

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
SEVENTH DAY

Charleston, West Virginia, Tuesday, January 16, 2024

The Senate met at 11 a.m.

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

Prayer was offered by the Honorable Vince S. Deeds, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rupie Phillips, a senator from the seventh district.

Pending the reading of the Journal of Monday, January 15, 2024,

At the request of Senator Nelson, 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 fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bills 60, 61, 62, 63, 64, and 65, DMV rule relating to motor vehicle titling.

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

Com. Sub. for Senate Bill 60 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to motor vehicle titling; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to handicapped parking permits; authorizing the Division

of Highways to promulgate a legislative rule relating to construction and reconstruction of state roads; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety rules; and authorizing the Division of Multimodal Transportation Faculties to promulgate a legislative rule relating to valuation of used rolling stock and equipment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 219, Relating to Uniform Controlled Substances Act.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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 456—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-18a, relating to prohibiting public camping; defining terms; prohibiting camping in public places; providing that person's intent established through specified actions; providing that violation of article constitutes a misdemeanor; providing for fine; requiring bus ticket to be offered; providing for community service; addressing preemption; and requiring officer to provide information prior to issuance of citation unless there is an imminent threat to public health or safety.

Referred to the Committee on the Judiciary.

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

Senate Bill 457—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, and §37-16-8, all relating to creating the Prohibition of Unfair Real Estate Service Agreements Act; providing for a short title; creating definitions; providing for enforceability; defining a deceptive act; prohibiting recording; creating the process of recording of a court order; providing for a right of recovery; and defining relationship to other laws.

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

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

Senate Bill 458—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to the personal income tax; eliminating the limitations relating to the decreasing modification for Social Security benefits received pursuant to specified provisions retroactive effective date; making technical corrections to delete redundant language, specifying retrospective effect.

Referred to the Committee on Finance.

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

Senate Bill 459—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to the senior citizens' tax credit for property tax paid; providing for an increase in the amount of credit; expanding the income eligibility; and providing for retroactive effective date.

Referred to the Committee on Finance.

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

Senate Bill 460—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to providing for a child and dependent care credit against the personal income tax in the amount of 50 percent of the allowed federal tax credit; and specifying retroactive effective date.

Referred to the Committee on Finance.

By Senators Swope and Weld:

Senate Bill 461—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to county economic opportunity development districts; extending when the Fort Henry Economic Opportunity Development District may be abolished or terminated; and increasing the land area within the Ridges Economic Opportunity Development District subject to the special district excise tax.

Referred to the Committee on Economic Development.

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

Senate Bill 462—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 463—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §5F-2-1b and §5F-2-9; to amend and reenact §31A-2-2, §31A-2-3, §31A-2-4, §31A-2-4a, §31A-2-4b, §31A-2-4c, §31A-2-5, §31A-2-6, §31A-2-7, §31A-2-8, §31A-2-9, §31A-2-12, and §31A-2-14 of said code; and to amend and reenact §31A-3-1 and §31A-3-2 of said code, all relating to reorganizing the Board of Banking and Financial Institutions, the Division of Financial Institutions, and the Lending

and Credit Rate Board into independent divisions and boards of the executive branch beginning January 1, 2025; removing references to the former Department of Banking; designating the Board of Banking and Financial Institutions as the chief executive body under the reorganization structure; providing the Division of Financial Institutions and Lending and Credit Rate Board with oversight and supervision by the Board of Banking and Financial Institutions; requiring the Board of Banking and Financial Institutions to approve any policy decision, proposed budget, or personnel-related decision of the Division of Financial Institutions; exempting the Division of Financial Institutions from the classified service system; establishing a merit-based system for personnel administration for the Division of Financial Institutions; authorizing the commissioner to establish merit-based system; authorizing current employees to opt in to classified-exempt system in writing; authorizing the Commissioner, as chair of the Board of Banking and Financial Institutions, to vote only in instances of a tie; requiring the Board of Banking and Financial Institutions to meet bi-monthly; increasing the experience qualifications of the commissioner and deputy commissioner; providing uniformity in code to references of National Multistate Licensing System and Registry; providing requirements for the commissioner's merit-based policy for employment positions; authorizing the commissioner to employ additional support staff; exempting rules promulgated by the Division of Financial Institutions from legislative approval and providing approval by the Board of Banking and Financial Institutions; authorizing the commissioner's examination fund to become a revolving fund; and requiring the commissioner to return 10 percent of total revenue collected to the General Revenue Fund of the State Treasury.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

By Senators Smith, Chapman, Grady, Phillips, Takubo, Tarr, Taylor, and Weld:

Senate Bill 464—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-5; and to amend and reenact §3-5-13 of said code, all relating to the nomination and election of candidates for U.S. Congress; setting forth legislative findings and purpose; defining terms; setting forth residency requirements for candidacy; providing for legal standing to enforce and defend statute; establishing penalties; and clarifying the form and content of the ballot for an election to represent a congressional district.

Referred to the Committee on the Judiciary.

By Senators Oliverio, Azinger, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Plymale, Stuart, Swope, Taylor, and Woelfel:

Senate Bill 465—A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-1-2a, relating to prohibiting schools from starting an instructional day any earlier than 7:45 a.m.

Referred to the Committee on Education.

By Senators Clements, Barrett, Deeds, Grady, Hamilton, Hunt, Oliverio, Phillips, and Stuart:

Senate Bill 466—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring the board to create a safety while accessing technology education program; establishing program requirements; providing board discretion to develop program materials; requiring county school boards to implement policies for annual training of safety while accessing technology education programs; and making implementation of program effective for the 2025-2026 school year.

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

By Senators Stuart, Chapman, Clements, Deeds, Hunt, Phillips, Rucker, Smith, Stover, Swope, Tarr, Taylor, and Woodrum:

Senate Bill 467—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-23-5, relating to licensing the sale of charitable raffles and boards to benefit volunteer fire departments in this state; explaining the legislative purpose; setting forth the licensure requirement; providing for the agency to issue licenses; providing for the designation of proceeds from the sale of charitable raffle boards and games; clarifying the county option; authorizing the state to contract with distributors to effectuate sales of charitable raffle boards and games; and providing for enforceability.

Referred to the Committee on Government Organization.

By Senators Rucker, Azinger, Deeds, Grady, Hunt, Martin, Smith, Stover, Stuart, and Taylor:

Senate Bill 468—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to the State Board of Education and required courses of education; providing for courses to include human growth and development related to pregnancy and human development inside the womb; requiring methods of presenting this instruction and adding a human growth and development curriculum to be known as the Baby Olivia Act; and authorizing the Attorney General to sue for any violation of the Baby Olivia Act.

Referred to the Committee on Education.

By Senators Oliverio and Trump:

Senate Bill 469—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, §55-22-4, §55-22-5, §55-22-6, §55-22-7, §55-22-8, §55-22-9, §55-22-10, §55-22-11, §55-22-12, and §55-22-13, all relating generally to the Uniform Public Expression Protection Act.

Referred to the Committee on the Judiciary.

By Senators Oliverio and Trump:

Senate Bill 470—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, §31A-9-4, §31A-9-5, §31A-9-6, §31A-9-7, §31A-9-8, §31A-9-9, §31A-9-10, §31A-9-11, §31A-9-12, §31A-9-13, §31A-9-14, §31A-9-15, and §31A-9-16, all relating to the Uniform Special Deposits Act.

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

By Senator Rucker:

Senate Bill 471—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to deoxyribonucleic acid that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining deoxyribonucleic acid; updating definitions; adding language to further define and include qualified arrestees in the state deoxyribonucleic acid database; requiring testing of qualified arrestees on intake; requiring a deoxyribonucleic acid sample from individuals convicted of a felony on or after March 9, 1995; specifying testing methods; authorizing

emergency and legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonably delay expungement will not invalidate an identification, warrant, probable cause to arrest, or arrest based upon a database match.

Referred to the Committee on the Judiciary.

By Senator Chapman:

Senate Bill 472—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-26, relating to requiring hotels and public lodging establishments to provide human trafficking awareness training to employees; and providing for enforcement and rulemaking.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 17, Reaffirming support of WV Legislature for State of Israel and Jewish people.

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, and on this question, Senator Tarr demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Caputo, 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, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 17) adopted.

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

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 2, Authorizing DEP to promulgate rules.

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

There being no amendments offered,

Engrossed Committee Substitute for Senate Bill 2 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, 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, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

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. 2) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, 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, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

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. 2) 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 thirteenth order of business.

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 15, 2024:

Senate Bill 174: Senator Woodrum;

Senate Bill 181: Senator Woodrum;

Senate Bill 182: Senator Karnes;

Senate Bill 186: Senator Karnes;

Senate Bill 195: Senator Karnes;

Senate Bill 198: Senator Karnes;
Senate Bill 205: Senator Woelfel;
Senate Bill 214: Senator Karnes;
Senate Bill 219: Senator Deeds;
Senate Bill 230: Senator Karnes;
Senate Bill 237: Senator Karnes;
Senate Bill 246: Senator Karnes;
Senate Bill 248: Senator Woelfel;
Senate Bill 249: Senator Woelfel;
Senate Bill 250: Senator Woelfel;
Senate Bill 258: Senator Woelfel;
Senate Bill 291: Senator Karnes;
Senate Bill 298: Senator Chapman;
Senate Bill 307: Senator Jeffries;
Senate Bill 321: Senators Chapman, Phillips, and Woodrum;
Senate Bill 324: Senators Martin and Stuart;
Senate Bill 332: Senator Karnes;
Senate Bill 342: Senator Woelfel;
Senate Bill 350: Senator Karnes;
Senate Bill 352: Senator Karnes;
Senate Bill 354: Senators Phillips and Plymale;
Senate Bill 357: Senator Woelfel;
Senate Bill 358: Senator Karnes;
Senate Bill 364: Senator Karnes;
Senate Bill 373: Senators Woelfel and Weld;
Senate Bill 374: Senator Woelfel;

Senate Bill 375: Senator Karnes;

Senate Bill 383: Senators Woelfel and Chapman;

Senate Bill 390: Senator Chapman;

Senate Bill 397: Senator Karnes;

Senate Bill 399: Senator Stuart;

Senate Bill 400: Senators Queen and Phillips;

Senate Bill 403: Senators Phillips, Woelfel, and Stuart;

Senate Bill 404: Senator Karnes;

Senate Bill 412: Senator Woelfel;

Senate Bill 416: Senator Woelfel;

Senate Bill 418: Senator Woelfel;

Senate Bill 421: Senator Stuart;

Senate Bill 423: Senator Karnes;

Senate Bill 431: Senator Stuart;

Senate Bill 435: Senator Woelfel;

Senate Bill 437: Senators Woelfel and Stuart;

Senate Bill 439: Senators Stuart and Woelfel;

Senate Bill 444: Senator Woelfel;

Senate Bill 445: Senators Woelfel and Roberts;

Senate Bill 446: Senator Hamilton;

Senate Bill 447: Senators Woodrum and Hamilton;

Senate Bill 448: Senators Woodrum, Woelfel, and Rucker;

Senate Bill 449: Senator Woodrum;

Senate Bill 450: Senators Deeds, Woodrum, Roberts, Grady, Rucker, Hamilton, and Martin;

Senate Bill 451: Senators Woodrum, Woelfel, and Plymale;

Senate Bill 452: Senator Phillips;

Senate Bill 453: Senators Woodrum, Grady, Rucker, and Stuart;

Senate Joint Resolution 5: Senator Chapman;

Senate Concurrent Resolution 12: Senator Chapman;

Senate Concurrent Resolution 13: Senator Chapman;

Senate Concurrent Resolution 14: Senator Chapman;

Senate Concurrent Resolution 15: Senator Chapman;

Senate Concurrent Resolution 16: Senator Nelson;

Senate Concurrent Resolution 17: Senator Caputo;

And,

Senate Resolution 6: Senators Oliverio, Phillips, Caputo, Rucker, and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:11 a.m., the Senate adjourned until tomorrow, Wednesday, January 17, 2024, at 11 a.m.

SENATE CALENDAR

**Wednesday, January 17, 2024
11:00 AM**

FIRST READING

Com. Sub. for S. B. 60 - Authorizing DOT to promulgate legislative rules (original similar to HB4104)

S. B. 219 - Relating to Uniform Controlled Substances Act

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Wednesday, January 17, 2024

10 a.m.

Agriculture & Natural Resources

(Room 208W)