law-enforcement officers started coming, Sheriff Coffman, at that time he was Chief Deputy, he rolled up and he stopped and blocked the traffic. But there was a lot of passersby, you know a lot of people didn't know what was going on, and so they literally blocked the—with their vehicles—the roadway. And as this suspect continued to fire with a .308 rifle in their direction . . . and so as the sheriff approached his vehicle to retrieve a long rifle, he was shot and severely injured. And so, Director Long, seeing his condition, drug him back to his patrol car and actually put him in the vehicle, took him to the hospital, and provided life-saving measures there.

So these two gentlemen that are here today are inter-related for life. It . . . just a typical day, they were just going to work. And then this incident happened right on I-79, right there at mile marker 100.

And so, I appreciate their service and I want to take just a moment to explain our third nominee, which is a dear friend of mine and a brother of mine. At the time his rank was Corporal David Fry. Corporal David Fry is with the West Virginia State Police and he's nominated for being severely wounded in the line of duty.

His circumstances were completely different. Completely different than the very public demonstration from our other nominees. His circumstances was in the middle of the night. He's the only trooper, only law-enforcement officer, in Lincoln County. And he was working the night by himself, and about two o'clock in the morning . . . he received a call of a domestic situation. It was a third-party call. A neighbor called it in. And so, he knew that this situation was going on, but who

else is going to respond? Corporal Fry responded and was made keeping his dispatch up to date on what was going on. They received another call that the situation was continued to spiral out of control

And so he approached a building in the middle of the night, by himself with no back-up at all within miles and miles of his location. And then...it is an apartment building on top of a little supermarket area, and so he had to go in. He knew that there was something was wrong and, as a seasoned law-enforcement officer, he knew that he had to respond because something detrimental could be going on in the residence. So he come up on a flight of stairs and then approached into the security door which was unlocked, fortunately, to the apartment complex . . . and he . . . down the hallway there was apartments on both sides. So he walked down the hallway discreetly, tactically, and then he . . . as he approached the first door on the right, it was open. Mind you, this is in the middle of the night, with no help anywhere in sight except for Corporal Fry.

And then as he cut the corner on the doorframe, he could see the victim of the domestic. Within about 10 feet, from about as from me to [inaudible]. And he could see her, but she would not acknowledge him because she was staring back down inside the apartment, down next to the doorway there and that was her significant other that was holding a SKS 7.62 by .39 rifle on her. And so, she would not move and of course, it was close quarters . . . Sergeant Fry, Corporal Fry . . . as he cut the corner he could see the subject holding the rifle in there. He knew that he had to resolve the situation. He couldn't go home...he had to take care of it and he had to take care of it appropriately. And so he began to engage the man and talk to him about, you know, "hey it's just . . . you know, I'm Corporal David Fry of the State Police, you know it's just us here tonight, you know we've got to resolve this situation." And as he engaged the man, you know, the man was becoming a little bit distracted . . . you know, I believe he didn't understand that Corporal Fry was the only law-enforcement officer there. So he got a little distracted and as that gentleman became distracted, the victim . . . Corporal Fry got the victim to come out of the apartment . . . run right past him. And to keep the suspect from shooting her, he stepped in the line of fire. He stepped in the gap from about as me . . . again, from me to [inaudible], and of course a fire fight happened. They exchanged gunfire, Corporal Fry was wounded in his chest, and shattered his wrist. And then, the suspect went back into the apartment. Didn't know for sure if he was . . . what kind of status . . . health status he had. But Corporal Fry was concerned about the victim. Where she was at. And so he made sure that she had . . . she retreated and he told her just to run, said "there's nobody else coming. I'm the only one here. You run and hide and I'll take care of this circumstance."

And fortunately, she did as she was told and she left the area and went and hid. And Corporal Fry stayed there until . . . he could not determine, he was losing a large amount of blood and didn't know his health status He was starting to get to the point to where he could not help anyone, including himself. And so he ended up, at the last moment he was notifying his dispatch of what was going on and they were trying to send people to him. But unfortunately, in our rural areas, in our coalfields, help is a long ways away. And so . . . and Corporal Fry knew that. But he also knew that his victim was secure, didn't have to worry about her, and knew the bad guy had been at least . . . at least injured, and was not . . . no longer a threat to anyone else. So Corporal Fry gets in his car, as he's . . . trying to gather what life he has left in his body . . . and drives to 119 out here, out on Southridge, and that's where he met the law-enforcement officers and got the help that he needed.

Ladies and gentlemen, I . . . you know we talk about law enforcement on a daily basis, how precious they are and how they serve us each and every day. And they do. They go places we can only imagine and they do things we can only dream of doing. They are the thin blue line that

protects us daily so we can sleep at night. Whether it's down in the coalfields—we can get a good night's sleep in the coalfields because the troopers are there—law enforcement's there, sheriff's departmentsAnd then also, they protect us during the day. We may just be traveling up to WVU football game and these gentlemen here today will protect you and take care of you . . . because that's what they do. That's ultimately what they do.

Every first responder, every law-enforcement officer that's here today has given a full measure of valor for our state and our country and for our God. We cannot contemplate the sacrifice that these men have given . . . and their families . . . what they have given for us. And what they have given for our state and our country.

It reminds me, of course, of the great sacred scripture Matthew 5:9, says this, "Blessed are the peacemakers for they are the sons of God." And Mr. President, I know that this helps us all remember the gravity of what these men and women do . . . this Medal of Valor does this. But let us all remember this: Each and every day, every day that we come here to work and represent the citizens of West Virginia and this great country, in this esteemed chamber Let us always remember this and remember these men and women of valor. Let us remember that the true measure of a person is not found in the might of their arm, or in their wealth, or in their power. The true measure of a person is found in the eternal spiritual strength of their character. There's no greater testimony, no greater testimony whatsoever, to one's character or to one's heavenly father, than one's willingness to sacrifice all . . . and the noble quest of providing protection to us all . . . whom they serve.

The West Virginia Senate, Mr. President, and myself, are so honored to support these Medal of Valor nominees and we are eternally grateful for their sacrifice and their service.

Mr. President, I urge adoption of the resolution.

SENATOR KARNES: Thank you, Mr. President.

I'll just be real quick.

I've known Mike and Derek for quite a while. Probably more than 10 years, maybe more than 12 years. When I heard about the events that happened out on the interstate, I can say that there was no surprise whatsoever that both of these guys were willing to step up and put themselves into harm's way and . . . people of Upshur County are just better off to have citizens like this serving in whatever capacity they serve and people of West Virginia are better off as well that they choose to call this state home.

Thank you.

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 Takubo:

Senate Bill 667—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, §30-3G-

6, §30-3G-7, §30-3G-8, §30-3G-9, §30-3G-10, §30-3G-11, §30-3G-12, and §30-3G-13, all relating to creating the Physicians Licensure Compact; providing for a purpose; creating definitions; providing for state participation in the compact; creating the compact privilege; providing for the designation of the state from which licensee is applying for a compact privilege; defining adverse actions; providing for the establishment of the Physician Assistant Licensure Compact Commission; defining the data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; providing for the date of implementation of the Physician Assistant Licensure Compact Commission; providing for construction and severability; and creating the binding effect of the compact.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 668—A Bill to amend and reenact §60A-10-4 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of ephedrine, pseudoephedrine, or phenylpropanolamine a person may purchase annually.

Referred to the Committee on Health and Human Resources.

By Senators Tarr and Grady:

Senate Bill 669—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to county economic opportunity development districts; authorizing the Mason County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Town of Henderson Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senator Nelson:

Senate Bill 670—A Bill to amend and reenact §33-3-14d of the Code of West Virginia, 1931, as amended, relating to distributions from funds collected from a premium tax on fire insurance and casualty insurance policies; clarifying requirements of distributions from funds collected from a premium tax on fire insurance and casualty policies; directing that ten percent of funds collected from a premium tax on fire insurance and casualty insurance policies currently paid to the Teachers Retirement System be deposited in the Municipal Pensions Security Fund to be distributed by the Municipal Pensions Oversight Board in certain circumstance; and decreasing the time in which a municipal policeman's or fireman's pension and relief funds may fail to comply with investment provisions before it may be required to invest with the state Investment Management Board in order to continue to receive funds from a premium tax on fire insurance and casualty insurance policies.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Takubo:

Senate Bill 671—A Bill to amend and reenact §11-17-2, §11-17-3, §11-17-4, and §11-17-7 of the Code of West Virginia, 1931, as amended; to repeal §11-17-4a, §11-17-4b, and §11-17-9 of said code; to amend said code by adding thereto two new sections, designated §16-4C-26 and

§16-4C-27, all relating to tobacco products; defining terms; increasing tax on tobacco products other than cigarettes is increased; allocating revenue to the West Virginia Division of Tobacco Prevention; repealing vape tax; repealing tax to be levied by municipalities or other governmental subdivisions; repealing tax for person affixing stamps and paying of tax; levying user fee on cigarettes to be directed to support Emergency Medical Services; and creating a special revenue fund to receive funds from the created user fee.

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

By Senator Grady:

Senate Bill 672—A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for blood pressure monitoring devices to be offered to certain persons who have been diagnosed with hypertension; requiring benefits be provided; and requiring reimbursement for related costs.

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

By Senator Woodrum:

Senate Bill 673—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to prohibiting ranked choice voting in elections in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 674—A Bill to amend and reenact §3-2-27 of the Code of West Virginia, 1931, as amended, relating to authorizing cancellation of voter registration records for individuals who are no longer West Virginia citizens and have obtained a driver's license in another state.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 675—A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to setting a date by which convention and visitors bureaus shall be accredited in order to be eligible for distribution of hotel occupancy tax proceeds.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 676—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to provide images of persons issued any identification or license to the Secretary of State for voter identification purposes.

Referred to the Committee on the Judiciary.

By Senators Woodrum, Barrett, and Queen:

Senate Bill 677—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-8-1 of said code; and to amend and reenact §60A-9-4 of said code, all relating generally to medical cannabis; modifying allowable

forms of medical cannabis to include edible form; specifying certain requirements applicable to medical cannabis dispensed in edible form; modifying the unlawful use of medical cannabis; relating to the controlled substance monitoring database; adding the reporting of dispensing medical cannabis to the controlled substance monitoring database; and relating to certain required information for controlled substances monitoring.

Referred to the Committee on Government Organization.

By Senators Weld, Deeds, Jeffries, and Clements:

Senate Bill 678—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1r, relating to the electrical needs of the premises of the United States armed forces or the West Virginia National Guard; providing that the provision of electricity from a certified high impact industrial business development district to meet the needs of the premises of the United States armed forces or the West Virginia National Guard does not constitute a public service; and providing exemptions from the limitations on power purchase agreements or net metering and interconnections standards as provided in code for a certified high impact industrial business development district which enters into a power purchase agreement with the United States armed forces or the West Virginia National Guard to provide electricity only to meet the needs of its premises.

Referred to the Committee on Economic Development.

By Senator Stuart:

Senate Bill 679—A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; and to amend said code by adding thereto a new section designated §19-12F-9a, to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products, and regulation of kratom; amending the short title; clarifying findings; defining terms; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; making technical corrections; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; requiring age verification for certain sales; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; specifying transfer of excess Alcohol Beverage Control Enforcement Fund money; and specifying criminal penalties related to crimes relating to regulated products.

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

By Senator Grady:

Senate Bill 680—A Bill to amend and reenact §18A-4-2 and §18A-4-8a of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of classroom teachers certified in special education and assigned full-time to a self-contained classroom; and increasing the compensation of aides assigned full-time to a self-contained classroom.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 27, Affirming power of states to repel invasions for our nation's security.

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

Senate Resolution 26, Designating February 6, 2024, as Preston County Day.

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 27, Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County.

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 28, Designating February 6, 2024, as Local Food and Farm Day.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 504, Relating to felony offense of sexual intercourse, intrusion, or contact with student.

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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 504) 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 516, Determining venue for custodial allocation actions independent of divorce.

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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 516) 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 543, Relating to research and economic development agreements for state institutions of higher education.

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

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale was excused from voting under Rule 43 of the Rules of the Senate.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, 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)—33.

The nays were: None.

Absent: None.

Excused from voting: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 543) 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 571, Creating WV Corridor H Advanced Energy and Economic Corridor Authority.

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 571 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 571) 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 Com. Sub. for Senate Bill 325, Relating to distribution of drugs to safety net providers and contract pharmacies.

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

Senate Bill 507, Relating to repeal of WV EDGE.

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

Senate Bill 529, Including Salem University in PROMISE Scholarship 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 540, Updating WV coordinate systems.

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

Senate Bill 546, Updating STEM scholarship program.

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 547, Authorizing legislative rules for Higher Education Policy Commission.

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 557, Relating to compensation for firefighters required to work holidays.

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

Eng. Com. Sub. for House Bill 4801, Relating generally to the banking authority of the State Treasurer's Office.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Azinger, the following amendment to the bill was reported by the Clerk:

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

ARTICLE 1. STATE DEPOSITORIES.

§12-1-1b. Prohibited clauses in State Treasurer contracts.

(a) Any term or condition in any contract entered into by the State Treasurer shall be void ab initio to the extent that it requires the State Treasurer to agree to or abide by a term and condition prohibited in §5A-3-62 of this code.

(b) No official, employee, agent, or representative of the State Treasurer may contravene this section, and no oral or written expression of consent to any term or condition declared void ab initio by this section, or signature on a contract, may be deemed as such. Any contract that contains a term or condition declared void ab initio by this section shall otherwise be enforceable as if it did not contain such term or condition. All contracts entered into by the State Treasurer, except for contracts with another government, shall be governed by West Virginia law notwithstanding any term or condition to the contrary.

§12-1-5. Limitation on amount on deposit; dedicated method; rules.

(a) The amount of state funds on deposit in any depository in excess of the amount insured by an agency of the federal government shall be secured by a deposit guaranty bond issued by a valid bankers' surety company or by other securities acceptable to the State Treasurer, pursuant to the dedicated method ~~as defined in §12-1B-4 of this code~~, in an amount of at least 102 percent of the amount on deposit. The value of the collateral shall be determined by the State Treasurer.

(b) The State Treasurer ~~shall~~ may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code as are necessary to effectuate the provisions of this section.

(c) For the purposes of this section, the term "dedicated method" means the securing of public deposits without accepting the contingent liability for the losses of public deposits of other designated state depositories as provided in this section.

ARTICLE 1B. WEST VIRGINIA SECURITY FOR PUBLIC DEPOSITS ACT.

§12-1B-5. West Virginia Security for Public Deposits Program ~~established~~ authorized.

The West Virginia Security for Public Deposits Program is hereby ~~established~~ authorized. The State Treasurer shall announce the commencement of the West Virginia Security for Public Deposits Program, at which time the requirements of this article become effective, by publishing a notice in the State Register at least 30 days prior to commencement of the program. The Treasurer shall implement and administer the West Virginia Security for Public Deposits Program under the terms and conditions required by this article. ~~The Public Deposits Program shall be operable on or before March 1, 2024.~~

§12-1B-7. Powers and duties of the State Treasurer; rules; charges; contracts.

In order to implement and administer the Public Deposits Program, the State Treasurer ~~shall~~ may:

(1) Propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code as are necessary to effectuate the provisions of this article, including, but not limited to, the following:

(A) The terms and conditions under which public deposits must be secured;

(B) The method for determining the pooled collateral requirements based on balance the of public funds held in the designated state depository in excess of funds insured by an agency of the federal government and the evaluation of the overall financial condition of the designated state depository;

(C) The collateral requirements and collateral pledging level for each designated state depository as determined to be prudent under the circumstances and based on nationally recognized financial rating services information and established financial performance guidelines;

(D) The securities or instruments that constitute eligible collateral under this article and the percentage of face value or market value of such securities or instruments that can be used to secure public deposits;

(E) Reporting requirements for designated state depositories;

(F) The process for a designated state depository to withdraw from the pooled method of securing public deposits and instead be governed by the procedures for securing such deposits

by the dedicated method or other approved method permitted in this code, consistent with the primary purpose of protecting public deposits;

(G) The process for determining when a default or insolvency has occurred, or is likely to occur, and the actions necessary for the protection, collection, compromise, or settlement of any claim arising in case of default or insolvency;

(H) Requirements for the payment of losses by pooled or dedicated methods; and

(I) Any and all guidelines necessary and proper for the full and complete administration of this article;

(2) Charge and collect any necessary administrative fees, fines, penalties, and service charges in connection with the Public Deposits Program or any agreement, contract, or transaction pursuant to this article;

(3) Execute contracts, agreements, or other instruments for goods and services necessary to effectuate this article, including agreements with designated state depositories or any other entity. Selection of these services is not subject to §5A-3-1 *et seq.* of this code; and

(4) Perform all other lawful actions necessary to effectuate the provisions of this article, subject to applicable state and federal law.

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

The question being on the adoption of Senator Azinger's amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 4801), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 596, Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Takubo.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:



West Virginia House of Delegates
OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

February 2, 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 Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

H. B. 4252, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act;

And,

H. B. 5332, Excepting persons previously commissioned as a notary public from requirement to have a high school diploma or its equivalent in order to be recommissioned as a notary public.

These bills are presented to you on this day, February 2, 2024.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bill on February 5, 2024:

Senate Bill 568: Senators Martin and Stover.

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 February 5, 2024:

Senate Bill 515: Senator Stuart;

Senate Bill 517: Senator Stuart;

Senate Bill 582: Senator Hamilton;

Senate Bill 613: Senator Oliverio;

Senate Bill 614: Senator Deeds;

Senate Bill 631: Senator Martin;

Senate Bill 633: Senator Chapman;

Senate Bill 637: Senators Rucker, Chapman, and Oliverio;

Senate Bill 659: Senator Chapman;

Senate Concurrent Resolution 24: Senators Azinger, Barrett, Blair (Mr. President), Boley, Caputo, Chapman, Clements, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum;

Senate Concurrent Resolution 27: Senators Roberts and Smith;

Senate Resolution 25: Senator Rucker;

Senate Resolution 26: Senators Hamilton, Taylor, and Phillips;

And,

Senate Resolution 28: Senators Rucker, Hamilton, Smith, Phillips, Deeds, and Chapman.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:09 p.m., the Senate adjourned until tomorrow, Wednesday, February 7, 2024, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 07, 2024
11:00 AM**

THIRD READING

- Eng. Com. Sub. for Com. Sub. for S. B. 325 - Relating to distribution of drugs to safety net providers and contract pharmacies (original similar to HB4892)
- Eng. S. B. 507 - Relating to repeal of WV EDGE
- Eng. S. B. 529 - Including Salem University in PROMISE Scholarship program
- Eng. Com. Sub. for S. B. 540 - Updating WV coordinate systems
- Eng. S. B. 547 - Authorizing legislative rules for Higher Education Policy Commission
- Eng. Com. Sub. for S. B. 557 - Relating to compensation for firefighters required to work holidays
- Eng. Com. Sub. for H. B. 4801 - Relating generally to the banking authority of the State Treasurer's Office

SECOND READING

- S. B. 546 - Updating STEM scholarship program (original similar to HB5153)
- Com. Sub. for S. B. 596 - Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage

FIRST READING

- Com. Sub. for Com. Sub. for S. B. 441 - Restricting driving in left lane of multi-lane highways in WV
- Com. Sub. for S. B. 548 - Clarifying appellate jurisdiction of Intermediate Court of Appeals
- Com. Sub. for S. B. 595 - Amending embalmer licensing requirements
- S. B. 600 - Revising criteria for receiving reenlistment or retention bonus
- Eng. Com. Sub. for H. B. 5045 - Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage (original similar to SB596)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Wednesday, February 7, 2024

10 a.m.

Agriculture & Natural Resources

(Room 208W)