

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
TWENTY-SEVENTH DAY

Charleston, West Virginia, Monday, February 5, 2024

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jason Barrett, a senator from the sixteenth district.

Pending the reading of the Journal of Friday, February 2, 2024,

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

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

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

Health and Human Resources, Department of (Breast and Cervical Cancer Screening Program) (§16-33-6)

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 and requested the concurrence of the Senate in the passage of

Eng. House Bill 4292—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement.

Referred to the Committee on Energy, Industry, and Mining; 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 4837—A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46-3-118 of said code, as amended, all relating to modifying the duties of banks to retain records; limiting bank liability for the routine destruction of documents; providing uniformity between the statute of limitations for actions to enforce the obligation of a note and a banks duty to retain and produce records on such notes; providing uniformity between statute of limitations and presumption of abandonment under §36-8-2; providing a presumption of payment by the bank on any demand, savings, or time deposit, where the property qualifies as abandoned property under §36-8-2 of this code or where there is evidence of escheatment to the state; and modifying banks record production of notes presumed abandoned with record of escheatment to the state.

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

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

Eng. Com. Sub. for House Bill 4965—A Bill to amend the Code of West Virginia, 1931, as amended, by amending §14-2A-3 relating to a proviso that any award of restitution awarded pursuant to the provisions of §17C-5-2c of this code shall not be considered as a collateral source, and by adding thereto a new section, designated §17C-5-2c, related to discretionary restitution to children of victims of negligent homicide and mandatory restitution to children of victims of driving under the influence causing death; relating to eligibility of restitution; relating to factors relevant to determining the amount of restitution; relating to how restitution is to be handled during incarceration; relating to when restitution payments shall commence after release from incarceration; relating to court approved payment plans; relating to interest on arrearages; and relating to enforcement when there is non-compliance.

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 4998—to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to modifying the penalties for third offense conviction of shoplifting; relating to a court ordered substance abuse disorder evaluation upon specific findings of fact by the trial court, after conviction pursuant to this section, and as part of the presentence investigation process; and relating to requiring a defendant that has been determined to have substance abuse disorder to undergo treatment for the substance use disorder.

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 5014—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Higher Education Policy Commission, West

Virginia University, General Administration Fund, fund 0344, fiscal year 2024, organization 0463 by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

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. Com. Sub. for House Bill 5016—A Bill to amend and reenact §17-5-1 of the Code of West Virginia, 1931, as amended, relating to making all inmates, regardless of gender, eligible to work on a state convict road force.

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 5117—A Bill to amend and reenact §30-1-23 of the Code of West Virginia, 1931, as amended, generally relating to the waiver of initial licensing fees for certain individuals.

Referred to the Committee on Government Organization.

Executive Communications

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



Jim Justice
Governor of West Virginia

February 2, 2024

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

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

Committee Substitute for Senate Bill No. Two Hundred Sixty-Nine (269), which was presented to me on January 30, 2024.

You will note that I have approved this bill on February 2, 2024.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 596, Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage.

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

Com. Sub. for Senate Bill 596 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-11-4, §22-11-22, §22-11-22a, §22-11-24, and §22-11-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-11B-3 and §22-11B-12 of said code, all related to the administration of the West Virginia Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage to provide assurances to the United States Environmental Protection Agency regarding the State of West Virginia's application for primary enforcement authority over underground carbon dioxide sequestration programs; to insert cross references between the Underground Carbon Sequestration and Storage statutes and the West Virginia Water Pollution Control Act to protect water resources; providing that before a Certificate of Completion can be issued, all the requirements of a class 6 injection well permit must be met, including post injection site care and closure requirements; altering the minimum 10-year period between the end of injections and the issuance of the certificate to be either 50 years or another time period on a site-specific basis as determined by DEP rules; providing exceptions and limitations to what liability is transferred to the state and what remains with the permittee; providing that a permittee will be responsible for certain contractual obligations and criminal liability; providing that a release of liability does not apply to owners or operators of a facility when liability arises from noncompliance with applicable laws, regulations, or permits prior to issuance of the Certificate of Completion; providing for liability when it is determined that fluid migration has occurred that causes or threatens underground sources of drinking water; providing that the secretary will implement the article in a manner consistent with the requirements of the federal Safe Drinking Water Act; providing for the exercise of the state's authority to restrain people from endangering or damaging public health or the environment.

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,

Randy E. Smith,
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 Energy, Industry, and Mining.

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 Trump:

Senate Bill 629—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to rules for statewide building codes promulgated by the State Fire Commission; and requiring a builder to follow the provisions of the State Building code in the construction or renovation of a structure if a county or municipality does not provide inspection and enforcement services.

Referred to the Committee on Government Organization.

By Senator Woelfel:

Senate Bill 630—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended, relating to defining protections for election officials and election workers, including poll workers while performing the duties of the election process; and clarifying the conditions and circumstances of protections.

Referred to the Committee on the Judiciary.

By Senator Barrett:

Senate Bill 631—A Bill to amend and reenact §16-13-16 of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from shutting off a user's water for nonpayment of stormwater fees; and allowing for municipalities to impose a lien to obtain payment without shutting off, or disconnecting, service.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 632—A Bill to amend and reenact §27-6A-12 of the Code of West Virginia, 1931, as amended, relating to continuing the study group on competency and criminal responsibility; adding brain injuries to the subjects to be studied; amending the membership of the study group; establishing a steering committee within the study group; setting a deadline for the report to be presented and to which offices and committees the report should be submitted; and enabling the steering committee to seek funding.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 633—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-3-19, relating to requiring training in brain injury screening for personnel at Division of Corrections and Rehabilitation; requiring screening of all incoming and currently incarcerated individuals for brain injuries; requiring that the screening processes be designed with input from a study group dealing with competency and criminal responsibility; and listing the agencies required to enter a memorandum of understanding in order to share confidential health information that is pertinent to the study group's study.

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

By Senator Oliverio:

Senate Bill 634—A Bill to amend and reenact §64-6-4 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to electrician licensing rules.

Referred to the Committee on Government Organization.

By Senator Oliverio:

Senate Bill 635—A Bill to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended, relating to modifying when a commission, council, or a governing board may sell, convey, or otherwise dispose of any real property that was gifted or devised to it.

Referred to the Committee on Government Organization.

By Senators Oliverio and Queen:

Senate Bill 636—A Bill to amend and reenact §3-1-41 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-19 of said code, all relating to expressly prohibiting the acceptance of illegal ballots cast in any election; and providing criminal penalties for intentionally and knowingly accepting an absentee ballot that does not comply with state requirements for absentee voting.

Referred to the Committee on the Judiciary.

By Senator Taylor:

Senate Bill 637—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3C-14d, relating to prohibiting public disclosure of an individual's personal information on the internet in certain circumstances; defining terms; and providing penalties.

Referred to the Committee on the Judiciary.

By Senators Oliverio and Stover:

Senate Bill 638—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2J-1 and §24-2J-2, all relating to establishing a community solar pilot program for subscribers to gain credits against their utility bills; providing legislative findings; defining terms; authorizing subscriber-based solar projects that allow solar power production to be granted credit against electric power costs; providing that an authorized project is not deemed as a utility; providing conditions and terms for operation for a facility; providing for regulation of the pilot program by the Public Service Commission; providing conditions for credits; providing requirements for subscriber organizations; and providing Public Service Commission rule-making authority and directives.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

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

Senate Bill 639—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Office of the Secretary, fund 0606, fiscal year 2024, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 640—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Economic Development – Office of the

Secretary, fund 0256, fiscal year 2024, organization 0307, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 641—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 0314, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 642—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2024, organization 0613, and Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 0460, fiscal year 2024, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 643—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Department of Education, State Board of Education – School Building Authority, fund 0318, fiscal year 2024, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 644—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2024, organization 0305, and the Department of Commerce, Geological and Economic Survey, fund 0253, fiscal year 2024, organization 0306, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 645—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203,

fiscal year 2024, organization 0209, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 646—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding a new item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 647—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2024, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 648—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2024, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

By Senator Hunt:

Senate Bill 649—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating to clarifying per diem compensation and reimbursable expenses for senior intermediate court judges and senior family court judges recalled into service.

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

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

Senate Bill 650—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Fairmont State University, fund 0360, fiscal year 2024, organization 0484, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 651—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, West Virginia Economic Development Authority, fund XXXX, fiscal year 2024, organization 0944, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 652—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Health Facilities – William R. Sharpe Jr. Hospital, fund 0413, fiscal year 2024, organization 0512, and the Department of Health and Human Resources, Health Facilities – Mildred Mitchell-Bateman Hospital, fund 0414, fiscal year 2024, organization 0512, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 653—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Department of Education, State Board of Education – School Building Authority, fund 0318, fiscal year 2024, organization 0404, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 654—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, Executive, Governor's Office, fund 0101, fiscal year 2024, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by increasing an existing item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 655—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2024, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 656—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in

the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2024, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 657—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$71,000,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

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

Senate Bill 658—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, the Department of Administration, Public Defender Services, fund 0226, fiscal year 2024, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

By Senator Caputo:

Senate Bill 659—A Bill to amend and reenact §5-10-22n of the Code of West Virginia, 1931, as amended, relating to increasing the minimum benefit for certain annuitants with at least 20 years of total service.

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

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

Senate Bill 660—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$150,000,000 from the Executive, Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2024, organization 1300.

Referred to the Committee on Finance.

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

Senate Bill 661—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2024, in the amount of \$35,000,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Referred to the Committee on Finance.

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

Senate Bill 662—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Higher Education Policy Commission, Higher Education Policy

Commission – Administration – Control Account, fund 0589, fiscal year 2024, organization 0441, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 663—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Administrative Services – Criminal Justice Fund, fund 0546, fiscal year 2024, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 664—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2024, organization 0709, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

Senate Bill 665—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health - Central Office, fund 0407, fiscal year 2024, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024, by adding new items of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 666—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2024, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

Senators Maynard, Azinger, Chapman, Rucker, and Taylor offered the following resolution:

Senate Concurrent Resolution 27—Affirming the power of all 50 states to repel invasions as stated in the United States Constitution.

Which, under the rules, lies over one day.

Senator Smith offered the following resolution:

Senate Resolution 26—Designating February 6, 2024, as Preston County Day at the Legislature.

Which, under the rules, lies over one day.

Senators Rucker and Barrett offered the following resolution:

Senate Resolution 27—Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County, West Virginia.

Which, under the rules, lies over one day.

Senator Takubo offered the following resolution:

Senate Resolution 28—Designating February 6, 2024, as Local Food and Farms Day at the Legislature.

Which, under the rules, lies over one day.

At the request of Senator Martin, unanimous consent being granted, the name of Senator Martin was added as a co-sponsor to **Senate Bill 529** (*Including Salem University in PROMISE Scholarship program*).

The Senate proceeded to the seventh order of business.

Senate Resolution 25, Designating February 5, 2024, as Recovery Advocacy Day.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 331, Eliminating cap on maximum amount of money in county's financial stabilization fund.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 331) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 331) 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 Senate Bill 436, Prohibiting intentional motor vehicle emissions that create hazards.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 436 pass?"

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

The nays were: Azinger, Chapman, Karnes, Martin, Maynard, Rucker, Smith, Stover, Stuart, and Taylor—10.

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. 436) 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 466, Requiring State Board of Education develop Safety While Accessing Technology education program.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 466 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson,

Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 466) 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 539, Creating cold case database.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 539) 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 4594, Relating to extending managed care.

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. 4594) passed.

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

Eng. House Bill 4594—A Bill to amend and reenact §9-5-27 of the Code of West Virginia, 1931, as amended, relating to foster care; removing stakeholder requirements; removing reporting requirements; removing termination date of foster care contract; and removing duties of Foster Care Ombudsman.

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. H. B. 4594) takes effect from passage.

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 504, Relating to felony offense of sexual intercourse, intrusion, or contact with student.

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 516, Determining venue for custodial allocation actions independent of divorce.

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

Senate Bill 543, Relating to research and economic development agreements for state institutions of higher education.

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 571, Creating WV Corridor H Advanced Energy and Economic Corridor Authority.

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 325, Relating to distribution of drugs to safety net providers and contract pharmacies.

Senate Bill 507, Relating to repeal of WV EDGE.

Senate Bill 529, Including Salem University in PROMISE Scholarship program.

Com. Sub. for Senate Bill 540, Updating surveying coordinate system.

Senate Bill 546, Updating STEM scholarship program.

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

Com. Sub. for Senate Bill 557, Updating compensation for firefighters required to work holidays.

And,

Eng. Com. Sub. for House Bill 4801, Relating generally to the banking authority of the State Treasurer's Office.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Takubo.

The Senate next 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 February 2, 2024:

Com. Sub. for Com. Sub. for Senate Bill 325: 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 resolution on February 2, 2024:

Senate Bill 620: Senators Taylor and Chapman;

Senate Bill 624: Senator Roberts;

Senate Bill 625: Senator Roberts;

Senate Bill 627: Senator Roberts;

And,

Senate Resolution 25: Senator Caputo.

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

On motion of Senator Takubo, at 11:29 a.m., the Senate adjourned until tomorrow, Tuesday, February 5, 2024, at 11 a.m.

SENATE CALENDAR

**Tuesday, February 06, 2024
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 27 - Affirming power of states to repel invasions for our nation's security
- S. R. 26 - Designating February 6, 2024, as Preston County Day
- S. R. 27 - Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County
- S. R. 28 - Designating February 6, 2024, as Local Food and Farm Day

THIRD READING

- Eng. Com. Sub. for S. B. 504 - Relating to felony offense of sexual intercourse, intrusion, or contact with student
- Eng. Com. Sub. for S. B. 516 - Determining venue for custodial allocation actions independent of divorce
- Eng. S. B. 543 - Relating to research and economic development agreements for state institutions of higher education
- Eng. Com. Sub. for S. B. 571 - Creating WV Corridor H Advanced Energy and Economic Corridor Authority

SECOND READING

- Com. Sub. for Com. Sub. for S. B. 325 - Relating to distribution of drugs to safety net providers and contract pharmacies (original similar to HB4892)
- S. B. 507 - Relating to repeal of WV EDGE
- S. B. 529 - Including Salem University in PROMISE Scholarship program
- Com. Sub. for S. B. 540 - Updating WV coordinate systems
- S. B. 546 - Updating STEM scholarship program (original similar to HB5153)
- S. B. 547 - Authorizing legislative rules for Higher Education Policy Commission
- Com. Sub. for S. B. 557 - Relating to compensation for firefighters required to work holidays
- Eng. Com. Sub. for H. B. 4801 - Relating generally to the banking authority of the State Treasurer's Office

FIRST READING

- Com. Sub. for S. B. 596 - Relating to administration of WV Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Tuesday, February 6, 2024

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