

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
FORTY-FOURTH DAY

Charleston, West Virginia, Thursday, February 22, 2024

The Senate met at 11:03 a.m.

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

Prayer was offered by Don Biram, Senior Pastor, Emmanuel Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Wednesday, February 21, 2024,

At the request of Senator Woodrum, 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, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 400, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

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

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, section 11, line 17, by striking the words "March 1" and inserting lieu thereof "April 30".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 400, as amended by the House of Delegates, was then 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. Com. Sub. for S. B. 400) 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. Com. Sub. for S. B. 400) takes effect from passage.

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

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 4299—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to possessing deadly weapons on premises of educational facilities; and authorizing teachers in elementary or secondary schools to carry concealed firearms and be designated as a school protection officer.

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

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

Eng. Com. Sub. for House Bill 5065—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended; to amend and reenact §44-10-14 of said code; and to amend and reenact §49-4-601 of said code, all relating to attorneys appointed as legal counsel or guardians ad litem for minor children in certain circumstances; providing for payment of certain panel attorneys serving as legal counsel or guardians ad litem for minor children in child abuse or neglect proceedings; providing for payment of certain attorneys appointed as guardians ad litem in minor settlement proceedings; requiring continuing education for certain attorneys; and

requiring certain orders to contain reimbursement and compensation in minor settlement proceedings.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 5347—A Bill to amend and reenact §16-4C-6 and §16-4C-24 of the Code of West Virginia, 1931, as amended, all relating to establishing a program for emergency medical services personnel to become certified paramedics; and providing for its funding.

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 5361—A Bill to repeal §16-3-4a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §16B-3-21, relating to allowing influenza immunizations to be offered to hospital patients.

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 5635—A Bill amend and reenact §60A-3-308 of the Code of West Virginia, 1931, as amended, relating to allowing patients to direct prescribers to list the illness or condition for which a prescription is being issued on the label of the prescription.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 5691—A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34; and to repeal §16B-12-3 of said code; all relating to a biennial capitation rate review to be conducted by the Bureau of Medical Services.

Referred to the Committee on Health and Human Resources.

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

Com. Sub. for House Concurrent Resolution 7—Requesting the Division of Highways name bridge number 29-013/00-005.67 () (29A078), (39.29672, -78.93246) locally known as RUSSELDALE BRIDGE, carrying CR 13 over PATTERSON CREEK in Mineral County, the "U.S. Navy Radarman 3rd Class Craig W. Haines Memorial Bridge".

Com. Sub. for House Concurrent Resolution 12—Requesting the Division of Highways name bridge number 46-008/00-001.78(46A075), locally known as Meadland Bridge, carrying CR

008 over Husted Fork Stream in Taylor County, the "U.S. Marine Private First Class Calvin Lee Loudin Memorial Bridge".

Com. Sub. for House Concurrent Resolution 19—Requesting the Division of Highways name bridge number 20-039/00-000.05 (38.4628604688791, -81.5001270435965) locally known as Shady Sadie's Bridge, carrying CR 33 over Little Sandy Creek in Kanawha County, the "CPL Thomas Lowell Wines Memorial Bridge".

House Concurrent Resolution 20—Requesting the Division of Highways name bridge number: 20-033/00-005.06 (38°33'23.9 -81°33'45.0) locally known as the Yukon Bridge, carrying CR 33 over the Pocatalico River in Kanawha County, the "SP4 Donnie Lee Hackney Memorial Bridge".

Com. Sub. for House Concurrent Resolution 37—Requesting the Division of Highways name bridge number 50-152/00-034.00 () (50A103), (38.25912, -82.44572) locally known as Doctor Doctor Bridge, carrying WV 152 over Twelvepole Creek in Wayne County, the "U.S. Army PFC Carl. J. Osburn Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

Senate Bill 348, Updating definition of "electioneering communication" to be consistent with FEC.

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

Com. Sub. for Senate Bill 348 (originating in the Committee on Government Organization)—A Bill to amend and reenact §3-8-1a, §3-8-2b, and §3-8-7 of the Code of West Virginia, 1931, as amended; all relating to regulation and control of elections; and updating the definition of "electioneering communication", disclosure of electioneering communication; failure to file statement; delinquent or incomplete filing; criminal and civil penalties.

And,

Senate Bill 865, Changing reference to Curator of Department of Arts, Culture, and History to secretary.

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

Com. Sub. for Senate Bill 865 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-1-1 of said code, relating to changing the designation of the Division of Culture and History as a separate independent to an agency within the Executive Branch as the Department of Arts, Culture, and History; adding the Educational Broadcasting Authority as a

section under the department, as a separate, but not independent agency; adding the Educational Broadcasting Commission to the list of citizens commissions; changing references to the Curator of the Department of Arts, Culture, and History to the Secretary of the Department; adding the Educational Broadcasting Authority as one of the eight sections within the Department of Arts, Culture, and History; and adding the Educational Broadcasting Commission as one of our citizens commissions existing within the Department of Arts, Culture, and History.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 348 and 865) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Economic Development has had under consideration:

Senate Bill 452, Designating certain water and wastewater facilities as emergency project.

And,

Senate Bill 782, Defining deadlines for local permits and extensions for property development or improvement.

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

Respectfully submitted,

Glenn D. Jeffries,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 452 and 782) contained in the preceding report from the Committee on Economic Development were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 650, Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University.

Senate Bill 653, Supplementing and amending appropriations to School Building Authority, School Construction Fund.

Senate Bill 657, Expiring funds from Excess Lottery Revenue Fund to General Revenue.

And,

Senate Bill 864, Clarifying reporting requirements of Grant Transparency and Accountability Act.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 650, 653, 657, and 864) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration:

Senate Bill 742, Updating retirement eligibility for certain sheriffs.

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

Com. Sub. for Senate Bill 742 (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing elected sheriffs who become members of the public retirement system by virtue of being elected sheriff of a county to retire upon attaining the age of 62 with eight or more years of service.

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,

Eric Nelson, Jr. ,
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 Pensions.

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 742) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration:

Senate Bill 760, Modifying length of service for certain employees to obtain credit for retirement.

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,

Eric Nelson, Jr.,
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 Pensions.

At the request of Senator Takubo, and by unanimous consent, the bill (S. B. 760) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 774, Mountain Bike Responsibility Act.

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

Com. Sub. for Senate Bill 774 (originating in the Committee on Outdoor Recreation)—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.

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

Respectfully submitted,

Mark R. Maynard,
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 the bill contained in the foregoing report from the Committee on Outdoor Recreation.

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 774) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 824, Increasing membership of WV Motorsport Committee.

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

Com. Sub. for Senate Bill 824 (originating in the Committee on Outdoor Recreation)—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 17 members, including the chairperson; and designating the motorsport that shall be represented by the increased membership.

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,

Mark R. Maynard,
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 Outdoor Recreation.

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 824) was taken up for immediate consideration, read a first time, and ordered to second reading.

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 827, Providing definition for regional distribution and dismantling center of salvage yards.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 827) contained in the preceding report from the Committee on Government Organization 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 851, Establishing requirements for contingency fee agreements between political subdivisions and private attorneys.

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

Com. Sub. for Senate Bill 851 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, §7-28-6, §7-28-7, and §7-28-8; and to amend said code 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, §8-40-7, and §8-40-8 all relating to contingency fee arrangements between political subdivisions and private attorneys; defining terms, permitting contingency fee agreements in certain circumstances; exempting certain legal work performed for political subdivision; setting forth the requirements for a proposal request; providing process and factors considered for political subdivision award of contingency fee agreement to private attorney; limiting aggregate fees for contingency fee agreement; providing requirements for contingency fee agreement; providing contingency fee agreement void in certain circumstances; and providing rights, limitations, waivers, obligations, and effective dates.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 851) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Concurrent Resolution 30, Honoring Hershel "Woody" Williams as one of two WV statues in National Statuary Hall Collection.

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

Com. Sub. for Senate Concurrent Resolution 30 (originating in the Committee on Finance)—Honoring Hershel "Woody" Williams as one of two West Virginia statues in the National Statuary Hall Collection.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Rules has had under consideration

Com. Sub. for Senate Resolution 6, Honoring life of Edith Levy, Holocaust survivor.

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

The Senate proceeded to the sixth order of business.

Senator Maynard offered the following resolution:

Senate Resolution 52—Designating February 23, 2024, as West Virginia Motorsports Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 51, Memorializing life of Lora Susan Thompson.

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

At the request of Senator Trump, 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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 51) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Trump and Plymale regarding the adoption of Senate Resolution 51 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 11:30 a.m., the Senate recessed to present Senate Resolution 51.

The Senate reconvened at 11:35 a.m. and, at the request of Senator Jeffries, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 675, Establishing accreditation deadline for convention and visitors bureaus.

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, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Plymale, Queen, Roberts, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Caputo, Chapman, Karnes, Maynard, Oliverio, Phillips, Rucker, and Stuart—9.

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. 675) passed.

On motion of Senator Martin, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 675—A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to accreditation of convention and visitors bureaus; providing time extension for certain bureaus to become accredited and still be eligible for distribution of hotel occupancy tax proceeds; reducing moratorium period for authorization of new bureaus; and requiring all new bureaus to obtain and maintain accreditation as requirement to receive distribution of net proceeds after certain date.

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

Eng. Senate Bill 681, Revising service obligation for certain doctoral medical degree programs.

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. 681) 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 685, Continuing and updating Board of Risk and Insurance Management.

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.

Eng. Com. Sub. for Senate Bill 730, Clarifying compensation for county tax collector.

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. 730) 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 754, Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance.

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

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, 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)—32.

The nays were: Azinger and Karnes—2.

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. 754) 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 763, Exempting certain records from public release.

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. 763) 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 768, Providing exception for sharing of confidential child welfare records.

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. 768) 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 773, Expanding powers of National Park Service law-enforcement officers.

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. 773) 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. Com. Sub. for S. B. 773) 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 802, Updating consumer credit and protection laws on certain agricultural vehicles and equipment.

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. 802) 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 834, Increasing number of members for Motor Vehicle Dealers Advisory Board.

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. 834) 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 838, Requiring lending institutions to utilize DMV electronic lien system under certain circumstances.

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

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

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

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. 838) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2024.

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. 838) takes effect July 1, 2024.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 167, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

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.

Com. Sub. for Com. Sub. for Senate Bill 188, Mountain Homes Act.

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.

Com. Sub. for Senate Bill 225, Establishing revocation of authority for spending by agency in support of challenge to WV law.

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

Com. Sub. for Com. Sub. for Senate Bill 562, Expanding employment and training requirements necessary for SNAP benefits.

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 603, Solid Waste Management Act.

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

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

On page 3, section 2, lines 45-55, by striking out the definition of "commercial solid waste facility" in its entirety and inserting in lieu thereof the following:

"Commercial solid waste facility" means any solid waste facility that accepts solid waste generated by sources other than the owner or operator of the facility and does not include an approved solid waste facility owned and operated by a person for the sole purpose of the disposal, processing, or composting of solid waste created by that person or such person and other persons on a cost-sharing or nonprofit basis and does not include land upon which reused or recycled materials are legitimately applied for structural fill, road base, mine reclamation, and similar applications, and does not include any solid waste facility that accepts solid waste collected pursuant to and under a common carrier certificate of convenience and necessity issued by the Public Service Commission by the owner or operator (or its affiliate(s)) of the solid waste facility for consolidation and subsequent transport to a disposal or recycling facility: *Provided*, That the owner or operator of the solid waste facility shall comply with §22-15-12 and §22-15-13 of this code: *Provided, however*, That any such solid waste facility be located on a site that contains a mixed waste processing and resource recovery facility that possesses a solid waste facility permit from the Department of Environmental Protection.

Following discussion,

Senators Trump and Stuart requested rulings from the Chair as to whether they should be excused from voting on any matter pertaining to bill under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Stuart would be as members of a class of persons and that they would be required to vote on any matter pertaining to the bill.

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

The bill (Com. Sub. for S. B. 603), as amended, was then ordered to engrossment and third reading.

Senate Bill 712, Reducing minimum age for State Police cadet.

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 746, Modifying composition of Regional Jail and Correctional Facility Authority Board.

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 761, Providing greater access to unused buildings for public charter schools.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Com. Sub. for Senate Bill 765, Establishing and administering DNA identification 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 referred to the Committee on Rules.

Com. Sub. for Senate Bill 778, Amending certain qualifying offenses to enhance sentences of repeat offenders.

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

Senate Bill 806, Removing certain required reports to Legislative Oversight Commission on Education Accountability.

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

Senate Bill 815, Requiring annual analysis of contracts from DHS and Bureau for Social Services.

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 844, Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission.

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 4809, Health Care Sharing Ministries Freedom to Share 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.

Eng. Com. Sub. for House Bill 4850, Removing the sunset clause from Oil and Gas Personal Property Tax.

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

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

On page 8, section 10, line 190, after the word "multiplier" by changing the period to a colon and inserting the following proviso: *Provided*, That in no case may the appraised value of the royalty interest exceed the average actual sales price of similarly situated and like royalty interests.

Following discussion,

The question being on the adoption of Senator Chapman's amendment to the bill, the same was put and did not prevail.

The bill (Eng. Com. Sub. for H. B. 4850) was then ordered to third reading.

Eng. Com. Sub. for House Bill 5057, To raise the threshold for nominal referral fees from \$25 to \$100.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 306, Equipment Right to Repair Act.

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

Com. Sub. for Com. Sub. for Senate Bill 493, Relating to use of criminal records as disqualification from authorization to practice particular profession.

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

Eng. House Bill 5268, Relating to the enhanced recovery of oil and natural gas in horizontal wells.

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

Eng. Com. Sub. for House Bill 5540, Relating to fentanyl prevention and awareness Education (Laken's Law).

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

Eng. House Bill 5549, Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale, Weld, and Chapman.

At the request of Senator Chapman, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of John C. "Doc" Bahnsen, a retired United States Army brigadier general and decorated veteran of the Vietnam War.

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

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

February 22, 2024

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

Dear Governor Justice,

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

S. B. 605, Requiring electronic funds transfer of retirement contributions by participating employers;

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

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

And,

S. B. 790, Changing reference to Curator of Department of Arts, Culture, and History to Cabinet Secretary.

These bills are presented to you on this day, February 22, 2024.

Respectfully submitted,


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 21, 2024:

Senate Bill 305: Senator Rucker;

Senate Bill 347: Senators Karnes, Taylor, Stover, Woodrum, Azinger, Clements, Hunt, and Oliverio;

Senate Bill 418: Senator Caputo;

Com. Sub. for Senate Bill 450: Senator Karnes;

Senate Bill 712: Senator Stuart;

Senate Bill 742: Senator Hunt;

Senate Bill 743: Senator Deeds;

Senate Bill 760: Senator Hunt;

Senate Bill 765: Senator Woodrum;

Senate Bill 782: Senator Plymale;

Senate Bill 813: Senators Rucker and Nelson;

Senate Bill 861: Senators Plymale and Roberts;

Senate Bill 862: Senator Grady;

Senate Bill 865: Senator Grady;

Senate Bill 867: Senator Hamilton;

Senate Bill 870: Senators Maynard, Martin, Smith, and Stuart;

Senate Concurrent Resolution 13: Senator Smith;

Senate Concurrent Resolution 30: Senators Weld, Deeds, Woelfel, Nelson, Jeffries, Chapman, and Queen;

Senate Concurrent Resolution 31: Senator Hamilton;

And,

Senate Resolution 49: Senators Rucker, Plymale, and Caputo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:18 p.m., the Senate adjourned until tomorrow, Friday, February 23, 2024, at 10 a.m.

SENATE CALENDAR

**Friday, February 23, 2024
10:00 AM**

UNFINISHED BUSINESS

Com. Sub. for S. C. R. 30 - Honoring Hershel "Woody" Williams as one of two WV statues in National Statuary Hall Collection

Com. Sub. for S. R. 6 - Honoring life of Edith Levy, Holocaust survivor

S. R. 52 - Designating February 23, 2024, as WV Motorsports Day

THIRD READING

Eng. Com. Sub. for S. B. 167 - Establishing statewide health and safety fee for tourism and recreational activities by county commissions - (With right to amend)

Eng. Com. Sub. for Com. Sub. for S. B. 188 - Mountain Homes Act - (With right to amend)

Eng. Com. Sub. for S. B. 225 - Establishing revocation of authority for spending by agency in support of challenge to WV law

Eng. Com. Sub. for Com. Sub. for S. B. 562 - Expanding employment and training requirements necessary for SNAP benefits

Eng. Com. Sub. for S. B. 603 - Solid Waste Management Act

Eng. Com. Sub. for S. B. 685 - Continuing and updating Board of Risk and Insurance Management (original similar to HB5593)

Eng. S. B. 712 - Reducing minimum age for State Police cadet

Eng. Com. Sub. for S. B. 746 - Modifying composition of Regional Jail and Correctional Facility Authority Board

Eng. Com. Sub. for S. B. 778 - Amending certain qualifying offenses to enhance sentences of repeat offenders

Eng. S. B. 806 - Removing certain required reports to Legislative Oversight Commission on Education Accountability

Eng. S. B. 815 - Requiring annual analysis of contracts from DHS and Bureau for Social Services

Eng. Com. Sub. for S. B. 844 - Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission

Eng. Com. Sub. for H. B. 4850 - Removing the sunset clause from Oil and Gas Personal Property Tax

Eng. Com. Sub. for H. B. 5057 - To raise the threshold for nominal referral fees from \$25 to \$100.

SECOND READING

- Com. Sub. for S. B. 306 - Equipment Right to Repair Act
- Com. Sub. for S. B. 348 - Updating definition of "electioneering communication" to be consistent with FEC
- S. B. 452 - Designating certain water and wastewater facilities as emergency project
- Com. Sub. for Com. Sub. for S. B. 493 - Relating to use of criminal records as disqualification from authorization to practice particular profession
- S. B. 650 - Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University (original similar to HB5450)
- S. B. 653 - Supplementing and amending appropriations to School Building Authority, School Construction Fund (original similar to HB5447)
- S. B. 657 - Expiring funds from Excess Lottery Revenue Fund to General Revenue (original similar to HB5456)
- Com. Sub. for S. B. 742 - Updating retirement eligibility for certain sheriffs (original similar to HB5559, SB729)
- S. B. 760 - Modifying length of service for certain employees to obtain credit for retirement
- Com. Sub. for S. B. 774 - Mountain Bike Responsibility Act
- S. B. 782 - Defining deadlines for local permits and extensions for property development or improvement
- Com. Sub. for S. B. 824 - Increasing membership of WV Motorsport Committee
- S. B. 827 - Providing definition for regional distribution and dismantling center of salvage yards
- Com. Sub. for S. B. 851 - Establishing requirements for contingency fee agreements between political subdivisions and private attorneys
- S. B. 864 - Clarifying reporting requirements of Grant Transparency and Accountability Act
- Com. Sub. for S. B. 865 - Changing reference to Curator of Department of Arts, Culture, and History to secretary
- Eng. Com. Sub. for H. B. 4809 - Health Care Sharing Ministries Freedom to Share Act
- Eng. H. B. 5268 - Relating to the enhanced recovery of oil and natural gas in horizontal wells
- Eng. Com. Sub. for H. B. 5540 - Relating to fentanyl prevention and awareness Education (Laken's Law)
- Eng. H. B. 5549 - Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them