

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
SIXTH DAY

Charleston, West Virginia, Monday, January 15, 2024

The Senate met at 11:02 a.m.

(Senator Takubo in the Chair.)

Prayer was offered by the Honorable Amy N. Grady, a senator from the fourth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Friday, January 12, 2024,

At the request of Senator Caputo, 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 communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Administration, Department of (State Building Commission Fund) (§5-6-1)

Architects, Board of (§30-1-12)

Attorney General, Office of the (§5-3-4)

Auditor's Office (Consolidated Budget Report) (§11-13A-5a)

Barbers and Cosmetologists, Board of (§30-1-12)

Chiropractic Examiners, Board of (§30-1-12)

Contractor Licensing Board (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Environmental Protection, Department of (Groundwater Programs and Activities) (§22-12-6)

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Forestry, Division of (Logging Sediment Control) (§19-1B-13)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of (Children's Health Insurance Program) (§5-16B-3)

Health and Human Resources, Department of (James "Tiger" Morton Catastrophic Illness Commission) (§16-5Q-2)

Health and Human Resources, Department of (Office of Emergency Medical Services) (§16-4C-6b)

Health and Human Resources, Department of (Recovery Residence Task Force Recommendations) (§16-5T-2)

Health and Human Resources, Department of (Youth Services) (§49-2-1006)

Homeland Security, Department of (Community Corrections Act) (§62-11C-3)

Homeland Security, Department of (Justice Reinvestment Initiative) (§62-15-6a)

Homeland Security, Department of (Law-Enforcement Professional Standards Subcommittee/Program) (§30-29-3)

Housing Development Fund (Audited Financial Statements) (§31-18-24)

Insurance Commissioner, Offices of the (Occupational Pneumoconiosis Board) (§23-1-17)

Insurance Commissioner, Offices of the (Office of the Consumer Advocate) (§33-2-16)

Investment Management Board (Annual Report) (§12-6-14)

Investment Management Board (Audited Financial Statements) (§12-6-6)

Investment Management Board (Schedule of Investment Performance) (§12-6-6)

Landscape Architects, Board of (§30-1-12)

Massage Therapy Licensure Board (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of Examiners (§30-1-12)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Motor Vehicles, Division of (Motorcycle Safety Program) (§17B-1D-8)

Municipal Pensions Oversight Board (Municipal Policemen's and Firemen's Pension and Relief Funds) (§8-22-20a)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Protective Services, Division of (Monthly Incident Report) (§15-2D-3)

Psychologists, Board of Examiners of (§30-1-12)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Nurses, Board of (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Sanitarians, Board of (§30-1-12)

Social Work, Board of (§30-1-12)

Special Investigations, Commission on (§4-5-2)

Speech-Language Pathology and Audiology, Board of Examiners for (Annual Report) (§30-1-12)

Speech-Language Pathology and Audiology, Board of Examiners for (Hearing Aid Dealers Report) (§30-1-12)

Tax Commissioner (Biennial Report) (§11-1-4)

Tax Department, State (Volunteer Firefighter Tax Credit) (§11-13JJ-6)

Treasurer, Office of the (Debt Capacity) (§12-6A-6)

Treasury Investments, Board of (Audited Financial Statements) (§12-6C-15)

Treasury Investments, Board of (Annual Comprehensive Financial Report) (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

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 Senators Deeds, Smith, Stover, and Stuart:

Senate Bill 444—A Bill to amend and reenact §33-15-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3i of said code; to amend and reenact §33-24-7e of said code; to amend and reenact §33-25-8d of said code; and to amend and reenact §33-25A-8d of said code, all relating to clarifying that health insurance coverage for emergency services, when a prudent layperson acting reasonably would have believed that an emergency medical condition existed, includes pre-hospital screening and stabilization of emergency condition by ambulance service if the patient declines to be transported against medical advice.

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

By Senators Deeds, Grady, Rucker, Smith, Stover, and Stuart:

Senate Bill 445—A Bill to amend and reenact §16-4C-8 and §16-4C-9 of the Code of West Virginia, 1931, as amended, all relating to reducing the certification periods for emergency medical services personnel from four years to two years to align certification periods with those of the National Registry of Emergency Medical Technicians; to reducing the certification renewal fees to correspond with the shorter certification period; and requiring the Office of Emergency Medical Services to publish disciplinary actions taken against certified emergency medical services personnel on its website.

Referred to the Committee on Government Organization.

By Senators Deeds, Smith, Stover, and Stuart:

Senate Bill 446—A Bill to amend and reenact §20-18-2 and §20-18-8 of the Code of West Virginia, 1931, as amended, all relating to Natural Resources Police Officer retirement; increasing the accrued benefit of members of the West Virginia Natural Resources Police Officer Retirement System who retire on or after January 1, 2027; and providing for additional funding of the West Virginia Natural Police Officer Retirement System.

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

By Senator Trump:

Senate Bill 447—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33d, relating to directing the Commissioner of the Division of Natural Resources to establish a hyperlink on any agency websites which allow online applications for hunting or fishing licenses that connects users to optional firearms safety classes offered by the National Rifle Association and the United States Concealed Carry Association; and establishing an effective date.

Referred to the Committee on Agriculture and Natural Resources.

By Senator Oliverio:

Senate Bill 448—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all public schools located within this state to give age-appropriate instruction on the Holocaust.

Referred to the Committee on Education.

By Senators Hamilton and Deeds:

Senate Bill 449—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-3E-15, relating to limiting fireworks being set off in

municipalities and communities and to not be permitted within 500 feet of a residence; and creating an exception for volunteer organizations and festivals to hold public fireworks displays.

Referred to the Committee on the Judiciary.

By Senators Phillips, Hunt, Jeffries, Nelson, Queen, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, and Weld:

Senate Bill 450—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.

Referred to the Committee on Health and Human Resources.

By Senators Phillips, Hunt, Jeffries, Nelson, Queen, Rucker, Smith, Stuart, Swope, Takubo, Taylor, and Trump:

Senate Bill 451—A Bill to amend and reenact §7-4-1a and §7-4-6 of the Code of West Virginia, 1931, as amended, all relating to mandatory training; requiring all prosecutors to undergo training prior to perform his or her duties; and requiring the Prosecuting Attorneys Institute to conduct mandatory training for all prosecuting attorneys.

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

By Senators Tarr and Jeffries:

Senate Bill 452—A Bill to amend and reenact §31-15A-8 of the Code of West Virginia, 1931, as amended, relating to designating certain water and wastewater facilities as an emergency project; and modifying the requirements to the designation.

Referred to the Committee on Economic Development.

By Senator Tarr:

Senate Bill 453—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to requiring any pharmacy benefit manager who contracts with the Public Employees Insurance Agency to be entirely transparent in providing its full data around pricing and payments for drugs and to pharmacies.

Referred to the Committee on Health and Human Resources.

By Senator Nelson:

Senate Bill 454—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, 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 bank's duty to retain and produce records on such notes; providing uniformity between statute of limitations and presumption of abandonment; providing a presumption of payment by the bank on any demand, savings, or time deposit where the property qualifies as abandoned property or where there is evidence of escheatment to the state; and modifying bank's record production of notes presumed abandoned with record of escheatment to the state.

Referred to the Committee on Banking and Insurance.

By Senator Nelson:

Senate Bill 455—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b; to amend and reenact §12-1-5 of said code; and to amend and reenact §12-1B-5 of said code; all relating generally to the banking authority of the

State Treasurer's Office; setting forth prohibited clauses in State Treasurer contracts consistent with general restrictions on other state contracts; providing that the State Treasurer may implement the West Virginia Security for Public Deposits Program; and requiring announcement of the West Virginia Security for Public Deposits Program commencement date on the State Treasurer's website.

Referred to the Committee on Banking and Insurance.

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

Senate Concurrent Resolution 17—Reaffirming the West Virginia Legislature's support for the State of Israel and the Jewish people; condemning anti-Semitic acts and expressions, both domestic and abroad; recognizing Israel's right to exist as a sovereign nation and a partner of the State of West Virginia; denouncing terrorist organizations and state sponsors of terrorism that threaten Israel's security and stability; and affirming the Christian-Jewish relationship as a source of strength and hope in the face of common enemies.

Which, under the rules, lies over one day.

Senator Woodrum offered the following resolution:

Senate Resolution 6—Honoring the life Edith Levy, a Holocaust survivor, and a remarkable woman, who dedicated her life to educating others about the horrors of genocide and the importance of tolerance and compassion.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 9, US Merchant Marine Joseph Ward Teter 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 10, Urging WV congressional delegation support legislation authorizing county governments to sell FEMA property.

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

At the request of Senator Woodrum, 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, the same was put and prevailed.

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

Senate Concurrent Resolution 11, US Marine Corps PFC Noel Harper Fields 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 12, US Army PVT Raymond Lee Perkins 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 13, US Navy S1 Paul McCue 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 14, US Army PFC William Gorman 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 15, Chief Edward "Eddie" Keesecker 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 16, Urging US Congress enact reforms to federal permitting policies to accelerate deployment of new energy infrastructure.

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

At the request of Senator Blair (Mr. President), 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, the same was put and prevailed.

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

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senator Blair (Mr. President) regarding the adoption of Senate Concurrent Resolution 16 were ordered printed in the Appendix to the Journal.

Senate Resolution 5, Designating January 15, 2024, as Child Advocacy Day at Legislature.

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

At the request of Senator Weld, 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. Senate Bill 164, Relating generally to trespassing.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Smith—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 164) 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 2, Authorizing DEP to promulgate rules.

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

At the request of Senator Weld, 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.

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 Hamilton.

The Senate next proceeded to the thirteenth order of business.

At the request of Senator Hunt, unanimous consent being granted, it was ordered that the Journal show had Senator Hunt been present in the chamber on Thursday, January 11, 2024, he would have voted "yea" on the adoption of Senate Resolution 2.

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 January 12, 2024:

Senate Bill 319: Senator Chapman;

Senate Bill 330: Senator Takubo;

And,

Senate Bill 354: Senator Plymale.

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 12, 2024:

Senate Bill 194: Senator Rucker;

Senate Bill 201: Senator Swope;

- Senate Bill 217:** Senator Swope;
- Senate Bill 224:** Senator Swope;
- Senate Bill 227:** Senator Swope;
- Senate Bill 252:** Senator Swope;
- Senate Bill 258:** Senator Swope;
- Senate Bill 269:** Senator Swope;
- Senate Bill 301:** Senators Phillips, Azinger, and Takubo;
- Senate Bill 302:** Senator Deeds;
- Senate Bill 303:** Senator Caputo;
- Senate Bill 306:** Senator Deeds;
- Senate Bill 307:** Senators Deeds and Hamilton;
- Senate Bill 308:** Senators Deeds and Caputo;
- Senate Bill 309:** Senators Deeds, Chapman, Caputo, Takubo, and Hamilton;
- Senate Bill 310:** Senators Chapman and Trump;
- Senate Bill 312:** Senator Deeds;
- Senate Bill 313:** Senators Rucker and Grady;
- Senate Bill 315:** Senator Deeds;
- Senate Bill 318:** Senators Deeds and Plymale;
- Senate Bill 319:** Senators Deeds and Hamilton;
- Senate Bill 320:** Senator Takubo;
- Senate Bill 321:** Senators Deeds and Rucker;
- Senate Bill 322:** Senator Deeds;
- Senate Bill 323:** Senators Deeds, Chapman, Caputo, Takubo, and Hamilton;
- Senate Bill 324:** Senators Azinger, Chapman, Maynard, and Rucker;
- Senate Bill 325:** Senator Plymale;
- Senate Bill 326:** Senators Takubo and Hamilton;
- Senate Bill 327:** Senators Caputo and Plymale;
- Senate Bill 328:** Senators Deeds and Chapman;
- Senate Bill 330:** Senator Hamilton;

- Senate Bill 331:** Senators Deeds and Grady;
- Senate Bill 334:** Senator Deeds;
- Senate Bill 335:** Senator Deeds;
- Senate Bill 336:** Senator Deeds;
- Senate Bill 339:** Senator Deeds;
- Senate Bill 341:** Senators Deeds and Hamilton;
- Senate Bill 343:** Senators Deeds and Takubo;
- Senate Bill 344:** Senator Deeds;
- Senate Bill 347:** Senators Deeds, Chapman, Takubo, Hamilton, and Swope;
- Senate Bill 350:** Senator Chapman;
- Senate Bill 351:** Senator Takubo;
- Senate Bill 355:** Senator Deeds;
- Senate Bill 357:** Senator Deeds;
- Senate Bill 359:** Senator Azinger;
- Senate Bill 365:** Senator Chapman;
- Senate Bill 371:** Senator Chapman;
- Senate Bill 378:** Senator Grady;
- Senate Bill 388:** Senator Deeds;
- Senate Bill 390:** Senator Hamilton;
- Senate Bill 397:** Senators Trump and Jeffries;
- Senate Bill 398:** Senator Grady;
- Senate Bill 399:** Senators Deeds and Grady;
- Senate Bill 400:** Senator Deeds;
- Senate Bill 401:** Senators Deeds and Hamilton;
- Senate Bill 402:** Senators Deeds and Hamilton;
- Senate Bill 403:** Senators Chapman and Hamilton;
- Senate Bill 404:** Senator Deeds;
- Senate Bill 405:** Senator Deeds;
- Senate Bill 408:** Senators Deeds, Grady, and Hamilton;

Senate Bill 409: Senator Deeds;
Senate Bill 414: Senator Chapman;
Senate Bill 416: Senator Deeds;
Senate Bill 417: Senator Deeds;
Senate Bill 423: Senators Chapman, Maynard, and Taylor;
Senate Bill 424: Senator Hamilton;
Senate Bill 425: Senator Deeds;
Senate Bill 426: Senator Deeds;
Senate Bill 429: Senator Deeds;
Senate Bill 431: Senator Deeds;
Senate Bill 434: Senator Deeds;
Senate Bill 435: Senator Hamilton;
Senate Bill 437: Senator Deeds;
Senate Bill 439: Senator Chapman;
Senate Bill 441: Senator Deeds;
Senate Bill 442: Senator Trump;
Senate Bill 443: Senators Deeds and Hamilton;
Senate Concurrent Resolution 16: Senator Chapman;

And,

Senate Resolution 5: Senators Caputo and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 11:27 a.m., the Senate adjourned until tomorrow, Tuesday, January 16, 2024, at 11 a.m.

SENATE CALENDAR

**Tuesday, January 16, 2024
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 17 - Reaffirming support of WV Legislature for State of Israel and Jewish people

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

THIRD READING

Eng. Com. Sub. for S. B. 2 - Authorizing DEP to promulgate rules - (With right to amend)
(original similar to HB4027)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Tuesday, January 16, 2024

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