

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Friday, February 16, 2024

The Senate met at 9:43 a.m.

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

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Stuart, a senator from the seventh district.

Pending the reading of the Journal of Thursday, February 15, 2024,

At the request of Senator Boley, 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 amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Senate Bill 219**, Relating to Uniform Controlled Substances Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 416, line 14, by striking the following language: "(c) As used in this section:";

and

On page 1, section 416, line 17, after the word "use" by striking ", or knowingly facilitating illegal drug abuse by the other person so engaged".

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 219) and requested the House of Delegates to recede therefrom.

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

A message from the Clerk of the House of Delegates announced the rejection by that body of

**Eng. Com. Sub. for Com. Sub. for Senate Bill 441**, Restricting driving in left lane of multi-lane highways in WV.

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 4110**—A Bill to amend and reenact §64-9-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain miscellaneous agencies and boards to promulgate legislative rules; authorizing the rules as filed and as modified Legislative Rule-Making Review Committee, and as amended by the Legislature; directing certain miscellaneous agencies and boards to amend current legislative rules; authorizing the West Virginia Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the West Virginia Board of Acupuncture to promulgate a legislative rule relating to applications for licensure to practice acupuncture; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to frozen desserts and imitation frozen desserts; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to certified pesticide applicators; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to licensing pesticide businesses; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to West Virginia molluscan shellfish; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to select plant-based derivative products; authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to agritourism; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to procedures, criteria, and curricula for examination and licensure of barbers, cosmetologists, nail technicians, aestheticians, and hair stylists; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the application for waiver of initial licensing fees for certain individuals; authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to cosmetology apprenticeships; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to licensing; authorizing the West Virginia Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist licensing; authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to practitioner requirements for accessing the West Virginia Controlled Substances Monitoring Program database; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to continuing professional education requirements; authorizing the West Virginia Board of Licensed Dietitians to promulgate a legislative rule relating to telehealth practice, requirements, and definitions; relating to authorizing the West Virginia Department of Economic Development to promulgate a legislative rule relating to the operation of motorsports complexes and events; authorizing the State Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity; authorizing the State Election Commission to promulgate a legislative rule relating to regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the application and approval process for Secretary of State expenditures from the County Assistance Voting Equipment Fund;

directing the Board of Funeral Home Service Examiners to amend a legislative rule relating to funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to a schedule of fees; authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to establishment licensure; authorizing the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to medical imaging technologists; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to licensure, practice requirements, disciplinary and complaint procedures, continuing education, and physician assistants; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians; authorizing the West Virginia Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents and fellows; authorizing the West Virginia Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board to promulgate a legislative rule relating to the West Virginia Board of Optometry; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to injectable pharmaceutical agents certificates; authorizing the West Virginia Board of Optometry to promulgate a legislative rule relating to eyelid procedures; authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; to authorizing the West Virginia Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to continuing education for licensure for pharmacists; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists, pharmacy interns, and pharmacy technicians; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to pharmacy permits; authorizing the West Virginia Board of Pharmacy to promulgate a legislative rule relating to substitution of biological pharmaceuticals; authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to disciplinary and complaint procedures for psychologists; authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to contested case hearing procedure; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage businesses; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to a schedule of fees; authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers, and instructors; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to policies, standards and criteria for the evaluation, approval and national nursing accreditation of prelicensure nursing education programs; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to advanced practice registered nurse licensure requirements; authorizing the West Virginia Board of Registered Nurses to promulgate a legislative rule relating to fees for services rendered by the board; authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to student temporary permits; authorizing the Secretary of State to promulgate a legislative rule relating to guidelines for the use of nicknames and other

designations on the ballot; authorizing the Secretary of State to promulgate a legislative rule relating to Combined Voter Registration and Driver Licensing Fund; authorizing the Secretary of State to promulgate a legislative rule relating to minimum standards for election administration, infrastructure, and security; authorizing the West Virginia State Treasurer to promulgate a legislative rule relating to enforcement of the Uniform Unclaimed Property Act; and authorizing the West Virginia State Treasurer to promulgate a legislative rule relating to the Jumpstart Savings Program.

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 4754**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting the processing of beef, pork or lamb by a slaughterhouse from the Consumer Sales and Service Tax.

Referred to the Committee on Finance.

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 4943**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-40-1, §8-40-2, §8-40-3, §8-40-4, §8-40-5, §8-40-6 and §8-40-7, all relating to facilitating the creation of home based lawful occupations and businesses; providing for definitions; providing for permitted use; providing for prohibitions; creating reasonable regulations; providing for limited conditions; providing for review and making effective from passage.

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. House Bill 4984**—A Bill to repeal §11-13I-1, §11-13I-2, and §11-13I-3 of the Code of West Virginia, 1931, all relating to repealing tax credit for employing certain former employees of the Colin Anderson Center.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Joint Resolution 28**—Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof by adding thereto a new section, designated section twenty-three, relating to the protection from medically-assisted suicide or euthanasia in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

### 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 15, 2024

The Honorable Lee Cassis, Clerk  
West Virginia Senate  
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:

Committee Substitute for Senate Bill No. Thirty-One (31), which was presented to me on February 9, 2024.

You will note that I have approved this bill on February 15, 2024.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 453** (originating in the Committee on Health and Human Resources), Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

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

**Com. Sub. for Com. Sub. for Senate Bill 453** (originating in the Committee on Finance)—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency; prohibiting a pharmacy benefit manager from reimbursing certain pharmacies or pharmacists in an amount less than the national average drug acquisition cost for a prescription drug or pharmacy service; requiring the pharmacy benefit manager to pay a dispensing fee at least equal to the fee paid by West Virginia Medicaid; providing for alternative payment calculation in the event that the national average drug acquisition cost is not available; defining terms; providing effective date; requiring additional pharmacy data variables be reported to the Public Employees Insurance Agency; removing language requiring data provided by the pharmacy benefit manager to be kept confidential; requiring the director of the Public Employees Insurance Agency to report on an annual basis; requiring the Public Employees Insurance Agency to require specific terms in its contract with a pharmacy benefit manager; requiring a study; providing for a due date for the findings in the study; and making technical corrections.

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

Respectfully submitted,

Eric J. Tarr,  
*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 494**, Uniform Unlawful Restriction in Land Records Act.

And,

**Senate Bill 593**, Prohibiting ranked choice voting.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of Senate Bill 494 contained in the foregoing report from the Committee on Government Organization.

Senate Bill 593, under the original double committee reference, was then referred to the Committee on the Judiciary.

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 533**, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

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

**Com. Sub. for Senate Bill 533** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-4C-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-4C-26; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3rr; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated §33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to emergency medical services; defining terms; providing that an emergency medical services agency may triage and transport a patient to an alternate destination in certain circumstances; mandating insurance coverage of emergency medical services include triage, treat, and transport to an alternative destination, or to treat in place; and providing effective date.

**Senate Bill 667**, Creating Physician Assistant Compact.

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

**Com. Sub. for Senate Bill 667** (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 §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 Physician Assistant 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.

And,

**Senate Bill 785**, Allowing Foster Care Ombudsman access to child protective records.

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

**Com. Sub. for Senate Bill 785** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to adding the Foster Care Ombudsman as a person to have access to records concerning a child or juvenile.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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 630**, Defining protections for election officials and election workers.

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

**Com. Sub. for Senate Bill 630** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-9-10 of the Code of West Virginia, 1931, as amended, relating to criminal offenses of preventing or obstructing election activities; specifying that listed offenses may be committed by force or by intimidating language or physical acts; establishing offense of preventing or attempting to prevent election officer, election worker, or other person assisting in holding election, counting votes, or certifying and returning election results from discharging duties; establishing offense of preventing or attempting to prevent election being held; establishing offense of obstructing or attempting to obstruct holding of election; establishing offense of preventing or attempting to prevent voter from attending election or freely exercising right of suffrage; establishing offense of preventing or attempting to prevent election official or election worker from entering or exiting polling place; establishing criminal penalties for listed offenses; and eliminating offense of refusal to assist in preventing intimidation, disorder, or violence at poll.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 683**, Amending definition of "alternative fuel" under motor fuel excise tax.

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



Respectfully submitted,

Eric J. Tarr,  
*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 722**, Revising examination of records relating to limited video lottery.

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

**Com. Sub. for Senate Bill 722** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §29-22B-1406 of the Code of West Virginia, 1931, as amended, relating to limiting financial records of limited video lottery permittee that are subject to examination by Lottery Commission.

And,

**Senate Bill 738**, Authorizing State Fire Marshal to promulgate emergency rules relating to increased fees.

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

**Com. Sub. for Senate Bill 738** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §15A-10-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate emergency rules relating to increased fees.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 726**, Moving functions of Information Services and Communications Division into Office of Technology.

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,

Jack David Woodrum,  
*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 727**, Revising process for county boards of education to hire support staff.

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

**Com. Sub. for Senate Bill 727** (originating in the Committee on Education)—A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8b of said code, all relating to revising the process for county boards of education to hire aides and early childhood classroom assistant teachers; allowing the principal or certain other person designated in West Virginia Board of Education rule to be given opportunity to interview all qualified applicants and make recommendations regarding their employment; allowing faculty senate to interview or otherwise obtain information regarding applicants; adding to criterion that decisions affecting promotions and filling of the aide and early childhood classroom assistant teacher positions are to be based on; specifying weight to be given to each criterion; requiring all qualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate recommend the same applicant and the county superintendent concurs; requiring state board rule to implement and interpret the provisions of §18A-4-8b of this code; and establishing effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,  
*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 758**, Relating to unlawful expenditures by local fiscal bodies.

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

**Com. Sub. for Senate Bill 758** (originating in the Committee on Government Organization)—A Bill to amend and reenact §11-8-26 of the Code of West Virginia, 1931, as amended, relating to unlawful expenditures by local fiscal bodies; and prohibiting obligating local fiscal bodies beyond current fiscal year, subject to exceptions.

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

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

The bill (Com. Sub. for S. B. 758), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 779**, Imposing deadlines for autopsies and autopsy reports.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

Your Committee on Education has had under consideration

**Eng. House Bill 4768**, 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 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

**Eng. House Bill 4860**, Providing that a general education teacher may not be responsible for accommodation logs.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Eng. House Joint Resolution 21**, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

The resolution, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

At the request of Senator Takubo, 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 Azinger:**

**Senate Bill 811**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; providing that increased risk of disease is not a compensable basis for damages or other relief in any civil action; and establishing requirements for an order for payment of medical monitoring expenses.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 812**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-33, relating to prohibiting the publishing or distribution of material harmful to minors on the Internet.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 813**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25f, relating to allowing students to participate in non-school athletic activities.

Referred to the Committee on Education.

**By Senator Woodrum:**

**Senate Bill 814**—A Bill to repeal §29-6-9, §29-6-10a, §29-6-14, and §29-6-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-6-5, §29-6-6, §29-6-7, §29-6-8, §29-6-10, §29-6-12, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24, and §29-6-27 of said code, all relating to the state employee merit system; defining terms; allowing additions to classified service; providing exemptions to classified service; providing make-up and duties of the State Personnel Board; defining a quorum; providing authority of Director of Personnel; providing rulemaking for the Division of Personnel; authorizing the director to adjust pay grades; providing process for appointment, promotion, or reinstatement from lists of candidates; allowing for pilot projects; providing process for dismissal; confidentiality of records; allowing local political subdivisions to participate in the classified service system; providing penalties; providing time frames for job postings and appointments; and allowing for a leave donation program.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 815**—A Bill to amend and reenact §49-2-111a of the Code of West Virginia, 1931, as amended, relating to performance-based contracting for child-placing agencies; and requiring the Department of Human Services and the Bureau for Social Services to make a rate study, analysis of workforce capacity, and the impact on children of the current reimbursement levels for child-placement agencies and to report the performance of the child-placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability and to the Joint Committee on Government and Finance by December 31, annually.

Referred to the Committee on Health and Human Resources.

**By Senator Barrett:**

**Senate Bill 816**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31J-1-1, §31J-1-2, §31J-1-3, §31J-1-4, §31J-1-5, and §31J-1-6, all relating to creating the Truth in Giving Act, providing definitions, establishing penalties, and granting rulemaking authority.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 817**—A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to modifying eligibility and qualifications to serve as an appointed member of the State Board of Education; prohibiting certain political and other activities and permitting certain political activities.

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

**By Senators Chapman and Maynard:**

**Senate Bill 818**—A Bill to amend and reenact §17-2A-4b of the Code of West Virginia, 1931, as amended, relating to providing a \$5,000 raise to state road employees.

Referred to the Committee on Finance.

**By Senators Martin, Blair (Mr. President), Azinger, Barrett, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Karnes, Maynard, Nelson, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, Taylor, Woelfel, and Woodrum:**

**Senate Bill 819**—A Bill to amend and reenact §16-1-4 and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to the regulation of public water systems; and providing that the Secretary of the Department of Health may not require public water systems or businesses to have backflow preventers.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 820**—A Bill to amend and reenact §9-5-29 of the Code of West Virginia, 1931, as amended, relating to substance abuse; defining terms; requiring the Department of Human Services to create a program to improve quality of care rendered to the substance use disorder population by applying automatic enrollment to the managed care population; setting forth variables to consider for preference in automatic enrollment; providing effective date; and requiring reporting.

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

**By Senators Rucker, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Oliverio, Queen, Smith, Stover, Stuart, Tarr, Taylor, Weld, and Woodrum:**

**Senate Bill 821**—A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended; all relating to abuse or neglect of incapacitated adults; establishing gross neglect of an incapacitated adult as a felony with penalties to include a fine not exceeding \$3,000 and confinement to the custody of the Division of Corrections for not less than one nor more than five years; and removing the element of malice in felony charges of certain caregiver actions resulting in death of an incapacitated adult.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 822**—A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-12-4b; to amend said code by adding thereto a new article, designated §11-12E-1, §11-12E-2, §11-12E-3, and §11-12E-4; and to amend said code by adding thereto a new section, designated §36-4-20, all relating to real property, tax, and registration requirements associated with carbon offset agreements; defining terms; providing exceptions; requiring parties to current and new carbon offset agreements to register with the State Tax Department; requiring reports by Division of Forestry and State Tax Department; authorizing disclosure of information between the Tax Commissioner and Division of Forestry; imposing an excise tax on receipts derived from carbon offset agreements; setting forth reporting requirements; defining "managed timberland" to exclude certain timberland subject to a carbon offset agreement; specifying application of West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; authorizing promulgation of rules; providing legislative findings and declarations; providing that any covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and minerals or the harvesting of timber for the purposes of carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option,

or other governing document is for an initial maximum term of 20 years or less; and providing that options to renew or continue such arrangements beyond the maximum term of 20 years shall be valid only if the consideration is required to be renegotiated to exercise the option and the option is for a maximum of 20 years or less; and providing exceptions.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 823**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, §61-17-6, §61-17-7, §61-17-8, and §61-17-9, all relating to prohibitions on the illegal entry into, or illegal presence in, this state by a person who is an alien, the enforcement of those prohibitions and certain related orders, including immunity from liability and indemnification for enforcement actions, and authorizing, or requiring under certain circumstances, the removal of persons who violate those prohibitions; and creating criminal offenses.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 824**—A Bill to amend and reenact §5B-2-17 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Motorsport Committee; expanding the membership from five to 18 members, including the chairperson; and designating the motorsport that shall be represented by the increased membership.

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

**By Senators Woelfel and Caputo:**

**Senate Bill 825**—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, and §16-67-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

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

**By Senator Nelson:**

**Senate Bill 826**—A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended, relating to allowing depository institutions to provide Federal Deposit Insurance Corporation coverage to county commissions through reciprocal deposit arrangements regardless of the form the account takes; and providing criteria that depository institutions must meet to satisfy the exemption to provide a bond or security in lieu of bond for such arrangements.

Referred to the Committee on Banking and Insurance.

**By Senators Woodrum and Jeffries:**

**Senate Bill 827**—A Bill to amend and reenact §17-23-2 and §17-23-4 of the Code of West Virginia, 1931, as amended, relating generally to salvage yards; providing definition for regional distribution and dismantling center; and providing for specialized regional distribution and dismantling license in certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 828**—A Bill to amend and reenact §3-5-2 and §3-5-21 of the Code of West Virginia, 1931, as amended, all relating to political party procedure and authority to select delegates to its national convention; and to political party conventions for nomination of presidential electors.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 829**—A Bill to amend and reenact §3-1-9 and §3-1-11 of the Code of West Virginia, 1931, as amended, all relating to political party committee organization, vacancy filling procedures, and political party internal governance.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 830**—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to the procedures for filling vacancies in state Legislature.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 831**—A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to financial assistance available for a prescription drug; defining terms; and providing for civil penalties.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 832**—A Bill to amend and reenact §49-4-108 of the Code of West Virginia, 1931, as amended, relating to removing the option for courts to order services at a higher rate than Medicaid.

Referred to the Committee on the Judiciary.

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

**Senate Bill 833**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2024, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

**By Senator Clements:**

**Senate Bill 834**—A Bill to amend and reenact §17A-6-18a of the Code of West Virginia, 1931, as amended, relating to adding a member to the Motor Vehicle Advisory Board and specifying



that one of the members shall be a representative of automobile auctions of primarily salvage vehicles.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Tarr:**

**Senate Bill 835**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended; relating to the payment for housing and maintenance of inmates; modifying a per day, per inmate base rate; modifying the reduced rate; and modifying the enhanced rate.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 836**—A Bill to amend and reenact §44D-1-103 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-4-402 of said code; to amend and reenact §44D-5-503c of said code; to amend and reenact §44D-7-701, §44D-7-704, and §44D-7-705 of said code; to amend and reenact §44D-8B-2 of said code; and to amend and reenact §44D-10-1011 of said code, all relating to permitting the electronic execution of trusts.

Referred to the Committee on the Judiciary.

**By Senators Weld and Trump:**

**Senate Bill 837**—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing Public Defender Corporations, until July 1, 2025, to reorganize its offices to conform the circuit reconfiguration enacted during the 2023 Regular Session of the Legislature.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 838**—A Bill to amend and reenact §17A-4A-2a of the Code of West Virginia, as amended, relating to mandating lending institutions who conduct five or more transactions annually to utilize the Division of Motor Vehicles electronic lien system to perfect or release security interest in a vehicle.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Trump:**

**Senate Bill 839**—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to providing county boards of education the option to obtain professional or other liability insurance coverage from other insurance carriers licensed in the state.

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

Senator Tarr offered the following resolution:

**Senate Concurrent Resolution 30**—Honoring Hershel "Woody" Williams as one of two West Virginia statues in the National Statuary Hall Collection.

Which, under the rules, lies over one day.

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

**Senate Resolution 43**—Memorializing the life of the Honorable John Patton Fanning, mortician, funeral director, banker, Mason, mayor, former member of the West Virginia Senate, statesman, and dedicated public servant.

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

**Senate Resolution 44**—Designating Monday, February 19, 2024, as Pancreatic Cancer Day at the Legislature.

Which, under the rules, lies over one day.

Senator Grady offered the following resolution:

**Senate Resolution 45**—Recognizing the 112th anniversary of the Girl Scouts of the USA.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Resolution 46**—Affirming support for the preservation of West Virginia's historic buildings, coal camp buildings, and coal heritage sites in Thurmond, West Virginia and across the state.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 41**, Designating February 16, 2024, as Adventure Travel Day.

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

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

The question being on the adoption of the resolution, and on this question, Senator Rucker 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, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Woelfel—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 41) adopted.

**Senate Resolution 42**, Supporting Texas Governor Greg Abbott and Texas' constitutional right to self-defense.

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

At the request of Senator Stuart, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it 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, 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, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo—1.

Absent: Maroney and Woelfel—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 42) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Stuart as to the adoption of Senate Resolution 42 were ordered printed in the Appendix to the Journal.

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Caputo as to the adoption of Senate Resolution 42 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 375**, Health Care Sharing Ministries Freedom to Share Act.

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 375 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, 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)—32.

The nays were: Caputo—1.

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. 375) 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 444**, Relating to health insurance coverage for certain emergency 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, 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. 444) 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 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

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

**Eng. Senate Bill 610**, Clarifying authority of Water Development Authority in certain circumstances.

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. S. B. 610) 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, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 610) takes effect from passage.

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

**Eng. Senate Bill 615**, Limiting statutory and common law actions for certain electric generating facilities.

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 Senate Bill 615 pass?"

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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Phillips—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 615) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Senate Bill 615**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to limitations on actions related to certain electric generating facilities designated as exempt wholesale generators under federal law; defining terms; providing that construction and commercial operations of a qualified facility shall not constitute or give rise to a covered claim; prohibiting covered claims against siting certificate holders or operators of qualified facilities unless certain criteria met; providing limited exception to prohibition against covered claims; requiring that acts or omissions of siting certificate

holder giving rise to noncompliance be proximate cause of covered claim; providing exception for certain personal injury and property damage claims; and providing for prospective effect.

*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 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

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

**Eng. Senate Bill 635**, Modifying rules regarding liquidation of property.

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, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Stuart—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 635) 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 668**, Increasing amount of certain controlled substances persons may purchase annually.

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

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Trump, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Azinger, Chapman, Hamilton, Karnes, Martin, Maynard, Stuart, Tarr, Taylor, and Weld—10.

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. 668) 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 669**, Relating to county economic opportunity development districts.

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. 669) 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, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 669) takes effect from passage.

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

**Eng. Senate Bill 687**, Clarifying Legislative Auditor's scope of authority.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 15, 2024, for amendments to be received on third reading, was reported by the Clerk.

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

**Eng. Com. Sub. for Senate Bill 714**, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine.

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

Senator Takubo requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a physician licensed by the Board of Osteopathic Medicine.

The Chair replied that any impact on Senator Takubo would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—24.

The nays were: Azinger, Chapman, Hamilton, Karnes, Martin, Maynard, Rucker, Stover, and Taylor—9.

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. 714) 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 732**, Requiring cooperation between law-enforcement agencies and military authorities.

On third 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.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 292**, Hunger-Free Campus Act.

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

**Senate Bill 395**, Relating to valuation of industrial property and natural resources by Tax Commissioner.

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.



**Senate Bill 602**, Cardiac Emergency Response Plan Act.

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 4756**, Creating a state Alzheimer's plan task force.

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

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 8, line 40, by striking out the word "shall" and inserting in lieu thereof the word "may";

On page 5, section 8, line 107, by striking out the words "July 31, 2026" and inserting in lieu thereof the words "January 1, 2029";

And,

On page 5, section 8, after line 107, by adding thereto two new subsections, designated subsections (k) and (l), to read as follows:

(k) By December 1 of each year, the council shall submit to the Governor and the Joint Committee on Health an annual report on the implementation of the State Alzheimer's Plan recommendations and any barriers to implementation.

(l) Every four years, the council shall issue an updated State Alzheimer's Plan addressing the items in subsection (h) and any other issues the council deems necessary and relevant toward addressing Alzheimer's and dementia.

The bill (Eng. Com. Sub. for H. B. 4756), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4782**, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

**Eng. House Bill 4832**, Relating to state superintendent's reports regarding the finances of school districts.

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

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 1, section 21, line 5, after the word "funding" by inserting the words "as authorized in §18-9B-19 of this code".

The bill (Eng. H. B. 4832), as amended, was then ordered to third reading.

**Eng. House Bill 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan.

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

**Eng. House Bill 5261**, Relating to the definition of small arms for purposes of taxation.

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

**Eng. Com. Sub. for House Bill 5267**, Relating to the Deputy Sheriff Retirement System.

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

**Eng. Com. Sub. for House Bill 5273**, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service.

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

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Senate Bill 574**, Supplemental appropriation to DOT, Division of Highways.

**Com. Sub. for Senate Bill 637**, Prohibiting public disclosure of personal information on internet.

**Com. Sub. for Senate Bill 649**, Clarifying per diem compensation for certain judges recalled to service.

**Com. Sub. for Senate Bill 688**, Authorizing director of Division of Forestry to contract and manage forest land.

**Com. Sub. for Senate Bill 690**, Establishing WV Agritourism Commission.

**Senate Bill 696**, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management.

**Senate Bill 700**, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority.

**Senate Bill 701**, Supplementing and amending appropriations to Department of Education, School Construction Fund.

**Senate Bill 703**, Supplementing and amending appropriations to Department of Homeland Security, WV State Police.

**Senate Bill 707**, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources.

**Senate Bill 708**, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund.

**Senate Bill 709**, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority.

**Senate Bill 710**, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children.

**Com. Sub. for Senate Bill 740**, Prohibiting digital manipulation of sexually explicit content to include minors.

**Com. Sub. for Senate Bill 741**, Prohibiting creation, production, distribution or possession of artificially generated child pornography.

And,

**Senate Bill 752**, Authorizing Department of Agriculture to complete certain land transfers.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stuart and Woelfel.

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 16, 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:

**S. B. 547**, Authorizing legislative rules for Higher Education Policy Commission.

This bill is presented to you on this day, February 16, 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 removed as co-sponsors of the following bills on February 15, 2024:

**Senate Bill 545:** Senator Woodrum;

And,

**Senate Bill 580:** Senator Rucker.

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 15, 2024:

**Senate Bill 244:** Senator Taylor;

**Senate Bill 258:** Senator Deeds;

**Senate Bill 373:** Senator Deeds;

**Senate Bill 425:** Senator Rucker;

**Senate Bill 532:** Senator Woodrum;

**Senate Bill 533:** Senator Woodrum;

**Senate Bill 534:** Senator Woodrum;

**Senate Bill 536:** Senator Woodrum;

**Senate Bill 538:** Senator Woodrum;

**Senate Bill 554:** Senator Grady;

**Senate Bill 740:** Senator Hunt;

**Senate Bill 741:** Senator Hunt;

**Senate Bill 742:** Senator Jeffries;

**Senate Bill 774:** Senator Jeffries;

**Senate Bill 785:** Senators Jeffries and Woodrum;

**Senate Bill 794:** Senator Woelfel;

**Senate Bill 797:** Senator Woelfel;

**Senate Bill 799:** Senator Deeds;

**Senate Bill 801:** Senator Taylor;

**Senate Bill 802:** Senator Woelfel;

**Senate Bill 804:** Senator Deeds;

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

**Senate Concurrent Resolution 13:** Senator Jeffries;

**Senate Concurrent Resolution 29:** Senators Martin, Karnes, and Deeds;

And,

**Senate Resolution 41:** Senators Rucker, Karnes, and Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 10:57 a.m., the Senate adjourned until Monday, February 19, 2024, at 11 a.m.

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## **SENATE CALENDAR**

**Monday, February 19, 2024  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 30 - Honoring Hershel "Woody" Williams as one of two WV statues in National Statuary Hall Collection
- S. R. 43 - Memorializing life of Honorable John Patton Fanning
- S. R. 44 - Designating February 19, 2024, as Pancreatic Cancer Day
- S. R. 45 - Recognizing 112th anniversary of Girl Scouts of USA
- S. R. 46 - Affirming support for preservation of certain historic buildings across state

### **THIRD READING**

- Eng. Com. Sub. for S. B. 292 - Hunger-Free Campus Act
- Eng. S. B. 395 - Relating to valuation of industrial property and natural resources by Tax Commissioner - (With right to amend)
- Eng. Com. Sub. for S. B. 493 - Relating to use of criminal records as disqualification from authorization to practice particular profession - (With right to amend)
- Eng. S. B. 602 - Cardiac Emergency Response Plan Act
- Eng. Com. Sub. for S. B. 631 - Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees - (With right to amend)
- Eng. S. B. 687 - Clarifying Legislative Auditor's scope of authority - (With right to amend) (original similar to HB5592)
- Eng. S. B. 732 - Requiring cooperation between law-enforcement agencies and military authorities
- Eng. Com. Sub. for H. B. 4756 - Creating a state Alzheimer's plan task force (original similar to SB566)
- Eng. Com. Sub. for H. B. 4782 - Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses. - (With right to amend)
- Eng. H. B. 4832 - Relating to state superintendent's reports regarding the finances of school districts
- Eng. H. B. 5006 - Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan
- Eng. H. B. 5261 - Relating to the definition of small arms for purposes of taxation
- Eng. Com. Sub. for H. B. 5267 - Relating to the Deputy Sheriff Retirement System

Eng. Com. Sub. for H. B. 5273 - Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service

## **SECOND READING**

- S. B. 574 - Supplemental appropriation to DOT, Division of Highways (original similar to HB5245)
- Com. Sub. for S. B. 637 - Prohibiting public disclosure of personal information on internet
- Com. Sub. for S. B. 649 - Clarifying per diem compensation for certain judges recalled to service
- Com. Sub. for S. B. 688 - Authorizing director of Division of Forestry to contract and manage forest land (original similar to HB5519)
- Com. Sub. for S. B. 690 - Establishing WV Agritourism Commission
- S. B. 696 - Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management
- S. B. 700 - Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority
- S. B. 701 - Supplementing and amending appropriations to Department of Education, School Construction Fund
- S. B. 703 - Supplementing and amending appropriations to Department of Homeland Security, WV State Police
- S. B. 707 - Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources
- S. B. 708 - Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund
- S. B. 709 - Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority
- S. B. 710 - Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children
- Com. Sub. for S. B. 740 - Prohibiting digital manipulation of sexually explicit content to include minors
- Com. Sub. for S. B. 741 - Prohibiting creation, production, distribution or possession of artificially generated child pornography
- S. B. 752 - Authorizing Department of Agriculture to complete certain land transfers

## **FIRST READING**

- Com. Sub. for Com. Sub. for S. B. 453 - Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA



S. B. 494 - Uniform Unlawful Restriction in Land Records Act

Com. Sub. for S. B. 533 - Allowing EMS agencies to triage, treat or transport patients to alternate destinations (original similar to HB5255)

Com. Sub. for S. B. 630 - Defining protections for election officials and election workers

Com. Sub. for S. B. 667 - Creating Physician Assistant Compact

S. B. 683 - Amending definition of "alternative fuel" under motor fuel excise tax

Com. Sub. for S. B. 722 - Revising examination of records relating to limited video lottery

Com. Sub. for S. B. 727 - Revising process for county boards of education to hire support staff

Com. Sub. for S. B. 738 - Authorizing State Fire Marshal to promulgate emergency rules relating to increased fees

S. B. 779 - Imposing deadlines for autopsies and autopsy reports.

Com. Sub. for S. B. 785 - Allowing Foster Care Ombudsman access to child protective records

Eng. H. B. 4860 - Providing that a general education teacher may not be responsible for accommodation logs - (Com. amend. and title amend. pending)

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2024**

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**Monday, February 19, 2024**

10 a.m.

Government Organization

(Room 208W)