

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
REGULAR SESSION, 2024  
SEVENTEENTH DAY

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Charleston, West Virginia, Friday, January 26, 2024

The Senate met at 9:01 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Thursday, January 25, 2024,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4595**—A Bill to amend and reenact §16-29E-2, §16-29E-3, §16-29E-5 §16-29E-6 and §16-29E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections designated, §16-29E-8, §16-29E-9, §16-29E-10 and §16-29E-11, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability; providing legislative intent; providing legislative finding; providing a purpose; defining terms; updating the powers of the commission; providing another option for subpoena compliance; permitting the commission to enter into executive sessions; exempting certain information from the Freedom of Information Act; requiring the development of performance measures; requiring the department to report; and updating information the commission is required to report.

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

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

**Eng. Com. Sub. for House Bill 4683**—A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents, guardians, or custodians to participate in programs for juveniles in an out-of-home placement unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring appointment of legal counsel for any parent, guardian, or custodian that is ordered to participate in services or treatment proscribed by this section; requiring provisions in a valid court order to enforce certain compliance mandating that parents, guardians, or custodians participate in programs for juveniles in an out-of-home placement; and requiring parents, guardians, or custodians to participate in programs designed for out-of-home placement including family therapy sessions offered by the treatment provider unless there is a finding by the court that said participation is not in the best interest of the juvenile or that participation would place an undue hardship upon any parent, guardian, or custodian.

Referred to the Committee on the Judiciary.

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 4756**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5R-8, relating to the creation of a state Alzheimer's plan task force; providing membership; providing authority; requiring completion of certain tasks; requiring reports; providing a termination date.

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 4768**—A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; and requiring each medical student that participates in the program to practice in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians.

Referred to the Committee on Education; 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. House Bill 4769**—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to public-school counselors; adding exclusions for school counselors; and clarifying the definition and job duties of school counselors.

Referred to the Committee on Education; 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. House Bill 4793**—A Bill to amend and reenact §60-6-10 of the Code of West Virginia, 1931, as amended, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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 265**, Increasing value at which municipal property must be sold through public auction.

And,

**Senate Bill 402**, Authorizing US Concealed Carry Association to provide concealed carry classes in WV.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

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 474**, Creating critical incident review team.

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

**Com. Sub. for Senate Bill 474** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-12B-1, §61-12B-2, §61-12B-3, §61-12B-4, and §61-12B-5, all relating to critical incident reporting; creating a Critical Incident Review Team; setting forth duties of the Critical Incident Review Team; requiring reporting of the Critical Incident Review Team; setting forth date of report; providing Critical Incident Review Team with access to information; and setting forth confidentiality.

And,

**Senate Bill 475**, Relating to recovery residences.

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

**Com. Sub. for Senate Bill 475** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-59-1, §16-59-2, and §16-59-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-59-4; and to amend and reenact §16-62-1 and §16-62-2 of said code, all relating to recovery residences; defining terms; amending the accreditation program to include protecting residents from human trafficking and patient brokering; requiring the collection of data from recovery residences; requiring the data collected be uniform among recovery residences; requiring rulemaking regarding the data to be collected; requiring stakeholder engagement to develop the rules; setting forth minimum data content; providing that the data shall be shared; providing privacy restrictions on data; requiring documentation verifying initial and continued registration be submitted; permitting an immediate jeopardy notice to be served in person; prohibiting recovery residence that has received a suspension or revocation notice from taking new residents; providing procedure for immediate jeopardy; permitting immediate revocation of certification if immediate jeopardy is not corrected prior to certifying agency leaving the premises; requiring transfer of residents in event immediate jeopardy is not corrected and setting forth timeframe; prohibiting recovery residence without a certificate of compliance from receiving a referral from stated entities; providing for a penalty if the referral is received in violation of this article; deleting requirement that certifying agency maintain and publish a list of recovery residences; clarifying that referral shall not be made unless recovery residence has a valid certificate of compliance; prohibiting all recovery residences from receiving funds from a resident that is in the form of a state benefit unless it holds a valid certificate of compliance; increasing penalties for violations; requiring all recovery residences to register with the Office of Health Facility Licensure and Certification; setting forth procedure for registration; permitting fee; setting term of registration as one year; providing for penalty for failure to register; providing due process; clarifying that recovery residences are subject to the patient brokering act; requiring the Office of the Inspector General to review data to determine if violations of the patient brokering act have occurred; requiring referral to state, or local law-enforcement authorities to coordinate, investigate, or prosecute violations; requiring state or local law enforcement to investigate referral; permitting Office of Inspector General and certifying agency to coordinate investigations; permitting rulemaking; requiring the Office of Inspector General to receive data regarding recovery residences; and specifying document handling specifications.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,  
*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 477**, Prohibiting public disclosure of personal information on internet.

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

**Com. Sub. for Senate Bill 477** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-8-25 and §61-3c-14d, relating to providing for removal of health care worker's

personal information from records on internet in certain circumstances; prohibiting public disclosure of health care worker's personal information on the internet in certain circumstances; defining terms; and providing penalties.

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

**Senate Bill 482**, Relating generally to lobbying rules.

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

**Com. Sub. for Senate Bill 482** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §6B-2-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-3c, and §6B-3-5 of said code, all relating to the Ethics Commission's rule-making authority; altering scope of commission's rule-making authority; removing authority of commission to promulgate rule regarding registration of persons exempt from lobbyist registration requirements; removing requirement that specifications for lobbyist photograph be established by rule; removing requirement that commission establish fee for lobbyist training by rule; and establishing that sponsors of grassroots lobbying campaigns report certain information on expenditures over \$5,000.

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

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The bill (Com. Sub. for S. B. 482), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Education has had under consideration

**Senate Bill 487**, Requiring periodic review of professional development for teachers and education staff.

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

Respectfully submitted,

Amy N. Grady,  
*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 502**, Allowing Teachers Retirement System members to exchange unused leave for monetary compensation.

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,

Amy N. Grady,  
*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

**Senate Bill 503**, Protecting belief-based student organizations from certain types of discrimination.

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,

Amy N. Grady,  
*Chair.*

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

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 Joint Resolution 5**, Homestead Exemption for Disabled Veterans Amendment.

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

**Com. Sub. for Senate Joint Resolution 5** (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to providing for a homestead exemption for veterans with 90 percent or greater service-connected disabilities; numbering and designating such proposed amendment; and providing a summarized statement of such proposed amendment.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The resolution (Com. Sub. for S. J. R. 5), under the original double committee reference, 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 Resolution 6**, Honoring life of Edith Levy, Holocaust survivor.

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

**Com. Sub. for Senate Resolution 6** (originating in the Committee on Government Organization)—Honoring the life Edith Levy, a Holocaust survivor, and a remarkable woman, who dedicated her life to educating others about the horrors of genocide and the importance of tolerance and compassion.

With the recommendation that the committee substitute be adopted.

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

**Eng. House Bill 4252**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 Jeffries:**

**Senate Bill 564**—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to a tax credit for apprenticeship training; eliminating requirement that the credit base be limited to wages paid to apprentices in the construction trades; and specifying an effective date.

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

**By Senator Jeffries:**

**Senate Bill 565**—A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

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

**By Senators Takubo and Tarr:**

**Senate Bill 566**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5R-8, relating to creating of a state Alzheimer's plan task force.

Referred to the Committee on Health and Human Resources.

**By Senators Taylor, Clements, Hamilton, Maynard, and Stuart:**

**Senate Bill 567**—A Bill to amend and reenact §16-5B-19 of the Code of West Virginia, 1931, as amended, relating to providing immunity from liability for hospitals that have established a hospital police department if a loss or claim results from the failure to provide police protection.

Referred to the Committee on the Judiciary.

**By Senators Taylor, Azinger, Boley, Deeds, Grady, Hamilton, Hunt, Jeffries, Martin, Maynard, Oliverio, Phillips, Roberts, Smith, Stover, Stuart, and Swope:**

**Senate Bill 568**—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-702 of said code, all relating to student absences; changing focus from truancy and unexcused absences to a multi-tiered system of support in all absences, both excused and unexcused; defining "absence", "absenteeism", and "multi-tiered system of support "; limiting the number of parental excuses that can be accepted each school year as documentation that an absence is excused; requiring county attendance director and assistant to ensure the implementation of the multi-tiered system of support interventions; requiring meaningful contact with parent, guardian, or custodian after three consecutive absences rather than after three unexcused absences; requiring meaningful contact with the parent, guardian, or custodian after five absences of any kind rather than after five unexcused absences; requiring the attendance director or assistants provide notice to parent after 10 absences of any



kind, which shall serve as due notice; requiring the principal or designee to ensure student support staff provide intentional interventions; authorizing the attendance director or assistant to make a complaint before a magistrate of the county after 17 total absences of any kind; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; removing requirement for West Virginia Board of Education rule that sets forth absences that are excluded for accountability purposes; removing requirement that attendance director file with the county superintendent and county board at the close of each month showing activities of the school attendance office and the status of attendance in the county; recognizing that the existing definition of "neglected child" includes failure to supply necessary education; referring to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect; and making referral for the development of a diversion program in truancy offense matters discretionary.

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

**By Senator Taylor:**

**Senate Bill 569**—A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to complete work previously requested to the Division of Highways, with a provision for payment.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Hunt:**

**Senate Bill 570**—A Bill to amend and reenact §6B-2-2, §6B-2-3a, and §6B-2-4 of the Code of West Virginia, 1931, as amended, all relating to creating a statute of limitations on ethics complaints; and establishing a right to appeal to circuit court if a complaint is not resolved in 30 days.

Referred to the Committee on Government Organization.

**By Senators Hamilton and Martin:**

**Senate Bill 571**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to creating the West Virginia Advanced Energy and Economic Corridor Authority Commission; legislative findings; and requiring annual reporting to the Joint Committee on Government and Finance.

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

**By Senator Takubo:**

**Senate Bill 572**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5EE-1, §16-5EE-2, §16-5EE-3, §16-5EE-4, §16-5EE-5, §16-5EE-6, §16-5EE-7, §16-5EE-8, and §16-5EE-9, all relating to recruitment of forensic pathologists; setting forth purpose; defining terms; setting forth eligibility criteria; setting forth required loan repayment documents and procedure; designating the Department of Health to administer the program; setting forth award requirements and procedure; creating a fund; requiring rulemaking; and setting forth minimum salary.

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

**By Senators Woelfel, Plymale, and Caputo:**

**Senate Bill 573**—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

Referred to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Woelfel (By Request of the Executive):**

**Senate Bill 574**—A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2024, organization 0803, for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 575**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, §16-67-11, §16-67-12, §16-67-13, §16-67-14, §16-67-15, §16-67-16, and §16-67-17, all relating to assisted reproduction; defining terms; setting forth criteria to enter into gestational or genetic surrogacy agreement; requiring surrogacy agreement to be executed; setting forth process for agreement; setting forth content of agreement; setting forth effect of subsequent change in marital status in the agreement; setting forth exclusive and continuing jurisdiction of the court; providing for termination of the surrogacy agreement; providing for parentage of the gestational surrogacy agreement; providing for parentage of deceased intended parent; providing for order of parentage; providing for the effect of the gestational surrogacy agreement; providing for the requirements to validate a genetic surrogacy agreement; providing for termination of a genetic surrogacy agreement; providing for parentage under a validated genetic surrogacy agreement; providing for the effect of a non-validated genetic surrogacy agreement; providing for the parentage of the child in the event of a deceased parent in a genetic surrogacy agreement; and providing for breach of a genetic surrogacy agreement.

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

**By Senator Takubo:**

**Senate Bill 576**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-111d, relating to reimbursement for child care based upon enrollment.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 577**—A Bill to amend and reenact §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; substituting the term "fee" for the term "charge"; defining the term "fee"; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence, if the total of such fees in a year

does not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to certain charitable entities; amending the term "land" to include premises; amending the definition of the term "owner of land" to specifically include any person holding legal possession, ownership, or partial ownership of an interest in land, or a person sponsoring land or premises for volunteer improvement or maintenance purposes; amending the definition of the term "recreational purposes" to specifically include parking on, or traversing land to engage in recreational activities, and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of "recreational purposes"; and making numerous technical corrections.

Referred to the Committee on Outdoor Recreation; and then to the Committee on the Judiciary.

**By Senators Trump and Woelfel:**

**Senate Bill 578**—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to clarifying that the offense of burglary involves a dwelling or outbuilding belonging to another; and establishing penalties.

Referred to the Committee on the Judiciary.

**By Senators Woelfel and Caputo:**

**Senate Bill 579**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22o; and to amend said code by adding thereto a new section, designated §18-7A-26z, all relating to providing a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

Referred to the Committee on Finance.

**By Senators Rucker, Azinger, Chapman, Maynard, and Smith:**

**Senate Bill 580**—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-7-4 of said code; and to amend said code by adding thereto two new sections, designated §62-1A-12 and §62-1A-13, all relating to warrantless entry of private lands; setting forth limitations of entry onto private lands; clarifying the process for law-enforcement entry onto posted private lands; and clarifying the use of surveillance cameras on or near posted private lands; searches and seizures on private lands; including the use of an unmanned aerial vehicle to enter or otherwise gather information from private land as a search requiring a search warrant or other recognized exception for searches and seizures in open fields; providing a definition; providing for abolishing the common law open fields doctrine; prohibiting surveillance cameras on private property; and providing exceptions.

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

Senator Karnes offered the following resolution:

**Senate Resolution 13**—Recognizing Myles Lumber Company of Randolph County, West Virginia, as West Virginia's Outstanding Tree Farmer for 2023.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

**Senate Resolution 14**—Designating January 29, 2024, as Future Farmers of America Day at the Legislature.

Which, under the rules, lies over one day.

Senators Oliverio, Blair (Mr. President), Tarr, Grady, Taylor, Queen, Caputo, and Weld offered the following resolution:

**Senate Resolution 15**—Designating January 29, 2024, as Fairmont State University Day at the Legislature.

Which, under the rules, lies over one day.

Senators Nelson, Takubo, Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

**Senate Resolution 16**—Supporting the preservation of the Charleston, West Virginia, Processing and Distribution Center.

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

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

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 16) adopted.

Thereafter, at the request of Senator Caputo, and by unanimous consent, the remarks by Senators Nelson and Plymale regarding the adoption of Senate Resolution 16 were ordered printed in the Appendix to the Journal.

Senator Grady offered the following resolution:

**Senate Resolution 17**—Recognizing Riley Gaines as an ambassador for the Independent Women's Forum, and an advocate for women's equality in sports.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 318**, Modifying process of when parental rights are terminated.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 318) 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 429**, WV Farm Use Vehicle Tag Placement Act.

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

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

The nays were: None.

Absent: Maroney—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. 429) 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 36**, Authorizing Department of Homeland Security to promulgate legislative rules.

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

**Com. Sub. for Senate Bill 196**, WV Rail Trails Program.

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

On motions of Senators Maynard and Taylor, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 1, line 4, by striking out the words "(c) temporality suspended; or (d)" and inserting in lieu thereof the words "or (c)";

And,

On page 4, section 5, line 29, after the word "code" by changing the period to a colon and inserting the following proviso: *Provided*, That the Division of Multimodal Transportation Facilities do not use the power of eminent domain.

The bill (Com. Sub. for S. B. 196), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 222**, Exempting WV veterans from certain fees and charges at state parks.

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 261**, WV Veterans' Home Loan Mortgage Program of 2024.

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

**Senate Bill 410**, Requiring all state buildings provide private room for nursing or breastfeeding purposes.

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 Finance.

**Com. Sub. for Senate Bill 445**, Reducing certification periods and renewal fees for EMS personnel.

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 468**, Requiring course in public schools on human development.

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.

The Senate proceeded to the tenth order of business.

**Senate Bill 189**, Providing for substantial deference to state school superintendent's interpretations of school laws.

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

**Com. Sub. for Senate Bill 451**, Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys.

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

**Senate Bill 461**, Relating to county economic opportunity development districts.

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 Phillips.

At the request of Senator Phillips, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of William "Tootie" Carter, former football coach at Man High School.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 25, 2024:

**Senate Bill 545:** Senator Grady.

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 25, 2024:

**Senate Bill 320:** Senator Jeffries;

**Senate Bill 392:** Senator Deeds;

**Senate Bill 402:** Senators Takubo, Phillips, and Jeffries;

**Senate Bill 467:** Senator Deeds;

**Senate Bill 474:** Senators Takubo and Deeds;

**Senate Bill 475:** Senators Deeds, Azinger, Plymale, and Jeffries;

**Senate Bill 477:** Senator Deeds;

**Senate Bill 502:** Senator Takubo;

**Senate Bill 503:** Senators Maynard, Roberts, Deeds, and Azinger;

**Senate Bill 532:** Senator Hamilton;

**Senate Bill 545:** Senators Woelfel and Hamilton;

**Senate Bill 553:** Senator Phillips;

**Senate Bill 557:** Senators Hamilton and Grady;

**Senate Bill 562:** Senator Smith;

**Senate Bill 563:** Senator Rucker;

**Senate Joint Resolution 7:** Senator Roberts;

**Senate Resolution 6:** Senators Takubo and Jeffries;

And,

**Senate Resolution 11:** Senators Rucker and Hamilton.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 9:32 a.m., the Senate adjourned until Monday, January 29, 2024, at 11 a.m.

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## **SENATE CALENDAR**

**Monday, January 29, 2024  
11:00 AM**

### **UNFINISHED BUSINESS**

- Com. Sub. for S. R. 6 - Honoring life of Edith Levy, Holocaust survivor
- S. R. 13 - Recognizing Myles Lumber Company as WV Outstanding Tree Farmer for 2023
- S. R. 14 - Designating January 29, 2024, as Future Farmers of America Day
- S. R. 15 - Designating January 29, 2024, as Fairmont State University Day
- S. R. 17 - Recognizing Riley Gaines as ambassador for Independent Women's Forum and advocate for women's equality in sports

### **THIRD READING**

- Eng. Com. Sub. for S. B. 36 - Authorizing Department of Homeland Security to promulgate legislative rules (original similar to HB4063)
- Eng. Com. Sub. for S. B. 196 - WV Rail Trails Program
- Eng. Com. Sub. for S. B. 222 - Exempting WV veterans from certain fees and charges at state parks
- Eng. Com. Sub. for S. B. 261 - WV Veterans' Home Loan Mortgage Program of 2024
- Eng. Com. Sub. for S. B. 445 - Reducing certification periods and renewal fees for EMS personnel (original similar to HB4868)

### **SECOND READING**

- S. B. 189 - Providing for substantial deference to state school superintendent's interpretations of school laws
- Com. Sub. for S. B. 451 - Directing Prosecuting Attorneys Institute to make training available to certain new prosecuting attorneys
- S. B. 461 - Relating to county economic opportunity development districts

### **FIRST READING**

- S. B. 265 - Increasing value at which municipal property must be sold through public auction
- S. B. 402 - Authorizing US Concealed Carry Association to provide concealed carry classes in WV (original similar to HB4918)
- Com. Sub. for S. B. 474 - Creating critical incident review team
- Com. Sub. for S. B. 475 - Relating to recovery residences

Com. Sub. for S. B. 477 - Prohibiting public disclosure of personal information on internet  
(original similar to HB5156)

S. B. 487 - Requiring periodic review of professional development for teachers and education  
staff

Eng. H. B. 4252 - Uniform Recognition and Enforcement of Canadian Domestic Violence  
Protective Orders Act