

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Monday, February 19, 2024

The Senate met at 11:04 a.m.

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

Prayer was offered by Philip Mullins, Campus Pastor, Gateway Christian Church, St. Albans, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Friday, February 16, 2024,

At the request of Senator Weld, 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 concurrence by that body in the passage of

Eng. Senate Bill 605, Requiring electronic funds transfer of retirement contributions by participating employers.

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

Eng. Senate Bill 606, Relating to Natural Resources Police Officers Retirement System.

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

Eng. Senate Bill 607, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

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 4381—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, and §46A-9-3, all relating to the enactment of the West Virginia Consumer Privacy Act of 2024; providing definitions; providing prohibitions on disclosures or sales of certain consumer financial information; authorizing a customer to opt-in to certain disclosures; creating exceptions for certain financial institutions for sharing consumer information with a credit reporting agency; requiring certain information to be provided to consumers; providing for civil remedies; and providing for enforcement actions of the Attorney General.

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 4399—A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating to general provisions concerning crimes; expungement of criminal records; and when a civil action may be filed to expunge criminal records for cases where charges have been dismissed following a full and successful completion of a pretrial diversion or deferred adjudication; relating to exceptions to the allowance to file a civil action for expungement.

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 4867—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated chapter 49A. Child Online Protection and Liability, by adding thereto a new article, designated §49-A-1-101 Liability for Publishers and Distributors of Sexual Material Harmful to Minors, by adding thereto new sections designated §49-A-1-101, §49-A-1-102, §49-A-1-103, §49-A-1-104, §49-A-1-105, §49-A-1-106, and §49-A-1-107 all relating to creating liability for publishers and distributors of sexual material harmful to minors; providing definitions; relating to what constitutes reasonable age verification; providing exceptions to applicability of this article; requiring a commercial entity that provides pornography and other materials defined as being harmful to minors as a substantial portion of the entity's content to verify the age of individuals accessing the material, relating to liability, and establishing a cause of action; establishing requirements, liability, and a establishing a cause of action, for the retention of data; imposing liability for publishers and distributors of material harmful to minors who fail to comply with verification requirements; imposing liability for publishers and distributors of material that is obscene or child pornography; and providing that an internet service provider or hosting entity is not liable for hosting or transmitting material harmful to minors to the extent that it is not the creator of the material; providing a five year statute of limitations to these civil actions; relating to certain civil actions allowable by the Attorney General, relating to remedy of civil penalties, relating to how amount of civil penalties are to be based; relating to a five year statute of limitations for civil actions relating for attorney general civil actions; relating to rule-making authority of the Office of Technology; relating to enforcement of the provisions of this article; and relating to a severability section.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4717—A Bill to amend and reenact §5A-3-4 and §5A-3-12 of the Code of West Virginia, 1931, as amended, all relating to terminating the authority of the Director of the Purchasing Division to impose a certain annual fee upon vendors.

Referred to the Committee on Finance.

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

Eng. House Bill 5128—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §29-22-18g, relating to transferring, after the end of each fiscal year from any remaining and available net profits in the State Lottery Fund, the sum of \$6 million to the Fire Protection Fund for state distribution to volunteer fire departments, the sum of \$3 million to the All County Fire Protection Fund for county distribution to fire departments in each county that has in place a countywide excess levy, or a countywide fee dedicated to fire or emergency services, and the sum of \$3 million to the County Fire Protection Fund for county distribution to fire departments in each county; and providing reduced pro rata distribution in the event of insufficient remaining and available net profits.

Referred to the Committee on Finance.

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

Eng. House Bill 5170—A Bill to amend and reenact §5B-2-14 of the Code of West Virginia, 1931, as amended, to increase local economic development matching grants.

Referred to the Committee on Economic Development; 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 5318—A Bill to amend and reenact §30-29-13 of the Code of West Virginia, 1931, as amended, relating to municipal chief executive requirements; and clarifying that persons elected as municipal police chiefs shall be certified law-enforcement officers, or to be certifiable as such, according to the requirements set forth in other applicable provisions of this code; providing that chief executives elected prior to the effective date are exempt from the requirement; and providing that elected or appointed chief executives of a municipal law-enforcement agency of Class IV towns are exempt from the requirements of the section.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5319—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-17b, all relating to creating the offense of exposing a person to fentanyl; creating the offense of exposing a person to fentanyl causing death; creating the offense of exposing a person to fentanyl causing bodily injury; requiring proof of a violation of this code; establishing criminal penalties; requiring proof of exposure; and providing definitions.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 5443—A Bill to amend and reenact §11-6J-3 of the Code of West Virginia, 1931, as amended, relating to the ad valorem property valuation of specialized high-technology property; providing that certain property used in electronic data processing services be included as specialized high-technology property.

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

House Concurrent Resolution 74—Defending Life by Rejecting Euthanasia.

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

The Senate proceeded to the fourth order of business.

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 711, Adding federal agencies and agents allowed to enforce state law under certain circumstances.

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

Com. Sub. for Senate Bill 711 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to eliminating the list of federal agencies and agents who, under limited circumstances, may enforce state laws; clarifying that qualified law enforcement from any federal agency may enforce state laws under limited circumstances.

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. 711) 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 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 751, Creating online charitable raffles.

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

Com. Sub. for Senate Bill 751 (originating in the Committee on Government Organization)—
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-21A-101, §47-21A-102, §47-21A-103, §47-21A-104, §47-21A-105, §47-21A-106, §47-21A-107, §47-21A-108, §47-21A-109, §47-21A-110, §47-21A-111, §47-21A-112, §47-21A-113, §47-21A-114, §47-21A-115, §47-21A-116, §47-21A-117, §47-21A-118, §47-21A-119, §47-21A-120, §47-21A-121, §47-21A-122, §47-21A-123, §47-21A-124, §47-21A-125, §47-21A-126, §47-21A-127, §47-21A-128, §47-21A-129, and §47-21A-130, all relating to creating online charitable raffles.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 751) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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. Com. Sub. for House Bill 5295, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 5295) 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.

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 Tarr:

Senate Bill 840—A Bill to amend and reenact §21A-2D-2 and §21A-2D-3, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; to amend and reenact §21A-6-1 and §21A-6-10 of said code; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to unemployment benefits; modifying the calculation of the taxable wage base; modifying eligibility for and amount of unemployment benefits; modifying methodology for calculating maximum benefit rate; modifying benefit table consistent with adoption of indexing; requiring Workforce West Virginia Commissioner take certain actions to verify unemployment insurance claim program integrity; requiring commissioner to review suspicious or potentially improper claims under certain circumstances; defining "state average unemployment rate"; limiting the maximum duration of unemployment benefits based on the state average unemployment rate; requiring Workforce West Virginia to promulgate legislative rules; establishing an internal effective date; reducing maximum benefit for each wage class; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; setting internal effective date; and removing chart column made incorrect by adoption of indexing.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 841—A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21A-6-10; all relating to unemployment benefits; setting the amount of employment taxes and benefits; modifying the calculation of the taxable wage base; and modifying methodology for calculating the maximum benefit rate.

Referred to the Committee on Finance.

By Senator Grady:

Senate Bill 842—A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, all relating to county boards of education members; increasing the number of annual training hours for county board members; modifying the subjects on which county board members must be trained; authorizing the State Board to require board members

to complete additional training upon request from the State Superintendent; adding ex officio members to the county board member training standards review committee; requiring the State Superintendent to make an annual report to the Legislative Oversight Commission on Education Accountability relating to county board member training; increasing compensation for attending meetings; reducing the number of meetings board members may be compensated to attend; and prohibiting county board members from receiving compensation if training requirements are not met.

Referred to the Committee on Education.

By Senator Woodrum:

Senate Bill 843—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1, §12-10-2, §12-10-3, §12-10-4, §12-10-5, §12-10-6, §12-10-7, §12-10-8, and §12-10-9, and to amend and reenact §47-6-4 of said code, all relating generally to the use of gold and silver as legal tender in the State of West Virginia; defining terms; authorizing the State Treasurer to establish the West Virginia Bullion Depository within the State Treasury; making the State Treasurer the administrator of the depository; providing that deposits are held in trust for account holders and are not subject to appropriation; prohibiting payment of interest on deposits; establishing the West Virginia Bullion Depository administrative account; setting forth the duties of the administrator; enumerating the powers of the administrator; setting forth requirements for deposits; authorizing the depository to issue transactional currency; requiring the administrator to promulgate legislative rules and emergency rules subject to certain requirements; exempting depository account contents from state taxation; providing for the confidentiality of depository records; recognizing gold coin issued by the United States as legal tender in West Virginia; and recognizing bullion, specie, and transaction currency, issued by the depository, as legal tender in West Virginia.

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

By Senator Woodrum:

Senate Bill 844—A Bill to amend and reenact §10-5-1, §10-5-2, and §10-5-3 of the Code of West Virginia, 1931, as amended, relating to the Educational Broadcasting Authority; changing the name of the Educational Broadcasting Authority to the Educational Broadcasting Commission; and making technical corrections.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 845—A Bill to amend and reenact §17E-1-12 of the Code of West Virginia, 1931, as amended relating to requiring yearly renewal of commercial driver's licenses; providing for the reinstatement of revoked or expired commercial driver's licenses due to inactive status and lack of medical certification.

Referred to the Committee on Transportation and Infrastructure.

By Senator Maynard:

Senate Bill 846—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §18B-4-11, relating to creating an associate's or bachelor's degree based on skills, education, and experience earned while serving in the military.

Referred to the Committee on Military.

By Senator Rucker:

Senate Bill 847—A Bill to amend and reenact §61-11-25 of the Code of West Virginia, 1931, as amended, relating generally to expungement of criminal records for those found not guilty of crimes or against whom charges have been dismissed; making expungement of records for certain defendants acquitted of all criminal charges, or against whom charges were dismissed with prejudice, eligible for expungement without any action by the person; clarifying that persons with prior felony convictions are not eligible for expungement; and providing that if a court enters an order of acquittal of all criminal charges against a person in a case, the court shall order the record expunged upon the expiration of 30 days, unless the person objects to the expungement.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 848—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §16-1-22d, relating to creating a special revenue account within the State Treasury; placing special revenue account designated the Office of the Inspector General Reimbursement Fund within Department of Health; providing for the purpose of the account; and designating revenue sources for the account.

Referred to the Committee on Finance.

By Senator Queen:

Senate Bill 849—A Bill to amend and reenact §17-2A-17a of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of utility and establishing that private natural resource property shall not be taken without just compensation.

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

By Senator Trump:

Senate Bill 850—A Bill to amend and reenact §46A-6N-1 of the Code of West Virginia, 1931, as amended, all relating to the Consumer Credit and Protection Act; defining terms; removing commercial tort claims exclusion from definition of litigation financing; and excluding certain non-profit organizations from the definition of litigation financing.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 851—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, §7-28-8, and §7-28-9; 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, §8-40-8, and §8-40-9, 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; 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; setting forth exemption from West Virginia Freedom of Information Act; and providing effective dates.

Referred to the Committee on the Judiciary.

By Senator Taylor:

Senate Bill 852—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to modifying the ratio of children at family child care facilities.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 853—A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of propane gas systems; requiring the Fire Commission to promulgate standards relating to propane gas systems installed in single-family dwellings; and requiring the State Fire Marshal to inspect and certify compliance with the Fire Commission's standards.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Government Organization.

By Senator Oliverio:

Senate Bill 854—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-64, relating to establishing the Public/Private Small Business Enhancement Program to encourage small business development and growth; providing definitions; providing for rule-making authority; providing for exemptions for construction; and providing for a sunset date.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senator Chapman:

Senate Bill 855—A Bill to amend and reenact §61-8A-2, §61-8A-3, §61-8A-4, and §61-8A-5 of the Code of West Virginia, 1931, as amended, relating to clarifying the felony of exhibiting obscene matter to a minor for the purpose of abuse to be clarified to include any depiction of sexually graphic material to a minor for the purpose of seducing a minor.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 856—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, adding thereto a new article, designated §33-63-1, relating to cost sharing for diagnostic and supplemental breast examinations; providing definitions; providing that the Commissioner of Insurance may propose legislative rules; providing requirements for insurance and exceptions thereto if the benefit reduces certain federal benefits; and to provide related matters associated with coverage.

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

By Senator Chapman:

Senate Bill 857—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; 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 §33-16-3ii; to amend said code by adding thereto a new section, designated §33-16-3pp; 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 requiring insurance coverage for clinical genetic testing for an inherited gene mutation and evidenced-based cancer imaging; and providing that this testing is not subject to cost-sharing.

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

By Senator Trump:

Senate Bill 858—A Bill to amend and reenact §11-3-2a, §11-3-15b, §11-3-15c, §11-3-15d, §11-3-15e, §11-3-15f, §11-3-15g, §11-3-15h, §11-3-15i, §11-3-23a, §11-3-24, §11-3-24a, and §11-3-25b of the Code of West Virginia, 1931, as amended, all relating to clarifying filing requirements and deadlines for county assessors, county commissions, and the Office of Tax Appeals in property tax cases; and further clarifying the Office of Tax Appeals has jurisdiction over property tax cases.

Referred to the Committee on Government Organization.

By Senator Grady:

Senate Bill 859—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to limiting persons required to pass appropriate West Virginia Board of Education approved basic skills and subject matter tests in the area for which licensure is being sought as a condition for the issuance of a professional teaching certificate.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 860—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-14a, relating to creating alternative high-risk population public charter schools; describing students of said schools; and scheduling data computation for school enrollment.

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

By Senator Grady:

Senate Bill 861—A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to increasing support and professional development for educators; expanding factors used to determine how funds for supporting county-level implementation of the comprehensive systems for teacher and leader induction and professional growth are allocated to the counties; authorizing retention of additional funding for 2024 – 2025 school year by Department of Education to distribute to the county boards for the purpose of contracting with organizations that facilitate the school districts' participation in regional professional learning cadres, or teacher leadership networks designed to support math and science improvement or supported by the Department of Education; requiring certain amount of funds be retained beginning with 2025 – 2026 school year to distribute to the county boards for the purpose of expanding the school districts' ability to contract with organizations that facilitate the school districts' participation in regional professional learning cadres, or teacher leadership networks designed to support math and science improvement or to support teachers who are less than fully certified for the teaching position in which they are employed; requiring the funds to be distributed to the county boards under a grant program to be established by the state board by rule; requiring the state board to ensure that the results on the comprehensive statewide student

assessment for the students taught by each teacher are provided to that teacher; adding to topics to be addressed, the plan for implementation of a comprehensive system of support for improving professional practice; and requiring certain additional amounts paid to a teacher be only for the duration of any service provided and not be considered salary for the computation of an annuity under the Teachers Retirement System.

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

By Senator Woodrum:

Senate Bill 862—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended, relating to changing the designation of the Division of Culture and History as a separate independent agency to an agency within the Executive Branch as the Department of Arts, Culture, and History.

Referred to the Committee on Government Organization.

By Senators Barrett and Hunt:

Senate Bill 863—A Bill to amend and reenact §11-17-2, §11-17-3, §11-17-4b, and §11-17-17 of the Code of West Virginia, 1931, as amended, all relating to applying an excise tax to e-cigarettes and other heated nicotine products from the tobacco excise tax.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 864—A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, all related to the Grant Transparency and Accountability Act; clarifying what grants are subject to reporting requirements; defining terms; and making technical clarifications.

Referred to the Committee on Finance.

By Senator Woodrum:

Senate Bill 865—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact to amend §29-1-1 of said code, all relating to 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; and changing reference 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 four citizens commissions existing within the Department of Arts, Culture, and History.

Referred to the Committee on Government Organization.

By Senator Nelson:

Senate Bill 866—A Bill to amend and reenact §12-6-4 of the Code of West Virginia, 1931, as amended, relating generally to West Virginia Investment Management Board governance, designating the State Treasurer as chairman of the board; requiring the chairman to appoint the chief executive officer of the board subject to board approval; providing that the chief executive officer will serve until appointment of a successor, resignation, or board removal; authorizing the chairman to appoint a temporary chief executive officer without board approval to fill a vacancy for a period of time; and providing an internal effective date.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 867—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 activities.

Referred to the Committee on Education.

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

Senate Bill 868—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Commerce, Geological and Economic Survey, fund 8704, fiscal year 2024, organization 0306, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

By Senator Oliverio:

Senate Bill 869—A Bill to amend and reenact §24-2F-8 of the Code of West Virginia, 1931, as amended, relating to commercial net metering standards for electricity supplied by an electric utility and electricity generated from a facility owned or leased and operated by a customer-generator; modifying definition of "cross-subsidization"; requiring the Public Service Commission to adopt a rule mandating electric utilities to provide full retail credit to customer-generators for electricity delivered to a utility under a net metering arrangement; and requiring the Public Service Commission to increase the allowed kilowatt capacity to 1,000 kilowatts for commercial customer-generators.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Rucker:

Senate Bill 870—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, and §16-67-8; to amend said code by adding thereto a new section, designated §18-2-9b; to amend said code by adding thereto a new section, designated §18-5-29; to amend said code by adding thereto a new article, designated §18B-1G-1, §18B-1G-2, §18B-1G-3, §18B-1G-4, and §18B-1G-5; and to amend said code by adding thereto two new sections, designated §18B-14-5 and §18B-14-6, all relating to Restoring Sanity Act; relating to nondiscrimination; creating the Medical Personnel Protection Act; establishing purpose; defining terms; requiring certain certifications by a medical institution of higher education; requiring a medical institution of higher education to publish the titles and syllabi of all mandatory courses, seminars, classes, workshops, and training sessions; prohibiting internal diversity, equity, and inclusion audits or diversity, equity, and inclusion consultants; requiring standardized admissions tests as requirement for admission; establishing parameters for a medical institution of higher education to alter the academic standards for the admission of new students; imposing diversity, equity, and inclusion related requirement and restrictions on healthcare-related professional licensing boards and organizations that issue healthcare-related professional licenses and certifications; requiring medical providers and medical institutions of higher education to certify they do not and will not require ascription to, the study of or instruction with, certain diversity, equity, and inclusion material; imposing requirements on a state entity applying for a federal healthcare-related grant

related to diversity, equity, and inclusion; allowing action against a healthcare provider or medical institution of higher education for a violation of article; prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities from providing instruction in, requiring instruction in, making part of a course, or requiring a statement or affirmation by an employee of certain specified concepts; prohibiting a state institution of higher education or any of its employees from requiring a student or employee to take instruction in, or include in the curriculum of any required course, or require a statement or affirmation by any student or employee that certain specified concepts are factual and accurate or must be held as a belief of the student or employee; defining terms; recognizing that state institutions of higher education have an obligation to prohibit discrimination and have an obligation to protect the right to free speech; clarifying what is not prohibited; establishing public elementary and secondary school complaint and appeal procedures for alleged violations and complaint reporting procedures; requiring each campus to report to the Higher Education Policy Commission or the Council for Community and Technical College Education, a description of any violations; requiring certain information on the complaints filed and reported violations to be reported to the Legislative Oversight Commission on Education Accountability; providing that neither county board or public charter school employees are required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's biological sex; prohibiting state institutions of higher education from establishing, sustaining, supporting, or staffing a diversity, equity, and inclusion officer or office; defining terms; stating what prohibition does not cover or affect; prohibiting state institution of higher education from expending certain moneys until a report is filed with the Joint Committee on Education; requiring a new report to be filed on an annual basis; providing for enforcement; requiring reallocation of certain moneys that would have been expended on diversity, equity, and inclusion offices or officers to merit scholarships for lower-income and middle-income students and to reduce tuition and mandatory fees for resident students; stating effective date; declaring the policy of the state that the administrations of state institutions of higher education, and their administrative units, be officially neutral with regard to certain widely contested opinions; defining "diversity training"; prohibiting a diversity statement in certain instances; prohibiting state institutions of higher education from giving preferential consideration to an applicant, student, staff member, or faculty member due to certain opinions expressed or actions taken.

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

Senator Caputo offered the following resolution:

Senate Concurrent Resolution 31—Requesting the Joint Committee on Government and Finance study benefits associated with increasing paid parental leave for state employees.

Which, under the rules, lies over one day.

Senator Nelson offered the following resolution:

Senate Resolution 47—Recognizing the week of May 5-11, 2024, as Tardive Dyskinesia Awareness Week in West Virginia.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

Senate Resolution 48—Recognizing AARP of West Virginia and the many contributions they and their volunteers provide to the enhancement of our state and its people.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

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

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

Senate Resolution 43, Memorializing life of Honorable John Patton Fanning.

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 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. 43) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Maynard, Oliverio, Plymale, and Trump regarding the adoption of Senate Resolution 43 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 11:38 a.m., the Senate recessed to present Senate Resolution 43.

The Senate reconvened at 11:43 a.m. and resumed business under the seventh order.

Senate Resolution 44, Designating February 19, 2024, as Pancreatic Cancer Day.

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

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

Senate Resolution 45, Recognizing 112th anniversary of Girl Scouts of USA.

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

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

Senate Resolution 46, Affirming support for preservation of certain historic buildings across state.

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 and adopted.

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

Senator Caputo requested unanimous consent that the remarks by Senator Trump as to the introduction of the Honorable Michael J. Romano, a former senator from the twelfth district, be ordered printed in the Appendix to the Journal.

Which consent was not granted, Senator Trump objecting.

The Senate proceeded to the eighth order of business.

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

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

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, 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 Martin—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. 292) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, 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 Martin—2.

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. 292) 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 395, Relating to valuation of industrial property and natural resources by Tax Commissioner.

On third reading, coming up in regular order, with the right having been granted on February 16, 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 referred to the Committee on Rules with the right to amend on third reading remaining in effect.

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 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 referred to the Committee on Rules with the right to amend on third reading remaining in effect.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, 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. 602) 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 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 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 687, Clarifying Legislative Auditor's scope of authority.

On third reading, coming up in regular order, with the right having been granted on February 15, 2024, for amendments to be received on third reading, was read a third time.

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

On page 2, section 4, line 9, after the word "erroneous", by inserting a comma and the word "extravagant,";

On page 2, section 4, line 10, after the word "unit;" by inserting the word "and";

On page 3, section 4, lines 31 through 35, by striking out all of subsection (d) and inserting in lieu thereof a new subsection (d), to read as follows:

(d) Upon completion of a post audit, the Legislative Auditor shall report his or her findings and recommendations to the Legislature's Post Audit Subcommittee and, after presentation, publish the report on the Post Audit Division website.;

On page 3, section 6, line 7, after the word "erroneous," by inserting the word "extravagant,";

And,

On page 8, section 7, lines 1 through 7, by striking out all of subsection (a) and inserting in lieu thereof a new subsection (a), to read as follows:

(a) The division shall conduct agency reviews of one or more state agencies each year. An agency review shall be conducted of each state agency at least once every 15 years. An agency review may be conducted more frequently than once in 15 years and may be conducted in the discretion, and at the direction, of the President of the Senate and the Speaker of the House of Delegates.

Following discussion,

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

The bill, as just amended, was again ordered to engrossment.

Engrossed Senate Bill 687 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 687 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Jeffries, Maroney, Nelson, Oliverio, Phillips, Queen, Roberts, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

The nays were: Caputo, Chapman, Hamilton, Hunt, Karnes, Martin, Maynard, Plymale, Rucker, Smith, Stover, Stuart, Taylor, and Woelfel—14.

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. 687) passed.

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

Eng. Senate Bill 687—A Bill to amend and reenact §4-2-3, §4-2-4, §4-2-6, and §4-2-8 of the Code of West Virginia, 1931, as amended; to repeal §4-2-5 of said code; to amend and reenact §4-3-3c of said code; to amend and reenact §4-10-3, §4-10-6, §4-10-7, §4-10-9, and §4-10-10 of said code; and to repeal §4-10-8 of said code, all relating to the Legislative Auditor; establishing that auditor is responsible to Joint Committee on Government and Finance; clarifying that auditor may exercise powers at direction of Senate President or Speaker of the House of Delegates; restating authority of auditor to inspect properties, equipment, and records; providing for publication of post audit reports; prohibiting auditor from using external auditing entities to conduct audits except as directed by Senate President or Speaker; modifying obligations of auditor regarding budgetary matters; providing that committee has authority to hire employees to assist auditor in performance of obligations; clarifying hiring authority of committee; providing that department presentations are to be made at Senate President's or Speaker's direction; mandating that state agencies be reviewed within certain time period; eliminating requirement that agency and regulatory board reviews be conducted according to certain auditing standards; revising schedule of regulatory board reviews; and providing that agency and regulatory board reviews may be conducted more frequently than mandated.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Jeffries, Maroney, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Caputo, Chapman, Hamilton, Hunt, Karnes, Martin, Plymale, and Woelfel—8.

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. 687) 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 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 referred to the Committee on Rules.

Eng. Com. Sub. for House Bill 4756, Creating a state Alzheimer's plan task force.

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 H. B. 4756) 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 H. B. 4756) takes effect from passage.

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

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 third reading, coming up in regular order, with the right having been granted on February 16, 2024, for amendments to be received on third reading, was read a third time.

On motion of Senator Tarr, the following amendment to the bill were reported by the Clerk and adopted:

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

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale, and storage of certain weapons and ammunition.

(a) Neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell, or store any deadly weapon, firearm, or pepper spray, or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

(b) For the purposes of this section:

(1) "Deadly weapon" has the meaning provided in §61-7-2 of this code.

(2) "Firearm" has the meaning provided in §61-7-2 of this code.

(3) "Municipally owned or operated building" means any building that is used for the business of the municipality, such as a courthouse, city hall, convention center, administrative building, or other similar municipal building used for a municipal purpose permitted by state law: *Provided*, That "municipally owned or operated building" does not include a building owned by a municipality that is leased to a private entity where the municipality primarily serves as a property owner receiving rental payments.

(4) "Municipally owned recreation facility" means any municipal swimming pool, recreation center, sports facility, facility housing an after-school program, or other similar facility where children are regularly present.

(5) "Pepper spray" means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.

(c)(1) A municipality may enact and enforce an ordinance or ordinances that prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray in municipally owned or operated buildings.

(2) A municipality may enact and enforce an ordinance or ordinances that prohibit a person from carrying or possessing a deadly weapon, firearm, or pepper spray openly or that is not lawfully concealed in a municipally owned recreation facility: *Provided*, That a municipality may not prohibit a person with a valid concealed handgun license from carrying an otherwise lawfully possessed firearm into a municipally owned recreation facility and securely storing the firearm out of view and access to others during their time at the municipally owned recreation facility.

(3) A person may keep an otherwise lawfully possessed deadly weapon, firearm, or pepper spray in a motor vehicle in municipal public parking facilities if the vehicle is locked and the deadly weapon, firearm, or pepper spray is out of view.

(4) A municipality may not prohibit or regulate the carrying or possessing of a deadly weapon, firearm, or pepper spray on municipally owned or operated property other than municipally owned or operated buildings and municipally owned recreation facilities pursuant to subdivisions (1) and (2), subsection (b), of this section: *Provided*, That a municipality may prohibit persons who do not have a valid concealed handgun license from carrying or possessing a firearm on municipally owned or operated property.

(d) It shall be an absolute defense to an action for an alleged violation of an ordinance authorized by this section prohibiting or regulating the possession of a deadly weapon, firearm, or pepper spray that the person: (1) Upon being requested to do so, left the premises with the deadly weapon, firearm, or pepper spray or temporarily relinquished the deadly weapon, firearm, or pepper spray in response to being informed that his or her possession of the deadly weapon, firearm, or pepper spray was contrary to municipal ordinance; and (2) but for the municipal ordinance the person was lawfully in possession of the deadly weapon, firearm, or pepper spray.

(e) Any municipality that enacts an ordinance regulating or prohibiting the carrying or possessing of a deadly weapon, firearm, or pepper spray pursuant to subsection (c) of this section shall prominently post a clear statement at each entrance to all applicable municipally owned or operated buildings or municipally owned recreation facilities setting forth the terms of the regulation or prohibition.

(f) Redress for an alleged violation of this section may be sought through the provisions of §53-1-1 *et seq.* of this code, which may include the awarding of reasonable attorney's fees and costs, if the petitioner prevails.

(g) For the purposes of §61-7-14 of this code, municipalities may not be considered a person charged with the care, custody, and control of real property.

(h) This section does not:

(1) Authorize municipalities to restrict the carrying or possessing of deadly weapons, firearm, or pepper spray, which are otherwise lawfully possessed, on public streets and sidewalks of the municipality; or

(2) Limit the authority of a municipality to restrict the commercial use of real estate ~~in designated areas~~ through planning or zoning ordinances; except that a municipality may not restrict or regulate a firearms or ammunitions related business entity in a manner more restrictive than the planning or zoning ordinances imposed upon any other retail business, nor shall a municipality place restrictions on quantity limitations regarding the lawful sale or servicing of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms, including all indoor or outdoor shooting ranges.

(A) Any provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, repair, or display of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3 of this code, or personal defense tools or products other than firearms which are otherwise lawful under the laws of this state is void.

(B) A municipality may not use its planning or zoning powers solely to prohibit the sale of firearms, ammunition, firearms accessories or components as that term is defined in §31A-2B-3

of this code, or personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.

Any person aggrieved by a violation of this subdivision may seek redress as provided in subsection (f) of this section.

Engrossed Committee Substitute for House Bill 4782, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, 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)—33.

The nays were: Caputo—1.

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 H. B. 4782) passed.

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

Eng. Com. Sub. for House Bill 4782—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition; preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses; declaring ordinances which restrict or prohibit certain sales of firearms, firearms accessories or components, and other lawful personal defense tools or products as void; restricting a municipality from using its planning or zoning powers solely to prohibit the sale of firearms, firearms accessories or components, or lawful personal defense tools or products other than firearms within a prescribed distance of any other type of commercial property or of school property or other educational property; and providing remedies for violations.

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

Eng. House Bill 4832, Relating to state superintendent's reports regarding the finances of school 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, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4832) passed with its title.

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

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

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, 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)—33.

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5006) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5261) 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. H. B. 5261) takes effect July 1, 2024.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5267) passed with its title.

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

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 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 H. B. 5273) passed with its title.

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

The Senate proceeded to the ninth order of business.

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

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 637, Prohibiting public disclosure of personal information on internet.

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 649, Clarifying per diem compensation for certain judges recalled to service.

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 688, Authorizing director of Division of Forestry to contract and manage forest land.

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 690, Establishing WV Agritourism Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 740, Prohibiting digital manipulation of sexually explicit content to include minors.

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 741, Prohibiting creation, production, distribution or possession of artificially generated child pornography.

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

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

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

Com. Sub. for Com. Sub. for Senate Bill 453, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

Senate Bill 494, Uniform Unlawful Restriction in Land Records Act.

Com. Sub. for Senate Bill 533, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

Com. Sub. for Senate Bill 630, Defining protections for election officials and election workers.

Com. Sub. for Senate Bill 667, Creating Physician Assistant Compact.

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

Com. Sub. for Senate Bill 722, Revising examination of records relating to limited video lottery.

Com. Sub. for Senate Bill 727, Revising process for county boards of education to hire support staff.

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

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

Com. Sub. for Senate Bill 785, Allowing Foster Care Ombudsman access to child protective records.

And,

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

The Senate proceeded to the thirteenth order of business.

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 16, 2024:

Com. Sub. for Senate Bill 493: Senator Tarr;

And,

Senate Bill 802: Senator Jeffries.

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 16, 2024:

Senate Bill 174: Senator Jeffries;

Com. Sub. for Senate Bill 453: Senator Phillips;

Senate Bill 630: Senator Hamilton;

Senate Bill 683: Senator Phillips;

Senate Bill 813: Senators Deeds, Tarr, Weld, and Taylor;

Senate Bill 818: Senator Caputo;

Senate Bill 821: Senators Woelfel and Plymale;

Senate Bill 823: Senator Deeds;

Senate Bill 824: Senator Caputo;

Senate Bill 832: Senator Phillips;

Senate Bill 834: Senator Plymale;

Senate Bill 837: Senator Woelfel;

Senate Concurrent Resolution 30: Senators Phillips, Plymale, Grady, and Woodrum;

Senate Resolution 42: Senator Nelson;

Senate Resolution 44: Senators Woelfel and Caputo;

Senate Resolution 45: Senators Caputo, Rucker, and Chapman;

And,

Senate Resolution 46: Senator Rucker.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:25 p.m., the Senate adjourned until tomorrow, Tuesday, February 20, 2024, at 11 a.m.

SENATE CALENDAR

**Tuesday, February 20, 2024
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 31 - Requesting Joint Committee on Government and Finance study benefits associated with increasing paid parental leave for state employees
- S. R. 47 - Recognizing week of May 5-11, 2024, as Tardive Dyskinesia Awareness Week
- S. R. 48 - Recognizing AARP of WV for many contributions provided to enhance our state and its people

THIRD READING

- Eng. S. B. 574 - Supplemental appropriation to DOT, Division of Highways (original similar to HB5245)
- Eng. Com. Sub. for S. B. 631 - Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees - (With right to amend)
- Eng. Com. Sub. for S. B. 637 - Prohibiting public disclosure of personal information on internet
- Eng. Com. Sub. for S. B. 649 - Clarifying per diem compensation for certain judges recalled to service
- Eng. Com. Sub. for S. B. 688 - Authorizing director of Division of Forestry to contract and manage forest land - (With right to amend) (original similar to HB5519)
- Eng. Com. Sub. for S. B. 690 - Establishing WV Agritourism Commission - (With right to amend)
- Eng. S. B. 696 - Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management
- Eng. S. B. 700 - Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority
- Eng. S. B. 701 - Supplementing and amending appropriations to Department of Education, School Construction Fund
- Eng. S. B. 703 - Supplementing and amending appropriations to Department of Homeland Security, WV State Police
- Eng. S. B. 707 - Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources
- Eng. S. B. 708 - Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund
- Eng. S. B. 709 - Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority
- Eng. S. B. 710 - Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children

Eng. Com. Sub. for S. B. 740 - Prohibiting digital manipulation of sexually explicit content to include minors

Eng. Com. Sub. for S. B. 741 - Prohibiting creation, production, distribution or possession of artificially generated child pornography

Eng. S. B. 752 - Authorizing Department of Agriculture to complete certain land transfers

SECOND 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. 711 - Clarifying that qualified law enforcement from any federal agency may enforce state laws under limited circumstances.

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)

Eng. Com. Sub. for H. B. 5295 - Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Tuesday, February 20, 2024

10 a.m.	Education	(Room 451M)
10 a.m.	Government Organization	(Room 208W)
10:45 a.m.	Rules	(Room 219M)