

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
THIRTY-FIFTH DAY

Charleston, West Virginia, Tuesday, February 13, 2024

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Paul Coon, Coal Fork United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Monday, February 12, 2024,

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

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

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

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. Senate Bill 547, Authorizing legislative rules for Higher Education Policy Commission.

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 4224—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-26, relating to performance metrics for the West

Virginia Division of Highways; requiring the division to develop performance standards and criteria to measure agency performance in all essential operations; requiring the division to employ a management information system that will track the division's past and current progress toward meeting performance standards; and requiring the division to report to the Joint Committee on Infrastructure.

Referred to the Committee on Transportation and Infrastructure; and then 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 4233—A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to listing of sex on birth certificates and prohibiting the use of "non-binary" as a sex description on birth certificates.

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. Com. Sub. for House Bill 4758—A Bill to amend and reenact §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5 and §15A-12-7 of the Code of West Virginia, 1931, as amended, all relating to the Fusion Center; providing the creation of the Joint Oversight Committee on the Fusion Center and defining the composition and duties associated with the Committee; exempting the Joint Oversight Committee from the open meetings act; providing non-disclosure agreement requirements; defining terrorism; clarifying the Fusion Center's duties, functions, reporting requirements, prohibitions and restrictions when information or intelligence is gathered for prohibited purposes; providing reporting requirements for information or intelligence gathered regarding election fraud or tampering; requiring that an annual report be provided to the Committee and clarifying the information required in the report; and creating criminal penalties for violations of prohibitions and restrictions applicable to the West Virginia Fusion Center.

Referred to the Committee on Government Organization; 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 4845—A Bill to amend and reenact §61-6-20 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for certain instances of false reporting of an emergency incident, and clarifying the applicability of this section.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 5232—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to updating the Business Liability Protection Act; clarifying when a property owner may inquire as to lawful firearm possession; clarifying when a

property owner may not remove a person from the property based on lawful firearm possession; and clarifying that an employer may not terminate or take other adverse action against an employee in certain circumstances.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 5250—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, §46A-9-3, §46A-9-4, §46A-9-5, and §46A-9-6 all relating to defining terms, establishing required notices, and describing necessary training to combat gift card fraud as well as describing the penalties associated with violating these provisions.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 5251—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, and §46A-6O-4, relating to the Telephone Consumer Protection Act; defining terms; establishing exclusions; establishing conduct that is prohibited under the article; and setting forth violations.

Referred to the Committee on the Judiciary.

Executive Communications

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

February 13, 2024

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Four Thousand Twenty-Six (4026), which was presented to me on February 7, 2024.

You will note that I have approved this bill on February 13, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mc

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Senate Bill 375, Health Care Sharing Ministries Freedom to Share Act.

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

Com. Sub. for Senate Bill 375 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1B-1, §35-1B-2, §35-1B-3, §35-1B-4, and §35-1B-5, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing ministry from the state's insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payer for any purposes.

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

Respectfully submitted,

Michael T. Azinger,
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 Banking and Insurance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 556, Relating to DNA data maintained for law-enforcement purposes.

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

Com. Sub. for Senate Bill 556 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to deoxyribonucleic acid that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining deoxyribonucleic acid; defining terms; requiring deoxyribonucleic acid collection from all persons convicted of felonies and certain misdemeanors; requiring deoxyribonucleic acid collection from all persons charged by indictment or information of any felony offense after a grand jury has returned an indictment or prosecution by indictment has been waived; adding qualifying offense of domestic battery; specifying testing methods; authorizing emergency, and requiring, legislative rules; specifying expungement in certain circumstances; and providing failure to expunge or

reasonably delay expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Trump, unanimous consent being granted, the bill (Com. Sub. for S. B. 556) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Finance.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Senate Bill 613, WV Residential Mortgage Lender, Broker and Servicer Act.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 613) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 622, Updating time period of voting inactivity for removal from voter registration.

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

Com. Sub. for Senate Bill 622 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-25 of the Code of West Virginia, 1931, as amended, relating to systemic purging program and additional systematic confirmation procedure for the removal of ineligible voters from active voter rolls; removing obsolete reference to combined voter registration and licensing fund; decreasing the period of voting inactivity from four to two years; and providing an internal effective date.

Senate Bill 623, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes.

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

Com. Sub. for Senate Bill 623 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring Division of Motor Vehicles to provide images of persons issued any identification or license to the Secretary of State for voter identification purposes; and providing an internal effective date for the amendments to this section.

And,

Senate Bill 624, Cancelling voter registration records for individuals no longer WV residents.

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

Com. Sub. for Senate Bill 624 (originating in the Committee on the Judiciary)—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 who have obtained a driver's license in another state; and providing an internal effective date for the amendments to this section.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 622, 623, and 624) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration:

Senate Concurrent Resolution 4, US Army 2LT Eston Kuhn Memorial Road.

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

Com. Sub. for Senate Concurrent Resolution 4 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 03-085/00-019.17 (03A081), locally known as Crazy Bridge, located at 37°56'27.7"N 81°42'33.5"W near Marthatown in Boone County, the "U.S. Army 2LT Eston Kuhn Memorial Bridge".

Senate Concurrent Resolution 22, US Army and Marine Corps Major and Olympic Gold Medalist Cornelius Burdette Memorial Road.

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

Com. Sub. for Senate Concurrent Resolution 22 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a portion of

County Route 20, from 37.76953571727715, -80.89182448747788 to Cooper Hollow Road, in Summers County, the "USMC Major Cornelius Burdette Memorial Road".

And,

Senate Concurrent Resolution 26, US Army PFC Clarence William (Buck) Holliday Memorial Road.

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

Com. Sub. for Senate Concurrent Resolution 26 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name County Route 20/Spring Creek Station Road, located between 37° 56' 43.9866", -80° 22' 35.2122" and 37° 59' 28.6938", -80° 21' 49.9062" in Greenbrier County, the "U.S. Army Private Clarence William "Buck" Holliday Memorial Road".

With the recommendation that the three committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration:

Senate Concurrent Resolution 21, US Army MSG James E. Jackson Jr. Memorial Road.

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

And,

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

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

Eng. Com. Sub. for House Bill 4837, Clarifying the duty of banks to retain and procure records.

And has amended same.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

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

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration:

Eng. House Bill 5019, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 5019) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Plymale, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

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 Nelson:

Senate Bill 760—A Bill to amend and reenact §5-10-2, §5-10-14, and §5-10-17 of the Code of West Virginia, 1931, as amended, all relating generally to legislative employment and retirement; and modifying the length of service an employee of the Legislature whose term of employment is otherwise classified as temporary, and who is employed to perform services required by the Legislature for its regular sessions, must serve to obtain service credit towards retirement.

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

By Senator Rucker:

Senate Bill 761—A Bill to amend and reenact §18-5G-12 of the Code of West Virginia, 1931, as amended, relating to providing greater access to unused buildings for public charter schools.

Referred to the Committee on School Choice; and then to the Committee on Education.

By Senator Barrett:

Senate Bill 762—A Bill to amend and reenact §21-17-3 and §21-17-4 of the Code of West Virginia, 1931, as amended, all relating to the issuance of occupational licenses or other authorization to practice; removing certain qualifications required to obtain occupational licenses or other authorization to practice based on licensure in another state; removing certain residency requirements required to obtain occupational licenses or other authorization to practice based on licensure in another state; and removing certain residency requirements required to obtain occupational licenses or other authorization to practice based on work experience in another state.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 763—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to exempting certain records from public release.

Referred to the Committee on Military.

By Senators Woodrum and Trump:

Senate Bill 764—A Bill to amend and reenact §20-7-1b of the Code of West Virginia, 1931, as amended, relating to requiring the Director of the Division of Natural Resources to enter into written agreements with federal agencies in the state with law-enforcement duties on and in federal lands located within the boundaries of West Virginia to enforce state laws therein; establishing the position of special natural resources police officers; establishing authority and limitations thereon of special natural resources police officers; and setting forth necessary qualifications of the special natural resources police officers.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Takubo:

Senate Bill 765—A Bill to amend and reenact §15-2B-4 and §15-2B-6 of the Code of West Virginia, 1931, as amended, all relating to the collection of deoxyribonucleic acid data; declaring the policy regarding deoxyribonucleic acid collection; designating a back-up provider to manage the deoxyribonucleic acid databank and database in the event of a statewide declared, public emergency, or natural disaster; and requiring the Chief Medical Examiner, or his or her designee to collect specified samples for inclusion into the state deoxyribonucleic acid databank.

Referred to the Committee on the Judiciary.

By Senator Taylor:

Senate Bill 766—A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to relieving a railroad company of any liability for injury to any person using a crossing during a parade by a school or any municipality, county, or other public entity that has permission for a parade; the railroad company is notified of the time of the parade, and a train is stopped during the time of the parade.

Referred to the Committee on the Judiciary.

By Senator Barrett:

Senate Bill 767—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-1-1 and §31-1-2, all relating to describing retail franchise agreements; governing law; and competition restrictions.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 768—A Bill to amend and reenact §49-6-110 of the Code of West Virginia, 1931, as amended, relating to the confidentiality of child welfare records; and providing exception for sharing confidential information with law enforcement agencies and the National Center for Missing and Exploited Children.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 769—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-21, relating to prohibiting certain medical practices; prohibiting medical providers from performing pelvic, prostate, rectal, and breast exams on an anesthetized or unconscious patient except in specified circumstances; and establishing an effective date.

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

By Senator Woodrum:

Senate Bill 770—A Bill to amend and reenact §19-12E-3, §19-12E-7, and §19-12E-11 of the Code of West Virginia, 1931, as amended, all relating to the Industrial Hemp Development Act; adding definitions for "establishment" and fluorescent lighting signage; legislative rules concerning false advertising and usage of fluorescent lighting signage; and penalties for violations.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 771—A Bill to amend and reenact §7-5B-1 of the Code of West Virginia, 1931, as amended, relating to distribution of funds to counties with excess levy or dedicated fee.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 772—A Bill to amend and reenact §3-3-12 of the Code of West Virginia, 1931, as amended, relating to security measures for absentee voting.

Referred to the Committee on Government Organization.

By Senator Woodrum:

Senate Bill 773—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to expanding the powers of law-enforcement officers of the National Park Service, which shall include traffic or parking related offenses.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 774—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, §20-19-5, §20-19-6, §20-19-7, and §20-19-8, all relating to the creation of the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; and providing for duties of trail system operators, mountain bicyclists, and passengers on aerial passenger tramways.

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

Senator Tarr offered the following resolution:

Senate Resolution 36—Designating February 14, 2024, as Child Care Day at the Legislature.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

Senate Resolution 37—Designating February 14, 2024, as National Organ Donor Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 34, Recognizing William Schwertfeger, decorated combat veteran of US Army, on his 100th birthday.

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

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

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

Senate Resolution 35, Recognizing 152nd anniversary of Glenville State University.

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

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

Thereafter, at the request of Senator Trump, and by unanimous consent, the remarks by Senator Stover regarding the adoption of Senate Resolution 35 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 577, Limiting landowner liability when land is used for certain purposes.

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 577 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. 577) 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 578, Clarifying offense of burglary.

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. 578) 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 605, Requiring electronic funds transfer of retirement contributions by participating employers.

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. S. B. 605) 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 606, Relating to Natural Resources Police Officers Retirement System.

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. S. B. 606) 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 607, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

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. S. B. 607) 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 658, Supplementing and amending appropriations to Department of Administration, Public Defender Services.

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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 658) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 658) takes effect from passage.

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

Eng. House Bill 5153, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.

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. H. B. 5153) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 321, Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

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

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

Com. Sub. for Senate Bill 352, Modifying Unborn Child Protection Act.

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

Com. Sub. for Senate Bill 370, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

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

Senate Bill 530, Removing requirement for counties to draft and adopt zoning ordinances.

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 544, Raising threshold for bid requirement of municipal public works projects.

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

On motion of Senator Jeffries, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 1, by striking out the article heading;

And,

On page 1, section 1, lines 1 through 111, by striking out section 1 in its entirety.

The bill (Com. Sub. for S. B. 544), as amended, was then ordered to engrossment and third reading.

Senate Bill 551, Modifying requirements related to levy of service fees.

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 608, Relating to Emergency Medical Services Retirement System.

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 609, Deputy Sheriff Retirement System Act.

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

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

Senate Bill 620, Establishing WV Mothers and Babies Pregnancy Support 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 628, Declaring certain claims as moral obligations of the state.

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 629, Requiring builders to follow State Building Code when local inspection and enforcement not provided.

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 632, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

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 716, Relating to child support.

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

Eng. House Bill 4976, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments.

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

Eng. Com. Sub. for House Bill 5157, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

At the request of Senator Rucker, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Dale Manuel, a former member of the West Virginia House of Delegates and a former Jefferson County Commissioner.

The Senate then proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 13, 2024

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

Dear Governor Justice,

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

Com. Sub. for S. B. 300, Relating to organization of Office of Inspector General.

This bill is presented to you on this day, February 13, 2024.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

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

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 12, 2024:

- Senate Bill 206:** Senator Azinger;
- Senate Bill 375:** Senator Rucker;
- Senate Bill 443:** Senator Caputo;
- Senate Bill 515:** Senator Karnes;
- Senate Bill 517:** Senator Karnes;
- Senate Bill 519:** Senator Karnes;
- Senate Bill 520:** Senator Karnes;
- Senate Bill 556:** Senator Woodrum;
- Senate Bill 601:** Senators Hunt and Maynard;
- Senate Bill 613:** Senators Plymale and Nelson;
- Senate Bill 624:** Senator Takubo;
- Senate Bill 737:** Senator Karnes;
- Senate Bill 740:** Senator Karnes;
- Senate Bill 741:** Senator Karnes;
- Senate Bill 748:** Senators Chapman and Karnes;
- Senate Bill 749:** Senators Chapman, Taylor, Karnes, and Azinger;
- Senate Bill 750:** Senator Woelfel;
- Senate Bill 752:** Senator Deeds;
- Senate Bill 755:** Senator Woelfel;
- Senate Bill 756:** Senator Woelfel;
- Senate Bill 757:** Senator Deeds;
- Senate Bill 759:** Senators Karnes and Woelfel;
- Senate Joint Resolution 4:** Senator Smith;
- Senate Joint Resolution 7:** Senator Smith;
- Senate Resolution 34:** Senators Caputo, Karnes, and Chapman;

And,

Senate Resolution 35: Senators Hamilton, Caputo, Queen, Karnes, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:55 a.m., the Senate adjourned until tomorrow, Wednesday, February 14, 2024, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 14, 2024
11:00 AM**

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 4 - US Army 2LT Eston Kuhn Memorial Bridge
- S. C. R. 21 - US Army MSG James E. Jackson Jr. Memorial Road
- Com. Sub. for S. C. R. 22 - USMC Major Cornelius Burdette Memorial Road
- S. C. R. 23 - US Navy LT Lewis Joseph D'Antoni Memorial Road
- S. C. R. 25 - US Army SGT Wyatt K. Hinton Memorial Bridge
- Com. Sub. for S. C. R. 26 - US Army Private Clarence William "Buck" Holliday Memorial Road
- S. R. 36 - Recognizing February 14, 2024, as Child Care Day
- S. R. 37 - Designating February 14, 2024, as National Organ Donor Day

THIRD READING

- Eng. Com. Sub. for S. B. 352 - Modifying Unborn Child Protection Act (original similar to HB5073)
- Eng. Com. Sub. for S. B. 370 - Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals
- Eng. S. B. 530 - Removing requirement for counties to draft and adopt zoning ordinances
- Eng. Com. Sub. for S. B. 544 - Raising threshold for bid requirement of municipal public works projects (original similar to HB5441)
- Eng. S. B. 551 - Modifying requirements related to levy of service fees
- Eng. S. B. 620 - Establishing WV Mothers and Babies Pregnancy Support Program
- Eng. Com. Sub. for S. B. 628 - Declaring certain claims as moral obligations of the state
- Eng. Com. Sub. for S. B. 629 - Requiring builders to follow State Building Code when local inspection and enforcement not provided
- Eng. Com. Sub. for S. B. 632 - Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group
- Eng. Com. Sub. for S. B. 716 - Relating to child support
- Eng. H. B. 4976 - Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 5157 - Relating to contingent increase of tax rate on certain eligible acute care hospitals

SECOND READING

Com. Sub. for Com. Sub. for S. B. 321 - Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition (original similar to HB4782)

Com. Sub. for S. B. 608 - Relating to Emergency Medical Services Retirement System

S. B. 609 - Deputy Sheriff Retirement System Act

S. B. 613 - WV Residential Mortgage Lender, Broker and Servicer Act (original similar to HB5419)

Com. Sub. for S. B. 622 - Changing time period of voting inactivity for removal from voter registration

Com. Sub. for S. B. 623 - Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes (original similar to SB592, SB676)

Com. Sub. for S. B. 624 - Cancelling voter registration records for individuals no longer WV residents (original similar to SB674)

Eng. H. B. 5019 - Relating to surrender and return of license not required for disqualifying or downgrading a driver's license

FIRST READING

Com. Sub. for S. B. 375 - Health Care Sharing Ministries Freedom to Share Act

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Wednesday, February 14, 2024

10 a.m.

Agriculture & Natural Resources

(Room 208W)