

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
REGULAR SESSION, 2024  
FOURTEENTH DAY

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Charleston, West Virginia, Tuesday, January 23, 2024

The Senate met at 11 a.m.

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

Prayer was offered by Minister Ralph Perry, Crooked Creek Church of Christ in Logan County, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable David Stover, a senator from the ninth district.

Pending the reading of the Journal of Monday, January 22, 2024,

At the request of Senator Azinger, 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:

Tax Department, State (Tax Expenditure Study) (§11-10-5s)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

**Eng. House Bill 4274**, Renaming the Department of Health and Human Resources.

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 4302**—A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties

imposed on a parent, guardian, custodian, or person in a position of trust in relation to a child for child abuse resulting in bodily injury, serious bodily injury, and child neglect resulting in bodily injury, serious bodily injury, and child abuse or child neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4428**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-2b, relating to requiring all candidates for office to have their principal place of residence within the election districts for which they are seeking office; defining terms; setting forth facts which can be used to establish principal residence or domicile, and providing an exception.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4552**—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring immediate verification of partisan election candidates' party affiliation.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Com. Sub. for Senate Bill 60**, Authorizing DOT to promulgate legislative rules.

And has amended same.

Now on second reading, having been referred to the Committee on Rules on January 22, 2024;

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

Respectfully submitted,

Craig Blair,  
*Chair ex officio.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 60) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on Rules, was reported by the Clerk and adopted:

On page 3, section 2, line 5, by striking out the period and inserting the following:

"with the amendment set forth below:

On pages 15 and 16, by striking out all of subdivision 5.5.a. and inserting in lieu thereof a new subdivision 5.5.a. to read as follows:

5.5.a. The successful bidder has the option of submission of the bond in an amount equivalent to either 102 percent or 100 percent of the contract price.;

And,

On page 16, by adding 4 new subdivisions, designated 5.5.b., 5.5.c., 5.5.d., and 5.5.e., all to read as follows:

5.5.b. The submission of the aforementioned bond in an amount equivalent to 102 percent of the contract price by the successful bidder is the standard expectation of the division in order to comply with the current special provision for subcontractor prompt payment and does not necessitate the withholding of retainage by the division from monies due on future progress voucher estimates payable under the terms of the contract. Further, the decision by a particular contractor to submit a bond in an amount equivalent to 102 percent of the contract price shall be consistent and applicable throughout the duration of the contract for which the bond is being submitted and shall be consistent and applicable to all contracts executed between the Division and that particular contractor.

5.5.c. If the successful bidder elects to submit the bond in an amount equivalent to 100 percent of the contract price, it is necessary that the bidder notify the Contract Administration Division in writing prior to the submission of the bond. Submission of a bond in an amount equivalent to 100 percent of the contract price requires the withholding of retainage by the Division from monies due on future progress voucher estimates payable under the terms of the contract and as set forth in 11.6 of this rule. Further, the decision by a particular contractor to submit a bond in an amount equivalent to 100 percent of the contract price shall be consistent and applicable throughout the duration of the contract for which the bond is being submitted and shall be consistent and applicable to all contracts executed between the division and that particular contractor.

5.5.d. As an alternate, the successful bidder may deposit with the State Treasurer cash bond, United States Treasury Bonds, United States Treasury Certificates of Indebtedness, United States Treasury Bills or West Virginia Road Bonds in the amount of either 102 percent or 100 percent of the contract amount. A safe keeping receipt from a bank located in the State of West Virginia may be deposited with the State Treasurer in lieu of any of the definitive securities.

5.5.e. The State Treasurer shall, on a regular basis, collect all interest or income on the obligations so deposited and pay same, when and if collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the State Treasurer shall deliver each coupon as it matures to the contractor."

The bill (Com. Sub. for S. B. 60), as amended, was then ordered to engrossment and third reading.

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 318**, Modifying process of when parental rights are terminated.

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

**Com. Sub. for Senate Bill 318** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-22-502 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-4-117, all relating generally to adoption proceedings; requiring certain information to be included in the adoption petition; and requiring Department of Human Services to provide certificate in certain circumstances where parental rights have been terminated.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 332**, Relating to roadable aircraft on WV highways.

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,

Charles H. Clements,  
*Chair.*

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

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 429**, WV Farm Use Vehicle Tag Placement Act.

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

**Com. Sub. for Senate Bill 429** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to farm use vehicle tag placement and letter size.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 1**, Leon Charles Trader Memorial Bridge.

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

**Com. Sub. for Senate Concurrent Resolution 1** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 25-58-1.03 (39.43413 N, -80.20368 W), through Industrial Park Road in Marion County, the "U.S. Army PFC Leon Charles Trader Memorial Bridge".

**Senate Concurrent Resolution 5**, US Army 1LT Hershel Jarrell Memorial Road.

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

**Com. Sub. for Senate Concurrent Resolution 5** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name Van High School Road (County Route 11/5) in Boone County the "U.S. Army 1LT Hershel Jarrell Memorial Road".

**Senate Concurrent Resolution 6**, Orland Jackson "Tom" Meikles Memorial Road.

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

**Com. Sub. for Senate Concurrent Resolution 6** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name the portion of road located at CR 8 from the intersection with WV 214 to the intersection with Quail Hill Drive, 38° 17' 13.42" N, 81° 48' 40.64" W, in Lincoln County, the "U.S. Army SSG Orland Jackson "Tom" Meikles Memorial Road".

And,

**Senate Concurrent Resolution 12**, US Army PVT Raymond Lee Perkins Memorial Bridge.

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

**Com. Sub. for Senate Concurrent Resolution 12** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name the portion of road located at CR 8 from the intersection with WV 214 to the intersection with Quail Hill Drive, 38° 17'

13.42" N, 81° 48' 40.64" W, in Lincoln County, the "U.S. Army SSG Orland Jackson "Tom" Meikles Memorial Road".

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 2**, US Army PFC John Henry Trail Memorial Bridge.

**Senate Concurrent Resolution 8**, US Army Corporal Clemon Knapp Memorial Bridge.

And,

**Senate Concurrent Resolution 15**, Chief Edward "Eddie" Keesecker Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,  
*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 Weld:**

**Senate Bill 508**—A Bill to amend and reenact §11-21-3, §11-21-4g, §11-21-18, §11-21-30, §11-21-40, §11-21-51, and §11-21-71a of the Code of West Virginia, 1931, as amended; and to amend and reenact §44D-1-108 of said code, all relating to the personal income tax; and exempting non-grantor trusts administered in this state from the personal income tax.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 509**—A Bill to amend §3-5-3 of the Code of West Virginia, 1931, as amended, relating to eligibility for persons seeking to be certified as a nominee for President of the United States if the United States House of Representatives has authorized an impeachment inquiry into such person by resolution approved by the House of Representatives and the inquiry has not been finally resolved; and providing a sunset provision.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 510**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

**By Senator Maynard:**

**Senate Bill 511**—A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to using Department of Health and Human Resources group home funds to assist cadets' enrollment costs at the Mountaineer Challenge Academy.

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

**By Senator Rucker:**

**Senate Bill 512**—A Bill to amend and reenact §11-1A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-19-2 of said code; all relating to clarifying that solar farms are not agricultural operations or in the business of farming for purposes of agricultural production and taxation.

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

**By Senator Rucker:**

**Senate Bill 513**—A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-27a of said code, all relating to the racetrack video lottery changes in distribution of net terminal income; providing for changes in distribution of adjusted gross receipts in the lottery racetrack table games; and restoring moneys previously removed from net terminal income in 2014.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 514**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, and §16-67-11, all relating to lung cancer prevention and education; defining terms; establishing a lung cancer and education program within the Bureau for Public Health; allowing for grants to be issued to approved organizations; setting forth grant criteria; setting forth procedure and eligibility for grants; requiring annual reporting; establishing a fund; setting forth financial eligibility; setting forth medical eligibility; setting forth the reimbursement process; setting forth a rate for the screening service; providing for annual rate adjustment; and requiring the Department of Health to administer an education campaign.

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

**By Senator Grady:**

**Senate Bill 515**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-29, relating to prohibiting a public school student from being required to participate in instruction related to sexual orientation and gender identity if a

parent, custodian, or guardian of the student objects in writing; requiring each public school to afford the parent, custodian, or guardian of a child subject to instruction with respect to sexual orientation and gender identity advance written notification of such instruction and of their right to exempt the child from participation; prohibiting a public school and the county board employees assigned to the school from knowingly giving false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth; requiring a public school employee to report a student's request for an accommodation that is intended to affirm the student's gender identity from a person employed by the public school to an administrator employed by the county board and assigned to the school; requiring the administrator to report the student's request to the student's parent, custodian, or guardian; allowing for legal action in certain instances of violations; allowing State Board of Education to promulgate rules to; and providing that the provisions of this act are severable.

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

**By Senators Woelfel, Trump, and Caputo:**

**Senate Bill 516**—A Bill to amend and reenact §48-9-105 of the Code of West Virginia, 1931, as amended, relating to determining venue for custodial allocation actions independent of divorce.

Referred to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 517**—A Bill to amend and reenact §16-5-9 and §16-5-25 of the Code of West Virginia, 1931, as amended, relating to birth certificates; requiring the biological sex designation on a birth certificate to be male or female; prohibiting a nonbinary sex designation on a birth certificate; providing that the biological sex on a birth certificate shall only be amended for a person who has a chromosomal count that establishes the sex of the person as different than in the registered birth certificate; setting forth evidence for amendment; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senators Woelfel, Caputo, and Plymale:**

**Senate Bill 518**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9v, relating to the exemption of certain hygiene products from sales tax.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 519**—A Bill to amend and reenact §15-1B-24 of the Code of West Virginia, 1931, as amended, relating to the Mountaineer Challenge Academy; and permitting cadets to enroll in accredited virtual instructional courses online, or to attend accredited courses in person, in order to obtain a West Virginia Education Information System Number from the State Board of Education.

Referred to the Committee on Education.

**By Senator Maynard:**

**Senate Bill 520**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, §16-3E-4, §16-3E-5, and §16-3E-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations.

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

**By Senator Grady:**

**Senate Bill 521**—A Bill to amend and reenact §18A-4-16 of the Code of West Virginia, 1931, as amended, relating to requiring that whenever a county board enters into an extracurricular assignment agreement with bus operators and the bus operators are compensated during days the bus runs are not made, any special needs bus aides who have entered into an extracurricular assignment agreement to ride the buses and be available to assist student riders shall on those days be assigned to a school, assigned alternate duties at the school, and be paid at their normal rate of pay under the agreement for that day.

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

**By Senators Woelfel and Plymale:**

**Senate Bill 522**—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended, relating to the procedure for citations issued by the county litter control officer.

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

**By Senator Maynard:**

**Senate Bill 523**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 524**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8e, relating to the West Virginia Monument and Memorial Protection Act of 2024; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office, is located on public property and has been erected for, named, or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 525**—A Bill to amend and reenact §3-10-5 of the Code of West Virginia, 1931, as amended, relating to clarifying the responsibility of the Governor to fill a vacancy in the State Legislature; providing a process for the selection of three legally qualified persons to fill a vacancy in the office of state Senator or member of the House of Delegates; allowing for virtual candidate interviews where more than three candidates apply; clarifying the interview process; and providing that a party county chairman appoint a subcommittee to act as vacancy committee where a senate or delegate district is wholly within one county.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 526**—A Bill to amend and reenact §21-1B-2, §21-1B-3, and §21-1B-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21-1B-9, all relating to labor; verifying the legal employment status of all persons by a business of entity and to report employment to the appropriate governmental agencies; providing definitions; using E-Verify, the electronic verification of federal employment authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and prohibiting the employment of unauthorized workers.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 527**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

Referred to the Committee on Health and Human Resources.

Senators Blair (Mr. President), 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, and Woodrum offered the following resolution:

**Senate Resolution 10**—Commemorating the 78th Southern Legislative Conference of the Council of State Governments' Southern Office.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 8**, Designating January 23, 2024, as Hunger Free WV Day at Legislature.

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

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.

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

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

The nays were: None.

Absent: Plymale and Rucker—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 8) adopted.

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

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

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

The question being on the adoption of the resolution, and on this question, Senator Caputo demanded the yeas and nays.

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

The nays were: None.

Absent: Plymale and Rucker—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 9) adopted.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 17**, Authorizing Department of Health to promulgate legislative rules.

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, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—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. 17) 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, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—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. 17) 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 31**, Authorizing Department of Human Services to promulgate legislative rules.

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, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—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. 31) 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, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Plymale and Rucker—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. 31) 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 152**, Displaying official US motto in public schools.

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 152 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo—1.

Absent: Plymale and Rucker—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. 152) passed with its title.

*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 Takubo, and by unanimous consent, the remarks by Senators Grady and Caputo regarding the passage of Engrossed Committee Substitute for Senate Bill 152 were ordered printed in the Appendix to the Journal.

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

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

The nays were: None.

Absent: Plymale—1.

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

The nays were: None.

Absent: Plymale—1.

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. 217) takes effect from passage.

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

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

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 Senate Bill 240 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—27.

The nays were: Azinger, Chapman, Karnes, Martin, Maynard, and Taylor—6.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 240) 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 269**, Excluding test strips from definition of drug paraphernalia.

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, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Tarr—1.

Absent: Plymale—1.

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. 269) 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, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Tarr—1.

Absent: Plymale—1.

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. 269) 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 280**, Allowing teachers in public schools to discuss scientific theories.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 280 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Woelfel—2.

Absent: Plymale—1.

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. 280) passed with its title.

*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 Caputo, and by unanimous consent, the remarks by Senator Woelfel as to the passage of Engrossed Committee Substitute for Senate Bill 280 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senators Grady and Tarr as to the passage of Engrossed Committee Substitute for Senate Bill 280 were ordered printed in the Appendix to the Journal.

**Eng. Com. Sub. for Senate Bill 293**, Creating the Glucagon for Schools Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

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. 293) passed with its title.

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

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

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

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 438) 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, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 438) 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 300**, Relating to organization of Office of Inspector General.

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

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

On page 88, by striking out the provisions of §16B-4-18 in its entirety, and inserting in lieu thereof a new §16B-4-16, to read as follows:

**§16B-4-16. Separate accounts for residents' personal funds; consent for use; records; penalties.**

(a) Each nursing home subject to the provisions of this article shall hold in a separate account and in trust each resident's personal funds deposited with the nursing home.

(b) No person may use or cause to be used for any purpose the personal funds of any resident admitted to any such nursing home unless consent for the use thereof has been obtained from the resident, or from a committee, or guardian, or relative.

(c) Each nursing home shall maintain a true and complete record of all receipts for any disbursements from the personal funds account of each resident in the nursing home, including the purpose and payee of each disbursement, and shall render a true account of such record to the resident or his or her representative upon demand and upon termination of the resident's stay in the nursing home.

(d) Any person or corporation who violates any subsection of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or imprisoned in jail not more than one year, or both fined and imprisoned.

(e) Reports provided to review organizations are confidential unless inaccessibility of information interferes with the director's ability to perform his or her oversight function as mandated by federal regulations and this section.

(f) Notwithstanding §16B-4-16(b) or any other provision of this code, upon the death of a resident, any funds remaining in his or her personal account shall be made payable to the person or probate jurisdiction administering the estate of said resident: *Provided*, That if after 30 days there has been no qualification over the decedent resident's estate, those funds are presumed abandoned and are reportable to the State Treasurer pursuant to the West Virginia Uniform Unclaimed Property Act, §36-8-1 *et seq.* of this code.;

On page 89, section 19, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-17. Federal law; legislative rules.;**

On page 89, section 20, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-18. Hospice palliative care required to be offered.;**

On page 90, section 21, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-19. Employment restrictions.;**

On page 90, section 22, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-4-20. Jury trial waiver to be a separate document.;**

And,

On page 115, section 18, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§16B-5-16. Separate accounts for residents' personal funds; consent for use; records; penalties.**

The bill (Com. Sub. for S. B. 300), as amended, was then ordered to engrossment and third reading.

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

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.

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

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

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

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

On page 1, section 11, line 17, by striking out the words "January 1, 2025" and inserting in lieu thereof the words "March 1, 2025".

The bill (Com. Sub. for S. B. 400), as amended, was then ordered to engrossment and third reading.

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

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

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

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

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

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

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

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 196**, WV Rail Trails Program.

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

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

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

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

And,

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

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.

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 23, 2024:

**Senate Bill 392**: Senator Woelfel.

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 23, 2024:

**Senate Bill 216**: Senator Rucker;

**Senate Bill 222:** Senator Smith;  
**Senate Bill 261:** Senator Smith;  
**Senate Bill 279:** Senator Roberts;  
**Senate Bill 318:** Senator Takubo;  
**Senate Bill 321:** Senator Hamilton;  
**Senate Bill 325:** Senators Weld, Rucker, and Hamilton;  
**Senate Bill 332:** Senator Roberts;  
**Senate Bill 408:** Senator Woelfel;  
**Senate Bill 442:** Senators Deeds and Hamilton;  
**Senate Bill 445:** Senator Oliverio;  
**Senate Bill 461:** Senator Oliverio;  
**Senate Bill 487:** Senator Deeds;  
**Senate Bill 495:** Senator Caputo;  
**Senate Bill 498:** Senator Takubo;  
**Senate Bill 499:** Senator Karnes;  
**Senate Bill 500:** Senator Woelfel;  
**Senate Bill 501:** Senator Deeds;  
**Senate Bill 502:** Senator Deeds;  
**Senate Bill 503:** Senator Taylor;  
**Senate Bill 504:** Senator Woelfel;  
**Senate Bill 505:** Senators Karnes and Taylor;  
**Senate Bill 506:** Senators Stuart and Karnes;  
**Senate Joint Resolution 6:** Senators Clements and Taylor;  
**Senate Joint Resolution 7:** Senators Deeds, Stuart, and Clements;  
**Senate Resolution 7:** Senators Deeds, Nelson, and Taylor;

And,

**Senate Resolution 8:** Senators Deeds, Caputo, and Woelfel.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:07 p.m., the Senate adjourned until tomorrow, Wednesday, January 24, 2024, at 11 a.m.

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## **SENATE CALENDAR**

**Wednesday, January 24, 2024  
11:00 AM**

### **UNFINISHED BUSINESS**

- Com. Sub. for S. C. R. 1 - US Army PFC Leon Charles Trader Memorial Bridge
- S. C. R. 2 - US Army PFC John Henry Trail Memorial Bridge
- Com. Sub. for S. C. R. 5 - US Army 1LT Hershel Jarrell Memorial Road
- Com. Sub. for S. C. R. 6 - US Army SSG Orland Jackson "Tom" Meikles Memorial Road
- S. C. R. 8 - US Army Corporal Clemon Knapp Memorial Bridge
- Com. Sub. for S. C. R. 12 - US Army Private Raymond Lee Perkins Memorial Bridge
- S. C. R. 15 - Chief Edward "Eddie" Keesecker Memorial Bridge
- S. R. 10 - Commemorating 78th Southern Legislative Conference of Council of State Governments Southern Office

### **THIRD READING**

- Eng. Com. Sub. for S. B. 60 - Authorizing DOT to promulgate legislative rules (original similar to HB4104)
- Eng. Com. Sub. for S. B. 300 - Relating to organization of Office of Inspector General (original similar to HB4757)
- Eng. Com. Sub. for S. B. 399 - Creating crime of assault on a police dog
- Eng. Com. Sub. for S. B. 400 - Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects
- Eng. S. B. 426 - WV Recreational Trails Development Act
- Eng. S. B. 439 - Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances
- Eng. S. B. 462 - Updating definitions of certain terms used in Personal Income Tax Act (original similar to HB4878)
- Eng. S. B. 483 - Amending Corporation Net Income Tax Act (original similar to HB4881)

### **SECOND 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

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

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

### **FIRST READING**

Com. Sub. for S. B. 318 - Modifying process of when parental rights are terminated

Com. Sub. for S. B. 429 - WV Farm Use Vehicle Tag Placement Act

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2024**

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**Wednesday, January 24, 2024**

10 a.m.	Agriculture & Natural Resources	(Room 208W)
2 p.m.	Pensions	(Room 451M)