

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
REGULAR SESSION, 2024  
THIRTEENTH DAY

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Charleston, West Virginia, Monday, January 22, 2024

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Bill Hamilton, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journals of Thursday, January 18, 2024, and Friday, January 19, 2024,

At the request of Senator Azinger, unanimous consent being granted, the Journals were approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4190**—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §15-3F-1, §15-3F-2, §15-3F-3, §15-3F-4, §15-3F-5, §15-3F-6, and §15-3F-7 of said code, all relating to the establishment of an alert system for missing cognitively impaired persons; providing legislative findings; defining cognitive disability; providing for the establishment of a Purple Alert Plan; providing criteria for the activation of a Purple Alert; providing for notice and broadcasting of a Purple Alert; and providing immunity for individuals providing information pursuant to a Purple Alert in good faith.

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 July 1, 2024, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4252**—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated as §48-28B-1, §48-28B-2, §48-28B-3, §48-28B-4, and §48-28B-5, all relating to establishing a process to recognize and enforce Canadian domestic violence protective orders, short title, definitions, enforcement of Canadian domestic violence protective orders by law enforcement, enforcement of Canadian domestic violence protective orders by a court, and registration of a Canadian domestic violence protective order.

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 4433**—A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to exempting the acquisition and utilization of a mobile facility which performs mammography or low density computerized tomography.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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 196**, WV Rail Trails Program.

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

**Com. Sub. for Senate Bill 196** (originating in the Committee on Outdoor Recreation)—A Bill to amend and reenact §5B-1A-1, §5B-1A-2, §5B-1A-3, §5B-1A-4, §5B-1A-5, §5B-1A-6, and §5B-1A-9 of the Code of West Virginia, 1931, as amended, all relating to establishing the West Virginia Rail Trails Program consisting of rail-to-trail and rail with trail programs; updating definitions to include a definition of "rail with trail"; expanding State Rail Authority to acquire railroad rights-of-way and land for both trail programs; clarifying that rail-to-trail program may not unreasonably limit ability to restore rail service on railroad rights-of-way; and expanding limitation of and exception to liability to railroad owners under certain circumstances.

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.

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

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 228**, Requiring medically necessary care and treatment to address congenital anomalies associated with cleft lip and cleft palate.

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,

Michael J. Maroney,  
*Chair.*

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

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

Your Committee on Education has had under consideration

**Senate Bill 259**, Requiring Higher Education Policy Commission to create and administer PROMISE Plus Program.

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

Respectfully submitted,

Amy N. Grady,  
*Chair.*

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

Senator 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 262**, Clarifying procedure for administrative dissolution of corporations by Secretary of State.

**Senate Bill 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals.

And,

**Senate Bill 430**, WV Rent-to-Own Act.

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

Respectfully submitted,

Jack David Woodrum,  
*Chair.*

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

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 357**, Permitting dental hygienist to perform tobacco cessation education.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 448**, Requiring age-appropriate instruction on Holocaust in public schools.

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

Respectfully submitted,

Amy N. Grady,  
*Chair.*

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

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 450**, Requiring photo ID on EBT cards.

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

**Com. Sub. for Senate Bill 450** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-8-5 of the Code of West Virginia, 1931, as amended, relating to requiring a photograph of the user on EBT cards.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 450) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance.

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolutions were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Trump:**

**Senate Bill 495**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-21, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

Referred to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Bill 496**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 497**—A Bill to amend and reenact §37-6-9 of the Code of West Virginia, 1931, as amended, relating to proscribing rent control.

Referred to the Committee on Government Organization.

**By Senator Chapman:**

**Senate Bill 498**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to correlating the Medicaid personal needs allowance with the state poverty index.

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

**By Senator Chapman:**

**Senate Bill 499**—A Bill to amend and reenact §30-1-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-3-13 and §30-3-13a of said code, all relating to

permitting medical providers outside the State of West Virginia to practice telehealth and telemedicine in West Virginia, as was previously permitted under the COVID-19 state of emergency.

Referred to the Committee on Health and Human Resources.

**By Senators Weld, Caputo, Deeds, Hamilton, Rucker, Stover, Takubo, Taylor, and Woodrum:**

**Senate Bill 500**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, and §46A-6O-4, all relating to creating the Telephone Consumer Protection Act; providing definitions, exclusions, and prohibitions; and listing violations of this act.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 501**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating and defining the felony offense of cruelty to animals; modifying and clarifying applicability; defining terms; and creating criminal penalties.

Referred to the Committee on the Judiciary.

**By Senators Oliverio, Boley, Grady, Martin, and Weld:**

**Senate Bill 502**—A Bill to amend and reenact §18A-4-10a of the Code of West Virginia, 1931, as amended, relating to providing persons who first became a member of the Teachers Retirement System on or after July 1, 2015, the opportunity to sell up to 10 of his or her unused days of personal leave back to the county board in exchange for monetary compensation paid on or before June 30.

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

**By Senator Grady:**

**Senate Bill 503**—A Bill to amend and reenact §18B-20-5 of the Code of West Virginia, 1931, as amended, relating to protection of belief-based student organizations by expanding student organizations that are protected against certain types of discrimination by a state institution of higher education; and expanding the types of discrimination the student organizations are protected from.

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

**By Senators Clements and Grady:**

**Senate Bill 504**—A Bill to amend and reenact §61-8B-11b of the Code of West Virginia, 1931, as amended, relating to modifying elements of a felony offense pertaining to when a school employee or volunteer engages in sexual intercourse, intrusion, or contact with students.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 505**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-1, §49-12-2, and §49-12-3, all relating to codifying the Parents' Bill of Rights.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 506**—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to eliminating the restriction to carry a firearm on the State Capitol Complex grounds.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 507**—A Bill to repeal §18-13-1, §18-13-2, §18-13-3, §18-13-4, and §18-13-5 of the Code of West Virginia, 1931, as amended, relating to repeal of West Virginia EDGE.

Referred to the Committee on Education.

**By Senators Roberts, Azinger, Barrett, Boley, Chapman, Deeds, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, and Weld:**

**Senate Joint Resolution 6**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Blair (Mr. President):**

**Senator Joint Resolution 7**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article IV thereof, relating to the right to vote in elections held in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Blair (Mr. President), Barrett, Caputo, Jeffries, Maynard, Phillips, Queen, Swope, Takubo, Trump, Woodrum, and Maroney offered the following resolution:

**Senate Resolution 7**—Designating January 22, 2024, as West Virginia Tourism Day at the Legislature.

At the request of Senator Jeffries, 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 Jeffries, and by unanimous consent, Senator Jeffries offered the following resolution from the floor:

**Senate Resolution 8**—Designating January 23, 2024, as Hunger Free West Virginia Day at the Legislature.

Which, under the rules, lies over one day.

At the request of Senator Caputo, and by unanimous consent, Senator Caputo offered the following resolution from the floor:

**Senate Resolution 9**—Recognizing January 23, 2024, as Mountaineer Therapy Dogs' Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 18**, Stanley W. and Evelyn C. See Memorial Bridge.

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

**Senate Concurrent Resolution 19**, US Army PFC Henry W. Baldwin Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Maroney and Plymale—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 219) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 17**, Department of Health rule relating to public water systems operators.

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 31**, Department of Human Services rule relating to collection and exchange of data related to overdoses.



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 60**, Authorizing DOT to promulgate legislative rules.

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 152**, Displaying official US motto in public schools.

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 217**, Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget.

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

**Senate Bill 240**, Increasing fees charged by sheriff.

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

**Senate Bill 264**, Reducing rates for legal advertising.

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 269**, Excluding test strips from definition of drug paraphernalia.

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 280**, Allowing teachers in public schools to discuss scientific theories.

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 293**, Creating the Glucagon for Schools Act.

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

**Com. Sub. for Senate Bill 300**, Relating to organization of Office of Inspector General.

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

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

**Senate Bill 438**, Modifying roster requirements of authorizing entities.

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 Senate Bill 354**, Relating to the WV Advanced Energy and Economic Corridor Authority.

**Com. Sub. for Senate Bill 399**, Creating crime of assault on a police dog.

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

**Senate Bill 426**, WV Recreational Trails Development Act.

**Senate Bill 439**, Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances.

**Senate Bill 462**, Updating definitions of certain terms used in Personal Income Tax Act.

And,

**Senate Bill 483**, Amending Corporation Net Income Tax Act.

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

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on January 18, 2024:

**Senate Bill 450**: Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 18, 2024:

**Senate Bill 243**: Senator Azinger;

**Senate Bill 325**: Senator Woelfel;

**Senate Bill 339**: Senator Azinger;

**Senate Bill 443**: Senator Oliverio;

**Senate Bill 450**: Senator Azinger;

**Senate Bill 467:** Senator Karnes;

**Senate Bill 468:** Senator Karnes;

**Senate Bill 486:** Senators Trump, Phillips, and Hamilton;

**Senate Bill 488:** Senators Hamilton, Woelfel, and Roberts;

**Senate Bill 489:** Senators Karnes and Rucker;

**Senate Bill 490:** Senator Woelfel;

**Senate Bill 492:** Senator Hamilton;

**Senate Concurrent Resolution 1:** Senator Karnes;

**Senate Concurrent Resolution 2:** Senator Karnes;

**Senate Concurrent Resolution 3:** Senator Karnes;

**Senate Concurrent Resolution 4:** Senator Karnes;

**Senate Concurrent Resolution 5:** Senator Karnes;

**Senate Concurrent Resolution 6:** Senator Karnes;

**Senate Concurrent Resolution 7:** Senator Karnes;

**Senate Concurrent Resolution 8:** Senator Karnes;

**Senate Concurrent Resolution 12:** Senator Karnes;

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

**Senate Concurrent Resolution 14:** Senator Karnes;

**Senate Concurrent Resolution 15:** Senator Karnes;

**Senate Concurrent Resolution 18:** Senators Karnes, Phillips, and Jeffries;

**Senate Concurrent Resolution 19:** Senators Karnes, Phillips, and Jeffries;

And,

**Senate Resolution 6:** Senator Karnes.

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

On motion of Senator Takubo, at 11:27 a.m., the Senate adjourned until tomorrow, Tuesday, January 23, 2024, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, January 23, 2024  
11:00 AM**

### **UNFINISHED BUSINESS**

S. R. 8 - Designating January 23, 2024, as Hunger Free WV Day at Legislature

S. R. 9 - Recognizing January 23, 2024, as Mountaineer Therapy Dogs' Day at Legislature

### **THIRD READING**

Eng. Com. Sub. for S. B. 17 - Department of Health rule relating to public water systems operators (original similar to HB4042)

Eng. Com. Sub. for S. B. 31 - Department of Human Services rule relating to collection and exchange of data related to overdoses (original similar to HB4056)

Eng. Com. Sub. for S. B. 152 - Displaying official US motto in public schools (original similar to HB4846)

Eng. Com. Sub. for S. B. 217 - Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget

Eng. S. B. 240 - Increasing fees charged by sheriff

Eng. Com. Sub. for S. B. 269 - Excluding test strips from definition of drug paraphernalia

Eng. Com. Sub. for S. B. 280 - Allowing teachers in public schools to discuss scientific theories

Eng. Com. Sub. for S. B. 293 - Creating the Glucagon for Schools Act

Eng. S. B. 438 - Modifying roster requirements of authorizing entities

### **SECOND READING**

Com. Sub. for S. B. 300 - Relating to organization of Office of Inspector General (original similar to HB4757)

Com. Sub. for S. B. 354 - Relating to the WV Advanced Energy and Economic Corridor Authority

Com. Sub. for S. B. 399 - Creating crime of assault on a police dog

Com. Sub. for S. B. 400 - Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects

S. B. 426 - WV Recreational Trails Development Act

S. B. 439 - Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances

S. B. 462 - Updating definitions of certain terms used in Personal Income Tax Act (original similar to HB4878)

S. B. 483 - Amending Corporation Net Income Tax Act (original similar to HB4881)

**FIRST READING**

Com. Sub. for S. B. 196 - WV Rail Trails Program

S. B. 262 - Clarifying procedure for administrative dissolution of corporations by Secretary of State

S. B. 357 - Permitting dental hygienist to perform tobacco cessation education

S. B. 428 - Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals

S. B. 430 - WV Rent-to-Own Act

S. B. 448 - Requiring age-appropriate instruction on Holocaust in public schools

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2024**

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**Tuesday, January 23, 2024**

10 a.m.	Education	(Room 451M)
10 a.m.	Government Organization	(Room 208W)
10:45 a.m.	Rules	(Room 219M)
1 p.m.	Health & Human Resources	(Room 451M)