

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Thursday, February 15, 2024

The Senate met at 11:01 a.m.

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

Prayer was offered by Dr. Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark Hunt, a senator from the eighth district.

Pending the reading of the Journal of Wednesday, February 14, 2024,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4086**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified, and as amended by the Legislative Rule-Making Review Committee and as amended by Legislature; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations – licensing; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations - logger certification; authorizing the Division of Labor to promulgate a legislative rule relating to minimum wage, maximum hours, and overtime compensation; authorizing the Division of Labor to promulgate a legislative rule relating to licensing of elevator mechanics, accessibility technicians, and limited technicians and registration of elevator mechanic apprentices; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to safety provisions for clearing crews; authorizing the Office of Miners'

Health, Safety and Training to promulgate a legislative rule relating to protective clothing and equipment; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to reporting requirements for independent contractors; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to assessing health and safety violation penalties; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the application process for the West Virginia Innovative Mine Safety Technology Tax Credit Act; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the program for the sharing of information between employers; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to substance abuse screening, standards and procedures; authorizing the Miners' Health, Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing and other outfitters and guides; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest Trail System two-year pilot project permitting ATVs and ORVs; authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping, and fishing licenses; and authorizing the Public Energy Authority to promulgate a legislative rule relating to petitioning the Public Energy Authority for approval of decommissioning or deconstruction activities related to any coal, oil, or natural gas fueled power plant.

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 4951**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §18-10R-1, relating to the Interstate Compact for School Psychologists; stating purpose; definitions; providing for state participation in compact; providing for discipline; establishment of school psychologist interstate licensure compact commission; facilitating information exchange; and providing an effective date, withdrawal, and amendments.

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

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

**Eng. House Bill 5002**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, relating to requiring that public rest areas provide diaper changing stations in both male and female restrooms.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 5243**—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,

and §16-67-5, all relating to the Women's Bill of Rights; providing short title; setting forth purpose; establishing application of act; defining terms and applications of those definitions; defining sex discrimination in state policies, programs, or statutes; establishing the state interest in certain single sex environments; creating parameters for certain data collection; and allowing severability; and to amend and reenact §61-8B-1 of said code, relating to sexual offenses; and amending the definition of sexual contact.

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 5262**—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to amend and reenact §18-20-1c of said code; to amend said code by adding thereto a new section, designated §18-20-12; to amend and reenact §18A-1-1 of said code; to amend and reenact §18A-2-2 of said code; to amend said code by adding thereto a new article, designated §18A-2A-1; and to amend and reenact §18A-5-1 and §18A-5-1c of said code; all relating generally to the rights of school counselors, special education teachers, and teachers; defining the duties of counselors; ensuring that counselors are provided with the same classification as professional educators to be consistent with the code; clarifying data to be provided; ensuring that school counselors are afforded the protections of teachers as set forth in the Teachers Bill of Rights; defining the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded; ensuring that special education teachers are afforded the protections of teachers as set forth in the Teachers Bill of Rights; providing for the creation of a Teachers Bill of Rights Educational Doctrine; providing for supplemental duty calendar provisions; and clarifying the process for the removal of students.

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

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

**Eng. Com. Sub. for House Bill 5317**—A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, revising the statute to make it permissive for commercial motor vehicles registered in this state subject to the federal motor carrier safety administration rules and regulations to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations; providing for a schedule of and payment of appropriate fees; and adding a definition for the term "Commercial motor 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 and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 5326**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-38B-1, §30-38B-2, §30-38B-3, §30-38B-4, §30-38B-5, §30-38B-6, §30-38B-7, and §30-38B-8, all relating to providing for the prohibition of real estate service agreements that are unfair to an owner of residential real estate; prohibiting the recording of such agreements so that the public records will not be clouded by them; providing that recording, causing to be recorded, an unfair real estate service agreements is a misdemeanor and creates penalties of confinement in jail for a term not to exceed 6 months

and fined \$25,000; providing an exception to the misdemeanor offense for employees of the county commissioners, employees of the county commission, county clerk, deputy county clerk, and employees of the county clerk acting within the scope of their employment; and providing for remedies.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

**Senate Bill 574**, Supplemental appropriation to DOT, Division of Highways.

**Senate Bill 696**, Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management.

**Senate Bill 700**, Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority.

**Senate Bill 701**, Supplementing and amending appropriations to Department of Education, School Construction Fund.

**Senate Bill 703**, Supplementing and amending appropriations to Department of Homeland Security, WV State Police.

**Senate Bill 707**, Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources.

**Senate Bill 708**, Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund.

**Senate Bill 709**, Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority.

And,

**Senate Bill 710**, Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children.

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

Respectfully submitted,

Eric J. Tarr,  
*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 637**, Prohibiting public disclosure of personal information on internet.

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

**Com. Sub. for Senate Bill 637** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-25 relating to a state or local government official removing publicly available personal information on the internet in certain circumstances; and defining terms.

**Senate Bill 740**, Prohibiting digital manipulation of sexually explicit content to include minors.

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

**Com. Sub. for Senate Bill 740** (originating in the Committee on the Judiciary)—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.

And,

**Senate Bill 741**, Prohibiting creation, production, distribution or possession of artificially generated child pornography.

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

**Com. Sub. for Senate Bill 741** (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 §61-8C-12, relating to creating the criminal offenses of creating, producing, distributing, or possessing with intent to distribute artificial intelligence created visual depictions, of 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 criminal penalties.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice 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 649**, Clarifying per diem compensation for certain judges recalled to service.

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

**Com. Sub. for Senate Bill 649** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-9-10 of said code, all relating to clarifying per diem compensation and reimbursable expenses for senior justices and judges of the intermediate, circuit and family courts recalled into service.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice 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 the Judiciary.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration:

**Senate Bill 670**, Reallocating portion of fire insurance and casualty premium tax to Municipal Pensions Security Fund in certain circumstances.

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

**Com. Sub. for Senate Bill 670** (originating in the Committee on Pensions)—A Bill to amend and reenact §33-3-14d of the Code of West Virginia, 1931, as amended, relating to distributions from funds collected from a premium tax on fire insurance and casualty insurance policies; clarifying requirements of distributions from funds collected from a premium tax on fire insurance and casualty policies; directing that ten percent of funds collected from a premium tax on fire insurance and casualty insurance policies currently paid to the Teachers Retirement System be deposited in the Municipal Pensions Security Fund; clarifying distributions by the Municipal Pensions Oversight Board to municipal policemen's and firemen's pension and relief funds in certain circumstances; and decreasing the time in which a municipal policeman's or fireman's pension and relief funds may fail to comply with investment provisions before it may be required to invest with the state Investment Management Board in order to continue to receive funds from a premium tax on fire insurance and casualty insurance policies.

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

Respectfully submitted,

Eric Nelson, Jr.,  
*Chair.*

The bill (Com. Sub. for S. B. 670), under the original double committee reference, was then referred to the Committee on Finance.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration:

**Senate Bill 688**, Authorizing director of Division of Forestry to contract and manage forest land.

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

**Com. Sub. for Senate Bill 688** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-4a, relating to authorizing the Director of the Division of Forestry and the Director of the Division of Natural Resources to contract for the management of state-owned and -leased forests and wooded lands for purposes of preventing forest fires; providing for procedures and requirements to enter into land management contract; establishing competitive bidding process; providing for proceeds from contracts to be paid to treasurer and credited to the appropriate division for certain purposes; and authorizing either director to directly award a contract under certain circumstances when necessary for an economic development project.

And,

**Senate Bill 690**, Establishing WV Agritourism Commission.

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

**Com. Sub. for Senate Bill 690** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-36-6, relating to creating a commission on West Virginia Agritourism; providing for membership, appointment, and term lengths; clarifying members receive no compensation or reimbursement for expenses; providing for powers and duties; and requiring report to Legislature and Governor.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

**Senate Bill 752**, Authorizing Department of Agriculture to complete certain land transfers.

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

Respectfully submitted,

Bill Hamilton,  
*Chair.*

Senator Rucker, from the Committee on School Choice, submitted the following report, which was received:

Your Committee on School Choice has had under consideration

**Senate Bill 761**, Providing greater access to unused buildings for public charter schools.

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 Education.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles, and referred to the appropriate committees:

**By Senator Deeds:**

**Senate Bill 794**—A Bill to amend and reenact §61-2-3 of the Code of West Virginia, 1931, as amended, relating to parole eligibility for the crime of murder in the second degree.

Referred to the Committee on the Judiciary.

**By Senator Nelson:**

**Senate Bill 795**—A Bill to amend and reenact §55-7H-2, §55-7H-3, and §55-7H-4 of the Code of West Virginia, 1931, as amended, all relating to limiting liability for accredited academic hospitals to only the amount of insurance covered by State Board of Risk and Insurance Management, to provide medical professional liability insurance to accredited academic hospitals, and providing updated definitions.

Referred to the Committee on Banking and Insurance.

**By Senator Takubo:**

**Senate Bill 796**—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 giving preference to in-state providers of medical services; providing for exceptions; requiring policy to be implemented by specific date; requiring interim report to be submitted to the Legislative Oversight Commission on Health and Human Resources Accountability; and requiring a final report to be submitted to the Legislative Oversight Commission on Health and Human Resources Accountability by a specific date.



Referred to the Committee on Health and Human Resources.

**By Senator Deeds:**

**Senate Bill 797**—A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to the testimony of spouses in a criminal case.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 798**—A Bill to amend and reenact §24-1-1 and §24-2H-8, of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15A-9 of said code; all relating to the Distressed Utilities Account and to utilities being required to hold at least 1/8 capital reserve to be eligible to request additional state funding.

Referred to the Committee on Economic Development.

**By Senator Weld:**

**Senate Bill 799**—A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to modifying the parole eligibility for a person serving a sentence for first degree murder.

Referred to the Committee on the Judiciary.

**By Senator Chapman:**

**Senate Bill 800**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9h, relating to water quality affecting residents of the state; establishing findings; requiring Department of Health evaluate whether public water sources contain levels of contaminants making them unsafe; providing water filtration equipment or technology to residents whose water is deemed unsafe; and providing for rulemaking.

Referred to the Committee on Finance.

**By Senators Phillips, Smith, and Tarr:**

**Senate Bill 801**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, and §11-29-6, establishing a tax on the production of electricity from wind and solar collection, setting the rate of the tax, and providing collection procedures, establishing how to distribute the collected taxes to volunteer fire departments through the counties, listing requirements to qualify to receive funds from these collected taxes, providing for enforcement and penalties, listing exemptions, and establishing fines and accumulation of interest on late payment.

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

**By Senators Hamilton, Caputo, Deeds, Hunt, Jeffries, Karnes, Martin, Plymale, Stover, and Swope:**

**Senate Bill 802**—A Bill to amend and reenact §46A-6A-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-11F-8 of said code, all relating to Consumer Protection—New Motor Vehicle Warranties and the Farm Equipment Dealer Contract Act; including in the definition of "motor vehicle" a self-propelled vehicle designed primarily for, and used in, the occupation or business of farming, with a horsepower unit of 20 or greater; and the

right to bring an action for breach of warranty involving a self-propelled vehicle designed primarily for, and used in, farming.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Woodrum:**

**Senate Bill 803**—A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, relating to assessment of real property; providing that real property occupied by an immediate family member or former spouse of the owner exclusively for residential purposes be included in class two for assessment and taxation purposes; and further defining "immediate family member".

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 804**—A Bill to amend and reenact §20-7-1b of the Code of West Virginia, 1931, as amended, relating to clarifying that the Director of the Division of Natural Resources has replaced the designation of the Department of Natural Resources to enter into written agreements with federal agencies in the state with law-enforcement duties on and in federal lands located within the boundaries of West Virginia to enforce state laws therein.

Referred to the Committee on Agriculture and Natural Resources.

**By Senator Maroney:**

**Senate Bill 805**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29a; and to amend said code by adding thereto a new section, designated §16-5Y-12a, all relating to residential substance use disorder treatment facilities; prohibiting payment to facilities that do not meet certain requirements; and establishing requirements regarding the health care authority's ability to issue a certificate of need, or allowance of an exemption, for the addition of treatment facility beds in a certain county.

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

**By Senator Grady:**

**Senate Bill 806**—A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5B-7 of said code; to repeal §18-5F-6 of said code; to repeal §18-9A-7a of said code; to repeal §18-9F-8 of said code; and to amend and reenact §18A-3C-3 of said code, all relating to the Legislative Oversight Commission on Education Accountability; removing required submission of plan to implement and update computer science instruction and learning standards in the public schools; removing required submission of annual report on innovation zones and the progress of innovation zone plans; removing required report on all aspects of the program at the end of the first year a virtual instruction program is implemented; removing required report on proposed revisions to the calculation of the allowance for service personnel to provide additional funded service personnel positions for lower-population density districts covering a large geographic areas; removing required report regarding implementation of school access safety and crisis response article; and removing requirement for review of the progress of the implementation of the comprehensive systems of support for teacher and leader induction and professional growth.

Referred to the Committee on Education.

**By Senator Woodrum:**

**Senate Bill 807**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1, §12-10-2, §12-10-3, §12-10-4, §12-10-5, §12-10-6, and §12-10-7, all relating to the creation of the West Virginia Precious Metals Reserve and Tax Payment Act; establishing the purpose and intent; providing definitions; creating the establishment of the precious metals reserve; providing for tax payments of precious metals; providing for funding and management; creating oversight and auditing; and creating implementation.

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

**By Senator Maynard:**

**Senate Bill 808**—A Bill to amend and reenact §5B-2-3b of the Code of West Virginia, 1931, as amended, relating to the Economic Development Promotion and Closing Fund; and providing a one-time allocation of \$100,000 to the Flatwater Trail Commission to be used for travel expenses and promotion of flat water trails in West Virginia, subject to availability of funds.

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

**By Senator Maynard:**

**Senate Bill 809**—A Bill to repeal §7-1-3qq of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-2-3, all relating to racing on highways or streets; transferring duties from county commissions to the Department of Transportation; and allowing races on county or municipal roads when the race is sanctioned by the local governing authority and the road is closed to other traffic.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senator Deeds:**

**Senate Bill 810**—A Bill to amend and reenact §61-2-4 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for voluntary manslaughter.

Referred to the Committee on the Judiciary.

**By Senator Caputo:**

**Senate Joint Resolution 9**—Proposing an amendment to the Constitution of the State of West Virginia amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to reproductive freedom with protections for health and safety; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Blair (Mr. President), Barrett, Boley, Clements, Grady, Hamilton, Jeffries, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Stuart, Takubo, Tarr, Taylor, and Woodrum offered the following resolution:

**Senate Concurrent Resolution 29**—Expressing concerns regarding regulatory overreach impacting the chemical industry and urging the Biden Administration and Congress to reevaluate proposed restrictions.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senator Maynard offered the following resolution:

**Senate Resolution 41**—Designating February 16, 2024, as Adventure Travel Day at the Legislature.

Which, under the rules, lies over one day.

Senators Stuart, Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stover, Swope, Taylor, and Woodrum offered the following resolution:

**Senate Resolution 42**—Supporting Texas Governor Greg Abbott and Texas' constitutional right to self-defense.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 28**, Directing Secretary of State to remove President Joseph R. Biden Jr. from primary and general election ballot.

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

**Senate Resolution 38**, Recognizing value and supporting Small Town and Main Street development.

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 and adopted.

**Senate Resolution 39**, Designating February 15, 2024, as WV State University Day.

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 and adopted.

**Senate Resolution 40**, Designating February 15, 2024, as Angelman Syndrome Awareness Day.

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

At the request of Senator Nelson, 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 40) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Nelson regarding the adoption of Senate Resolution 40 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 613**, WV Residential Mortgage Lender, Broker and Servicer Act.

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

Senators Trump and Nelson, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump and Nelson would be as a member of a class of persons and that they would be required to vote.

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 613) 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 622**, Changing time period of voting inactivity for removal from voter registration.

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 622 pass?"

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 622) 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 623**, Requiring DMV to provide images of certain individuals to Secretary of State for voter identification purposes.

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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Caputo—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 623) 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 624**, Cancelling voter registration records for individuals no longer WV residents.

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 624) passed with its title.

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

**Eng. House Bill 5019**, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5019) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 375**, Health Care Sharing Ministries Freedom to Share Act.

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 444**, Relating to health insurance coverage for certain emergency services.

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 493**, Relating to use of criminal records as disqualification from authorization to practice particular profession.

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 610**, Clarifying authority of Water Development Authority in certain circumstances.

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

**Senate Bill 615**, Limiting statutory and common law actions for certain electric generating facilities.

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 631**, Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees.

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 635**, Modifying rules regarding liquidation of property.

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 668**, Increasing amount of certain controlled substances persons may purchase annually.

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 669**, Relating to county economic opportunity development districts.

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

**Senate Bill 687**, Clarifying Legislative Auditor's scope of authority.

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Senate Bill 714**, Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine.



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

**Senate Bill 732**, Requiring cooperation between law-enforcement agencies and military authorities.

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 292**, Hunger-Free Campus Act.

**Senate Bill 395**, Relating to valuation of industrial property and natural resources by Tax Commissioner.

**Senate Bill 602**, Cardiac Emergency Response Plan Act.

**Eng. Com. Sub. for House Bill 4756**, Creating a state Alzheimer's plan task force.

**Eng. Com. Sub. for House Bill 4782**, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.

**Eng. House Bill 4832**, Relating to state superintendent's reports regarding the finances of school districts.

**Eng. House Bill 5006**, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan.

**Eng. House Bill 5261**, Relating to the definition of small arms for purposes of taxation.

**Eng. Com. Sub. for House Bill 5267**, Relating to the Deputy Sheriff Retirement System.

And,

**Eng. Com. Sub. for House Bill 5273**, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service.

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 Senators Chapman, Weld, Woelfel, and Hamilton.

At the request of Senator Woelfel, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the Kansas City mass shooting victims and their family members.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 14, 2024:

**Senate Bill 258:** Senator Grady;

**Senate Bill 373:** Senator Grady;

**Senate Bill 493:** Senators Rucker, Barrett, and Woelfel;

**Senate Bill 515:** Senator Rucker;

**Senate Bill 615:** Senator Deeds;

**Senate Bill 688:** Senator Nelson;

**Senate Bill 690:** Senator Nelson;

**Senate Bill 777:** Senator Deeds;

**Senate Bill 778:** Senator Deeds;

**Senate Bill 779:** Senator Deeds;

**Senate Bill 780:** Senators Woelfel and Deeds;

**Senate Bill 781:** Senators Queen and Plymale;

**Senate Bill 783:** Senator Plymale;

**Senate Bill 785:** Senator Woelfel;

**Senate Bill 788:** Senator Takubo;

**Senate Bill 789:** Senator Rucker;

**Senate Bill 792:** Senator Woelfel;

**Senate Resolution 38:** Senators Queen, Plymale, and Grady;

**Senate Resolution 39:** Senators Rucker, Caputo, Plymale, and Grady;

And,

**Senate Resolution 40:** Senator Plymale.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:55 a.m., the Senate adjourned until tomorrow, Friday, February 16, 2024, at 9:30 a.m.

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## **SENATE CALENDAR**

**Friday, February 16, 2024  
9:30 AM**

### **UNFINISHED BUSINESS**

S. R. 41 - Designating February 16, 2024, as Adventure Travel Day

S. R. 42 - Supporting Texas Governor Greg Abbott and Texas' constitutional right to self-defense

### **THIRD READING**

Eng. Com. Sub. for S. B. 375 - Health Care Sharing Ministries Freedom to Share Act

Eng. Com. Sub. for S. B. 444 - Relating to health insurance coverage for certain emergency services (original similar to HB4869)

Eng. Com. Sub. for S. B. 493 - Relating to use of criminal records as disqualification from authorization to practice particular profession - (With right to amend)

Eng. S. B. 610 - Clarifying authority of Water Development Authority in certain circumstances

Eng. S. B. 615 - Limiting statutory and common law actions for certain electric generating facilities - (Com. title amend. pending)

Eng. Com. Sub. for S. B. 631 - Prohibiting municipalities from disconnecting water service for nonpayment of stormwater fees - (With right to amend)

Eng. S. B. 635 - Modifying rules regarding liquidation of property

Eng. Com. Sub. for S. B. 668 - Increasing amount of certain controlled substances persons may purchase annually

Eng. Com. Sub. for S. B. 669 - Relating to county economic opportunity development districts

Eng. S. B. 687 - Clarifying Legislative Auditor's scope of authority - (With right to amend) (original similar to HB5592)

Eng. Com. Sub. for S. B. 714 - Transferring duties and licensing from Board of Osteopathic Medicine to Board of Medicine

Eng. S. B. 732 - Requiring cooperation between law-enforcement agencies and military authorities

### **SECOND READING**

Com. Sub. for S. B. 292 - Hunger-Free Campus Act

S. B. 395 - Relating to valuation of industrial property and natural resources by Tax Commissioner

S. B. 602 - Cardiac Emergency Response Plan Act

- Eng. Com. Sub. for H. B. 4756 - Creating a state Alzheimer's plan task force - (Com. amends. pending) (original similar to SB566)
- Eng. Com. Sub. for H. B. 4782 - Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses.
- Eng. H. B. 4832 - Relating to state superintendent's reports regarding the finances of school districts - (Com. amend. pending)
- Eng. H. B. 5006 - Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan
- Eng. H. B. 5261 - Relating to the definition of small arms for purposes of taxation
- Eng. Com. Sub. for H. B. 5267 - Relating to the Deputy Sheriff Retirement System
- Eng. Com. Sub. for H. B. 5273 - Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service

### **FIRST READING**

- S. B. 574 - Supplemental appropriation to DOT, Division of Highways (original similar to HB5245)
- Com. Sub. for S. B. 637 - Prohibiting public disclosure of personal information on internet
- Com. Sub. for S. B. 649 - Clarifying per diem compensation for certain judges recalled to service
- Com. Sub. for S. B. 688 - Authorizing director of Division of Forestry to contract and manage forest land (original similar to HB5519)
- Com. Sub. for S. B. 690 - Establishing WV Agritourism Commission
- S. B. 696 - Supplementing and amending appropriations to Department of Homeland Security, Division of Emergency Management
- S. B. 700 - Supplementing and amending appropriations to Miscellaneous Boards and Commissions, Hospital Finance Authority
- S. B. 701 - Supplementing and amending appropriations to Department of Education, School Construction Fund
- S. B. 703 - Supplementing and amending appropriations to Department of Homeland Security, WV State Police
- S. B. 707 - Supplementing and amending appropriations to Department of Commerce, Division of Natural Resources
- S. B. 708 - Supplementing and amending appropriations to Department of Agriculture, WV Spay Neuter Assistance Fund
- S. B. 709 - Supplementing and amending appropriations to Department of Arts, Culture and History, National Coal Heritage Area Authority

S. B. 710 - Supplementing and amending appropriations to State Board of Education, Aid for Exceptional Children

Com. Sub. for S. B. 740 - Prohibiting digital manipulation of sexually explicit content to include minors

Com. Sub. for S. B. 741 - Prohibiting creation, production, distribution or possession of artificially generated child pornography

S. B. 752 - Authorizing Department of Agriculture to complete certain land transfers

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2024**

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**Friday, February 16, 2024**

15 Minutes After  
Floor Session

Workforce

(Room 208W)