

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
THIRTY-FIRST DAY

Charleston, West Virginia, Friday, February 9, 2024

The Senate met at 9:01 a.m.

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

Prayer was offered by David Lavender, Senate Sergeant at Arms, Hurricane, West Virginia.

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

Pending the reading of the Journal of Thursday, February 8, 2024,

At the request of Senator Jeffries, 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:

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

The Senate 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 amendment to the House of Delegates amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

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

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 4320—A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended, relating to and clarifying the process of providing copies of

health care records that are to be furnished to patients, and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29-3 relating to a parent or guardian's access to the health care records of their minor child; and relating to a requirement that no release, authorization, nor any form of permission from or by the minor child shall be required or requested as a prerequisite for the parent or legal guardian to obtain the medical records.

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

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, of

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

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

Eng. Com. Sub. for House Bill 4933—A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to Medicaid dental coverage; providing that purchases of dentures do not count against the \$1,000 yearly limit on coverage; and removing expired internal effective date.

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

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

Eng. Com. Sub. for House Bill 5054—A Bill to amend and reenact §16B-20-1, §16B-20-2, §16B-20-3, §16B-20-4, and §16B-20-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §16B-20-6, §16B-20-7, §16B-20-8 and §16B-20-9, all relating to the licensure of birthing centers; defining terms; creating license types for birthing centers; updating the procedure for application for and obtaining a license; updating license fees; providing for regulation by the Office of Health Facility Licensure and Certification; setting certain minimum standards in a birthing center; setting certain minimum required services; prohibiting certain prohibited services in a birthing center; restricting the location of birthing centers; allowing for variances and waivers from licensure standards; providing for inspections and inspection warrants; designating license limitations; providing procedure for denial, suspension, or revocation of a license; allowing civil money penalties; providing for administrative review and appeal rights; and permitting the Inspector General to promulgate rules, including emergency rules.

Referred to the Committee on 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 5057—A Bill to amend and reenact §33-11A-7 of the Code of West Virginia, 1931, as amended, relating to defining the term "nominal fee" for providing a referral to an insurance company or producer.

Referred to the Committee on Banking and Insurance.

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

Eng. House Bill 5064—A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to obtaining titles to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company; and removing the requirement that the loan value of the motor vehicle be less than \$9500 to allow the automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company to obtain a certificate of title and registration for the abandoned motor vehicle or junked vehicle.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. House Bill 5298—A Bill to amend and reenact §3-5-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election.

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 321 (originating in the Committee on Government Organization), Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition.

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

Com. Sub. for Com. Sub. for Senate Bill 321 (originating in the Committee on Rules)—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition; and preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair ex officio.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 352, Modifying Unborn Child Protection Act.

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

Com. Sub. for Senate Bill 352 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2R-3 and §16-2R-8 of the Code of West Virginia, 1931, as amended, relating to requiring voluntary and informed consent prior to performing an abortion; defining voluntary and informed consent as providing the patient information or availability of information on the associated medical risks, the opportunity to view an ultrasound, the probable gestational age, that perinatal hospital services are available, and that additional information is available on the Department of Health's website; and making technical changes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 370, Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals.

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

Com. Sub. for Senate Bill 370 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6C-2-5 and §6C-2-8 of the Code of West Virginia, 1931, as amended, all relating to updating Public Employees Grievance Board procedure to reflect that Level 3 decisions be appealed to the Intermediate Court of Appeals and establishing venue for the enforceability of final orders issued by an administrative law judge.

Senate Bill 632, Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group.

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

Com. Sub. for Senate Bill 632 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-6A-12 of the Code of West Virginia, 1931, as amended, relating to continuing the study group on development of a strategic plan for a sequential intercept model to divert certain individuals away from the criminal justice system into treatment and to promote continuity of care and interventions; specifying individuals with brain injuries included among populations to be included in study; updating membership of the study group; continuing the study

group; requiring supplemental and annual reporting; establishing a steering committee within the study group; and providing authority of steering committee.

And,

Senate Bill 716, Relating to child support.

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

Com. Sub. for Senate Bill 716 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-13-302 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-17-102 of said code; and to amend and reenact §49-4-801 of said code, all relating to child support generally; reconfiguring the West Virginia Child Support Enforcement Commission; authorizing temporary stay of basic child support obligation under certain circumstances; clarifying circuit judge's authority to limit child support obligation under certain limited circumstances; and establishing a protocol to assist circuit courts in determining the appropriate child support obligation in child abuse and neglect matters.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 530, Removing requirement for counties to draft and adopt zoning ordinances.

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,

Jack David Woodrum,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 551, Modifying requirements related to levy of service fees.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 568, Creating multi-tiered system for school absenteeism.

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

Com. Sub. for Senate Bill 568 (originating in the Committee on Education)—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-702 of said code, all relating to student absences; changing focus from truancy and unexcused absences to a multi-tiered system of support and all absences, both excused and unexcused; defining "absence", "absenteeism", "meaningful contact", and "multi-tiered system of support "; requiring county attendance director and assistant to ensure the implementation of the multi-tiered system of support interventions; requiring meaningful contact with parent, guardian, or custodian after three consecutive absences rather than after three unexcused absences; requiring meaningful contact with the parent, guardian, or custodian after five absences of any kind rather than after five unexcused absences; requiring the attendance director or assistants provide notice to parent after eight absences of any kind, which shall serve as due notice; requiring the principal or designee to ensure student support staff provide intentional interventions; authorizing the attendance director or assistant to make a complaint before a magistrate of the county after 10 total absences of any kind; revising requirements applicable when it appears from a complaint that there is probable cause to believe that an offense has been committed; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; removing requirement for West Virginia Board of Education rule that sets forth absences that are excluded for accountability purposes; removing requirement that attendance director file with the county superintendent and county board at the close of each month showing activities of the school attendance office and the status of attendance in the county; referring to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect; and making referral for the development of a diversion program in truancy offense matters discretionary.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 568), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 575, Assisted Reproduction Act.

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

Com. Sub. for Senate Bill 575 (originating in the Committee on Health and Human Resources)—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, §16-67-11, §16-67-12, §16-67-13, §16-67-14, §16-67-15, §16-67-16, and §16-67-17, all relating to assisted reproduction; defining terms; setting forth criteria to enter into gestational or genetic surrogacy agreement; requiring surrogacy agreement to be executed; setting forth process for agreement; setting forth content of agreement; setting forth effect of subsequent change in marital status in the agreement; setting forth exclusive and continuing jurisdiction of the court; providing for termination of the surrogacy agreement; providing for parentage as provided under the gestational surrogacy agreement; providing for parentage of deceased intended parent; providing for order of parentage; providing for the effect of the gestational surrogacy agreement; providing for the requirements to validate a genetic surrogacy agreement; providing for termination of a genetic surrogacy agreement; providing for parentage under a validated genetic surrogacy agreement; providing for the effect of a non-validated genetic surrogacy agreement; providing for the parentage of the child in the event of a deceased parent in a genetic surrogacy agreement; and providing for breach of a genetic surrogacy agreement.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 575), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 581, Requiring correctional facilities to provide free feminine hygiene products.

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

Com. Sub. for Senate Bill 581 (originating in the Committee on the Judiciary)—A Bill to amend and reenact the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §28-5C-3; and to amend and reenact §49-2-906 of said code, all relating to providing free feminine hygiene products to adult and juvenile females in custody or detention in

jails, regional jails, or state correctional facilities, and female juveniles in juvenile detention; defining terms; and making a legislative finding.

And,

Senate Bill 679, Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom.

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

Com. Sub. for Senate Bill 679 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; to amend said code by adding thereto a new section, designated §19-12F-9a; and to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products and regulation of kratom; clarifying findings; defining terms; redirecting moneys from monetary penalties assessed by Commissioner of Agriculture to another fund; by requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; prohibiting retailer from adding imposed tax as separate new charge; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; imposition of use tax; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and specifying transfer of excess Alcohol Beverage Control Enforcement Fund money.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

The bills (Com. Sub. for S. B. 581 and 679), under the original double committee references, were then referred to the Committee on Finance.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 620, Establishing WV Mothers and Babies Pregnancy Support Program.

And,

Eng. Com. Sub. for House Bill 5157, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 628, Declaring certain claims as moral obligations of the State.

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

Com. Sub. for Senate Bill 628 (originating in the Committee on Finance)—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 629, Requiring builders to follow State Building Code when local inspection and enforcement not provided.

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

Com. Sub. for Senate Bill 629 (originating in the Committee on Government Organization)—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to State Building Code; authorizing State Fire Commission to promulgate emergency rules; making State Building Code applicable in all counties and every municipality on date certain; clarifying that building code is applicable prospectively in counties and municipalities that did not

previously adopt it; and requiring builder to follow provisions of State Building Code in construction or renovation of a structure even if county or municipality does not provide inspection and enforcement services.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

Senator Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 4976, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
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 Grady:

Senate Bill 727—A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8b of said code, all relating to revising the process for county boards of education to hire aides, early childhood classroom assistant teachers, and secretaries; allowing principal or certain other person designated in West Virginia Board of Education rule to be given opportunity to interview all qualified applicants and make recommendations regarding their employment; allowing faculty senate to interview or otherwise obtain information regarding applicants if the majority of duties will be performed at a school; adding to criterion that decisions affecting promotions and filling of the aide, early childhood classroom assistant teacher, or secretary positions are to be based on; establishing preference for early childhood classroom assistant teachers over aides as an additional criterion to be considered; specifying weight to be given to each criterion; requiring all qualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate recommend the same applicant and the county superintendent concurs; and requiring state board rule to implement and interpret the provisions of §18A-4-8b of this code.

Referred to the Committee on Education.

By Senator Deeds:

Senate Bill 728—A Bill to amend and reenact §15-2-33 and of the Code of West Virginia, 1931, as amended, relating to changing the awards and benefits to dependents of State Police officers who must take disability retirement to better match the awards and benefits of the dependents of State Police retirants who serve 20 years without disability retirement.

Referred to the Committee on Finance.

By Senator Deeds:

Senate Bill 729—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing sheriffs who are members of the public retirement system to retire upon attaining the age of 62 with eight or more years of service.

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

By Senator Deeds:

Senate Bill 730—A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to sheriff's commission for collection of taxes.

Referred to the Committee on Government Organization.

By Senator Deeds:

Senate Bill 731—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 732—A Bill to amend and reenact §15-10-7 of the Code of West Virginia, 1931, as amended, relating to cooperation between law-enforcement agencies and military authorities; providing prosecuting attorneys may assign an assistant prosecutor to provide assistance to the National Guard or other military authority within the state; providing that law enforcement shall share certain information with military authorities regarding military members; and establishing purpose of the amendments.

Referred to the Committee on the Judiciary.

By Senators Azinger, Stuart, Taylor, and Woodrum:

Senate Bill 733—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-4-7, relating to the replacement of the statue of the Honorable Robert C. Byrd with a statue of George Washington, Abraham Lincoln, James Madison, and Arthur I. Boreman, one each, placed in a corner of the rotunda of the Capitol.

Referred to the Committee on Finance.

By Senator Barrett:

Senate Bill 734—A Bill to amend and reenact §55-2-6, §55-2-7, and §55-2-11 of the Code of West Virginia, 1931, as amended, all relating to limitation of certain actions; reducing time within which to bring actions to recover on written and oral contracts, certain bonds, and recognizances.

Referred to the Committee on the Judiciary.

By Senators Rucker, Azinger, Chapman, Deeds, Hunt, Karnes, Martin, Maynard, Roberts, Stuart, and Taylor:

Senate Bill 735—A Bill to amend and reenact §16-2R-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2R-10, all relating to prohibiting the use or sale of abortifacients, and enacting criminal penalties and private causes of action for supplying abortifacients and creating severability.

Referred to the Committee on the Judiciary.

By Senator Woodrum:

Senate Bill 736—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-11A-1b, relating to establishing the Second Look Sentencing Act; providing a procedure for modification of a prison sentence when a person has served at least 10 years of a sentence.

Referred to the Committee on the Judiciary.

By Senators Smith, Rucker, and Taylor:

Senate Bill 737—A Bill to amend and reenact §11-13-9 of the Code of West Virginia, as amended, all relating to eliminating the exemption from taxation of state-owned real property within the counties.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 738—A Bill to amend and reenact §15A-10-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal may promulgate emergency rules relating to increased fees.

Referred to the Committee on Government Organization.

By Senator Chapman:

Senate Bill 739—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-8a, relating to including postpartum depression, anxiety, psychosis, and obsessive-compulsive disorders in existing public health programs.

Referred to the Committee on Health and Human Resources.

By Senators Grady, Weld, and Trump:

Senate Bill 740—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §61-8C-2a, relating to the filming of minors engaged in sexually explicit conduct; creating a new criminal offense of manipulating a photograph, image, video clip, movie, or similar recording containing sexually explicit conduct by the insertion thereof of a visual image of an actual minor so as to create the appearance that it is a minor engaged in the sexually explicit conduct; defining terms; clarifying that the offense is separate and distinct from any other offense set forth in the code and establishing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Grady, Weld, and Trump:

Senate Bill 741—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §61-8C-12, relating to creating the criminal offenses of creating, producing, distributing, receiving, or possessing with intent to distribute visual depictions, artificial intelligence created child pornography when no actual minor is depicted; setting forth findings; defining terms; clarifying that the visual depiction of a minor need not be of an actual person; and establishing penalties.

Referred to the Committee on the Judiciary.

By Senators Weld, Caputo, Stover, Martin, and Queen:

Senate Bill 742—A Bill to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing sheriffs who are members of the public retirement system to retire upon attaining the age of 62 with eight or more years of service.

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

By Senator Takubo:

Senate Bill 743—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-34, relating to West Virginia Bureau for Medical Services' medically supervised weight loss program; defining terms; setting forth eligibility criteria; setting forth approval process; requiring regular assessments of the program focused on spending and health outcomes; and requiring reporting to the Legislature.

Referred to the Committee on Health and Human Resources.

Senator Clements offered the following resolution:

Senate Resolution 33—Designating February 12, 2024, as Corrections Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 32, Designating February 9, 2024, as Eating Disorder Advocacy Day.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 441, Restricting driving in left lane of multi-lane highways in WV.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 8, 2024, for amendments to be received on third reading, was read a third time.

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

On page 2, section 1, after line 24, by inserting a new subdivision, designated subdivision (4), to read as follows:

"(4) When traffic conditions or congestion make it necessary to drive in the left lane, provided that driving in the left lane does not impede the normal and reasonable movement of traffic in the left lane;"

And,

By renumbering the remaining subdivisions.

Following discussion,

The question being on the adoption of Senator Rucker's amendments to the bill, the same was put and prevailed.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 441 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 441 pass?"

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

The nays were: None.

Absent: Clements and Stover—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 Com. Sub. for S. B. 441) 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 548, Clarifying appellate jurisdiction of Intermediate Court of Appeals.

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, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips,

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

The nays were: None.

Absent: Clements and Stover—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. 548) 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 595, Amending embalmer licensing requirements.

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, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—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. 595) 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 600, Revising criteria for receiving reenlistment or retention bonus.

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, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 600) 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 House Bill 5045, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage.

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, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Clements and Stover—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 H. B. 5045) 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.

Senate Bill 351, Expanding the definition of "small arms" for purposes of taxation.

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

Senate Bill 378, Prohibiting smoking in vehicle when minor 16 or under is present.

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 542, Amending procedure for filling vacancies in certain county offices having more than three commissioners.

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 587, Enabling State Fire Commission to propose legislative rules.

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 590, Political Subdivision Labor Regulatory Limitation Act.

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

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

On page 1, section 2, lines 2 and 3, by striking out the comma and the words "and county board of education".

Following discussion,

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 590), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 614, Relating to elementary behavior intervention and safety.

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 616, Modifying definition of "family or household members" as it relates to domestic violence laws.

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 544, Raising threshold for bid requirement of municipal public works projects.

Com. Sub. for Senate Bill 577, Limiting landowner liability when land is used for certain purposes.

Com. Sub. for Senate Bill 578, Clarifying offense of burglary.

Senate Bill 605, Requiring electronic funds transfer of retirement contributions by participating employers.

Senate Bill 606, Relating to Natural Resources Police Officers Retirement System.

Senate Bill 607, Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits.

Com. Sub. for Senate Bill 608, Relating to Emergency Medical Services Retirement System.

Senate Bill 609, Deputy Sheriff Retirement System Act.

Senate Bill 658, Supplementing and amending appropriations to Department of Administration, Public Defender Services.

And,

Eng. House Bill 5153, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:



West Virginia House of Delegates
OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

(304) 340-3200
STEVE.HARRISON@WVHOUSE.GOV

February 7, 2024

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, has been examined and found truly enrolled:

H. B. 4026, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

This bill is presented to you on this day, February 7, 2024.

Respectfully submitted,

A handwritten signature in black ink that reads "Stephen J. Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 8, 2024:

Senate Bill 312: Senator Rucker;

Senate Bill 352: Senator Roberts;

Senate Bill 581: Senator Rucker;

Senate Bill 601: Senator Martin;

Senate Bill 605: Senator Hamilton;

Senate Bill 606: Senator Hamilton;

Senate Bill 607: Senator Hamilton;

Senate Bill 608: Senator Hamilton;

Senate Bill 609: Senator Hamilton;

Senate Bill 617: Senator Maroney;

Senate Bill 620: Senator Roberts;

Senate Bill 629: Senator Hamilton;

Senate Bill 632: Senator Deeds;

Senate Bill 638: Senator Maroney;

Senate Bill 679: Senator Deeds;

Senate Bill 717: Senators Woelfel, Woodrum, and Deeds;

Senate Bill 719: Senator Woelfel;

Senate Bill 720: Senator Woodrum;

And,

Senate Resolution 32: Senator Rucker.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 9:39 a.m., the Senate adjourned until Monday, February 12, 2024, at 11 a.m.

SENATE CALENDAR

**Monday, February 12, 2024
11:00 AM**

UNFINISHED BUSINESS

S. R. 33 - Designating February 12, 2024, as Corrections Day

THIRD READING

Eng. S. B. 351 - Expanding the definition of "small arms" for purposes of taxation

Eng. S. B. 378 - Prohibiting smoking in vehicle when minor 16 or under is present

Eng. Com. Sub. for S. B. 542 - Amending procedure for filling vacancies in certain county offices having more than three commissioners

Eng. Com. Sub. for S. B. 587 - Enabling State Fire Commission to propose legislative rules

Eng. Com. Sub. for S. B. 590 - Political Subdivision Labor Regulatory Limitation Act

Eng. Com. Sub. for S. B. 614 - Relating to elementary behavior intervention and safety

Eng. Com. Sub. for S. B. 616 - Modifying definition of "family or household members" as it relates to domestic violence laws

SECOND READING

Com. Sub. for S. B. 544 - Raising threshold for bid requirement of municipal public works projects (original similar to HB5441)

Com. Sub. for S. B. 577 - Limiting landowner liability when land is used for certain purposes

Com. Sub. for S. B. 578 - Clarifying offense of burglary

S. B. 605 - Requiring electronic funds transfer of retirement contributions by participating employers

S. B. 606 - Relating to Natural Resources Police Officers Retirement System

S. B. 607 - Clarifying Municipal Police Officers and Firefighters Retirement System surviving spouse benefits

Com. Sub. for S. B. 608 - Relating to Emergency Medical Services Retirement System

S. B. 609 - Deputy Sheriff Retirement System Act

S. B. 658 - Supplementing and amending appropriations to Department of Administration, Public Defender Services (original similar to HB5452)

Eng. H. B. 5153 - Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.

FIRST READING

- Com. Sub. for Com. Sub. for S. B. 321 - Limiting municipalities' authority to restrict purchase and storage of weapons and ammunition (original similar to HB4782)
- Com. Sub. for S. B. 352 - Modifying Unborn Child Protection Act (original similar to HB5073)
- Com. Sub. for S. B. 370 - Updating Public Employees Grievance Board procedure that certain decisions be appealed to Intermediate Court of Appeals
- S. B. 530 - Removing requirement for counties to draft and adopt zoning ordinances
- S. B. 551 - Modifying requirements related to levy of service fees
- S. B. 620 - Establishing WV Mothers and Babies Pregnancy Support Program
- Com. Sub. for S. B. 628 - Declaring certain claims as moral obligations of the State
- Com. Sub. for S. B. 629 - Requiring builders to follow State Building Code when local inspection and enforcement not provided
- Com. Sub. for S. B. 632 - Relating to Dangerousness Assessment Advisory Board multi-disciplinary study group
- Com. Sub. for S. B. 716 - Relating to child support
- Eng. H. B. 4976 - Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 5157 - Relating to contingent increase of tax rate on certain eligible acute care hospitals