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First Extraordinary Session, 2023

VOLUME II



NOTE: The second volume continues with Journal proceedings proper (page 1273) of February 28 and concludes with the proceedings of March 10 ending with page 2518 of the Regular Session.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 681) takes effect from passage.

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

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:38 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 4:51 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Senate Bill 732, Prohibiting insurer from imposing copayment for certain services.

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, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Chapman, Stover, and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 732) 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 734, Requiring adoption of cloud computing services by state agencies.

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, Stuart, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Swope—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 734) 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 739, Relating to moratorium on carbon capture agreements.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 27, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

On third reading, coming up in regular order, with the unreported Transportation and Infrastructure committee amendment pending, and with the right having been granted on February 13, 2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Transportation and Infrastructure committee amendment pending.

Eng. Com. Sub. for House Bill 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds.

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, Stuart, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Swope—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. 3308) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Swope—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3308) takes effect from passage.

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 123, Creating enhanced penalties for fleeing officer.

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

Com. Sub. for Com. Sub. for Senate Bill 199, Requiring purchases of certain commodities and services from state use program partners.

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 220, Industrial Hemp Development Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar.

Com. Sub. for Senate Bill 468, Continuing Cabwaylingo State Forest Trail System.

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 540, Creating misdemeanor offense of willfully urinating or defecating in public.

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 546, Adding and removing certain compounds from controlled substance list.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar, following consideration of Committee Substitute for Senate Bill 220, already placed in that position.

Com. Sub. for Senate Bill 552, Relating to abortion.

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 581, Amending provisions of 2023 Farm Bill.

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 593, Mandating cost of living salary adjustment policy for state employees.

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 633, Requiring prompt appearances for persons detained on capiases.

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 634, Increasing value at which municipal property must be sold through public auction.

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

On motions of Senators Rucker and Weld, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 2, section 18, lines 23-26, after the word "property:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That no municipal employee, municipal official, family member of a municipal employee, or family member of a municipal official may benefit from the disposition of municipal property or otherwise purchase municipally owned property that is adjacent to their own property.;

And,

On page 2, section 18, line 30, after the word "transaction." by inserting the words "For the purposes of this subsection, "family member" means spouse, adult child, sibling, parent, grandparent, adult grandchild, or niece or nephew. This includes stepparents, adult stepchildren, stepsiblings, and adoptive relationships."

Following discussion,

The question being on the adoption of the amendments offered by Senators Rucker and Weld to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 634), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 647, Relating to substantiation of abuse and neglect allegations.

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 and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. COURT ACTIONS.

PART VI. PROCEDURES IN CASES OF CHILD NEGLECT OR ABUSE.

§49-4-601b. Substantiation by the department of abuse and neglect; file purging; expungement; exceptions.

(a) Notwithstanding any provision of this code to the contrary, when the department substantiates an allegation of abuse ~~or~~ and neglect against a person, but there is no judicial finding of abuse ~~or~~ and neglect as a result of the allegation, the department shall provide written notice of the substantiation to the person by certified mail, return receipt requested.

(b) The ~~individual~~ person against whom an abuse ~~or~~ and neglect allegation has been substantiated, as described in subsection (a) of this section, has the right to contest the substantiation by filing a grievance with the board of review of the department and has the right to appeal the decision of the board of review to the court, in accordance with the provisions of §29A-5-1 *et seq.* of this code regarding administrative appeals.

(c) The secretary of the department shall ~~promulgate~~ propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code, within the applicable time limit to be considered

by the Legislature during its regular session in the year 2021, which rules shall include, at a minimum:

(1) Provisions for ensuring that an individual against whom the department has substantiated an allegation of abuse and neglect, but against whom there is no judicial finding of abuse ~~or~~ and neglect, receives written notice of the substantiation in a timely manner. The written notice ~~must~~, shall at a minimum, state the following:

(A) The name of the child the person is alleged to have abused ~~or~~ and neglected, the place or places where the abuse ~~or~~ and neglect allegedly occurred, and the date or dates on which the abuse ~~or~~ and neglect is alleged to have occurred;

(B) That the person has a right to file a grievance protesting the substantiation of abuse and neglect with the board of review of the department and clear instructions regarding how to file a grievance with the board of review, including a description of any applicable time limits;

(C) That the person has a right to appeal an adverse decision of the board of review of the department to the courts and notice of any applicable time limits; and

(D) A description of any public or nonpublic registry on which the person's name will be included as a result of a substantiated allegation of abuse and neglect and a statement that the inclusion of the person's name on the registry may prevent the person from holding jobs from which child abusers are disqualified, or from providing foster or kinship care to a child in the future;

(2) Provisions for ensuring that a person against whom an allegation of abuse and neglect has been substantiated, but against whom there is no judicial finding of abuse or neglect, may file a grievance with the department and provisions guaranteeing that ~~any such person~~ he or she will have a full and fair opportunity to be heard; and

(3) Provisions requiring the department to remove a person's name from an abuse and neglect registry maintained by the

department if a ~~substantiation~~ substantiated allegation is successfully challenged in the board of review or in a court.

(d) Notwithstanding any provision of this code to the contrary:

(1) Where any allegation of abuse and neglect is substantiated and a petition for abuse and neglect could be filed and the department does not file a petition, all department records related to the allegation shall be sealed one year after the substantiation determination, unless during the one-year period another allegation of child abuse and neglect against the person is substantiated: *Provided*, That the provisions of this subdivision do not apply to a person against whom an allegation is substantiated but the circumstances do not allow for the filing of a petition for abuse and neglect;

(2) Where an allegation of child abuse and neglect is substantiated and a petition is filed with the circuit court which does not end in an adjudication that abuse and neglect occurred, the allegation shall be considered to have been unsubstantiated.

(3) (A) Where an allegation of child abuse and neglect is substantiated and a judicial determination of child abuse and neglect is found, a person may petition the circuit court which found the person to be an abusing parent to have his or her department record sealed after no less than five years have elapsed since the finding of abuse and neglect is rendered: *Provided*, That a petition may not be filed if the person had been the subject of a substantiated allegation of abuse and neglect during the period of time after the finding and prior to the filing of the petition; and

(B) In its consideration of a petition filed under this subdivision, the court, in its discretion, may look at all relevant factors related to the petition, including, but not limited to, efforts at rehabilitation and family reunification.

(e) The sealing of a record pursuant to subsection (d) of this section means that any inquiry of the department about a person having a record of child abuse and neglect for purposes of possible employment shall be answered in the negative.

(f) The secretary is directed to propose legislative rules pursuant to §29A-1-1 *et seq.* of this code to effectuate the amendments to this section enacted during the 2023 Regular Session of the Legislature.

The bill (Com. Sub. for S. B. 647), as amended, was then ordered to engrossment and third reading.

Senate Bill 736, Establishing three-year nontraditional school week pilot project.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Senate Bill 738, Equipment Right to Repair Act.

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

Senate Bill 740, Relating to compensation and expense reimbursement for members of Legislature.

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

Eng. House Bill 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

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

The end of today's second reading calendar having been reached, the Senate proceeded to the consideration of

Com. Sub. for Senate Bill 220, Industrial Hemp Development Act.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 19. AGRICULTURE.

ARTICLE 12E. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-12. Hemp-derived Cannabinoid Regulation Act.

(a) This section shall be known as the Hemp-derived Cannabinoid Regulation Act.

(b) The Legislature finds that hemp-derived cannabinoid products can be regulated so as not to interfere with the strict regulation of controlled substances in this state. The purpose of the act is to allow limited, regulated access to naturally occurring hemp-derived cannabinoid products for adults 21 years of age and older.

(c) As used in this section:

(1) "Adulterated" means modified, altered, weakened, lessened, strengthened, or adapted as to purity by the addition of a foreign substance.

(2) "Alcohol Beverage Control Commissioner" means the Alcohol Beverage Control Commissioner or his or her designees.

(3) "Commissioner" means the Commissioner of Agriculture or his or her designees.

(4) "Contaminated" means made impure and unsafe by biological, chemical, or physical additives.

(5) "Department" means the West Virginia Department of Agriculture.

(6) "Hemp-derived cannabinoid" means a naturally occurring non-synthetic, and unadulterated substance as follows:

(A) A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of three tenths of one percent (0.3%) or less on a dry weight basis;

(B) Delta-8 tetrahydrocannabinol;

(C) Delta-10 tetrahydrocannabinol;

(D) Hexahydrocannabinol;

(E) Tetrahydrocannabiphorol (THCp); and

(F) Tetrahydrocannabivarin (THCv).

(7) "Manufacturer" means a person or entity which grows industrial hemp.

(8) "Processor" means a person or entity that processes compounds or converts hemp-derived cannabinoids into a hemp-derived cannabinoid product and distributes, sells, or offers for sale, hemp-derived cannabinoid products in this state on a wholesale basis to a retailer.

(9) "Retailer" means a person or entity that distributes, offers for sale, or sells hemp-derived products to persons for personal consumption.

(d) Any person manufacturing, processing, distributing, offering for sale, or selling hemp-derived cannabinoid products in this state shall be permitted by the commissioner and otherwise authorized to do business in this state. The commissioner may issue manufacturer, processor and retailer permits.

(e) The Commissioner of Agriculture shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code that include, but are not limited to:

(1) Issuing permits to persons who wish to manufacture, handle, process, offer for sale, or sell hemp-derived cannabinoid products;

(2) Regular sampling and testing of hemp-derived cannabinoid products to determine purity levels;

(3) Supervision of the hemp-derived cannabinoid products during their manufacture, processing, and sale;

(4) Assessment of fees that are commensurate with the costs of the Commissioner of Agriculture's activities in permitting, testing, and overseeing the regulation of hemp-derived products;

(5) Approving the manufacture, production, sale, processing, distributing, and transport of hemp-derived cannabinoid products;

(6) Developing standards for the labeling of hemp-derived cannabinoid products, including but not limited to, a statement which says "KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION" and "USE OF THIS PRODUCT MAY CAUSE DRUG TESTING TO BE POSITIVE FOR THC";

(7) Developing requirements that hemp-derived cannabinoid products for retail sale be available only in a restricted access area and not accessible to the general public;

(8) Developing restrictions on advertising and marketing of hemp-derived cannabinoid products including, but not limited to, precluding advertising of unapproved, illegal products in newspapers or on radio or television;

(9) Developing prohibitions on child targeted packaging and shapes and forms of products;

(10) Developing administrative rules, procedures, and sanctions for violations of this section.

(11) Any other rules and procedures necessary to carry out the purposes of this article.

(f) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules as are necessary to effectuate the purposes of this article.

(g) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells hemp-derived cannabinoid products to persons in this state shall employ a neutral age-screening mechanism that verifies that the user is at least 21 years old. The mechanism may include an age-gate, age-screen, or other age-verification mechanism approved by the commissioner.

(h) Any person offering to distribute or sell hemp-derived cannabinoid products to persons in this state by means other than a direct in-person transaction shall employ an age verification mechanism approved by the commissioner.

(i) In addition to all other applicable taxes, there is hereby levied an additional tax equal to 15 percent of the retail sales price on each retail sale of hemp-derived cannabinoids for the privilege of engaging in the business of selling hemp-derived cannabinoid products.

(1) For the privilege of engaging or continuing within this state in the business of the retail sale of hemp-derived cannabinoid products, as defined in subdivision (6), subsection (a) of this section, there is hereby levied upon and collected from every person exercising the privilege a privilege tax.

(2) The rate of tax imposed by this subsection is 15 percent of the retail sales price of hemp-derived cannabinoid products sold during the reporting period, depending upon the person's method of accounting for federal income tax purposes. The tax imposed by this subsection shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer.

(3) Every person subject to the tax imposed by this subsection shall make quarterly payments under this section for each calendar quarter at the rate prescribed in this subsection on the gross receipts received or accrued for the calendar quarter, depending upon the person's method of accounting for federal income tax purposes. The tax shall be due and payable on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this subsection.

(4) The taxes imposed by this subsection shall be paid to the Tax Commissioner by electronic funds transfer, unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.

(5) If any retailer does not renew its permit, relinquishes its permit, has its permit to operate suspended or revoked, or otherwise ceases selling hemp-derived cannabinoid products then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 *et seq.* of this code, shall become due and payable immediately and the retailer shall make a final return or returns and pay any tax which is due within 30 days of no longer selling the product or after not renewing its permit, relinquishes its permit, has its permit to operate suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is a lien upon the property of the retailer and of its owners.

(6) All money received from the tax imposed under this subsection, including any interest and additions to tax paid under §11-10-1 *et seq.* of this code, less the amount of any refunds, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(7) Persons subject to the tax imposed by this subsection shall provide to the Tax Commissioner any information required by the

Tax Commissioner to administer, collect, and enforce the tax imposed by this subsection.

(8) Notwithstanding any provision of §11-10-1 et seq. of this code or of this section to the contrary, the Tax Commissioner, and the commissioner may enter into written agreements pursuant to which the Tax Commissioner shall disclose to designated employees of the department, whether a particular retailer is in good standing with the Tax Commissioner, and the commissioner shall disclose to designated employees of the Tax Commissioner information a retailer provides to the commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 et seq. of this code. To the extent feasible, this information should be shared or exchanged electronically.

(9) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, any procedural, interpretive, or legislative rules, including emergency rules, as the Tax Commissioner considers necessary or convenient for the efficient administration of taxes imposed by this subsection.

(A) Funds from the tax imposed by the provisions of subdivision (1) of this subsection and deposited in the Agricultural Fees Fund, shall be divided and deposited as follows:

(i) Twenty percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code;

(ii) Twenty-five percent shall be deposited in the General Revenue Fund;

(iii) Forty percent shall remain in the Agriculture Fees Fund; and

(iv) Fifteen percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(B) Notwithstanding any provision in §11-9-1 et seq. of this code to the contrary, each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 et seq. of this code applies to the tax imposed by §16A-9-1 et seq. of this code with like effect as if said act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

(C) Notwithstanding any provision of §11-10-1 et seq. of this code, or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 et seq. of this code applies to the tax imposed by §16A-9-1 et seq. with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

(j) All fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

(k)(1) The provisions of this section related to retail sales shall be enforced by the commissioner with the assistance of the Alcohol Beverage Control Commissioner.

(2) The commissioner and the Alcohol Beverage Control Commissioner shall enter into a memorandum or memoranda of understanding to facilitate their enforcement of this section.

(1)(1) Any hemp-derived product found in this state in violation of this article is hereby declared contraband and any property interest in the hemp-derived product is vested in the State of West Virginia and is subject to seizure, forfeiture, and destruction.

(2) Any certified law-enforcement officer in this state is authorized to enforce the criminal provisions of this section, and enforcement agents of the Alcohol Beverage Control

Commissioner are authorized to enforce the administrative retailer provisions of this section.

(3) The Commissioner shall provide the requisite training necessary to enforce the criminal and administrative provisions of this section.

(4) The provisions of this subsection are effective from passage.

(m) Any person who manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product in this state without a permit to do so is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor, and upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(n)(1) Any person who processes, distributes, sells, or offers to sell any hemp-derived product knowing or having reason to know that the product has been adulterated or contaminated with a toxic or illegal substance is guilty of a felony, and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.

(2) Each individually contaminated or adulterated packaged container of a hemp-derived cannabinoid product processed, distributed, sold, or offered for sale in violation of this subsection constitutes a separate and distinct violation.

(o)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product which has not been approved by the commissioner is guilty

of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(p) Any person who knowingly distributes, offers for sale, or sells a contaminated or adulterated hemp-derived cannabinoid product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(q) Any person who knowingly distributes or sells hemp-derived cannabinoid product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(r) (1) Any person under the age of 21 who possesses hemp-derived cannabinoid product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof shall be fined not more than \$5,000 and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

ARTICLE 12F. SELECT PLANT-DERIVED PRODUCT REGULATION ACT.

§19-12F-1. Short title.

This article shall be known as the Select Plant-derived Product Regulation Act.

§19-12F-2. Findings; purpose.

The legislature finds that select plant-derived products, including Kratom, can be regulated so as not to interfere with the strict regulation of controlled substances in this state. The purpose of this article is to allow limited regulated assess to Kratom for adults 21 years of age and older.

§19-12F-3. Definitions.

(1) "Adulterated" means modified, altered, weakened, lessened, strengthened, or adapted as to purity by the addition of a foreign substance.

(2) "Alcohol Beverage Control Commissioner" means the Alcohol Beverage Control Commissioner or his or her designee.

(3) "Commissioner" means the Commissioner of Agriculture or his or her designee.

(4) "Contaminated" means made impure and unsafe by biological, chemical, or physical additives.

(5) "Department" means the West Virginia Department of Agriculture.

(6) "Kratom" means a psychoactive preparation that is composed of the crushed or powdered dried leaves of the mitragyna speciosa, a yellow-flowered tropical tree which contains the alkaloids mitragynine and 7-hydroxymitragynine.

(7) "Kratom product" means a food product, food ingredient, dietary agreement, dietary supplement, or beverage intended or marketed for human consumption containing any part of the leaf of the plant mitragyna speciosa.

(8) Manufacture "means a person or entity which grows Kratom for commercial purposes.

(9) "Processor" means a person or entity that processes, distributes, sells, or offers for sale, kratom or kratom products in this state on a wholesale basis to a retailer.

(10)"Retailer" means a person or entity that distributes, offers for sale, or sells kratom or kratom products to persons for personal consumption.

§19-12F-4. Processor and retailer permits; regulation.

Any person manufacturing, processing, distributing, offering for sale, or selling kratom or kratom products in this state shall have a permit issued by the commissioner and otherwise authorized to do business in this state. The commissioner may issue manufacturer, processor and retailer permits.

§19-12F-5. Rule-making authority.

(a) The commissioner shall propose legislative rules for legislative approval in accordance with §29A-3-1 et seq. of this code that include, but are not limited to:

(1) Issuance of permits to persons who wish to manufacture, process, distribute, offer for sale, or sell kratom;

(2) Sampling and testing of kratom to determine purity levels;

(3) Supervision of the kratom during its manufacture, processing, and sale;

(4) Assessment of fees that are commensurate with the costs of the Commissioner of Agriculture's activities in permitting, testing, and supervising kratom and the sale of kratom products;

(5) The production, processing, sale, possession, distribution, or transport of kratom products;

(6) Developing standards for the labeling of kratom products to include, at a minimum, a statement which says "KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION";

(7) Developing requirements that kratom and kratom products be available only in a restricted access area not accessible to the general public;

(9) Developing restrictions on advertising and marketing to preclude advertising of kratom and kratom products in newspapers or on radio and television;

(10) Developing prohibitions on child-targeted packaging and shapes and forms of products;

(11) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may propose legislative rules, in accordance with the provisions of §29A-3-1 *et seq.* of this code, to effectuate the purposes of this article;

(12) Any other rules and procedures necessary to carry out the purposes of this article.

(b) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules as are necessary to effectuate the purposes of this article.

§19-12F-6. Age verification requirements.

(a) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells a product containing kratom or kratom products to persons in this state shall employ a neutral age-screening mechanism that verifies that the user is at least 21 years old, including by using an age-gate, age-screen, or other age-verification mechanism approved by the commissioner.

(b) Any person offering to distribute or sell kratom or kratom products to persons in this state by means other than a direct in-person transaction shall employ an age-verification mechanism approved by the Commissioner.

§19-12-F-7. Kratom specific taxes; disposition of funds.

(a) In addition to all other applicable taxes, there is hereby levied an additional tax equal to 15 percent of the retail sales price on each retail sale of kratom and kratom products.

(1) For the privilege of engaging or continuing within this state in the business of selling kratom and kratom products, as defined in §19-12F-2 of this code there is hereby levied upon and collected from every person exercising the privilege a privilege tax.

(2) The rate of tax imposed by this section is 15 percent of the retail sales price of kratom and kratom products sold during the reporting period, depending upon its method of accounting for federal income tax purposes. The tax imposed by this section shall not be added by the retailers as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer.

(b) Every person subject to the tax imposed by this subsection shall make quarterly payments for each calendar quarter at the rate prescribed in subsection (a) of this section on the gross receipts received or accrued for the calendar quarter, depending upon the person's method of accounting for federal income tax purposes. The tax shall be due and payable on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this section.

(c) The taxes imposed by this section shall be paid to the Tax Commissioner by electronic funds transfer, unless electronic payment is prohibited by state or federal law. Tax returns required by this section shall be filed electronically with the Tax Commissioner.

(d) If any retailer does not renew its permit, relinquishes its permit, has its permit suspended or revoked, or otherwise ceases selling kratom or kratom products then any tax, additions to tax, penalties, and interest imposed by this article and by §11-10-1 *et seq.* of this code shall become due and payable immediately and the retailer shall make a final return or returns and pay any tax which is due within 30 days of no longer selling the product or after not renewing its permit, relinquishing its permit, has its permit to

sell suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is a lien upon the property of the retailer and of its owners.

(e) All money received from the tax imposed under this section, including any interest and additions to tax paid under §11-10-1 et seq., less the amount of any refunds, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.

(f) Persons subject to the tax imposed by this section shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this section.

(g) Notwithstanding any provision of §11-10-1 et seq. of this code or of this article to the contrary, the Tax Commissioner, and the Commissioner may enter into written agreements pursuant to which the Tax Commissioner will disclose to designated employees of the department, whether a particular retailer is in good standing with the Tax Commissioner, and the commissioner will disclose to designated employees of the Tax Commissioner information a retailer provides to the commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 et seq. of this code. To the extent feasible, this information should be shared or exchanged electronically.

(h) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, such procedural, interpretive, or legislative rules, including emergency rules, as the Tax Commissioner considers necessary or convenient for the efficient administration of taxes imposed by this section.

(i) Funds from the taxes imposed by this section and deposited in the Agricultural Fees Fund and shall be divided as follows:

(1) Twenty percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8;

(2) Twenty-five percent shall be deposited in the general revenue fund; and

(3) Forty percent shall remain in the Agriculture Fees Fund.

(4) Fifteen percent to the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.

(j) Notwithstanding any provision in §11-9-1 et seq. of this code to the contrary, each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 et seq. of this code shall apply to the tax imposed by §16A-9-1 et seq. of this code with like effect as if said act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.

(k) Notwithstanding any provision of §11-10-1 et seq. of this code or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 et seq. of this code, shall apply to the tax imposed by §16A-9-1 et seq. with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code, and were set forth in extenso in §16A-9-1 et seq. of this code.

§19-12F-8 Application and registration fees.

(a) Applicants for kratom and kratom manufacturer, product processor, and retailer permits shall pay a non-refundable application fee of \$2,500 which shall be deposited with the State Treasurer to the credit of the "Agricultural Fees Fund" established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

(b) Processors and retailers shall pay an annual registration fee of \$1000 kratom and hemp-derived cannabinoid products which shall be deposited with the State Treasurer to the credit of the "Agricultural Fees Fund" established by the provisions of §19-1-

4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

§19-12F-9. Cooperative enforcement agreements.

(a) The provisions of article related to retail sales shall be enforced by the commissioner and with the assistance of the Alcohol Beverage Control Commissioner.

(b) The Commissioner and the Alcohol Beverage Control Commissioner may enter into a memorandum or memoranda of understanding to facilitate enforcement of this article.

§19-12F-10. Declaring unlawful products contraband; seizures; forfeitures; and destruction.

(a) Any kratom or kratom product found in this state in violation of this article is hereby declared contraband and any property interest in the kratom or kratom product is vested in the State of West Virginia and is subject to seizure and forfeiture and destruction.

(b) Any certified law enforcement officer in this state may enforce the criminal provisions of this article, and any enforcement agent of the Alcohol Beverage Control Commissioner is authorized to enforce the administrative provisions of this article as it relates to retailers.

§19-12F-11. Criminal violations; penalties.

(a) Any person who manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product in this state without a permit is guilty of a crime.

(1) A first violation of this subsection is a misdemeanor, and upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

(2) A second or subsequent violation of this subsection is a felony and upon conviction thereof, a person shall be fined not

more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years or both fined and imprisoned.

(b)(1) Any person who manufactures, processes, distributes, sells or offers to sell any kratom or kratom product knowing or having reason to know that the product has been adulterated or contaminated with a toxic or illegal substance is guilty of a felony, and, upon conviction shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than two nor more than 10 years or both fined and imprisoned.

(2) Each individually contaminated or adulterated packaged container of kratom or a kratom product processed, distributed, sold, or offered for sale constitutes a separate and distinct violation of this subsection.

(c)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product which has not been approved by the Commissioner is guilty of a misdemeanor and, upon conviction thereof shall be fined not less than \$1,000 nor more than \$ 5,000 or confined in jail for not more than one year, or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000 or imprisoned for not less than one nor more than five years or both fined and imprisoned.

(d) Any person who knowingly manufactures, distributes, offers for sale, or sells contaminated or adulterated kratom or kratom product is guilty of a felony and, upon conviction, shall be fined not less than \$10,000 nor more than \$25,000 or imprisoned for not less than one nor more than five years or both fined and imprisoned.

(e) Any person who knowingly distributes or sells a kratom or kratom product to a person under the age of 21 is guilty of a felony

and upon conviction thereof shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(e) (1) Any person under the age of 21 who possesses kratom or a kratom product is guilty of a misdemeanor and upon conviction, shall be fined not more than \$1,000 or confined in jail for not more than one year or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof shall be fined not more than \$5,000 and imprisoned in a state correctional facility for not less than one nor more than three years or both fined and imprisoned.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee, or member thereof, on such licensee's premises to:

(1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; any violation of the provisions of §19-12E-12 and §19-12F-1 et seq. of this code and rules promulgated thereunder; however, *Provided, That* various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by a duly licensed charitable or public service organization (or its

auxiliaries), pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code and rules promulgated thereunder. A private resort hotel holding a license issued pursuant to §60-7-1 et seq. of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed under §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code, during hours of operation authorized by §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code;

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

(4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be considered legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. and 6:00 a.m. on weekdays, Saturdays, and Sundays, or, between the hours of 3:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday; and

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of age;

(7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues-paying member in good standing of the private club or a guest of the member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as authorized by the commissioner;

(10)(A) Employ any person who is less than 16 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is between 16 years of age and younger than 21 years of age who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate the provisions of §19-12E-12 or §19-12F-1 et seq. of this code.

~~(11)~~ (12) Violate any reasonable rule of the commissioner.

(b) It is lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises.

(c) Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.

§60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

(a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-1 et seq. of this code or

of this chapter; (ii) acted in such a way as would have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, the commissioner may impose any one or a combination of the following sanctions:

(1) Revoke the licensee's license;

(2) Suspend the licensee's license;

(3) Place the licensee on probationary status for a period not to exceed 12 months; and

(4) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.

(b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special revenue fund designated the Alcohol Beverage Control Enforcement Fund, which is hereby continued. All moneys collected, received, and deposited in the Alcohol Beverage Control Enforcement Fund shall be kept and maintained for expenditures by the commissioner for the purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, nonintoxicating beer, and the provisions of §19-12E-12 of this code, and §19-12F-1 et seq. of this code, and shall not be treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At the end of each fiscal year all funds in the Alcohol Beverage Control Enforcement Fund in excess of ~~\$20,000~~ \$100,000 shall be transferred to the General Revenue Fund.

(c) In addition to the grounds for revocation, suspension, or other sanction of a license set forth in §60-7-13(a) of this code, conviction of the licensee of any offense constituting a violation of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating beer, or gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the licensee of any violation of the laws of this state or of the United States relating to prostitution, or the sale, possession, or distribution of narcotics or controlled substances, shall be

mandatory grounds for revocation of the licensee's license for a period of at least one year.

(d) A licensee shall notify, in a timely manner, emergency medical services or law enforcement if a licensee knows, or has reason to know, of a life-threatening medical emergency occurring on the licensed premises. In addition to the grounds for revocation, suspension, or other sanction of a license set forth in this section, the commissioner may, in his or her discretion, revoke, suspend, or otherwise sanction a licensee for failing to comply with the provisions of this subsection.

(e) If a life-threatening medical emergency occurs on a licensee's private premises requiring notification of emergency medical services or law enforcement under §60-7-13(d) of this code, the licensee shall notify the Alcohol Beverage Control Administration within 48 hours of the emergency's occurrence. The commissioner may, in his or her discretion, revoke, suspend, or otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.

(f) As used in this section, a life-threatening medical emergency includes, but is not limited to, respiratory distress or cessation of breathing, severe chest pains, shock, uncontrolled bleeding, poisoning, prolonged unconsciousness, overdose, any complaint or observation which indicates significant head or spinal injury, and life-threatening physical injury caused by a crime of violence against the person occupying or emanating from the licensed premises.

ARTICLE 10. ENFORCEMENT AUTHORITY TO RETAIL SALES OF KRATOM AND HEMP-DERIVED CANNABINOIDS

§60-10-1. Additional criminal jurisdiction.

The Commissioner is hereby authorized to enforce the provisions of §19-12E-12 and §19-12F-1, et seq., as they relate to retail sales of kratom and hemp-derived cannabinoids.

§60-10-2. General enforcement provisions.

a) For the purpose of enforcing §19-12E-12 and §19-12F-1, et seq., of this code, the Alcohol Beverage Control Commission and the Commissioner of Agriculture may request information from any state agency, Constitutional officer or local agency and, notwithstanding the provisions of §11-10-5d of this code or any other provision of this code, may share information with, and request information from, any federal agency and any agency or Constitutional officer of this or any other state or any local agency thereof.

(b) In addition to any other remedy provided by law, any person may bring an action for appropriate injunctive or other equitable relief for a violation of this article; actual damages, if any, sustained by reason of the violation; and, as determined by the court, interest on the damages from the date of complaint, taxable costs, and reasonable attorney's fees. If the trier of fact find that the violation is flagrant, it may increase recovery to an amount not in excess of three times the actual damages sustained by reason of the violation.

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. 220), as amended, was then ordered to engrossment and third reading.

Consideration of Engrossed Committee Substitute for Senate Bill 220 having been concluded, the Senate proceeded to the consideration of

Com. Sub. for Senate Bill 546, Adding and removing certain compounds from controlled substance list.

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

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

On page 6, section 204, line 131, by striking out the word "7-hydroxymitragynine;"

On page 6, section 204, line 137 by striking out the word "Miragynine;"

And,

On page 7, section 204, after line 156 by inserting the words: "Delta-8-tetrahydrocannabinol-O (delta-8-THC-0), Delta-9-tetrahydrocannabinol (delta-9-THC-0) and Synthetic and non-naturally occurring cannabinoids."

On motion of Senator Trump, the following amendments to the bill (Com. Sub. for S. B. 546) were next reported by the Clerk and considered simultaneously:

On page 12, section 204, after line 282, by inserting the following words:

"N-pyrrolidino etonitazene;

Etodesnitazene;

Isotonitazene;

Protonitazene;

Metonitazene;

Butonitazene;

Metodesnitazene;

Flunitazene;"

And,

On page 28, after line 67, by inserting the word "Xylazine;"

Following discussion,

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

The bill (Com. Sub. for S. B. 546), as amended, was then ordered to engrossment and third reading.

Action as to Engrossed Committee Substitute for Senate Bill 546 having been concluded,

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

Eng. Com. Sub. for House Bill 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules.

And,

Eng. Com. Sub. for House Bill 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned 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

Com. Sub. for Com. Sub. for Senate Bill 91, Relating to distribution of certain taxes and surcharges to benefit fire departments and emergency medical services providers.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on Finance on February 27, 2023;

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 91) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 470, Making adoption records accessible for medical purposes.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on February 25, 2023;

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 470) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

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 Concurrent Resolution 22 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the need, or potential need, within the civil justice system for: (1) a mechanism for awarding a prevailing party attorney fees and costs in civil tort actions beyond that which is provided for by West Virginia Rules of Civil Procedure 11 and 68; and (2) potential abrogation of the collateral source rule to prevent a plaintiff from recovering damages in tort beyond that which would make him or her whole.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Eng. Com. Sub. for House Bill 2002, Relating to providing support for families.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2538, Requiring usage of child welfare information technology systems.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill 2218, Distracted Driving Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Charles H. Clements,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Transportation and Infrastructure pending.

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

Eng. Com. Sub. for House Bill 2436, Relating to the implementation of an acuity-based patient classification system.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

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. Com. Sub. for House Bill 2587, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid.

Eng. Com. Sub. for House Bill 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage.

Eng. House Bill 2899, Repealing two sections of code relating to gas utility rates.

Eng. Com. Sub. for House Bill 3210, Relating to the performance of installation of propane gas systems.

Eng. House Bill 3215, Relating to land use.

Eng. Com. Sub. for House Bill 3261, Relating to Social Workers Qualifications.

And,

Eng. Com. Sub. for House Bill 3311, Relating to wine alcohol by volume as compared to beer.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2587, 2762, 3210, 3261, and 3311 and Eng. H. B. 2899 and 3215) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. House Bill 2597, Amending performance evaluations of professional personnel.

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

Respectfully submitted,

Amy N. Grady,
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

Eng. Com. Sub. for House Bill 2605, Relating to Good Samaritan law.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on Education has had under consideration

Eng. House Bill 2607, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2607) contained in the preceding report

from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. House Bill 2611, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2611) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2757, Relating to expanding institutional eligibility for the WV Invests Grant Program.

Eng. House Bill 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act.

And,

Eng. House Bill 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Eng. Com. Sub. for House Bill 2759, Relating to updating the health care provider tax.

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,

Michael J. Maroney,
Chair.

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

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

Eng. House Bill 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours.

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 the Judiciary.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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

Your Committee on Education has had under consideration

Eng. House Bill 3192, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Education pending.

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

Eng. House Bill 3199, Relating to removing the requirement that an ectopic pregnancy be reported.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3199) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. House Bill 3547, Increasing the number of personal leave days that county board of education employees may use.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

Eng. House Bill 3548, Relating to teacher duty-free lunch and daily planning periods.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

House Concurrent Resolution 11, Relating to Higher Education Consortium for Emerging Energy Technologies.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the third order of business.

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 2026—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22A-33a, relating to additional opportunity for municipal police officers or firefighters to transfer into the Municipal Police Officers and Firefighters Retirement System; providing for transfer of assets pertaining to municipal police officers or firefighters; requiring certain computations to be made by the Consolidated Public Retirement Board; requiring certain payments; and terminating liability of the Public Employees Retirement System.

Referred to the Committee on Pensions; 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 2122—A Bill to amend the Code of West Virginia, 1931, as amended by amending §49-4-701(l), by removing language relating to statements while in custody, and adding thereto a new section designated §62-1A-12; relating to custodial interrogation of a child; requiring the child have contact with legal counsel by certain means; requiring the child have contact with a parent, guardian, legal custodian, or other legally recognized equivalent by certain means; permitting a law-enforcement officer to ask questions reasonably believed to be necessary to protect life or property without requiring contact with counsel, parents, guardians, or other recognized persons; and requiring questions of a child be limited to obtaining such information reasonably believed to be necessary to protect life or property.

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 2305—A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-3A-3 of said code; and to amend and reenact §17C-16-4 of said code, all relating to foreign market vehicles at least 25 years old; defining a term; allowing foreign market vehicles at least 25 years old to be exempted from certain title requirements; providing that foreign market vehicles may be registered upon application and the payment of fees, including an additional fee; exempting foreign market vehicles that are at least 25 years old and titled in this state from safety-inspection requirements.

Referred to the Committee on Transportation and Infrastructure; 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 2860—A Bill to amend and reenact §29-3-5g of the Code of West Virginia, 1931, as amended, relating to providing for the safe disposal of used aqueous film forming foam; defining a term; requiring the State Fire Commission to dispose of used aqueous film forming and other class B fire-fighting foams.

Referred to the Committee on Government Organization.

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 2900—A Bill to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System; allowing certain retired members to be re-employed without the suspension of annuity benefits; and setting forth conditions for the re-employment of retired members.

Referred to the Committee on Pensions.

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 3211—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-27a, relating to authorizing service credit for unused accrued annual or sick leave days in the West Virginia Municipal Police Officers and Firefighters Retirement System.

Referred to the Committee on Pensions; 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. House Bill 3244—A Bill to amend and reenact §8-33-4b of the Code of West Virginia, 1931, as amended, relating to require the municipal pensions oversight board to propose legislative rules.

Referred to the Committee on Pensions.

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 3254—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to establishing the Hershel "Woody" Williams State Military Funeral Honor Guard; authorizing the Honor Guard to render professional military funeral honors under certain circumstances; providing eligibility; providing the adjutant general with certain authority; and providing effective date.

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 3271—A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to increasing monitoring of special education classrooms; adding that an audio recording device be present in the restroom of a self-contained classroom; requiring that notice of audio recording device be placed on bathroom door; requiring county to monitor school audio recordings for at least 15 minutes every 90 days; and setting forth other review parameters for audio recordings.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3280—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to modifications reducing federal adjusted gross income for certain pension benefits; and authorizing additional modifications for pension benefits paid to Division of Natural Resources police, deputy sheriffs, full-time firefighters, and municipal police officers.

Referred to the Committee on Pensions; 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. House Bill 3299—A Bill to amend and reenact §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended; all relating to Natural Resource Police Officer Retirement System; authorizing the acceptance of gifts and additional contributions; and authorizing transfer of service credit under certain circumstances.

Referred to the Committee on Pensions; 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 3363—A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; relating to recognizing the law-enforcement powers of correctional officers employed by the Division of Corrections and

Rehabilitation; providing that such officers are not subject to certain certification requirements; authorizing the commissioner to consult with the Law Enforcement Professional Standards Subcommittee with regard to training; clarifying powers of arrest; and clarifying application of the federal Law Enforcement Officers Safety act to eligible employees.

Referred to the Committee on the Judiciary.

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 3364—A Bill to amend and reenact §8-33-4a of the Code of West Virginia, 1931, as amended, relating to the issuance of pension funding revenue bonds; and requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds.

Referred to the Committee on Pensions.

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. House Bill 3432—A Bill to amend and reenact §2-2-10 and §2-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §4-1-13 of said code, all relating to statutory construction; defining terms; and setting forth authority of the clerks.

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 3445—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to probation and parole;

creating earned compliance credits for individuals on probation and parole for certain behaviors and actions to incentivize rehabilitation efforts; authorizing supervising officers to recommend rescinding of credit to the court in certain circumstances; and requiring the Division of Corrections and Rehabilitation and the Division of Probation Services to provide annual reports to the Legislature.

Referred to the Committee on the Judiciary.

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. House Bill 3519—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Transportation, Division of Motor Vehicles, fund 8787, fiscal year 2023, organization 0802, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 3520—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 3521—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Health – Maternal and Child Health, fund 8750, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 3522—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2023, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 3523—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Economic Development Authority, fund 8893, fiscal year 2023, organization 0944, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 3528—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

House Concurrent Resolution 4—Requesting the Division of Highways name bridge number 26-054/00-005.74 () (26A046), (39.88578, -80.72476) locally known as Ireland Bridge, carrying CR 54 over Big Grave Creek in Marshall County the "U.S. Army MSG Jon D. Wayt Memorial Bridge".

House Concurrent Resolution 9—Requesting the Division of Highways name bridge number 20-060/00-036.42 () (20A161), (38.21924, -81.42685) locally known as US 60 KELLY CREEK BRIDGE, carrying US 60 over KELLY CREEK in Kanawha county, the "U. S. Army PFC Walter C. Horner Memorial Bridge".

House Concurrent Resolution 10—Requesting the Division of Highways name a portion of Cabin Creek Road, County Route 79/3, beginning immediately east of the intersection of Cabin Creek Road and Nevada Street at Ohley and ending immediately north of the intersection of Cabin Creek Road and Eskdale Avenue at Eskdale in Kanawha County as the "Shelby 'Cubby' Foster and Robert 'Robbie' Collins Memorial Road.

House Concurrent Resolution 23—Requesting the Division of Highways name Bridge Number: 03-003/00-033.48 () (03A202), (38.06307,-81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the "U.S. Army SGT Theron Turner Memorial Bridge".

House Concurrent Resolution 34—Requesting the Division of Highways name a bridge bearing the bridge number 02-010/01-001.07 () (02A167) in Berkeley County, as the "William N. "Shug" Kisner Memorial Bridge".

House Concurrent Resolution 40—Requesting the Division of Highways name Bridge Number: 41-001/00-004.14 () (41A261), (37.95885, -81.48386) locally known as DOROTHY BRIDGE, carrying CR 01 over CLEAR FORK in Raleigh County, the "USMC Larry Allen "Crocky" Holstein, Jr. Memorial Bridge".

House Concurrent Resolution 41—Requesting the Division of Highways name bridge number 06-049/00-008.51 () (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the "U. S. Army PFC Herman H. Lucas Memorial Bridge".

House Concurrent Resolution 42—Requesting the Division of Highways name Bridge Numbers: 28-077/00-010.89 (NB & SB) (28A200, 28A201), (37.38675, -81.05430) locally known as I-77 NB & SB OVER WV 20, carrying IS 77 over Mercer County Route 20 in Mercer, the "U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge".

House Concurrent Resolution 43—Requesting the Division of Highways name Bridge Number: 18-021/22-003.26 () (18A089), {38.83606,-81.67273} locally known as SYCAMORE BRIDGE #3 (SSWB), carrying CR 21/22 over SYCAMORE CREEK in Jackson county, the "U. S. Navy Quartermaster C. E. 'Red' Landfried Memorial Bridge".

House Concurrent Resolution 44—Requesting the Division of Highways name bridge number 10-041/00-000.29 () (10A065),

(37.85603, -81.06700) locally known as Strecherneck Bridge, carrying WV 41 over the CSX Railroad in Fayette County, the "U. S. Army PV2 Harold Richard Plumley Memorial Bridge".

House Concurrent Resolution 45—Requesting the Division of Highways name a portion of road, being the offramp beginning at the Mullins/Sophia Exit on the Coalfields Expressway, to the end of the offramp at its intersection with WV 54 in Mullens, Wyoming County, the "Lewis Joseph D'Antoni Memorial Road".

House Concurrent Resolution 47—Requesting the Division of Highways Bridge Number: 12-042/05-000.09 () (12A051), (39.07204, -79.19234) locally known as Keplinger Bridge, carrying CR 42/05 over South Fork Lunice Creek in Grant County, the "U. S. Army SGT Walter Hedrick Memorial Bridge".

House Concurrent Resolution 49—Requesting the Division of Highways name Bridge Numbers: 16-048/00-024.02 (EB & WB) (16A128, 16A129), (39.04482, -78.73543) locally known as LOST RIVER #1 EB & WB, carrying US 48 over LOST RIVER in Hardy County, the "U. S. Army 1SG Elmer C. Lofton Memorial Bridge".

House Concurrent Resolution 50—Requesting the Division of Highways name Bridge Number: 41-001/04-000.02 () (41A010), (37.95138, -81.43833) locally known as Colcord Bridge, carrying CR 01/04 over Clear Fork in Raleigh County, the "U. S. Army PVT Leon 'Deacon' Stover Memorial Bridge".

The preceding resolutions were 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 3042—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, all relating to forbidding excessive government limitations on exercise of religion; forbidding government from treating religious conduct more restrictively than

any conduct of reasonably comparable risk; forbidding government from treating religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability and construction.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo, Plymale, and Woelfel—3.

Absent: Stover—1.

The bill was read a second time and ordered to third reading.

Engrossed Committee Substitute for House Bill 3042 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3042 pass?"

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

Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo, Plymale, and Woelfel—3.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3042) passed with its title.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 27, 2023:

Senate Bill 673: Senator Stover;

And,

Senate Bill 736: Senator Maynard.

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 27, 2023:

Com. Sub. for Com. Sub. for Senate Bill 91: Senators Hamilton, Oliverio, and Plymale;

Senate Bill 701: Senator Maynard;

Senate Resolution 43: Senators Chapman, Taylor, and Roberts;

And,

Senate Resolution 44: Senator Rucker.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 6:19 p.m., the Senate adjourned until tomorrow, Wednesday, March 1, 2023, at 11 a.m.

WEDNESDAY, MARCH 1, 2023

The Senate met at 11:10 a.m.

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

Prayer was offered by Pastor Lee Swor, Mount Pleasant Baptist Church, Elkview, 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 Tuesday, February 28, 2023,

At the request of Senator Martin, 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. House Bill 3527—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, Department of Education, fund 3517, fiscal year 2023, organization 0402, and to

the Department of Education, School Building Authority, fund 3514, fiscal year 2023, organization 0404 by supplementing and amending appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

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

Senate Bill 741—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2023, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 742—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance, fund 0456, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 743—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the

balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 744—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Economic Development, Office of the Secretary, fund 0256, fiscal year 2023, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 745—A Bill supplementing and amending Chapter eleven, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of federal moneys remaining unappropriated, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2023, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 746—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of

public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities, fund 0580, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 747—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 748—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2023, organization 0100 by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 749—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of

Multimodal Transportation Facilities - State Rail Authority, fund 0506, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 750—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of General Services, fund 0230, fiscal year 2023, organization 0211, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 751—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 752—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2023, organization 0703, by supplementing and amending

appropriations for the fiscal year ending June 30, 2023, by adding a new item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 753—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 754—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Office of the Secretary, fund 0606, fiscal year 2023, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023, by adding a new item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 755—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2023, organization 0506, by supplementing and

amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 756—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Public Transit, fund 0510, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 757—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and increasing an existing item of appropriation to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2023, organization 0623, by supplementing and amending appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 758—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2023, organization 0608,

by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 759—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Aeronautics Commission, fund 0582, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 21, Requesting Joint Committee on Technology study feasibility of Digital Identification.

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

Senate Concurrent Resolution 22, Requesting study on need for awarding attorney's fees and recovering damages in civil tort actions.

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

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

House Concurrent Resolution 11, Relating to Higher Education Consortium for Emerging Energy Technologies.

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

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.

Senator Takubo announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate second reading calendar **Eng. Com. Sub. for House Bill 3261** and **Eng. Com. Sub. for House Bill 3311**; and from the Senate first reading calendar, **Eng. House Bill 3548**.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 91, Relating to distribution of certain taxes and surcharges to benefit fire departments and emergency medical services providers.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Tuesday, February 28, 2023, for further amendments to be received on third reading, was read a third time.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the bill was withdrawn.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 29. MISCELLANEOUS BOARDS AND
OFFICERS.**

ARTICLE 3E. FIREWORKS SAFETY.

§29-3E-7. Fireworks safety fee; administration; tax crimes; collections; remittances; deposits; distributions; rules.

(a) In addition to the sales tax, a fireworks safety fee of 12 percent of all sales is levied on retail sales of consumer fireworks in this state. The fee shall be distributed pursuant to the provisions of this subsection. The fee computation under this subsection shall be carried to the third decimal place, and the fee rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less.

The State Tax Commissioner shall disburse all proceeds of the fireworks safety fee into the State Treasury each month in the following manner:

(1) Seventy-five percent shall be deposited into a special account in the State Treasury, designated the Veterans' Facility Support Fund established by the provisions of §9A-1-11 of this code for expenditure on veterans' programs.

(2) Twenty-five percent shall be deposited into a special account in the State Treasury, designated the Fire Protection Fund ~~established in §33-3-33 of this code~~ and shall be allocated and distributed in accordance with that section to each volunteer fire company or department on an equal share basis by the State Treasurer according to the requirements of §33-3-33 of this code.

(b) A person who purchases consumer fireworks in a retail transaction shall pay to the retailer the amount of the fee levied by this section, which fee is added to and constitutes a part of the sale price and is collectible by the retailer who shall account to the state for all fees paid by a purchaser. If the retailer fails to collect the fee or fails to account to the state for the fees paid by a purchaser, then the retailer is liable for the payment of the fee to the state.

(c) A retailer shall remit to the State Tax Commissioner no later than 30 days after the end of each preceding month all moneys collected for such preceding month, pursuant to the requirements

of this section, and shall report such collections on forms and in the manner prescribed by the State Tax Commissioner.

(d) All moneys so remitted, net of refunds and adjustments, shall be paid by the State Tax Commissioner into the funds specified in this section.

(e) Each and every provision of the West Virginia Tax Crimes and Penalties Act set forth §11-9-1 *et seq.* of this code applies to the fees imposed pursuant to this article, with like effect as if that act were applicable only to the fees imposed by this article and were set forth in extenso in this article.

(f) The State Tax Commissioner shall propose legislative rules and may promulgate such emergency rules as are necessary to implement the provisions of this article.

CHAPTER 33. INSURANCE.

ARTICLE 3. LICENSING, FEES, AND TAXATION OF INSURERS.

§33-3-14d. Additional fire and casualty insurance premium tax; allocation of proceeds; effective date.

(a) (1) For the purpose of providing additional revenue for municipal policemen's and firemen's pension and relief funds and the Teachers Retirement System Reserve Fund and for volunteer and part-volunteer fire companies and departments, there is hereby levied and imposed an additional premium tax equal to one percent of taxable premiums for fire insurance and casualty insurance policies. For purposes of this section, casualty insurance does not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.

(2) All moneys collected from this additional tax shall be received by the commissioner and paid by him or her into a special account in the State Treasury, designated the Municipal Pensions

and Protection Fund, to be allocated as follows: *Provided, That on or after January 1, 2010, the commissioner shall pay*

(A) Ten percent of the amount collected ~~to~~ shall be deposited in the Teachers Retirement System Reserve Fund created in §18-7A-18 of this code; *Provided, That if the Teachers Retirement System demonstrates an unfunded liability of 20% or less for two consecutive years, the ten percent of the amount collected provided for in this paragraph shall be deposited instead in the Fire Protection Fund as provided in paragraph (B) of this subdivision.*

(B) Twenty-five percent of the amount collected ~~to~~ shall be deposited in the Fire Protection Fund created in section 33 of this article for allocation distribution by the State Treasurer to volunteer and part-volunteer fire companies and departments according to the requirements of §33-3-33 of this code; and

~~65% of the amount collected to the Municipal Pensions and Protection Fund: *Provided, however, That upon notification by the Municipal Pensions Oversight Board pursuant to the provisions of §8-22-18b of this code, on or after January 1, 2010, or as soon thereafter as the Municipal Pensions Oversight Board is prepared to receive the funds,*~~

(C) Sixty-five percent of the amount collected by the commissioner shall be deposited in the Municipal Pensions Security Fund created in §8-22-18b of this code ~~the net proceeds of this tax after appropriation thereof by the Legislature is to be~~ distributed in accordance with the provisions of this section, except for distribution from proceeds pursuant to §8-22-18a(d) of this code.

(b) *Municipal Pensions Security Fund allocation and distribution —*

(1) Before August 1 of each year, the treasurer of each municipality in which a municipal policemen's or firemen's pension and relief fund is established shall report to the ~~State Treasurer~~ Municipal Pensions Oversight Board the average monthly number of members who worked at least 100 hours per

month and the average monthly number of retired members of municipal policemen's or firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System during the preceding fiscal year. ~~Provided, That beginning in the year 2010 and continuing thereafter, the report shall be made to the oversight board created in §8-22-18a of this code. These reports received by the oversight board shall be provided~~ The reports received by the Municipal Pensions Oversight Board shall be provided annually to the State Treasurer by September 1.

~~(2) Before September 1 of each calendar year, the State Treasurer, or the Municipal Pensions Oversight Board once in operation, shall allocate and authorize for distribution the revenues in the Municipal Pensions and Protection Fund which were collected during the preceding calendar year for the purposes set forth in this section. Before September 1 of each calendar year, and after the Municipal Pensions Oversight Board has notified the Treasurer and commissioner pursuant to §8-22-18b of this code,~~ the Municipal Pensions Oversight Board shall allocate and authorize for distribution the revenues in the Municipal Pensions Security Fund which were collected during the preceding calendar year for the purposes set forth in this section. In any year the actuarial report required by §8-22-20 of this code indicates no actuarial deficiency exists in the municipal policemen's or firemen's pension and relief fund and that no pension funding revenue bonds of the building commission of such municipality remain outstanding, no revenues may be allocated from ~~the Municipal Pensions and Protection Fund~~ or the Municipal Pensions Security Fund to that fund. The revenues from the Municipal Pensions ~~and Protection~~ Security Fund shall then be allocated to all other pension and relief funds which have an actuarial deficiency. Pension funding revenue bonds include bonds of a municipality's building commission the net proceeds of which were used to fund either or both of a municipality's policemen's or firemen's pension and relief fund or bonds issued to refinance such bonds.

~~(3) The Municipal Pensions Oversight Board shall annually review the investment performance of each municipal policemen's or firemen's pension and relief fund. If the municipal pension and~~

~~relief fund's board fails for three consecutive years to comply with the investment provisions established by §8-22-22a of this code, the oversight board may require the municipal policemen's or firemen's pension and relief fund to invest with the Investment Management Board to continue to receive its allocation of funds from the premium tax. If the municipal pension and relief fund fails to move its investments to the Investment Management Fund within the 18-month drawdown period, provided in §8-22-19(e) of this code, the revenues shall be reallocated to all other municipal policemen's or firemen's pension and relief funds that have drawn down one hundred percent of their allocations.~~

~~(4) The moneys, and the interest earned thereon, in the Municipal Pensions and Protection Fund allocated to volunteer and part-volunteer fire companies and departments shall be allocated and distributed quarterly to the volunteer fire companies and departments. Before each distribution date, the State Fire Marshal shall report to the State Treasurer the names and addresses of all volunteer and part-volunteer fire companies and departments within the state which meet the eligibility requirements established in §8-15-8a of this code.~~

~~(c) (1) Each municipal pension and relief fund shall have allocated and authorized for distribution a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average monthly number of police officers and firefighters who worked at least one hundred hours per month during the preceding fiscal year. On and after July 1, 1997, from~~

(3) The Municipal Pensions Oversight Board shall allocate and distribute the growth in any moneys collected pursuant to a pro rata share of the tax imposed by this section and earnings and interest thereon there shall be allocated and authorized for distribution to each municipal policemen's or municipal firemen's pension and relief fund, a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average number of police officers and firefighters who worked at least 100 hours per month during the preceding fiscal year and average monthly number of retired

police officers and firefighters during the preceding fiscal year. For the purposes of this subsection, the growth in moneys collected and earnings from the tax collected pursuant to this section is determined by subtracting the amount of the tax collected during the fiscal year ending June 30, 1996, from the tax collected during the fiscal year for which the allocation is being made and interest thereon. All moneys received by municipal pension and relief funds under this section may be expended only for those purposes described in §8-22-16 through §8-22-28a of this code. Notwithstanding the foregoing provision of this subdivision, if a municipality has outstanding pension funding revenue bonds and continues to pay the normal cost of its policemen's and firemen's pension and relief funds, then the allocable share of revenues to be allocated which would otherwise have been allocated to a municipal policemen's or firemen's pension and relief fund shall instead be allocated to the trustee of any outstanding pension funding revenue bonds.

~~(2) Each volunteer fire company or department shall receive an equal share of the revenues allocated for volunteer and part-volunteer fire companies and departments.~~

~~(3) In addition to the share allocated and distributed in accordance with subdivision (1) of this subsection, each municipal fire department composed of full time paid members and volunteers and part-volunteer fire companies and departments shall receive a share equal to the share distributed to volunteer fire companies under subdivision (2) of this subsection reduced by an amount equal to the share multiplied by the ratio of the number of full-time paid fire department members who are also members of a municipal firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System to the total number of members of the fire department.~~ If a municipality has outstanding pension funding revenue bonds and continues to pay the normal cost of its policemen's and firemen's pension and relief funds, then the share that would otherwise be payable to the municipality's firemen's pension and relief fund pursuant to this subsection shall be paid to the trustee of such outstanding pension funding revenue bonds.

~~(d)~~ (4) The allocation and distribution of revenues provided in this section are subject to the provisions of §8-22-20, §8-15-8a, and §8-15-8b of said ~~chapter~~ this code.

~~(e)~~ Based upon the findings of an audit by the Treasurer, the Legislature hereby finds and declares that during the period of 1982 through April 27, 2012, allocations from the Municipal Pensions and Protection Fund were miscalculated and errors were made in amounts transferred, resulting in overpayments and underpayments to the relief and pension funds and to the Teachers Retirement System, and that the relief and pension funds and the Teachers Retirement System were not at fault for any of the overpayments and underpayments. The Legislature hereby further finds and declares that any attempt by the Municipal Pension Oversight Board or other entity to recover any of the overpayments would be unjust and create economic hardship for the entities that received overpayments. No entity, including, without limitation, the Municipal Pension Oversight Board, may seek to recover from a relief or pension fund, the Teachers Retirement System or the state any overpayments received from the Municipal Pensions and Protection Fund and the overpayments are not subject to recovery, offset or litigation. Pursuant to the audit by the Treasurer, the amount of \$3,631,846.55 is determined owed to specific relief and pension funds through the period of April 27, 2012. The Treasurer is hereby authorized to transfer the amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and Protection Fund, which is hereby reopened for the sole purpose of the transfer and remittances pursuant to this subsection, and to use the amount transferred to remit the amounts due to the pension and relief funds. The payment of \$3,631,846.55 to the pension and relief funds is complete satisfaction of any amounts due and no entity, including, without limitation, the Municipal Pension Oversight Board and any pension or relief fund, may seek to recover any further amounts.

(c) The Municipal Pensions Oversight Board shall annually review the investment performance of each municipal policemen's or firemen's pension and relief fund. If a municipal pension and relief fund's board fails for three consecutive years to comply with

the investment provisions established by §8-22-22a of this code, the oversight board may require the municipal policemen's or firemen's pension and relief fund to invest with the Investment Management Board to continue to receive its allocation of funds from the premium tax. If the municipal pension and relief fund fails to move its investments to the Investment Management Fund within the 18-month drawdown period provided in §8-22-19(e) of this code, the revenues shall be reallocated to all other municipal policemen's or firemen's pension and relief funds that have drawn down 100 percent of their allocations.

§33-3-33. Surcharge on fire and casualty insurance policies to benefit volunteer and part-volunteer fire departments and emergency medical services providers; ~~Public Employees Insurance Agency and municipal pension plans; special fund created; Fire Protection Fund~~; allocation of proceeds. ~~effective date.~~

~~(a)(1) For the purpose of providing additional revenue for volunteer fire departments, part volunteer fire departments and certain retired teachers and the teachers retirement reserve fund, there is hereby authorized and imposed on and after July 1, 1992, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable premium for each such policy. After June 30, 2005, the surcharge shall be imposed as specified in subdivisions (2) and (3) of this subsection.~~

~~(2) After June 30, 2005, through December 31, 2005, for the purpose of providing additional revenue for volunteer fire departments, part volunteer fire departments and to provide additional revenue to the Public Employees Insurance Agency and municipal pension plans, there is hereby authorized and imposed on and after July 1, 2005, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable premium for each such policy.~~

(a) For the purposes of this section:

(1) "Full-time paid members" means the members of a fire department who are compensated to provide services to the department on a full-time basis and are also members of a municipal firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System.

(2) The "policy surcharge" refers to the surcharge on certain insurance policies imposed by subsection (b) of this section.

(3) "Volunteer fire departments" or "departments" includes volunteer and part-volunteer fire departments and companies, as described in §18-15-1 *et seq.* of this code.

~~(3) (b) After December 31, 2005,~~ For the purpose of providing additional revenue for volunteer fire departments and ~~part-volunteer fire departments~~ emergency medical services providers, there is hereby authorized and imposed on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to ~~0.055%~~ one percent of the taxable premium for each such policy. The policy surcharge is separate from and in addition to the tax imposed by §33-3-14d of this code.

~~(4) (c)~~ For purposes of this section, casualty insurance ~~may~~ does not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy. The policy surcharge ~~may~~ is not ~~be~~ subject to premium taxes, agent commissions, or any other assessment against premiums.

~~(b)~~ (d) The policy surcharge imposed by this section shall be collected and remitted to the commissioner by the insurer, or in the case of surplus lines coverage, by the surplus lines licensee, or if the policy is issued by a risk retention group, by the risk retention group. The amount required to be collected under this section shall be remitted to the commissioner on a quarterly basis on or before

the 25th day of the month succeeding the end of the quarter in which they are collected, except for the fourth quarter for which the surcharge shall be remitted on or before March 1 of the succeeding year. All money from the policy surcharge shall be collected by the commissioner, who shall disburse 77.5 percent of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subsection (f) of this section. The commissioner shall disburse 22.5 percent of the money received from the surcharge into the Emergency Medical Services Equipment and Training Fund established in §16-4C-24 of this code for disbursement in accordance with the provisions of that section.

(e) (e) Any person failing or refusing to collect and remit to the commissioner any policy surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing is liable for a civil penalty of up to \$100 for each day of delinquency, to be assessed by the commissioner. The commissioner may suspend the insurer, broker, or risk retention group until all surcharge payments and penalties are remitted in full to the commissioner.

~~(d)~~ (f) Fire Protection Fund allocation and distribution. —

(1) ~~All money from the policy surcharge shall be collected by the Commissioner who shall disburse the money received from the surcharge into a special account in the state Treasury, designated the Fire Protection Fund. The State Treasurer's Office shall distribute the net proceeds of this portion of the tax the portion of the policy surcharge deposited into the Fire Protection Fund pursuant to §33-3-33 of this code, the amount deposited into the Fire Protection Fund pursuant to §29-3E-7 of this code, the amount deposited into the Fire Protection Fund pursuant to §33-3-14d of this code, and the amount deposited into the Fire Protection Fund pursuant to §33-12C-7 of this code, and the interest thereon on a quarterly basis, after appropriation by the Legislature. shall be distributed quarterly. The distributions shall occur on the first day of the months of January, April, July, and October to each eligible volunteer fire company or department, on an equal share basis by the state Treasurer. After June 30, 2005, the money received from~~

~~the surcharge shall be distributed as specified in subdivisions (2) and (3) of as provided in this subsection.~~

~~(2)(A) After June 30, 2005, through December 31, 2005, all money from the policy surcharge shall be collected by the Commissioner who shall disburse one half of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.~~

~~(B) The remaining portion of moneys collected shall be transferred into the fund in the state Treasury of the Public Employees Insurance Agency into which are deposited the proportionate shares made by agencies of this state of the Public Employees Insurance Agency costs of those agencies, until November 1, 2005. After the October 31, 2005, through December 31, 2005, the remain portion shall be transferred to the special account in the state Treasury, known as the Municipal Pensions and Protection Fund.~~

~~(3) After December 31, 2005, all money from the policy surcharge shall be collected by the Commissioner who shall disburse all of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.~~

~~(4) (2) Before each distribution date to volunteer fire companies or departments, the State Fire Marshal shall report to the State Treasurer:~~

~~(A) The names and addresses of all volunteer ~~and part-volunteer~~ fire companies and departments within the state which ~~meet~~ met the eligibility requirements established in §8-15-8a of this code during the preceding quarter;~~

~~(B) The number of volunteer firefighters and the number of full-time paid members providing services to each volunteer and part-volunteer department during the preceding quarter; and~~

~~(C) A full accounting of each fire department eligible to receive a distribution under this section's revenues and expenditures for the last two calendar years.~~

(3) Each eligible volunteer fire department shall receive an equal share of the amount of proceeds to be distributed each quarter: *Provided*, That each part-volunteer department's share will be reduced by a percentage amount equal to the percentage of the members of the fire department who are full-time paid members of the department, according to the report described in subdivision (2) of this subsection. *Provided further, however*, That the pro rata reduction to part-volunteer departments provided for in this subdivision shall not apply to county part-volunteer departments which employ full-time paid county employees.

(4) Notwithstanding any other provision of this section, a firefighter department must implement the State Auditor's West Virginia Checkbook fiscal reporting system on or before January 1, 2026, in order to remain eligible to receive any funds pursuant to this section.

~~(e)~~ (g) The allocation, distribution, and use of revenues provided in the Fire Protection Fund are subject to the provisions of §8-15-8a and §8-15-8b of this code.

(h) The State Treasurer may propose legislative rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code for the auditing of individual fire departments to ensure compliance with the requirements of this section.

ARTICLE 12C. SURPLUS LINE.

§33-12C-7. Surplus lines tax.

(a) In addition to the full amount of gross premiums charged by the insurer for the insurance, every person licensed pursuant to §33-12C-8 of this code shall collect and pay to the commissioner a sum equal to ~~4.55~~ five percent of the gross premiums and gross fees charged, less any return premiums, for surplus lines insurance provided by the licensee pursuant to the license. Where the insurance covers properties, risks, or exposures located or to be performed both in and out of this state and this state is the insured's home state, the sum payable shall be computed on that portion of the gross premiums allocated to this state, plus an amount equal to

the portion of the gross premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks or exposures located or to be performed outside of this state, and less the amount of gross premiums allocated to this state and returned to the insured due to cancellation of policy: *Provided*, That the surcharge imposed by ~~section thirty three, article three of this chapter~~ §33-3-33 of this code on surplus lines policies shall no longer be effective with respect to premium attributable to coverage under such policies for periods after June 30, 2011: *Provided, however*, That ~~42 per cent~~ 16 percent of taxes collected under this subsection with respect to premium attributable to coverage under such policies after June 30, 2011, shall be disbursed into the Fire Protection Fund and distributed in accordance with ~~subsection (d), section thirty three, article three of this chapter~~ §33-3-33 of this code, four percent of taxes collected under this subsection shall be disbursed into the Emergency Medical Services Equipment and Training Fund established in §16-4C-24 of this code for disbursement in accordance with the provisions of that section, and ~~88 per cent~~ the remaining 80 percent of the taxes collected under this subsection shall be disbursed in accordance with subdivision (2), subsection (f) of this section. The tax on any portion of the premium unearned at termination of insurance having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker, if any.

(b) The individual insurance producer may not:

(1) Pay directly or indirectly the tax or any portion thereof, either as an inducement to the policyholder to purchase the insurance or for any other reason; or

(2) Rebate all or part of the tax or the surplus lines licensee's commission, either as an inducement to the policyholder to purchase the insurance or for any reason.

(c) The surplus lines licensee may charge the prospective policyholder a fee for the cost of underwriting, issuing, processing, inspecting, service, or auditing the policy for placement with the surplus lines insurer if:

(1) The service is required by the surplus lines insurer;

(2) The service is actually provided by the individual insurance producer or the cost of the service is actually incurred by the surplus lines licensee; and

(3) The provision or cost of the service is reasonable, documented, and verifiable.

(d) The surplus lines licensee shall make a clear and conspicuous written disclosure to the policyholder of:

(1) The total amount of premium for the policy;

(2) Any fee charged;

(3) The total amount of any fee charged; and

(4) The total amount of tax on the premium and fee.

(e) The clear and conspicuous written disclosure required by subdivision (4) of this subsection is subject to the record maintenance requirements of §33-12C-8 of this code.

(f)(1) This tax is imposed for the purpose of providing additional revenue for municipal policemen's and firemen's pension and relief funds and additional revenue for volunteer and part-volunteer fire companies and departments. This tax is required to be paid and remitted, on a calendar year basis and in quarterly estimated installments due and payable on or before the 25th day of the month succeeding the close of the quarter in which they accrued, except for the fourth quarter, in respect of which taxes shall be due and payable and final computation of actual total liability for the prior calendar year shall be made, less credit for the three quarterly estimated payments prior made, and filed with the annual return to be made on or before March 1 of the succeeding year. Provisions of this chapter relating to the levy, imposition, and collection of the regular premium tax are applicable to the levy, imposition, and collection of this tax to the extent that the provisions are not in conflict with this section.

(2) Except as provided in subsection (a) of this section, all taxes remitted to the commissioner pursuant to subdivision (1) of this subsection shall be paid by him or her into a special account in the State Treasury, designated Municipal Pensions and Protection Fund, or pursuant to §8-22-18b of this code, the Municipal Pensions Security Fund, and after appropriation by the Legislature, shall be distributed in accordance with ~~the provisions of subsection (c), section fourteen d, article three of this chapter~~ §33-3-14d of this code. The surplus lines licensee shall return to the policyholder the tax on any unearned portion of the premium returned to the policyholder because of cancellation of policy.

(g) In determining the amount of gross premiums taxable in this state for a placement of surplus lines insurance covering properties, risks, or exposures only partially located or to be performed in this state, the tax due shall be computed on the portions of the premiums which are attributable to properties, risks, or exposures located or to be performed in this state and which relates to the kinds of insurance being placed as determined by reference to an appropriate allocation table.

(1) If a policy covers more than one classification:

(A) For any portion of the coverage identified by a classification on the allocation schedule, the tax shall be computed by using the allocation schedule for the corresponding portion of the premium;

(B) For any portion of the coverage not identified by a classification on the allocation schedule, the tax shall be computed by using an alternative equitable method of allocation for the property or risk;

(C) For any portion of the coverage where the premium is indivisible, the tax shall be computed by using the method of allocation which pertains to the classification describing the predominant coverage.

(2) If the information provided by the surplus lines licensee is insufficient to substantiate the method of allocation used by the

surplus lines licensee, or if the commissioner determines that the licensee's method is incorrect, the commissioner shall determine the equitable and appropriate amount of tax due to this state as follows:

(A) By use of the allocation schedule where the risk is appropriately identified in the schedule;

(B) Where the allocation schedule does not identify a classification appropriate to the coverage, the commissioner may give significant weight to documented evidence of the underwriting bases and other criteria used by the insurer. The commissioner may also consider other available information to the extent sufficient and relevant, including the percentage of the insured's physical assets in this state, the percentage of the insured's sales in this state, the percentage of income or resources derived from this state, and the amount of premium tax paid to another jurisdiction for the policy.

(h) The commissioner is authorized to participate in a clearinghouse established through NIMA or in a similar allocation procedure for the purpose of collecting and disbursing to signatory states any funds collected pursuant to this section that are allocable to properties, risks, or exposures located or to be performed outside of this state: *Provided*, That ~~twelve per cent~~ 16 percent of any moneys received from a clearinghouse or through a similar allocation procedure ~~is~~ are subject to the provisions of ~~subsection (d), section thirty three, article three of this chapter §33-3-33(d) of this code, four percent of such moneys are subject to the provisions of §16-4C-24 of this code,~~ and ~~88 per cent~~ 80 percent of such moneys ~~is~~ are subject to the provisions of subdivision (2), subsection (f) of this section: *Provided, however*, That to the extent other states where portions of the properties, risks, or exposures reside have failed to enter into NIMA or a similar allocation procedure with this state, the net premium tax collected shall be retained by this state and shall be disbursed and distributed in the same manner as moneys received through a clearinghouse or similar allocation procedure.

(i) Collection of tax.

If the tax owed by a surplus lines licensee under this section has been collected and is not paid within the time prescribed, the same shall be recoverable in a suit brought by the commissioner against the surplus lines licensee. The commissioner may charge interest for any unpaid tax, fee, financial assessment or penalty, or portion thereof: *Provided*, That interest may not be charged on interest. Interest shall be calculated using the annual rates which are established by the Tax Commissioner pursuant to §11-10-17a of this code and shall accrue daily.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 91 was then 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 91) passed.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 91—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in

the Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; requiring fire departments eligible to receive policy surcharge funds implement the State Auditor's West Virginia Checkbook fiscal reporting system; granting rulemaking authority to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in the Fire Protection Fund.

Senator Takubo moved that the bill take effect January 1, 2024.

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

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 91) takes effect January 1, 2024.

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 123, Creating enhanced penalties for fleeing officer.

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, Stuart,

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 123) 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 Com. Sub. for Senate Bill 199, Requiring purchases of certain commodities and services from state use program partners.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 199) 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 220, Industrial Hemp Development Act.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Com. Sub. for Senate Bill 468, Continuing Cabwaylingo State Forest Trail System.

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, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Clements, Grady, Hamilton, and Martin—4.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 468) 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 470, Making adoption records accessible for medical purposes.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Tuesday, February 28, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 22. ADOPTION.

§48-22-303. Content of consent or relinquishment.

(a) A consent or relinquishment as required by the provisions of ~~section 22-301~~ §48-22-301 of this code must be written in plain English or, if the person executing the consent or relinquishment does not understand English, in the person's primary language. The form of the consent or relinquishment shall include the following, as appropriate:

(1) The date, place and time of the execution of the consent or relinquishment;

(2) The name, date of birth and current mailing address of the person executing the consent or relinquishment;

(3) The date, place of birth and the name or pseudonym ("Baby Boy _____ or Baby Girl _____") of the minor child;

(4) The fact that the document is being executed more than seventy-two hours after the birth of the child;

(5) If a consent, that the person executing the document is voluntarily and unequivocally consenting to the transfer of legal and physical custody to, and the adoption of the child by, an adoptive parent or parents whose name or names may, but need not be, specified;

(6) If a relinquishment, that the person executing the relinquishment voluntarily consents to the permanent transfer of legal and physical custody of the child to the agency for the purposes of adoption;

(7) If a consent, that it authorizes the prospective adoptive parents, or if a relinquishment, that it authorizes the agency, to

consent to medical treatment of the child pending any adoption proceeding;

(8) That after the consent or relinquishment is signed and acknowledged, it is final and, unless revoked in accordance with the provisions of section 22-305, it may not be revoked or set aside for any other reason;

(9) That the adoption will forever terminate all parental rights, including any right to visit or communicate with the child and any right of inheritance;

(10) That the adoption will forever terminate all parental obligations of the person executing the consent or relinquishment;

(11) That the termination of parental rights and obligations is permanent whether or not any agreement for visitation or communication with the child is subsequently performed;

(12) That the person executing the consent or relinquishment does so of his or her own free will and the consent or relinquishment has not been obtained by fraud or duress;

(13) That the person executing the consent or relinquishment has:

(i) Received a copy of the consent or relinquishment;

(ii) Been provided the information and afforded the opportunity to participate in the voluntary adoption registry, pursuant to the provisions of article 23-101, et seq.;

(iii) Been advised of the availability of counseling;

(iv) Been advised of and provided with copies of the contact preference and personal identifying information disclosure form, and the medical history form established in §48-22-303 of this code, and had the purpose, intent, and utility of those forms explained to them;

~~(iv)~~ (v) Been advised of the consequences of misidentifying the other birth parent; and

(v) (vi) If a birth mother, been advised of the obligation to provide the information required by the provisions of section seven of this article in the case of an unknown father;

(14) That the person executing the consent or relinquishment has not received or been promised any money or anything of value for the consent or relinquishment, other than payments authorized by the provisions of section fourteen-h, article two, chapter sixty-one;

(15) Whether the child is an "Indian child" as defined in the Indian Child Welfare Act, 25 U.S.C. §1903;

(16) That the person believes the adoption of the child is in the child's best interest; and

(17) That the person who is consenting or relinquishing expressly waives notice of any proceeding for adoption unless the adoption is contested, appealed or denied.

(b) A consent or relinquishment may provide explicitly for its conditional revocation if:

(1) Another person whose consent or relinquishment is required does not execute the same within a specified period;

(2) A court determines not to terminate another person's parental relationship to the child; or

(3) In a direct placement for adoption, a petition for adoption by a prospective adoptive parent, named or described in the consent, is denied or withdrawn.

(c) A consent or relinquishment shall also include:

(1) If a consent, the name, address, telephone and facsimile numbers of the lawyer representing the prospective adoptive parents; or

(2) If a relinquishment, the name, address, telephone and facsimile numbers of the agency to which the child is being relinquished; and

(3) Specific instructions on how to revoke the consent or relinquishment.

§48-22-803. Definitions, biological parent contact preference and personal identifying information disclosure form, medical history form; immunity from liability.

(a) For purposes of this section, the following words have the ascribed meanings:

(1) "Adult adoptee" means an adoptee who is at least 18 years of age and who has graduated from high school, completed a Test Assessing Secondary Completion program, or has legally withdrawn from secondary schooling;

(2) "Adoption file" means a file or record maintained by the Department of Health and Human Resources, or a similar case file maintained by a clerk of the circuit court of any county, that may contain an original birth certificate, adoption decree of an adoptee, and other personal identifying information regarding either an adopted child or that child's biological parents;

(3) "Biological parent" means an individual whose genetic material was transmitted to a child via natural conception or any assisted-reproductive process or procedure;

(4) "Department of Health and Human Resources" means the Department of Health and Human Resources or any successor agency or agencies;

(5) "Lineal descendant" means a person who by reason of blood or adoption is in the direct line of descent of a person;

(6) "Medical history" means a comprehensive report on the biological parents and any parents of the biological parent, that shall include, but is not limited to, the following: medical history, health status, cause and age at death, height, weight, major diseases, allergies, ear or eye defects, major conditions, or major health problems that may be congenital, familial, or genetic;

(7) "Requestor" means a person who requests an adoption file under this section and is:

(A) The adult adoptee as set forth in this section; or

(B) A lineal descendent of a deceased adult adoptee as set forth in this section to whom the adoption file pertains;

(b) Notwithstanding any other provision of law, a requestor may apply for and the Department of Health and Human Resources shall provide, within 60 days of receipt of a valid request, subject to the provisions, requirements, and exceptions set forth in this section, a noncertified copy of an adult adoptee's original birth certificate, sufficiently redacted such that it removes any personal identifying information related to the adoptee's biological parents: *Provided, That, if a biological parent has returned a contact preference and personal identifying information disclosure form containing an affirmative grant of consent to the release of personal identifying information, the Department shall release, to either the requestor or an intermediary identified and approved by the biological parent in the contact preference form, a nonredacted, noncertified copy of the adoptee's birth certificate, as well as any personal identifying information for which consent has been granted, such as the biological parent's legal name, current address, phone number, or email address.*

(c) An application by a requestor under this section shall be in a form provided by the Department of Health and Human Resources and shall include the following information:

(1) The requestor's current name;

(2) The name of the adult adoptee, both prior to the adoption, if known, and assumed at the time of the adoption, whose file is being requested;

(3) The requestor's address;

(4) The requestor's age and date of birth;

(5) The adult adoptee's date of birth;

(6) The adult adoptee's gender at birth;

(7) Satisfactory proof of identification of the identity of the requestor, as determined by the Department of Health and Human Resources;

(8) A notarized signature;

(9) The requestor's telephone number;

(10) If the requestor is a lineal descendant, a birth certificate or other verifiable documentation evidencing the requestor's relationship to the adoptee; and

(11) Any other information required by the Department of Health and Human Resources necessary to verify the identity of the requestor, locate the relevant records, or provide the adoptee's noncertified copy of original birth certificate or other identifying information to the requestor.

(d) The Department of Health and Human Resources shall develop and make available on its website a form that will be used by requestors to apply for a noncertified copy of an adult adoptee's birth certificate, a medical history form, and a form by which biological parents can express their preference regarding future contact and their willingness to disclose personal identifying information. The Department of Health and Human Resources shall make hard copy forms available to the public.

(1) The contact preference and personal identifying information disclosure form shall provide a biological parent with options, in substantially the following form, from which the biological parent shall select one:

(A) I would like to be contacted. I have completed the contact preference form, the medical history form, and I consent to both the disclosures outlined in these forms and to the filing of the forms with the Department of Health and Human Resources;

(B) I would prefer to be contacted only through an intermediary. I have completed the contact preference form, the

medical history form, and I consent to both the disclosures outlined in these forms and to the filing of the forms with the Department of Health and Human Resources; or

(C) Do not contact me or release my personal identifying information. I understand that I may change this preference by filling out another contact preference and personal identifying information form. I have completed the medical history form and consent to the disclosure of my medical information so long as any personal identifying information is redacted;

(2) The contact preference and personal identifying information disclosure form shall inform biological parents that, as a default and without affirmative consent on the part of the biological parent, no personal identifying information will be made available to a requester; only the information provided in the medical history form, with any personal identifying information redacted, shall be provided. The form shall contain language permitting a biological parent to affirmatively consent to the disclosure of each individual piece of personal identifying information, including but not limited to the biological parent's legal name, telephone number, email address, and current address.

(3) The contact preference and personal identifying information disclosure form shall have a place for the biological parent to attest that they are the biological parent of the adoptee to whom the form pertains;

(4) The Department of Health and Human Resources shall provide and make available the forms established by this section to the clerks of the circuit court in every county, and coordinate with the circuit courts and clerks of the circuit court to encourage their dissemination and use in all private adoptions.

(e) The Department of Health and Human Resources shall make available, in any adoption case in which the Department is involved, a copy of the forms established in subsection (d) of this section to the biological parent or parents of a child who is being adopted. The Department shall, at the time the forms are provided, explain the purpose and utility of the forms.

(f) The Department of Health and Human Resources shall file a biological parent's contact preference and personal identifying information disclosure form in the adoption file of the adoptee to whom the form pertains.

(g) When a biological parent of a parent involved in a private adoption completes one of the forms established by this section, that form shall be included, along with any relinquishments or other writings required by §48-22-301 *et seq* of this code, in the adoption file or related case file maintained by the clerk of the circuit court in each county. To the extent practicable, and consistent with the provisions, requirements, and exceptions of this section applicable to the Department of Health and Human Resources, a clerk of the circuit court shall make available, to requestors who can satisfy the requirements of subsection (c) of this section, the medical history information, contact information, and other personal identifying information for which consent has been affirmatively granted, via return of the relevant form, contained in the adoption file or related case file.

(h) A biological parent may request at any time that the Department of Health and Human Resources remove or modify the contact preference and personal identifying information disclosure form from the adoption file of the adoptee to whom the form pertains. The Department of Health and Human Resources shall remove or modify the contact preference and personal identifying information disclosure form upon request and a sufficient showing of the biological parent's identity.

(i) The Department of Health and Human Resources shall destroy a contact preference and personal identifying information form that has been removed from an adoption file.

(j) The Department of Health and Human Resources may propose legislative rules for promulgation necessary to carry out the purposes of this section in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(k) The Department of Health and Human Resources may charge a fee for issuing a noncertified copy of the original birth

certificate. The fee charged shall not exceed the fee for a certified copy of an original birth certificate.

(l) An officer or employee of the Department of Health and Human Resources who, in conformity with the provisions of this section, releases a noncertified copy of a birth certificate, a copy of an adoption file, or any other record or information covered by this section, to a requestor who has provided the identification verifying documentation and satisfied any other requirements set forth in this section, is not criminally or civilly liable for injury, death, loss, or any other harm allegedly arising from the release of that information or copy.

(m) The Department of Health and Human Resources shall track the number of requests under this section for noncertified copies of birth certificates along with requests for biological parent personal identifying information received by the Department, the Department of Health and Human Resources' response time to those requests, and the number of full-time equivalents and/or part-time equivalents assigned to work fulfilling requests for these records. The department shall track this information beginning July 1, 2023, until April 30, 2026, and provide a report to the Legislative Oversight Commission on Health and Human Resources Accountability regarding this information no later than July 1, 2026.

(n) The Department of Health and Human Resources shall consider and study the operation of this section and other potential additional or alternative mechanisms by which adult adoptees or other requestors can obtain access to information about the biological parents of adoptees, to serve interests including but not limited to facilitating the access to the medical records of biological parents for diagnostic medical purposes and conducting genealogical research. The department shall provide a report detailing the results of its study to the Legislature's Joint Standing Committee on the Judiciary no later than July 1, 2024.

(o) Nothing in this section shall be construed to permit disclosure of an adoptee's birth certificate, or other information

concerning the adoptee contained in his or her adoption file, to a biological parent of the adoptee.

(p) All documents, records, and information obtained via any of the forms or processes established in this section are to be considered confidential and shall not be subject to disclosure under the provisions of West Virginia's Freedom of Information Act, §29B-1-1 et seq. of this code.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS

§49-4-604. Disposition of neglected or abused children; case plans; dispositions; factors to be considered; reunification; orders; alternative dispositions.

(a) *Child and family case plans.* — Following a determination pursuant to §49-4-602 of this code wherein the court finds a child to be abused or neglected, the department shall file with the court a copy of the child's case plan, including the permanency plan for the child. The term "case plan" means a written document that includes, where applicable, the requirements of the family case plan as provided in §49-4-408 of this code and that also includes, at a minimum, the following:

(1) A description of the type of home or institution in which the child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to assure that the child receives proper care and that services are provided to the parents, child, and foster or kinship parents in order to improve the conditions that made the child unsafe in the care of his or her ~~parent(s)~~ parents, including any reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. §12101 *et seq.*, to parents with disabilities in order to allow them meaningful access to reunification and family preservation services;

(2) A plan to facilitate the return of the child to his or her own home or the concurrent permanent placement of the child; and address the needs of the child while in kinship or foster care,

including a discussion of the appropriateness of the services that have been provided to the child.

The term "permanency plan" refers to that part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available. The plan must document efforts to ensure that the child is returned home within approximate ~~time lines~~ timelines for reunification as set out in the plan. Reasonable efforts to place a child for adoption or with a legal guardian should be made at the same time, or concurrent with, reasonable efforts to prevent removal or to make it possible for a child to return to the care of his or her parent(s) safely. If reunification is not the permanency plan for the child, the plan must state why reunification is not appropriate and detail the alternative, concurrent permanent placement plans for the child to include approximate ~~time lines~~ timelines for when the placement is expected to become a permanent placement. This case plan shall serve as the family case plan for parents of abused or neglected children. Copies of the child's case plan shall be sent to the child's attorney and parent, guardian or custodian or their counsel at least five days prior to the dispositional hearing. The court shall forthwith proceed to disposition giving both the petitioner and respondents an opportunity to be heard.

(b) *Requirements for a Guardian ad litem.* —

A guardian ad litem appointed pursuant to §49-4-601(f)(1) of this code, shall, in the performance of his or her duties, adhere to the requirements of the Rules of Procedure for Child Abuse and Neglect Proceedings and the Rules of Professional Conduct and such other rules as the West Virginia Supreme Court of Appeals may promulgate, and any appendices thereto, and must meet all educational requirements for the guardian ad litem. A guardian ad litem may not be paid for his or her services without meeting the certification and educational requirements of the court. The West Virginia Supreme Court of Appeals is requested to provide guidance to the judges of the circuit courts regarding supervision of said guardians ad litem. The West Virginia Supreme Court of Appeals is requested to review the Rules of Procedure for Child

Abuse and Neglect Proceedings and the Rules of Professional Conduct specific to guardians ad litem.

(c) *Disposition decisions.* — The court shall give precedence to dispositions in the following sequence:

(1) Dismiss the petition;

(2) Refer the child, the abusing parent, the battered parent, or other family members to a community agency for needed assistance and dismiss the petition;

(3) Return the child to his or her own home under supervision of the department;

(4) Order terms of supervision calculated to assist the child and any abusing parent or battered parent or parents, or custodian which prescribe the manner of supervision and care of the child, and which are within the ability of any parent or parents or custodian to perform;

(5) Upon a finding that the abusing parent, or battered parent or parents, are presently unwilling or unable to provide adequately for the child's needs, commit the child temporarily to the care, custody, and control of the department, a licensed private child welfare agency, or a suitable person who may be appointed guardian by the court. The court order shall state:

(A) That continuation in the home is contrary to the best interests of the child and why;

(B) Whether or not the department has made reasonable efforts, with the child's health and safety being the paramount concern, to preserve the family, or some portion thereof, and to prevent or eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home;

(C) Whether the department has made reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. § 12101 *et seq.*, to parents

with disabilities in order to allow them meaningful access to reunification and family preservation services;

(D) What efforts were made or that the emergency situation made those efforts unreasonable or impossible; and

(E) The specific circumstances of the situation which made those efforts unreasonable if services were not offered by the department. The court order shall also determine under what circumstances the child's commitment to the department are to continue. Considerations pertinent to the determination include whether the child should:

(i) Be considered for legal guardianship;

(ii) Be considered for permanent placement with a fit and willing relative; or

(iii) Be placed in another planned permanent living arrangement, but only in cases where the child has attained 16 years of age and the department has documented to the circuit court a compelling reason for determining that it would not be in the best interests of the child to follow one of the options set forth in subparagraphs (i) or (ii) of this paragraph. The court may order services to meet the special needs of the child. Whenever the court transfers custody of a youth to the department, an appropriate order of financial support by the parents or guardians shall be entered in accordance with §49-4-801 through §49-4-803 of this code;

(6) Upon a finding that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future, and, when necessary for the welfare of the child, terminate the parental, custodial and guardianship rights and responsibilities of the abusing parent and commit the child to the permanent sole custody of the nonabusing parent, if there be one, or, if not, to either the permanent guardianship of the department or a licensed child welfare agency. The court may award sole custody of the child to a nonabusing battered parent. If the court shall so find, then in fixing its dispositional order the court shall consider the following factors:

(A) The child's need for continuity of care and caretakers;

(B) The amount of time required for the child to be integrated into a stable and permanent home environment; and

(C) Other factors as the court considers necessary and proper. Notwithstanding any other provision of this article, the court shall give consideration to the wishes of a child 14 years of age or older or otherwise of an age of discretion as determined by the court regarding the permanent termination of parental rights. No adoption of a child shall take place until all proceedings for termination of parental rights under this article and appeals thereof are final. In determining whether or not parental rights should be terminated, the court shall consider the efforts made by the department to provide remedial and reunification services to the parent. The court order shall state:

(i) That continuation in the home is not in the best interest of the child and why;

(ii) Why reunification is not in the best interests of the child;

(iii) Whether or not the department made reasonable efforts, with the child's health and safety being the paramount concern, to preserve the family, or some portion thereof, and to prevent the placement or to eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home, or that the emergency situation made those efforts unreasonable or impossible; ~~and~~

(iv) Whether or not the department made reasonable efforts to preserve and reunify the family, or some portion thereof, including a description of what efforts were made or that those efforts were unreasonable due to specific circumstances;

(v) Language ordering the Department of Health and Human Resources or a successor agency or agencies to collect and archive in the child's adoption file the legal name, date of birth, telephone number, email address, and Social Security Number of a biological parent or parents whose parental rights have been terminated by a disposition and language authorizing the release of that

information as provided by the provisions of §48-22-803 of this code;

(vi) Language authorizing the child's legal guardian, the child once they have obtained the age of majority, or one of the child's lineal descendants, upon a showing of legitimate medical diagnostic need attested to affidavit or other verifiable statement of a licensed medical professional, to request, access, or otherwise obtain the medical records of a biological parent whose parental rights have been terminated by the disposition, and further ordering any such biological parent to cooperate with the acquisition and dissemination of those records upon the showing of legitimate diagnostic medical need; and

(7) For purposes of the court's consideration of the disposition custody of a child pursuant to this subsection, the department is not required to make reasonable efforts to preserve the family if the court determines:

(A) The parent has subjected the child, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent to aggravated circumstances which include, but are not limited to, abandonment, torture, chronic abuse, and sexual abuse;

(B) The parent has:

(i) Committed murder of the child's other parent, guardian or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(ii) Committed voluntary manslaughter of the child's other parent, guardian, or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(iii) Attempted or conspired to commit murder or voluntary manslaughter, or been an accessory before or after the fact to either crime;

(iv) Committed a malicious assault that results in serious bodily injury to the child, the child's other parent, guardian, or custodian, to another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(v) Attempted or conspired to commit malicious assault, as outlined in subparagraph (iv), or been an accessory before or after the fact to the same;

(vi) Committed sexual assault or sexual abuse of the child, the child's other parent, guardian, or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent; or

(vii) Attempted or conspired to commit sexual assault or sexual abuse, as outlined in subparagraph (vi), or been an accessory before or after the fact to the same.

(C) The parental rights of the parent to another child have been terminated involuntarily;

(D) A parent has been required by state or federal law to register with a sex offender registry, and the court has determined in consideration of the nature and circumstances surrounding the prior charges against that parent, that the child's interests would not be promoted by a preservation of the family.

(d) As used in this section, "No reasonable likelihood that conditions of neglect or abuse can be substantially corrected" means that, based upon the evidence before the court, the abusing adult or adults have demonstrated an inadequate capacity to solve the problems of abuse or neglect on their own or with help. Those conditions exist in the following circumstances, which are not exclusive:

(1) The abusing parent or parents have habitually abused or are addicted to alcohol, controlled substances or drugs, to the extent that proper parenting skills have been seriously impaired and the person or persons have not responded to or followed through the

recommended and appropriate treatment which could have improved the capacity for adequate parental functioning;

(2) The abusing parent or parents have willfully refused or are presently unwilling to cooperate in the development of a reasonable family case plan designed to lead to the child's return to their care, custody and control;

(3) The abusing parent or parents have not responded to or followed through with a reasonable family case plan or other rehabilitative efforts of social, medical, mental health, or other rehabilitative agencies designed to reduce or prevent the abuse or neglect of the child, as evidenced by the continuation or insubstantial diminution of conditions which threatened the health, welfare, or life of the child;

(4) The abusing parent or parents have abandoned the child;

(5) The abusing parent or parents have repeatedly or seriously injured the child physically or emotionally, or have sexually abused or sexually exploited the child, and the degree of family stress and the potential for further abuse and neglect are so great as to preclude the use of resources to mitigate or resolve family problems, or assist the abusing parent or parents in fulfilling their responsibilities to the child; and

(6) The battered parent's parenting skills have been seriously impaired and the person has willfully refused or is presently unwilling or unable to cooperate in the development of a reasonable treatment plan, or has not adequately responded to or followed through with the recommended and appropriate treatment plan.

(e) The court may, as an alternative disposition, allow the parents or custodians an improvement period not to exceed six months. During this period the court shall require the parent to rectify the conditions upon which the determination was based. The court may order the child to be placed with the parents, or any person found to be a fit and proper person, for the temporary care of the child during the period. At the end of the period, the court

shall hold a hearing to determine whether the conditions have been adequately improved and at the conclusion of the hearing shall make a further dispositional order in accordance with this section.

(f) The court may not terminate the parental rights of a parent on the sole basis that the parent is participating in a medication-assisted treatment program, as regulated in §16-5Y-1 *et seq.* of this code, for substance use disorder, as long as the parent is successfully fulfilling his or her treatment obligations in the medication-assisted treatment program.

§49-4-607. Consensual termination of parental rights.

(a) An agreement of a natural parent in termination of parental rights is valid if made by a duly acknowledged writing, and entered into under circumstances free from duress and fraud. Where during the pendency of an abuse and neglect proceeding, a parent offers voluntarily to relinquish of his or her parental rights, and the relinquishment is accepted by the circuit court, the relinquishment may, without further evidence, be used as the basis of an order of adjudication of abuse and neglect by that parent of his or her children;

(b) The Department of Health and Human Resources or successor agency shall, in the event of a voluntary relinquishment that results in the termination of parental rights, collect and archive in the child's adoption file the legal name, date of birth, phone number, email address, and Social Security Number of a biological parent whose parental rights are being terminated via voluntarily relinquishment;

(c) Voluntary relinquishment of parental rights by a biological parent of a child include in the duly acknowledged writing required by subsection (a) of this section language authorizing, and memorializing the consent of the biological parent, to the child's new legal guardian, the child once they have obtained the age of majority, or one of the child's lineal descendants, upon a showing of legitimate medical diagnostic need attested by affidavit or other verifiable statement of a licensed medical professional, to request, access, or otherwise obtain the medical records of a biological

parent whose parental rights are being terminated via voluntarily relinquishment.

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

Engrossed Committee Substitute for Senate Bill 470 was then 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 470) passed.

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

Eng. Com. Sub. for Senate Bill 470—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803; and to amend and reenact §49-4-604 and §49-4-607 of said code, all relating to adoption and parental rights; and, specifically, establishing a procedure for adopted children to obtain a copy of their original birth certificate and certain personal identifying information regarding their biological parents; establishing a process by which biological parents can consent to providing personal identifying information and medical history to children who have been adopted; allowing biological parents to designate a contact preference; directing the Department of Health and Human Resources to administer records, collect personal identifying information, and charge a reasonable fee for the dissemination of

noncertified copies of birth certificates; requiring the Department of Health and Human Resources to track certain information and report to the Legislative Oversight Commission on Health and Human Resources Accountability; directing the Department of Health and Human Resources to study the operation and consider alternative mechanisms to provide adoptive children with access to the medical records of their biological parents; requiring biological parents whose parental rights are terminated to provide personal identifying information to the Department of Health and Human Services; requiring biological parents whose parental rights are terminated to provide authorization to their child's new legal guardian, a child who obtains the age of majority, or their child's lineal descendants, to access their medical records upon a showing of legitimate diagnostic medical need; establishing a requirement that biological parents who seek to voluntarily relinquish their parental rights to provide authorization and consent to their child's new legal guardian, a child who obtains the age of majority, or their child's lineal descendants to access their medical records upon a showing of legitimate diagnostic medical need; and authorizing the Department of Health and Human Resources to promulgate legislative rules related to these provisions.

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 540, Creating misdemeanor offense of willfully urinating or defecating in public.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 540) 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 546, Adding and removing certain compounds from controlled substance list.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 220 already placed in that position.

Eng. Com. Sub. for Senate Bill 552, Relating to abortion.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 28, 2023, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for Senate Bill 552 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 552 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Plymale—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 552) 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 581, Amending provisions of 2023 Farm Bill.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 28, 2023, for amendments to be received on third reading, was read a third time.

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

On page 15, after line 21, by adding thereto a new article, designated article 39, to read as follows:

ARTICLE 39. CERTAIN RESTRICTIONS ON OWNERSHIP OF AGRICULTURAL LAND.

§19-39-1. Definitions.

For purposes of this article:

"Agricultural land" means land suitable for use in farming.

"Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, or the production of livestock. Farming includes the production of timber, forest products, nursery products, or sod. Farming does not include a contract where a processor or

distributor of farm products or supplies provides spraying, harvesting, or other farm services.

"Foreign business" means a corporation incorporated under the laws of a foreign country, or a business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by nonresident aliens. Legal entities, including, but not limited to, trusts, holding companies, multiple corporations, and other business arrangements do not affect the determination of ownership or control of a foreign business.

"Foreign government" means a government other than the government of the United States, its states, territories, or possessions.

"Nonresident alien" means an individual who is neither a citizen of the United States nor a person lawfully admitted into the United States for permanent residence by the United States immigration and naturalization service: *Provided*, That an individual is lawfully admitted for permanent residence regardless of whether the individual's lawful permanent resident status is conditional.

§19-39-2. Right to acquire nonagricultural land.

A nonresident alien, foreign business, or foreign government may acquire by grant, purchase, devise, or descent, real property, except agricultural land or any interest in agricultural land in this state, and may own, hold, devise, or alienate the real property, and shall incur the same duties and liabilities in relation to the real property as a citizen and resident of the United States.

§19-39-3. Restriction on agricultural land holdings.

(a) A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof shall not purchase or otherwise acquire agricultural land in this state. A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, which owns or holds agricultural land in this state on July 1, 2023, may continue to own

or hold the land, but shall not purchase or otherwise acquire additional agricultural land in this state.

(b) A person or entity who acquires agricultural land in violation of this section or who fails to convert the land to purposes other than farming within three years, remains in violation of this section for as long as the person or entity holds an interest in the land.

(c) The restriction set forth in subsection (a) of this section does not apply to the following:

(1) Agricultural land acquired by devise or descent;

(2) A bona fide encumbrance on agricultural land taken for purposes of security; and

(3) Agricultural land acquired by a process of law in the collection of debts, by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed, or by any procedure for the enforcement of a lien or claim on the land, whether created by mortgage or otherwise: *Provided*, That agricultural land so acquired shall be sold or otherwise disposed of within three years after the title is transferred. Pending the sale or disposition, the land shall not be used for any purpose other than farming, and the land shall not be used for farming except under lease to an individual, trust, corporation, partnership, or other business entity not subject to any other restrictions. Agricultural land which has been acquired pursuant to this subdivision shall not be acquired or used by the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof for agricultural research or experimental purposes.

(d) A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary of the alien, business, or government shall not acquire or hold agricultural land in an amount greater than 160 acres: *Provided*, That a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof who lawfully owns over 160 acres on July 1, 2023, may continue to own or hold the land, but shall not purchase

or otherwise acquire additional agricultural land in this state except as provided for in subsection (c) of this section. Pending the development of the agricultural land for purposes other than farming, the land shall not be used for farming except under lease to an individual, trust, corporation, partnership, or other business entity not subject to any other restriction on the increase in agricultural land holdings imposed in this article.

(e) A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof shall not transfer title to or interest in agricultural land to a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof except as provided for in subsection (c) of this section.

§19-39-4. Development of agricultural land acquired for nonfarming purposes.

Development of the agricultural land which is not subject to the restrictions of this article, because the land or interest in the land was acquired for an immediate or pending use other than farming, shall be converted to a purpose other than farming within three years following the acquisition of the agricultural land or the acquisition of the interest in the agricultural land.

§19-39-5. Agricultural land acquired by devise or descent.

A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof which acquires agricultural land or an interest in agricultural land, by devise or descent after July 1, 2023, shall divest itself of all right, title, and interest in the land within three years from the date of acquiring the land or interest. This section shall not require divestment of agricultural land or an interest in agricultural land acquired by devise or descent from a nonresident alien if the land or an interest in the land was acquired by any nonresident alien prior to July 1, 2023.

§19-39-6. Change of status; divestment.

A person or entity which purchases or otherwise acquires agricultural land in this state except by devise or descent after July

1, 2023, and whose status changes so that it becomes a foreign business or nonresident alien subject to this article shall divest itself of all right, title, and interest in the land within three years from the date that its status changed.

§19-39-7. Registration.

A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof which owns an interest in agricultural land within this state on or after July 1, 2023, shall register the agricultural land with the Commissioner of Agriculture. The registration shall be made within 60 days after July 1, 2023, or within 60 days after acquiring the land or the interest in the land, whichever time is the later. The registration shall be in the form and manner prescribed by the commissioner and shall contain the name of the owner and the location and number of acres of the agricultural land by county. If the owner of the agricultural land or owner of the interest in agricultural land is an agent, trustee, or fiduciary of a nonresident alien, foreign business, or foreign government, the registration shall also include the name of any principal for whom that land, or interest in that land, was purchased through an agent.

§19-39-8. Reports.

A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof who acquires agricultural land not subject to the restrictions of section three of this article because the land was acquired for an immediate or pending use other than farming, shall file a report with the Commissioner of Agriculture before July 1 of each year. The report shall be in the form and manner prescribed by the commissioner and shall contain the following:

(1) The name of the owner of the agricultural land or owner of the interest in the agricultural land;

(2) If the owner of the agricultural land or interest in the agricultural land is an agent, trustee, or fiduciary of a nonresident alien, foreign business, or foreign government, the name of any

principal for whom that land or interest in that land was acquired as agent;

(3) The location and number of acres of the agricultural land by city and county;

(4) The date the agricultural land or interest in the agricultural land was acquired;

(5) The immediate or pending use other than farming for which the agricultural land or interest in the agricultural land was acquired and the status of the land's development for the purpose other than farming; and

(6) The present use of the agricultural land.

§19-39-9. Enforcement.

(a) If the Commissioner of Agriculture finds that a nonresident alien, foreign business, foreign government, or an agent, trustee, or other fiduciary thereof has acquired or holds title to or interest in agricultural land in this state in violation of §19-39-3 of this code, has failed to timely register as required under §19-39-7 of this code, or has failed to timely report as required under §19-39-8 of this code, the Commissioner of Agriculture shall report the violation to the Attorney General.

(b) Upon receipt of the report from the Commissioner of Agriculture, the Attorney General may, following a review of the report and any further applicable facts, initiate an action in the circuit court of any county in which the land is located.

(c) If the circuit court finds that the land in question has been acquired or held in violation of §19-39-3 of this code, or has not been properly registered as required under §19-39-7 of this code, or has not been appropriately reported as required under §19-39-8 of this code, it shall enter an order finding a violation exists and shall file a copy of the order with the circuit clerk of the county in which any portion of the land is located. The circuit court shall also cause a copy of the order to be recorded with the county clerk in any county in which a portion of the land is located.

§19-39-10. Escheat.

If the circuit court finds that the agricultural land in question has been acquired in violation of this article or that the land has not been converted to a purpose other than farming within three years as required by §19-39-4 of this code, the circuit court shall enter an order declaring the land escheated to the state, and that title to the land shall be vested in the state in the name of the State Commissioner of Delinquent and Nonentered Lands by decree of the circuit court. Any real estate, acquired by the state under this section, shall be sold as soon as practicably possible in the same manner in which delinquent properties are sold pursuant to §11A-3-45 of this code. The circuit court order shall set forth the minimum bid for which the property will be sold. The proceeds of the sale shall be used to pay court costs, including the cost of appraisal should one be performed, the costs associated with the Auditor's sale, and any outstanding penalties imposed pursuant to §19-39-11 of this code. The remaining funds, if any, shall be paid to the person or entity divested of the property but only in an amount not exceeding the actual cost paid by the person or entity for the purchase or acquisition of that property. Proceeds remaining after the payment of court costs, costs associated with the auditor's sale, and the payment to the person or entity divested of the property shall be deposited into the general revenue fund of the county or counties in which the land is located in proportion to the part of the land in each county.

§19-39-11. Penalty for failure to timely file.

A civil penalty of not more than \$2,000 shall be imposed for each offense upon a nonresident alien, foreign business, or foreign government, or an agent, trustee, or other fiduciary thereof, who fails to timely file the registration as required under §19-39-7 of this code or has failed to timely report as required under §19-39-8 of this code. Any penalty collected pursuant to this section shall be used by the Commissioner of Agriculture for the benefit of the Cedar Lakes Camp and Conference Center.

Following discussion,

On motion of Senator Plymale, further consideration of the bill (Eng. Com. Sub. for S. B. 581) and Senator Weld's pending amendment were deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 546 already placed in that position.

Eng. Com. Sub. for Senate Bill 593, Mandating cost of living salary adjustment policy for state employees.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 593) 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 633, Requiring prompt appearances for persons detained on capiases.

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, Stuart,

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 633) 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 634, Increasing value at which municipal property must be sold through public auction.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 634) 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 647, Relating to substantiation of abuse and neglect allegations.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 647) passed.

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

Eng. Com. Sub. for Senate Bill 647—A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to substantiation of abuse and neglect allegations; requiring that when an abuse and neglect allegation is substantiated and a child abuse petition could be filed and the department does not do so, records related to the allegation are sealed after one year, absent a new allegation within that year; excluding persons from having records sealed who have a substantiated case but no court case can be filed; requiring that substantiated cases where the court does not adjudicate abuse and neglect be deemed unsubstantiated; allowing a petition to seal a file after five years for persons found to be creating an abusing parent; exceptions; criteria; directing the department to propose legislative rules to effectuate the statutory directive; and defining terms.

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

Eng. Senate Bill 738, Equipment Right to Repair Act.

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

On the passage of the bill, the yeas were: Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Nelson, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Azinger, Caputo, Chapman, Jeffries, Karnes, Martin, Maynard, Oliverio, Rucker, and Tarr—10.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 738) 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 739, Relating to moratorium on carbon capture agreements.

On third reading, coming up in regular order, with the right having been granted on February 27, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 581 already placed in that position.

Eng. Senate Bill 740, Relating to compensation and expense reimbursement for members of Legislature.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion

of bills on today's first reading calendar, following consideration of Engrossed Senate Bill 739 already placed in that position.

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

On third reading, coming up in regular order, with the unreported Transportation and Infrastructure committee amendment pending, and with the right having been granted on February 13, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE AND
ANTITHEFT PROVISIONS.**

**ARTICLE 3. ORIGINAL AND RENEWAL OF
REGISTRATION; ISSUANCE OF CERTIFICATES OF
TITLE.**

**§17A-3-2. Every motor vehicle, etc., subject to registration and
certificate of title provisions; exceptions.**

(a) Every motor vehicle, trailer, semitrailer, pole trailer, and recreational vehicle when driven or moved upon a highway is subject to the registration and certificate of title provisions of this chapter except:

(1) Any vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders, or nonresidents or under a temporary registration permit issued by the division as authorized under this chapter;

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the Commissioner of the Division of Highways from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin: *Provided*, That the distance between the points may not exceed 35 miles, or for the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The exemption in this subdivision from registration and license requirements also applies to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of moving farm produce and livestock from the farm along a public highway for a distance not to exceed 35 miles to a storage house or packing plant, when the use is a seasonal operation:

(A) The exemptions contained in this section also apply to farm machinery, tractors, and mini-trucks: *Provided*, That the machinery, tractors, and mini-trucks may use the highways in going from one tract of land to another tract of land regardless of whether the land is owned by the same or different persons. For the purposes of this section, "mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle designed primarily for off-road use and powered by an engine ranging in size from 550cc to 660cc and weighing approximately 1,800 pounds;

(B) Any vehicle exempted under this subsection from the requirements of annual registration certificate and license plates and fees for the registration certificate and license plate may not use the highways between sunset and sunrise unless the vehicle is classified as a Class A motor vehicle with a farm-use exemption under the provisions of §17A-10-1 of this code and has a valid and current inspection sticker as required by the provisions of §17C-

16-1 *et seq.* of this code and is traveling from one tract of land to another over a distance of 35 miles or less;

(C) Any vehicle exempted under this section from the requirements of annual registration certificate and license plates may use the highways as provided in this section whether the exempt vehicle is self-propelled, towed by another exempt vehicle or towed by another vehicle required to be registered;

(D) Any vehicle used as an implement of husbandry exempt under this section shall have the words "farm use" affixed to both sides of the implement in 10-inch letters. Any vehicle which would be subject to registration as a Class A or B vehicle if not exempted by this section shall display a farm-use exemption certificate on the lower driver's side of the windshield:

(i) The farm-use exemption certificate shall be provided by the commissioner and shall be issued annually by the assessor of the applicant's county of residence. The assessor shall issue a farm-use exemption certificate to the applicant upon his or her determination pursuant to an examination of the property books or documentation provided by the applicant that the vehicle has been properly assessed as Class I personal property. Nothing in this section or any rule promulgated under the authority of chapter 29A of this code may be construed to require any applicant for a renewal of a farm use exemption certificate to appear personally before any assessor. The assessor shall charge a fee of \$2 for each certificate, which shall be retained by the assessor;

(ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the security required by §17D-1-1 *et seq.* of this code on any vehicle being operated on the roads or highways of this state;

(iii) No person charged with the offense of operating a vehicle without a farm-use exemption certificate, if required under this section, may be convicted of the offense if he or she produces in court, or in the office of the arresting officer, a valid farm-use exemption certificate for the vehicle in question within five days;

(3) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(4) Any vehicle of a type subject to registration which is owned by the government of the United States;

(5) Any wrecked or disabled vehicle towed by a licensed wrecker or dealer on the public highways of this state;

(6) The following recreational vehicles are exempt from the requirements of annual registration, license plates and fees, unless otherwise specified by law, but are subject to the certificate of title provisions of this chapter regardless of highway use: Motorboats, all-terrain vehicles, utility terrain vehicles, and snowmobiles; and

(7) Any special mobile equipment as defined in §17A-1-1(r) of this code.

(b) Notwithstanding the provisions of subsection (a) of this section:

(1) Mobile homes or manufactured homes are exempt from the requirements of annual registration, license plates and fees;

(2) House trailers may be registered and licensed; and

(3) Factory-built homes are subject to the certificate of title provisions of this chapter.

(c) The division shall title and register low-speed vehicles if the manufacturer's certificate of origin clearly identifies the vehicle as a low-speed vehicle. The division may not title or register homemade low-speed vehicles or retrofitted golf carts and such vehicles do not qualify as low-speed vehicles in this state. In addition to all other motor vehicle laws and regulations, except as specifically exempted below, low-speed vehicles are subject to the following restrictions and requirements:

(1) Low-speed vehicles shall only be operated on private roads and on public roads and streets within the corporate limits of a

municipality where the speed limit is not more than 25 miles per hour;

(2) Notwithstanding any provisions in this code to the contrary, low-speed vehicles shall meet the requirements of 49 C.F.R. §571.500 (2003);

(3) In lieu of ~~annual inspection~~ periodic inspection, the owner of a low-speed vehicle shall, upon initial application for registration and each renewal thereafter, certify under penalty of false swearing, that all lights, brakes, tires, and seat belts are in good working condition; and

(4) Any person operating a low-speed vehicle must hold a valid driver's license, not an instruction permit.

§17A-3-2a. Registration of nonresident vehicles.

(a) A nonresident vehicle is not required to be registered pursuant to §17A-3-2 of this code: *Provided*, That a nonresident vehicle may be registered in this state and be issued a West Virginia registration plate upon payment of all applicable fees to the division. For purposes of this subsection, the receipt and verification requirements of §17A-3-3a of this code do not apply.

(b) For purposes of this section, "nonresident vehicle" means a vehicle titled in this state under the provisions of §17A-4-11 of this code, which is not intended to spend a majority of service time on West Virginia roads, owned by a business whose principal place of business is not in this state, that is not a common carrier, and that maintains a local, national, or international fleet of vehicles.

(c) Nothing in this section subjects a nonresident vehicle to the inspection requirement set forth in §17A-16-4 of this code. A nonresident vehicle is not domiciled in any county in this state, and nothing in this section requires the imposition of personal property taxes within this state pursuant to §11-5-1 *et seq.* of this code.

(d) The division may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code and may propose rules for

legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to accomplish the provisions of this section.

ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.

§17A-6-10d. Special plates for nonprofit corporations engaged in research and development.

(a) Notwithstanding any of the other provisions of this article, a nonprofit corporation engaged in research and development using motor vehicles pursuant to §18B-12-1 *et seq.* of this code and affiliated with institutions of higher education may operate or move a vehicle, either owned or in the possession of the nonprofit corporation upon the highways of this state for purposes of transporting or testing that vehicle without first registering or titling the vehicle and displaying, in a manner prescribed by the commissioner, a special plate issued to the nonprofit corporation as provided in this section.

(b) Any nonprofit corporation as prescribed in subsection (a) of this section may make application to the commissioner upon a form prescribed by him or her for a certificate containing a general distinguishing number and for a special plate or plates. The applicant shall verify that it is a Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, nonprofit corporation and submit sufficient information, as may be required by the commissioner, that it is engaged in research and development of vehicles, special fuels, or equipment for motor vehicles.

(c) The commissioner, upon approving an application, may issue without charge to the applicant, a certificate containing the nonprofit corporation's name and address and its general distinguishing number. The commissioner may also issue without charge, a special plate or plates, as determined by the commissioner as necessary, that must be displayed on the vehicle. Each plate shall also contain a number or symbol distinguishing it from other plates bearing the same general distinguishing number.

(d) The nonprofit corporation that is issued a special plate pursuant to this section must keep written records as required by the commissioner concerning the operation of the vehicle. The records shall be open to inspection by any law-enforcement officer or division employee.

(e) This section does not apply to the use of any other vehicles owned, leased, or operated by the nonprofit corporation.

(f) A nonprofit corporation that has been issued a special plate is not required to comply with the bond or dealer recovery fund otherwise required under this article for that vehicle.

(g) A nonprofit corporation that has been issued a special plate shall furnish information, satisfactory to the commissioner, that the vehicle is covered by an appropriate insurance policy or proof of financial responsibility in amounts not less than the requirements of §17D-4-2 of this code.

(h) Vehicles operated by a nonprofit corporation pursuant to this section are exempt from the ~~annual~~ periodic motor vehicle inspection and the displaying of the certificate of inspection otherwise required by §17C-16-1 *et seq.* of this code. However, a vehicle that has been issued a special plate pursuant to this section must be safe and may not, in any manner, endanger the driver, other vehicle occupants, other motorists, pedestrians, or the general public.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-3a. Special registration of antique motor vehicles and motorcycles; definition, registration, and use of classic motor vehicles and classic motorcycles; customized antique plates.

(a) The annual registration fee for any antique motor vehicle or motorcycle as defined in this section is \$2. As used in this section:

"Antique motor vehicle" means any motor vehicle which is more than 25 years old and is owned solely as a collector's item.

"Antique military vehicle" means an antique motor vehicle, regardless of the vehicle's size or weight, that was manufactured for use in any country's military forces, and that is maintained to represent its military design and markings accurately, including a trailer meeting the same requirements, but not including a vehicle or trailer currently in service.

"Antique motorcycle" means any motorcycle which is more than 25 years old and is owned solely as a collector's item.

"Classic motor vehicle" means a motor vehicle which is more than 25 years old and is registered pursuant to §17A-10-3 of this code and is used for general transportation.

"Classic motorcycle" means a motorcycle which is more than 25 years old and is registered pursuant to §17A-10-3 of this code and is used for general transportation.

(b) Except as otherwise provided in this section, antique motor vehicles or motorcycles may not be used for general transportation but may only be used for:

(1) Participation in club activities, exhibits, tours, parades, and similar events;

(2) The purpose of testing their operation, obtaining repairs or maintenance, and transportation to and from events as described in subdivision (1) of this subsection; and

(3) Recreational purposes over weekends, beginning on Friday at 12:00 p.m., and ending on the following Monday at 12:00 p.m., and on holidays: *Provided*, That a classic motor vehicle or a classic motorcycle as defined in this section may be registered under the applicable class at the applicable registration fee set forth in §17A-10-3 of this code and may be used for general transportation.

(c) A West Virginia motor vehicle or motorcycle displaying license plates of the same year of issue as the model year of the antique motor vehicle or motorcycle, as authorized in this section, may be used for general transportation purposes if the following conditions are met:

(1) The license plate's physical condition has been inspected and approved by the Division of Motor Vehicles;

(2) The license plate is registered to the specific motor vehicle or motorcycle by the Division of Motor Vehicles;

(3) The owner of the motor vehicle or motorcycle annually registers the motor vehicle or motorcycle and pays an annual registration fee for the motor vehicle or motorcycle equal to that charged to obtain regular state license plates;

(4) The motor vehicle or motorcycle passes ~~an annual safety inspection~~ a periodic safety inspection; and

(5) The motor vehicle or motorcycle displays a sticker attached to the license plate, issued by the division, indicating that the motor vehicle or motorcycle may be used for general transportation.

(d) If more than one request is made for license plates having the same number, the division shall accept only the first application.

(e) The commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code as may be necessary or convenient for the carrying out of the provisions of this section.

(f) Upon appropriate application, together with a special annual fee of \$40, which is in addition to all other fees required by this chapter, there shall be issued to the owner of an antique motor vehicle a special registration plate for an antique motor vehicle titled in the name of the qualified applicant, bearing a combination of letters or numbers requested by that applicant, subject to the approval by the commissioner, and with the maximum number of letters or numbers to be determined by the commissioner.

(g) Upon proper application pursuant to subsection (f) of this section, the commissioner shall approve an alternative registration insignia for an antique military vehicle that is compatible with the vehicle's original markings, including, but not limited to, the display of the vehicle's unique military identification number not

to exceed eight characters on the bumper of the vehicle: *Provided*, That nothing in this section exempts the operator of an antique military vehicle from the requirements set forth in §17A-3-13 of this code. Pursuant to this subsection, an antique military vehicle is exempt from the requirement to display a registration plate if the exemption is necessary to maintain the vehicle's accurate military marking.

(h) The commissioner is hereby authorized to develop an antique fleet plate program to enable an owner of five or more antique motor vehicles to use a single registration plate on multiple antique motor vehicles. The owner is required to register with the Division of Motor Vehicles every antique motor vehicle upon which the plate will be displayed. The annual registration fee for an antique fleet plate is \$2 a year per registered antique motor vehicle. The antique fleet plate is valid for one year and must be renewed annually. The antique fleet plate may be used on a newly acquired antique motor vehicle prior to titling: *Provided*, That the owner completes an application for a 30-day temporary digital registration card in the format established by the commissioner and displays such card upon request when operating the vehicle prior to titling and regular registration. The fee for a 30-day temporary digital registration card is \$10, and the commissioner is authorized to charge a convenience fee for electronic submission of the application.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-4. Superintendent of the West Virginia State Police to require periodical inspection; acceptance of certificate of inspection from another state; suspension of registration of unsafe vehicles.

(a) The Superintendent of the West Virginia State Police shall ~~once each year~~ require that every motor vehicle, trailer, semitrailer, and pole trailer registered in this state be inspected once every two years and that an official certificate of inspection and approval be

obtained for each vehicle: *Provided, That the amendments made to this subsection during the 2023 regular session of the Legislature shall become effective on January 1, 2024.*

The inspections shall be made and the certificates obtained with respect to the mechanism, brakes, and equipment of every vehicle designated by the superintendent.

The superintendent may make necessary rules for the administration and enforcement of this section and may designate any period or periods during which owners of any vehicles, subject to this section, shall display upon the vehicles certificates of inspection and approval or shall produce the certificates upon demand of any officer or employee of the State Police designated by the superintendent or any police or peace officer when authorized by the superintendent.

(b) The superintendent may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this chapter and may extend the time within which the resident owner of a vehicle which was not in this state during the time an inspection was required must obtain a certificate.

(c) At the request of the superintendent, the Commissioner of the Division of Motor Vehicles may suspend the registration of any vehicle which the superintendent determines is in such an unsafe condition that it constitutes a menace to safety, or which after notice and demand is not equipped as required in this chapter, or for which the vehicle's owner has not obtained the required certificate.

(d) If requested by the owner of the vehicle, the superintendent shall also cause to be inspected a Class A farm use motor vehicle exempt from annual registration certificate and licensing as provided in §17A-3-2 of this code. If the Class A farm use motor vehicle passes the inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle.

§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.

(a) The Superintendent of the State Police is responsible for the inspection as provided in this article and shall prescribe requirements and qualifications for official inspection stations. He or she shall select and designate the stations and shall issue permits for official inspection stations and furnish instructions and all necessary forms for the inspection of vehicles as required in this article and the issuance of official certificates of inspection and approval. The certificate of inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall be serially numbered, and shall properly identify the official inspection station which issued it. A charge of ~~\$\$~~ \$6 per sticker shall be charged by the State Police to the inspection station, and the funds received shall be deposited into the State Treasury and credited to the account of the State Police for application in the administration and enforcement of the provisions of this article and for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. The superintendent may exchange stickers or make refunds to official inspection stations for stickers on hand when permits are revoked or when, for any reason, the stickers become obsolete. The amendments made to this subsection during the 2023 regular session of the Legislature shall become effective on January 1, 2024.

(b) A person shall apply for a permit upon an official form prescribed by the superintendent and the superintendent shall grant permits only when the superintendent is satisfied that the station is properly equipped, ~~and~~ has competent personnel to make the inspections and adjustments, and that the inspections and adjustments will be properly conducted. The superintendent, before issuing a permit, may require the applicant to file a bond with surety approved by the superintendent, conditioned that such applicant, as a station operator, will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of the station operator or employees thereof.

(c) The superintendent shall properly supervise and cause inspections to be made of the stations. Upon finding that a station

is not properly equipped or conducted, the superintendent may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or subsequent finding that a station is not properly equipped or conducted, the superintendent shall permanently revoke and require the surrender of the permit. The superintendent may reinstate the permit of any person whose permit was permanently revoked prior to the effective date of this section upon a first finding that a station was not properly equipped or conducted, upon application, at any time after the expiration of six months from the time of revocation and shall reinstate the permit, upon application, after the expiration of one year. He or she shall maintain and post at his or her office and at any other places as he or she may select lists of all stations holding permits and of those whose permits have been suspended or revoked.

§17C-16-6. Assignment, transfer, and posting of official inspection station permit; issuance and record of certificate of inspection; inspection fee.

(a) No permit for an official inspection station shall be assigned or transferred or used at any location other than designated in the permit and every permit shall be posted in a conspicuous place at the station location designated in the permit.

(b) The person operating the station shall issue a certificate of inspection and approval, upon an official form, to the owner of a vehicle upon inspecting the vehicle and determining that its equipment required under this article is in good condition and proper adjustment, but otherwise no certificate shall be issued, except one issued pursuant to section two of this article. When required by the superintendent, a record and report shall be made of every inspection and every certificate issued.

(c) A fee of not more than ~~\$14~~ \$19 may be charged for an inspection and any necessary headlight adjustment to proper focus, not including any replacement parts required, and the issuance of the certificate, but the imposition of the charge is not mandatory. The amendments made to this subsection during the 2023 regular session of the Legislature shall become effective on January 1, 2024.

On motion of Senator Weld, the following amendments to the Transportation and Infrastructure committee amendment to the bill (Eng. H. B. 2310) were reported by the Clerk, considered simultaneously, and adopted:

On page 7, section 3a, line 3, after the words "any motor vehicle" by inserting a comma and the words "regardless of weight,";

And,

On page 8, section 3a, lines 20-21, by striking out the words "over weekends, beginning on Friday at 12:00 p.m., and ending on the following Monday at 12:00 p.m., and on holidays".

The question now being on the adoption of the Transportation and Infrastructure committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed House Bill 2310, as just amended, was then 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, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Oliverio—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2310) passed.

At the request of Senator Clements, as chair of the Committee on Transportation and Infrastructure, and by unanimous consent, the unreported Transportation and Infrastructure committee amendment to the title of the bill was withdrawn.

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

Eng. House Bill 2310—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17A-3-2a; to amend and reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to motor vehicles; changing the interval of annual mandatory vehicle inspections to inspections every two years; doubling the charge for inspection stickers; increasing the maximum fee for an inspection to \$19 to account for inflation; providing an internal effective date; defining a term; exempting nonresident vehicles from registration requirement; allowing for optional nonresident vehicle registration and issuance of registration plates if applicable fees are paid; clarifying that nonresident vehicles are not subject to personal property taxes or vehicle inspection requirement; authorizing rulemaking by the Division of Motor Vehicles concerning nonresident vehicles; modifying definition and permissible uses of antique motor vehicles; authorizing the Division of Motor Vehicles to create an antique fleet plate program for owners with five or more antique motor vehicles; specifying requirements, validity period of registration, annual registration fee, and fee for temporary digital registration card for antique fleet plate program; and authorizing convenience fee for electronic submission of applications for temporary digital registration cards.

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

Eng. House Bill 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3218) 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.

Eng. Com. Sub. for House Bill 2587, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid.

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

Eng. House Bill 2607, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time.

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

Eng. House Bill 2611, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities.

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

Eng. Com. Sub. for House Bill 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

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

Eng. Com. Sub. for House Bill 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules.

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

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 1, line 8 by striking out the word "amendments" and inserting in lieu thereof the word "amendment";

On page 2, section 1, line 10, by striking out the semicolon and inserting in lieu thereof a period.

And,

On page 2, section 1, after line 10 by striking out the remainder of the subsection.

The bill (Eng. Com. Sub. for H. B. 2640), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislature directs the Department of Health and Human Resources to amend the legislative rule filed in the State Register on April 30, 2021, authorized under the authority of §16-1-4 of this code, relating to the Department of Health and Human Resources (Food Establishments, 64 CSR 17), with the amendment set forth below:

On page 2, by striking out all of subdivision 3.1.h. and inserting in lieu thereof a new subdivision 3.1.h. to read as follows:

3.1.h. Chapter 6, section 6-501.115 is not applicable if the following conditions are met:

3.1.h.1. The dog is prohibited from entering any areas where food is being prepared

3.1.h.2. The dog owner will be asked to leave, if a dog creates a nuisance;

3.1.h.3. The establishment is licensed as a private club, restaurant, coffee shop, brew pub, or micro distillery;

3.1.h.4. The establishment has liability insurance for dog-related incidents;

3.1.h.5. Dog accidents are cleaned and sanitized. Dog waste stations are available. A written procedure shall be established and posted concerning dog accident cleanup; and

3.1.h.6. Signage is present indicating that the establishment is dog friendly.

(b) The legislative rule filed in the State Register on March 8, 2022, authorized under the authority of §27-6A-2 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review

Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (procedures pertaining to the Dangerousness Assessment Advisory Board, 64 CSR 26), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2022, authorized under the authority of §16-1-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (standards for local boards of health, 64 CSR 73), is authorized.

(d) The legislative rule filed in the State Register on July 25, 2022, authorized under the authority of §16-12-3 of this code, modified by the Department of Health and Human Resources to meet the objectives of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (medical examiner requirements for postmortem inquiries, 64 CSR 84), is authorized with the following amendments:

On page 14, by striking out all of section 13.5. and inserting in lieu thereof a new section to read as follows:

"13.5. This section applies only to remains of persons whose death have been pronounced within the State of West Virginia or for remains of persons whose deaths have been pronounced in another state and does not have a prior authorization for cremation issued by the state in which the death occurred."

And,

On page 21, subdivision 20.3 by inserting after the last sentence, "To facilitate the efficient and economical recovery of anatomical gifts, the Chief Medical Examiner, shall authorize the presence of persons approved or assigned by the procurement organization to perform duties at the Office of the Chief Medical Examiner necessary to the timely recovery of anatomical gifts including access to electronic medical records and other

information necessary to identify a potential donor, evaluate donor eligibility, and obtain authorization for recovery. This position shall be grant funded and provided at no cost to the state."

(e) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources (Medical Cannabis Program - grower and processors, 64 CSR 110), is authorized with the amendment set forth below:

On page 12, subdivision 8.1.d., by striking out the words "not to exceed 180 days" and inserting in lieu thereof the words "not less than 180 days".

(f) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources (Medical Cannabis Program - dispensaries, 64 CSR 112), is authorized with the amendment set forth below:

On page 12, subdivision 11.1.d., by striking out the words "not to exceed 180 days" and inserting in lieu thereof the words "not less than 180 days".

(g) The legislative rule filed in the State Register on August 24, 2022, authorized under the authority of §16-29B-8 of this code, relating to the Department of Health and Human Resources (financial disclosure, 65 CSR 13), is authorized.

(h) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §16-29B-24 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Uniform Bill Database, 65 CSR 34), is authorized.

(i) The legislative rule filed in the State Register on June 22, 2022, authorized under the authority of §16-53-3 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review

Committee and refiled in the State Register on October 26, 2022, relating to the Department of Health and Human Resources (development of methodologies to examine needs for substance use disorder treatment facilities within the state, 69 CSR 13), is authorized.

(j) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §16-42-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Core Behavioral Health Crisis Services System, 69 CSR 19), is authorized.

(k) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (child care centers licensing, 78 CSR 01), is authorized.

(l) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §27-17-3 of this code, relating to the Department of Health and Human Resources (minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia, 78 CSR 03), is authorized.

(m) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (family child care facility licensing requirements, 78 CSR 18), is authorized.

(n) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to

meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (family child care home registration requirements, 78 CSR 19), is authorized with the amendments set forth below:

On page 13, subdivision 9.2.1.a, after the word, "signed" by inserting the words, "and dated";

And,

On page 13, subdivision 9.2.1.a., after the word, "available" by inserting the words, "the date the pet it brought into the home,".

(o) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (informal and relative family child care home registration requirements, 78 CSR 20), is authorized.

(p) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (out-of-school-time child care center licensing requirements, 78 CSR 21), is authorized.

(q) The legislative rule filed in the State Register on September 20, 2022, authorized under the authority of §49-2-126 of this code, relating to the Department of Health and Human Resources (goals for foster children, 78 CSR 25), is authorized.

(r) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-115A of this code, relating to the Department of Health and Human Resources

(deemed head start child care center licenses, 78 CSR 28), is authorized.

§64-5-2. Department of Health and Human Resources and the Insurance Commissioner.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Department of Health and Human Resources and the Insurance Commissioner (All-Payers Claims Database - Submission Manual, 114A CSR 03), is disapproved.

ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.

64-12-2. Department of Health and Human Resources, the Insurance Commissioner, and the Chair of the Department of Health and Human Resources.

The legislative rule effective April 1, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Secretary of the Department of Health and Human Resources, the Insurance Commissioner, and Chair of the Department of Health and Human Resources (All-Payer Claims Database – Data Submission Requirements, 114A CSR 01), is repealed.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2648) was reported by the Clerk and adopted:

On page 3, section 1, line 46, by striking out the words "access to electronic medical records and other information necessary" and inserting in lieu thereof the words "information provided by the administrative director of the Office of the Chief Medical Examiner being provided with information".

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2648), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage.

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

Eng. House Bill 2899, Repealing two sections of code relating to gas utility rates.

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

Eng. House Bill 3199, Relating to removing the requirement that an ectopic pregnancy be reported.

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

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

Eng. Com. Sub. for House Bill 3210, Relating to the performance of installation of propane gas systems.

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

Eng. House Bill 3215, Relating to land use.

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

Eng. Com. Sub. for House Bill 3261, Relating to Social Workers Qualifications.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

Eng. Com. Sub. for House Bill 3311, Relating to wine alcohol by volume as compared to beer.

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

The Senate proceeded to the tenth order of business.

Eng. House Bill 2597, Amending performance evaluations of professional personnel.

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

Eng. Com. Sub. for House Bill 2605, Relating to Good Samaritan law.

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

Eng. Com. Sub. for House Bill 2757, Relating to expanding institutional eligibility for the WV Invests Grant Program.

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

Eng. House Bill 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act.

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

Eng. House Bill 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals.

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

Eng. House Bill 3547, Increasing the number of personal leave days that county board of education employees may use.

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

Eng. House Bill 3548, Relating to teacher duty-free lunch and daily planning periods.

Having been removed from the Senate first reading calendar in earlier proceedings today, no further action thereon was taken.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:37 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 5:01 p.m. and again proceeded to the tenth order of business.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for Senate Bill 220, Industrial Hemp Development Act.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 220 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 220) passed.

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

Eng. Com. Sub. for Senate Bill 220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12E-12; to amend said code by adding thereto a new article, designated §19-12F-1, §19-12F-2, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, §19-12F-10, and §19-12F-11; to amend and reenact §60-7-12 and §60-7-13 of said code; and to amend said code by adding thereto a new article, designated §60-10-1 and §60-10-2, all relating to further regulation of hemp-derived cannabinoid products and regulation of kratom; creating the Hemp-Derived Cannabinoid Regulation Act; creating the Select Plant-Derived Regulation Act; making legislative findings and declaring the purpose of the acts; defining terms; requiring permits to manufacture, process, distribute, and sell regulated products; vesting regulatory authority in the Commissioner of Agriculture and the Alcohol Beverage Control Commission; granting legislative and emergency rule-making authority to the Commissioner of Agriculture and the Alcohol Beverage Control Commissioner; establishing an internal effective date from passage for purposes of declaring illegal products contraband and authorizing seizure, forfeiture, and destruction; limiting lawful sale of regulated products to persons 21 years of age or older; requiring age verification for internet sales and sales not made face-to-face; creating a fifteen percent tax on retail sales to be collected by the Tax Commissioner quarterly; establishing distribution of tax

revenue; authorizing the Alcohol Beverage Control Commissioner to enforce regulation of the product at the retail level; clarifying Alcohol Beverage Control Commissioners authority over alcohol licensees selling Kratom and Hemp-derived cannabinoid products; and creating criminal offenses related to regulated products and establishing criminal penalties therefor.

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

Consideration of Engrossed Committee Substitute for Senate Bill 220 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for Senate Bill 546, Adding and removing certain compounds from controlled substance list.

On third reading, coming up in deferred 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 546) passed with its title.

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

Action as to Engrossed Committee Substitute for Senate Bill 546 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for Senate Bill 581, Amending provisions of 2023 Farm Bill.

Having been read a third time in earlier proceedings today, and now coming up in deferred order, with Senator Weld's amendment to the bill pending (*shown in the Senate Journal of today, pages 1381 to 1387, inclusive*), was again reported by the Clerk.

The question being on the adoption of Senator Weld's amendment to the bill.

On motion of Senator Plymale, the following amendments to Senator Weld's amendment to the bill were reported by the Clerk and considered simultaneously:

On page 2, section 3, line 8 by striking out the word "three" and inserting in lieu thereof the word "five";

On page 2, section 3, line 16 by striking out the word "three" and inserting in lieu thereof the word "five";

On page 3, section 3, line 25, by striking out "160" and inserting in lieu thereof "300";

On page 3, section 3, line 26, by striking out "160" and inserting in lieu thereof "300";

On page 3, section 4, line 3, by striking out the word "three" and inserting in lieu thereof the word "five";

On page 3, section 5, line 3, by striking out the word "three" and inserting in lieu thereof the word "five";

On page 4, section 6, line 4, by striking out the word "three" and inserting in lieu thereof the word "five";

And,

On page 6, section 10, line 2, by striking out the word "three" and inserting in lieu thereof the word "five".

Following discussion,

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

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

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

Engrossed Committee Substitute for Senate Bill 581 was then 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 581) passed.

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

Eng. Com. Sub. for Senate Bill 581—A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1-4 of said code; to amend and reenact §19-2-5 of said code; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-12-2 of said code; to amend and reenact §19-12D-3, §19-12D-4, and §19-12D-5 of said code; to amend and reenact §19-36-2 of said code; to amend said code by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, §19-39-9, §19-39-10, and §19-39-11, all relating generally to the 2023 Farm Bill; defining terms; authorizing

transfer of land owned by the Department of Agriculture; increasing membership and composition of board of review; compensating board of review members for services; limiting consecutive terms served by board of review members; removing public hearing requirement relating to noxious weed and rule; restricting ownership of agricultural land holdings; providing exceptions to restrictions on ownership of agricultural land holdings; requiring report to be filed with Commissioner of Agriculture in certain circumstances; providing for enforcement of violations of acquisition, registration, and reporting requirements; permitting Attorney General to initiate action in circuit court; requiring Attorney General to make notice filing; directing circuit court to enter an order under certain circumstances; providing for escheat of property to state; directing sale of escheated property; providing civil penalty for failure to meet filing requirements; and providing effective dates.

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

Action as to Engrossed Committee Substitute for Senate Bill 581 having been concluded, the Senate proceeded to the consideration of

Eng. Senate Bill 739, Relating to moratorium on carbon capture agreements.

On third reading, coming up in deferred order, with the right having been granted on February 27, 2023, for amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 11C. MORATORIUM ON TIMBER-RELATED
CARBON CAPTURE AGREEMENTS.**

§22-11C-1. Legislative findings.

(a) The Legislature hereby finds that there currently exist insufficient and inadequate measures to protect West Virginia citizens from substantial economic harm resulting from agreements being actively sought by entities seeking to alienate resources and real property in this state to benefit from deferrals, reductions, or limitations on the harvesting of timber for carbon offsets, carbon tax credits, and similar benefits with rapidly evolving economic effects.

(b) The Legislature further finds that a moratorium on entering into any contract or other agreement selling, leasing, letting, or otherwise transferring property rights relating to agreements described in paragraph (a) for the limited period of 60 days will allow the Legislature to deliberate and pass laws as may be determined to be necessary to prevent or mitigate substantial economic harm to West Virginia citizens.

§22-11C-2. Sixty-day moratorium on timber-related carbon capture agreements.

For a period of 60 days from the effective date of the legislation passed during the regular session of the Legislature, 2023, establishing this article, it shall be unlawful and prohibited for any contract or agreement to be entered into which includes any provision for the deferral, reduction, or limitation on the harvesting of timber, or otherwise transferring any property rights relating to the harvesting of timber, for property situate in this state relating to the biological means of carbon storage, carbon capture, carbon sequestration, or similar methods of offset for economic or other gain. Any contract or agreement entered into in violation of this article shall be considered null and void.

Following discussion,

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

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

Engrossed Senate Bill 739 was then 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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 739) passed.

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

Eng. Senate Bill 739—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1 and §22-11C-2, all relating to the declaration of a moratorium for 60 days on entering into contracts or agreements selling, leasing, letting, or otherwise transferring property rights relating to any deferral, reduction, or limitation on the harvesting of timber for carbon storage, carbon capture, carbon sequestration, or similar agreements, in order to give the Legislature time to deliberate and pass laws as may be determined to be necessary to prevent or mitigate substantial economic harm to West Virginia citizens; creating a 60 day moratorium on any contract or agreement for the deferral, reduction, or limitation on the harvesting of timber or otherwise transferring any property right relating to the harvesting of time, for property situate in this state relating to carbon storage, carbon capture, carbon sequestration, or similar methods of offset for economic or other gain; declaring any contract or agreement entered into in violation of the moratorium null and void; and making legislative findings.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt,

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

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 739) takes effect from passage.

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

Consideration of Engrossed Senate Bill 739 having been concluded, the Senate proceeded to the consideration of

Eng. Senate Bill 740, Relating to compensation and expense reimbursement for members of Legislature.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 740 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Chapman, Karnes, Martin, Phillips, Smith, Stuart, and Weld—7.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 740) passed with its title.

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

Consideration of Engrossed Senate Bill 740 having been concluded,

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the third order of business.

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 2875—A Bill to amend and reenact §49-4-114 of the Code of West Virginia, 1931, as amended, relating to giving circuit court judges the authority to waive the requirement that a party pass a home study performed by DHHR or a third-party evaluator before a child can be placed in the home.

Referred to the Committee on the Judiciary.

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. House Bill 2906—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023 in the amount of \$21,550,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Referred 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 2910—A Bill making a supplementary appropriation by adding new items of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2023, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 2915—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023, in the amount of \$30,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

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 2989—A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; and requiring each medical student that participates in the program to practice in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3035—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-13; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend said code by adding thereto a new section, designated §18A-5-9, all relating generally to high quality education programs and school operations; replacing transformative intervention framework with a statewide multi-tiered system of support that addresses both reading and mathematics; requiring identification and monitoring of student progress; requiring use of screener and/or benchmark assessments; providing for assessment system and requiring state board adoption of approved list of not more than three screener assessments and setting forth considerations therefore; requiring that the state board establish of cut scores for screener and/or benchmark assessments; requiring development of best practices document; providing for services to be provided to students exhibiting substantial deficiency; specifying minimum information and notice to parent or guardian; providing for professional learning for certain teachers and assistant teachers and specifying subjects; ensuring certain training and instruction be provided by education preparation programs that prepare candidates seeking licensure for elementary education; authorizing extended year attendance requirement as condition for promotion if certain conditions are met; providing for data from the screening and /or benchmark assessments and other data to be used to inform classroom teacher's recommendation regarding grade level retention; requiring county board implementation; requiring reports by state board; requiring certain legislative appropriation and other funds be used for implementation; requiring retention in third grade of public school student who demonstrates minimal grade level understanding and ability upon recommendation of teacher and student assistance team; providing exceptions; requiring students starting in the fourth grade who score below proficient in English language arts or mathematics on general

summative assessment to continue to be provided intervention until grade level proficient; establishing the Grow Your Own West Virginia Pathway to Teaching Program; requiring state board to promulgate rules to govern the program and grant funds; requiring reporting by state superintendent on program; requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels; removing outdated provisions; increasing ratios of service personnel per student net enrollment in state basic foundation program; requiring early childhood classroom assistant teachers exercise authority and control over students in certain instances and within certain limits; prohibiting assignment of noninstructional duties to early childhood classroom assistant teacher in excess of contractual requirements unless mutually agreed upon; and requiring in-service training for early childhood classroom assistant teachers on responsibilities and appropriate measures for exercising authority and control over students; requiring in-service training for classroom teachers on utilization of early childhood classroom assistant teachers.

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. House Bill 3066—A supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023 by increasing and decreasing items of appropriation,

Referred 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. House Bill 3072—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and increasing an existing item of appropriation to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2023, organization 0623, by supplementing and amending appropriations for the fiscal year ending June 30, 2023.

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 3095—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16a; and to amend and reenact §18-9D-3 of said code, all relating to creating special revenue account in the State Treasury known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund; purposes and fund sources; providing for awarding grants with limitation; authorizing public-private partnerships; authorizing program rules and emergency rules if necessary; providing for project administration under grants by the School Building Authority and School Building Authority and providing for constructing, renovating and/or expanding agricultural, vocational and technical training facilities at West Virginia public schools.

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. House Bill 3146—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto the following new article, designated as §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, and §6-9C-9, and §6-9C-10, all relating to adopting the Model Public Meetings During Emergencies Act; setting forth short title; defining terms; providing for virtual meetings; providing mechanism for authorization of virtual meetings; setting forth rules for, and conduct of virtual meetings; providing for public observation of, and public participation in, virtual meetings; providing for notice of virtual meetings; providing for rules governing same and exceptions; providing for procedural rules governing conduct of same; and establishing relation to the Electronic Signatures in Global and National Commerce Act.

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. House Bill 3156—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, by raising the compensation rates of panel attorneys; raise the compensation rates for investigators; and for dismissed or not guilty charge expungement only, providing the panel attorney to continue providing representation after the dismissal to achieve the expungement.

Referred to the Committee on the Judiciary; 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 3224—A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to adding West Virginia Junior College to the updated list

of eligible institutions that may accept PROMISE scholarship recipients.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3270—A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-2a, all relating to the deliberate intent exception to the immunities provided under Workers Compensation; clarifying certain definitions of employee; clarifying the proof required for certain claims; clarifying the recoverable amount payable for compensatory damages for noneconomic losses; and requiring a yearly increase in certain limitations for compensatory damages to account for inflation.

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 3315—A Bill to amend and reenact §15-1B-25 of the Code of West Virginia, 1931, as amended, relating generally to readiness enhancement and commission bonuses; authorizing Adjutant General to establish certain bonus programs; requiring a schedule of bonus amounts; and authorizing recoupment of bonus paid under certain circumstances.

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. House Bill 3331—A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-1-9c; and to amend and reenact §51-2A-6 of said code, all relating generally to support staff in the family courts and magistrate courts of this state.

Referred to the Committee on the Judiciary; 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. House Bill 3342—A Bill to amend and reenact §7-12-9a of the Code of West Virginia, 1931, as amended, relating to cooperation between municipal and county economic development authorities.

Referred to the Committee on Economic Development.

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 3360—A Bill to amend and reenact §15A-1-9 of the Code of West Virginia, 1931, as amended, relating to the Department of Homeland Security; and authorizing the Secretary of the Department of Homeland Security to establish within the department an Office of the Inspector General; specifying the authority of the Office of the Inspector General; providing for the appointment of an Inspector General; specifying that the Inspector General will report directly to the Secretary; specifying duties of the Inspector General; providing the procedure for removal of the Inspector General; prohibiting interference with the Inspector General; specifying the Inspector General is classified-exempt; specifying qualifications of the Inspector General; and specifying the Inspector General may propose legislative and procedural rules for promulgation.

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 3369—A Bill to amend and reenact §15-2D-1, §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to creating a School Safety Unit within the Division of Protective Services; making findings, establishing duties and powers of the School Safety Unit; clarifying certain security services of the division; clarifying the confidentiality of certain records; clarifying that certain interagency agreements are discretionary; clarifying mandatory and discretionary duties of the director relating to the School Safety Unit; and correcting references to the Department of Homeland Security.

Referred to the Committee on Education.

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 3370—A Bill to amend and reenact §20-5A-1 of the code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §20-5A-3; and to amend said code by adding thereto a new section, designated §31-15-8b, all relating to establishing the State Parks Enhancement Loan Insurance Program; authorizing the board of trustees of the West Virginia State Parks and Recreation Endowment Fund to use the fund to facilitate or provide collateral for the program; providing that the program will provide for the guarantee of a loan made to an eligible private entity to be used exclusively for new or existing projects, developments, or attractions on properties of West Virginia State Parks and resorts that are constructed on U.S. Army Corps of Engineers property, wherein such properties and developments have no collateral for loans, and on any other property under the jurisdiction of the Division of Natural Resources, or on a hybrid tourism destination, to encourage economic development and tourism and increasing recreational opportunities; providing for the establishment of

requirements and procedures for the issuance of loan insurance; limiting the amount of loan insurance through the program to the amount of the the assets existing in the fund; providing that no amount of the fund's income may be used to provide loan insurance; providing for application and additional procedures or guidelines for the program; requiring approval in writing from secretary of the Department of Commerce, the secretary of the Department of Economic Development, and the secretary of the Department of Tourism to apply for loan insurance; requiring the board of trustees to cooperate with the West Virginia Economic Development Authority and authorizing the board of trustees to utilize the staff and resources of the authority for guidance and assistance in administering the program; providing additional powers and duties to the board of trustees; requiring reporting; and requiring that the West Virginia Economic Development Authority to facilitate the administration of the program and that its executive director make the authority's staff available to provide guidance and assistance for the administration of the program.

Referred to the Committee on Economic Development.

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. House Bill 3396—A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2023, organization 0803, for the fiscal year ending June 30, 2023.

Referred to the Committee on Education.

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 3439—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,

designated §49-2-130, relating to child placing agencies; requiring a policy of insurance; and limiting civil damages or injuries.

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. House Bill 3443—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to a development or improvement on land subject to review by the State Historic Preservation Office or by any other agency, office, or component of the Division of Culture and History; establishing the division shall not add any additional impediment to such review beyond those required by applicable Federal laws, rules, or regulations; and granting rule-making authority.

Referred to the Committee on Government Organization.

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 3464—A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-27a of said code, all relating to changes in distribution of racetrack video lottery net terminal income and changes in distribution of lottery racetrack table games adjusted gross receipts; and to restore moneys previously removed from net terminal income and adjusted gross receipts in 2014.

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. House Bill 3559—A Bill to amend and reenact §49-4-201 of the Code of West Virginia, 1931, as amended, all relating to defining a newborn safety device; describing the installation and location of a newborn safety device; granting anonymity to the person placing a child in a newborn safety device; outlining the monitoring of a newborn safety device; requiring the transportation of a child found in a newborn safety device to a hospital or medical facility; waiving rights of notification and standing by the person placing a child in a newborn safety device; granting immunity to the emergency service medical provider who removes the child from the newborn safety device; and removing the anonymity provision if child abuse or neglect are evident.

Referred to the Committee on the Judiciary.

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

Com. Sub. for House Concurrent Resolution 31—Permitting the West Virginia Division of Natural Resources to proceed with procuring bids and interest in companies to place a lodge on the property of Beech Fork Lake.

Referred to the Committee on Economic Development.

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:



Jim Justice
Governor of West Virginia

March 1, 2023

SENATE EXECUTIVE MESSAGE NO. 2
2023 REGULAR SESSION

The Honorable Craig Blair
President, West Virginia Senate
Building 1, Room M-229
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear President Blair:

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on January 11, 2023 as part of my Budget Document for the fiscal year ending June 30, 2024:

General Revenue Fund
Statement of Revenues, Expenditures, and Changes in Cash Balance
(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2022	\$ 1,994,018,233
Less: 31 Day Disbursements (July 1, 2022 - July 31, 2022)	(52,861,583)
Plus: Prior Year Reimbursements (July 1, 2022 - July 31, 2022)	137,305
Less: Prior Year Appropriations Forwarded	(597,407,798)
Less: Cash Balance - Adjustments and Accruals	<u>(451,758)</u>
Accumulated Surplus from FY 2022 @ July 31, 2022	\$1,343,434,399
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	0
Less: FY 2023 Surplus Appropriations (FY 2022 Surplus) (Senate Bill 250) 2022 Regular Session	(793,370,787)
Less: FY 2023 Surplus Supplemental Appropriation to the Division of Highways	

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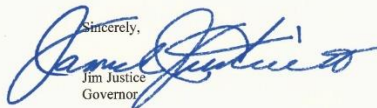
OFFICE OF THE GOVERNOR

The Honorable Craig Blair
 SENATE EXECUTIVE MESSAGE NO. 2
 2023 REGULAR SESSION
 Page 2

March 1, 2023

(SB 4002) (2022 4th EX)	(150,000,000)	
Plus: Prior Year Reimbursements (August 1, 2022 – February 27, 2023)	36,566	
Plus: Recommended FY 2023 Surplus Supplemental Appropriation - Expiration of State Excess Lottery Funds to General Revenue Surplus Balance (2023 Regular Session)	30,500,000	
Plus: Recommended FY 2023 Surplus Supplemental Appropriation – Expiration of Lottery Funds to General Revenue Surplus Balance (2023 Regular Session)	21,550,000	
Less: FY 2023 Recommended Various Surplus Supplemental Appropriations (2023 Regular Session)	<u>(451,810,251)</u>	
Unappropriated Surplus Balance @ December 31, 2022		\$339,927
Plus: FY 2023 Revenue Estimate (as revised)	\$4,636,024,000	
Less: FY 2023 Appropriations (FY 2023 Budget Bill) (SB 250) (2022 Regular Session) (4,635,701,389)		
Plus: FY 2023 Recommended Supplemental Appropriation (Education) (School Aid Formula) (2023 Regular Session)	4,559,900	
Less: FY 2023 Recommended Supplemental Appropriation Various Supplemental Appropriations (2023 Regular Session)	<u>(4,681,766)</u>	
Total Estimated Unappropriated Balance @ June 30, 2023		\$200,745
Plus: FY 2024 Revenue Estimate (as revised 3/1/2023)	\$5,734,000,000	
FY 2024 Appropriations (FY 2024 Budget Bill) (2023 Regular Session)	<u>(4,883,768,346)</u>	
Total Estimated Unappropriated Balance @ June 30, 2024		<u>\$850,231,654</u>
		<u>\$850,772,326</u>

Thank you for your cooperation in this matter.

Sincerely,

 Jim Justice
 Governor

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendment to the Budget Bill, which was referred to the Committee on Finance.

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 1, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Ten (10), which was presented to me on February 24, 2023.

You will note that I have approved this bill on March 1, 2023.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia
March 1, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Eighty-Nine (89), which was presented to me on February 23, 2023.

You will note that I have approved this bill on March 1, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia
March 1, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for House Bill No. Two Thousand Eight Hundred Forty-Five (2845), which was presented to me on February 23, 2023.

Committee Substitute for House Bill No. Three Thousand One Hundred Sixty-Four (3164), which was presented to me on February 23, 2023.

You will note that I have approved these bills on March 1, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2221, Relating to bankruptcy.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
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

Eng. House Bill 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023.

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

Respectfully submitted,

Bill Hamilton,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2309) contained in the preceding report from the Committee on Agriculture and Natural Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2548, Relating to temporary identification cards for released inmates.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

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

Your Committee on Pensions has had under consideration

Eng. Com. Sub. for House Bill 2900, Relating to the Deputy Sheriff Retirement System.

And,

Eng. Com. Sub. for House Bill 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2900 and 3364) contained in the preceding report from the Committee on Pensions were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 3012, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief.

Eng. Com. Sub. for House Bill 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV Act.

And,

Eng. Com. Sub. for House Bill 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

The bills, 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

Eng. Com. Sub. for House Bill 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3013) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 3111, Creating Infrastructure Ready Jurisdictions.

And,

Eng. House Bill 3387, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years.

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

Respectfully submitted,

Glenn D. Jeffries,
Chair.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Eng. Com. Sub. for House Bill 3147, To create the Upper Ohio Valley Trail Network.

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 the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to 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

Eng. Com. Sub. for House Bill 3148, Relating to financing municipal policemen's and firemen's pension and relief funds.

And,

Eng. Com. Sub. for House Bill 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Pensions.

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

Your Committee on Pensions has had under consideration

Eng. House Bill 3244, Relating to Municipal Pensions Oversight Board proposing legislative rules.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3302, To recognize unborn child as distinct victim in a DUI causing death.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles.

Eng. House Bill 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division.

Eng. House Bill 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health.

Eng. House Bill 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources.

Eng. House Bill 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority.

Eng. House Bill 3527, Supplementing and amending appropriations to Department of Education, School Building Authority.

And,

Eng. House Bill 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. H. B. 3519, 3520, 3521, 3522, 3523, 3527, and 3528) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips, Tarr, Oliverio, Smith, and Rucker.

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

March 1, 2023

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. 3272, Relating to the operation of private trust companies in West Virginia.

This bill is presented to you on this day, March 1, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve 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 bill and resolutions on February 28, 2023:

Senate Bill 695: Senator Taylor;

Senate Concurrent Resolution 21: Senator Nelson;

And,

Senate Resolution 37: Senator Nelson.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules and a majority party caucus,

On motion of Senator Takubo, at 6:02 p.m., the Senate adjourned until tomorrow, Thursday, March 2, 2023, at 11 a.m.

THURSDAY, MARCH 2, 2023

The Senate met at 11:07 a.m.

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

Prayer was offered by the Reverend Dr. Geoffrey Saunders, Bethel Baptist Church, South Charleston, West Virginia.

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

Appalachian Children's Chorus, Charleston, West Virginia, proceeded in the singing of "Stars" and "Basin Street Blues", accompanied by Olga Young on the piano.

Pending the reading of the Journal of Wednesday, March 1, 2023,

At the request of Senator Hamilton, 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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2814—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2I-1 and §24-2I-2, all relating to the creation of a Hydrogen Power Task Force in West Virginia; providing for a short title; providing for the establishment of the task force; providing for membership appointments and management; establishing a duty of the task force to study hydrogen-fueled energy in West Virginia; providing specific topics of study; providing a reporting requirement; and providing for a sunset date of July 1, 2024.

Referred to the Committee on Energy, Industry, and Mining.

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 2878—A Bill to amend and reenact §5A-12-3, §5A-12-6, and §5A-12-9 of the Code of West Virginia, 1931, as amended, relating to granting the Fleet Management Division oversight authority of the state vehicle fleet; providing an exclusion for law enforcement vehicles should such oversight conflict with any law enforcement activities; to delineate telematics as a required service for state spending units; removing the requirement to complete vehicle logs in telematics connected vehicles; removing exemptions from the Fleet Management Division; and only permitting exemptions from telematics for law enforcement.

Referred to the Committee on Government Organization; 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. House Bill 2939—A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to allowing a municipality to file a lien for unpaid and delinquent refuse fees.

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. House Bill 2955—A Bill to amend and reenact §16-13D-1, §16-13D-2, §16-13D-3, §16-13D-4, §16-13D-5, §16-13D-6, §16-13D-8, §16-13D-9, §16-13D-10, §16-13D-11, §16-13D-12, §16-13D-13, §16-13D-14, §16-13D-15, §16-13D-17, and §16-13D-21 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-13D-22, all relating to the establishment of water authorities; enabling public agencies to cooperate to manage stormwater; authorizing public agencies to create a regional stormwater authority; authorizing public agencies to create a regional authority providing any combination of services; providing that public agencies may manage stormwater and creating regional authorities to manage stormwater, regional water, and wastewater; specifying the required contents of the regional authority's organizational document; requiring the filing of the organizational document; providing that public agencies may enter into contracts; requiring the Public Service Commission to confirm that all required contract-related documentation has been filed; stating requirements for the governing body of a regional authority; granting powers to the governing body of a regional authority; stating procedures by which a regional authority may seek a rate increase from the Public Service Commission; authorizing the

governing body of any regional authority to issue revenue bonds; providing for the creation of and payments into a sinking fund; regulating management of the sinking fund; creating a statutory mortgage lien upon the stormwater system of any regional authority; granting the governing body authority to make provisions for the payment of stormwater-system-related bonds; requiring the regional authority to maintain a certain working capital reserve; requiring the Public Service Commission to review rate filings by regional authorities; granting authorities the right of eminent domain.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

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 2992—A Bill to amend and reenact §17C-1-7 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating school bus rules and the types of vehicles covered in this statute.

Referred to the Committee on Education.

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 3018—A Bill to repeal §48-2-103 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-2-106 and §48-2-301, all related to establishing that 18 is the age of consent; removing the ability of an underage person to obtain consent to marry through their parents, legal guardians, or by petition to the circuit court; and validating a marriage entered into legally prior to the enactment or in another jurisdiction outside of the State of West Virginia although one or both of the parties was under the age of consent.

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 3049—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-2D-1, relating to establishing the American Campuses Act; prohibiting foreign missions of Foreign Countries of Risk to state higher education institutions; prohibiting involvement with any Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk; and setting forth reporting requirements for state institutions of higher education.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3084—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-7, §18-5G-12 and §18-5G-15 of said code; and to amend and reenact §18-9A-15 of said code; all relating to revising provisions related to public charter schools; providing public charter school access to funding from School Safety Fund; modifying priorities for funds use; requiring rule on process for needs-based funding requests and requiring rules; expressing legislative intent on comparable levels of funding for public charter school students; authorizing state institution of higher education as applicant; prohibiting imposition of requirements on public charter schools choosing to incorporate post-secondary, industry and workforce program that are not required of noncharter public schools; authorizing public charter schools to include before and after school programs in their education program; excluding public charter school programs from regulation as child care facility; authorizing public charter school students to participate on the same basis as other public school students in extracurricular athletic and academic interscholastic activities sponsored by

noncharter public school serving attendance area if not sponsored by charter school; emphasizing that charter school determines certification and licensure for teachers and instructional staff employed by it; clarifying public charter schools are exempt from state board policies unless otherwise specifically provided; excluding requirement that charter school employees be certified or licensed as condition of employment and providing that charter school may require employees be certified or licensed as condition of employment but is not required to; requiring professional charter school board to consult with nationally recognized organizations along with the state board; providing for administering required state assessments in virtual setting; requiring state board to establish framework and procedures for interaction between public charter schools, public noncharter schools and county boards to facilitate cooperation and ensure prompt transfer of records; providing for invoicing of certain funding when student transfers from and to certain entities after the beginning of the school year; allowing member of charter school governing board to be employee of education service provider if services are provided by state institution of higher education; providing conditions for charter school governing board to be administrative unit of state institution of higher education and authorizing contract; prohibiting sale or other transfer of public facility with clear title and no restrictive covenant after public charter school requests usage; authorizing professional charter school board to receive and expend gifts, grants and donations to carry out purposes of act, to apply for federal funds to implement programs, and to make start-up grants to public charter schools; and requiring for state board rule on method for providing increased enrollment funding for public charter schools.

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 3092—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2-18, relating to in-state food service

permit reciprocity; providing no additional fees; clarifying application procedure and conditions; and providing a requirement to review and modernize legislative rules.

Referred to the Committee on Government Organization; and then 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 3133—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10 and §11-13MM-11, all relating to establishing a road or highway infrastructure improvement projects or coal production and processing facilities tax credit for taxpayers subject to the tax imposed by West Virginia code §11-13A-3; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; specifying computation of qualified investment in coal production and processing facilities; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date.

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 3135—A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to increasing compensation of designated constitutional officers, including for the Governor, Attorney General, Auditor, Secretary of State, Commissioner of Agriculture, and State Treasurer, beginning in the calendar year 2025, and for each calendar year after that.

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 3153—A Bill to amend and reenact §16-4C-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3E-7 of said code to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to certain taxes and surcharges to benefit certain emergency service providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in Fire Protection Fund; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and providing requirements for distribution of funds in Fire Protection Fund.

Referred to the Committee on Finance.

At the request of Senator Plymale, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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 3203—A Bill to amend and reenact §30-40-3, §30-40-4, §30-40-5, §30-40-9, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-22, §30-40-25, and §30-40-26 of the Code of West Virginia, 1931, as amended; and to repeal §30-40-27 of said code, all relating generally to West Virginia Real Estate License Act; amending definitions; permitting a salesperson to designate an entity to receive compensation; modifying the applicability of the article; requiring certain fees to be deposited into the treasury of the state daily; eliminating requirements for certain information to be included on applications for licensure; modifying requirements for an application for a broker's license; providing restrictions on the entities that may be issued a salesperson's license; clarifying and amending requirements for prelicense education; modifying requirements for licensing based on licensure in another jurisdiction; modifying continuing education requirements; eliminating certain requirements for persons holding a broker's license; modifying requirements for license certificates issued by Real Estate Commission; requiring a licensed broker to reconcile trust accounts; eliminating a prohibition on financial institutions that maintain trust accounts from requiring a certain minimum balance; clarifying language related to when commission may refuse a license or revoke, suspend, or impose any other sanction against a licensee; modifying the procedure for commission to administer complaints; eliminating right of judicial review for a person adversely affected by a decision or final order of the commission; clarifying language; clarifying language regarding criminal penalties; clarifying language related to suits for collection of compensation; requiring licensees to disclose in writing whether the licensee represents the seller, the buyer, the seller and the buyer, the landlord, the tenant, or the landlord and the tenant; and repealing an outdated section of code governing the duration of existing licenses.

Referred to the Committee on Government Organization.

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 3303—A Bill to amend and reenact §5B-2A-4 and §5B-2A-5 of the Code of West Virginia, 1931, as amended, all relating to providing that the Governor appoint and set the salary of the director of the office; providing that funding for position and to carry out the duties of the office shall be as provided by appropriation of the Legislature; and clarifying and providing additional duties, powers, and responsibilities for the Office of Coalfield Community Development.

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 3313—A Bill to amend and reenact §7-1-3ff and §7-1-3kk of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-1-3zz; to amend and reenact §7-1-14 of said code; and to amend and reenact §19-19-2 of said code, all relating generally to clarifying the limit of authority of county commissions as it relates to regulation of agricultural production operations.

Referred to the Committee on Government Organization.

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 3344—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.

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 3354—A Bill to amend and reenact §8-12-5 of the Code of West Virginia, 1931, as amended, relating to allowing municipalities to combine operations with other municipalities and counties to provide governmental services; removing the regulation of keeping gunpowder and other combustibles; and clarifying that a firearm violation is a violation of only state law.

Referred to the Committee on Government Organization.

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 3371—A Bill to amend and reenact §18-10-3 of the Code of West Virginia, 1931, as amended, relating to federal funds for land-grant institutions.

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 3405—A Bill to amend and reenact §48-27-505 of the Code of West Virginia, 1931, as amended, relating to changing the time period of a protective order or protective language to one year; and allowing a protective order or protective language of longer than one year if the family court finds, after hearing, that extraordinary circumstances exist.

Referred to the Committee on the Judiciary.

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. House Bill 3408—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-25 of said code; to amend and reenact §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8,

§18-31-9, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto a new section, designated §18-31-2a, all relating generally to nonpublic kindergarten, elementary, and secondary school education; clarifying that a child exempt from compulsory school attendance is not subject to the requirements of the Hope Scholarship Program unless that child is an eligible recipient; removing requirement that academic assessments of home school students be submitted to county superintendent; clarifying use of "home school student" in code; removing participation in the Hope Scholarship Program as a standalone exemption to compulsory school attendance and replacing it with an exemption from compulsory school attendance for those who choose to participate in an Assembled Instructional Module; setting forth parameters of participation in an Assembled Instructional Module; providing that students participating in an Assembled Instructional Module, learning pod students and microschool students have the same educational rights and privileges as home school students; removing requirement that academic assessments of learning pod students and microschool students be submitted to county superintendent; establishing the method of calculating the annual Hope Scholarship Program appropriation; providing that certain students exempt from compulsory school attendance and participating in nonpublic educational programs may participate in the Hope Scholarship Program if other eligibility requirements are met; defining terms; establishing eligibility requirements for the Hope Scholarship Program; setting forth procedure for notice of Hope Scholarship Program participation; requiring county superintendents to enter certain information into the state's educational information system; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; providing the State Treasurer's Office with rulemaking authority; clarifying that all records containing personally identifying information of a Hope Scholarship student, applicant, or parent are confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying qualifying expenses under the Hope Scholarship Act; requiring Hope Scholarship students to meet all standardized testing and portfolio requirements for his or her exemption from compulsory school attendance as a condition of scholarship

renewal; requiring the board to maintain and publish a list of all education service providers; authorizing the board to contract with independent auditors to complete Hope Scholarship Program audits; clarifying the board's rulemaking authority with regard to certain functions, requiring education service providers to submit required criminal background screening results to the board; and clarifying that education service providers may not assess students additional tuition or fees based on participation in the Hope Scholarship Program.

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. House Bill 3451—A Bill to amend and reenact §6-13-1 of the Code of West Virginia, 1931, as amended, relating to updating the veteran preference ratings in state code for state employment; providing definitions; and creating an exemption.

Referred to the Committee on Government Organization.

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 3480—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to the enactment of the West Virginia Consumer Privacy Act of 2023; providing definitions; providing prohibitions on disclosures or sales of certain consumer financial information; providing for civil remedies; and providing for enforcement actions of the Attorney General.

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. Com. Sub. for House Bill 3482—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2N-1, §5B-2N-2, §5B-2N-3, and §5B-2N-4; to amend said code by adding thereto a new section, designated §22-5-11b; and to amend and reenact §22B-1-7 of said code, all relating generally to the Coal Fired Grid Stabilization and Security Act of 2023; providing for a short title; making legislative findings and declarations; requiring designation of suitable sites for coal electric generation and reporting to the Division of Air Quality of the West Virginia Department of Environmental Protection and the West Virginia Public Service Commission; requiring construction and operating permits for coal electric generation facilities, including expedited consideration; and requiring prompt consideration of appeals by the Air Quality Board concerning permit issued or denied.

Referred to the Committee on Energy, Industry, and Mining; 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. House Bill 3500—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-4-114, clarifying that regulated consumer lenders may conduct certain activities at locations other than their normal business locations and providing certain limitations to that activity.

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 3560—A Bill to amend and reenact §19-25-5 of the Code of West Virginia, 1931, as amended, relating to expanding the definitions of "land" and "recreational purposes" to include rock climbing, rope related, and bouldering activities and to make certain technical corrections.

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. House Bill 3562—A Bill to amend and reenact §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5 and §15A-12-7 of the Code of West Virginia, 1931, as amended, all generally relating to clarifying security clearance and/or non-disclosure agreement requirements, the duties, functions, reporting requirements, prohibitions and restrictions applicable to the West Virginia Fusion Center and to add certain criminal penalties for violations of prohibitions and restrictions applicable to the West Virginia Fusion Center.

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

The Senate proceeded to the fourth order of business.

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. Com. Sub. for House Bill 2760, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care.

And has amended same.

Eng. Com. Sub. for House Bill 3114, Deny severance pay to employees of DOT for failure or refusal of drug testing.

And has amended same.

And,

Eng. Com. Sub. for House Bill 3450, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2760, 3114, and 3450) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. House Bill 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

And reports the same back without recommendation as to passage; but with the recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3396) contained in the foregoing report from the Committee on Education was then referred to the Committee on Finance.

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. Com. Sub. for House Bill 2860, To dispose of old AFFF foam accumulated by fire departments.

And,

Eng. House Bill 3444, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2860 and Eng. H. B. 3444) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2587, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid.

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, Stuart,

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2587) passed with its title.

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

Eng. House Bill 2607, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2607) passed with its title.

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

Eng. House Bill 2611, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2611) passed with its title.

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

Eng. Com. Sub. for House Bill 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2638) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2638) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton,

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2640) passed.

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

Eng. Com. Sub. for House Bill 2640—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for operating permits; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to quarrying and reclamation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Recycling Assistance Grant Program; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the Reclamation of Abandoned and Dilapidated Properties Grant Program; and

authorizing the Secretary's Office of the Department of Environmental Protection to promulgate a legislative rule relating to reclamation of solar and wind electricity generation facilities.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2640) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment 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, Clements, 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)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2762) passed with its title.

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

Eng. House Bill 2899, Repealing two sections of code relating to gas utility rates.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2899) passed with its title.

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

Eng. House Bill 3199, Relating to removing the requirement that an ectopic pregnancy be reported.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, March 1, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for House Bill 3210, Relating to the performance of installation of propane gas systems.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3210) passed with its title.

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

Eng. House Bill 3215, Relating to land use.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3215) 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.

Eng. House Bill 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023.

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

Eng. House Bill 2597, Amending performance evaluations of professional personnel.

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

Eng. Com. Sub. for House Bill 2605, Relating to Good Samaritan law.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-15. Aid to victim of accident, ~~and victim of crime,~~ emergency, or disaster; immunity from civil liability, definitions.

(a) ~~No~~ A person, including, without limitation, ~~a person licensed to practice medicine or dentistry~~ trained, licensed, or certified professionals, or that person's employer who in good faith renders or provides emergency care, or assistance at the scene of an accident, ~~or to a victim at the scene of a crime~~ emergency, or disaster, voluntarily and without remuneration, ~~shall~~ may not be liable for any civil damages as the result of any act or omission at the scene in rendering, or providing such emergency care or assistance.

(b) For purposes of this section, the term "emergency" means any instance where a person suffers from a medical condition requiring immediate treatment due to natural causes, accident, or crime.

(c) For purposes of this section, "disaster" has the same meaning as that term is defined in §15-5-2 of this code.

§55-7-17. Aid by trained ~~hazardous substance~~ emergency response services personnel; entities, immunity from civil liability; definitions.

(a) ~~No~~ A person trained in a qualified program of ~~hazardous substance~~ emergency response services certified by the State Fire Marshal pursuant to rules promulgated by authority of subsection (a), section five-a, article three, chapter twenty-nine of this code or his or her employer, who voluntarily and in good faith renders or provides advice, ~~or assistance, equipment, or materials~~ at the scene of an actual or threatened accident, emergency, or disaster, ~~discharge of any hazardous substance~~ and receives no remuneration for rendering or providing such ~~the~~ advice, ~~or assistance, equipment, or materials~~ is not liable for any civil

damages as the result of any act or omission at the scene in rendering or providing such advice, ~~or~~ assistance, equipment, or materials; *Provided*, That the exemption from liability for civil damages of this section shall be extended to any ~~such~~ person who receives reimbursement for out-of-pocket expenses incurred in rendering or providing such the advice, ~~or~~ assistance, equipment, or materials or compensation from his or her regular employer for the time period during which he or she was actually engaged in rendering or providing such advice, ~~or~~ assistance, equipment, or materials, but is not extended to ~~any such that~~ person or his or her employer who by his, or her, or its act or omission caused or contributed to the cause of ~~such the~~ actual or threatened ~~discharge of any hazardous substance~~ accident, emergency, or disaster.

~~For the purposes of this section, "hazardous substance" means any "hazardous substance" as defined in chapter eighty eight, Acts of the Legislature, regular session, one thousand nine hundred eighty five; any "chemical substances and materials" listed in the rules promulgated by the commissioner of labor pursuant to section eighteen, article three, chapter twenty one, of this code; and any "hazardous waste" as defined in section three, article eighteen, chapter twenty two of this code.~~

(b) For purposes of this section, the term "emergency" includes, without limitation, any instance where a person suffers from a medical condition requiring immediate treatment due to natural causes, accident, or crime.

(c) For purposes of this section, the term "disaster" has the same meaning as that term is defined in §15-5-2 of this code.

(d) For purposes of this section, the term "emergency services" means any mine rescue response services, hazardous substance response services, chemical substance and materials response services, hazardous waste response services and further has the meaning as the term is defined in §15-5-2 of the code.

On motion of Senator Trump, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H.

B. 2605) were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 15, line 2, by striking out the words "that person's employer" and inserting in lieu thereof the words "an entity";

On page 1, section 17, lines 14 and 15, by striking out the words "his or her employer" and inserting in lieu thereof the words "an entity";

On page 2, section 17, line 25, by striking out "his or her employer" and inserting in lieu thereof the words "an entity";

And,

On page 2, section 17, line 38, after the word "code", by inserting the words "and temporally includes the imminent threat of disaster as well as its occurrence."

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2605), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2757, Relating to expanding institutional eligibility for the WV Invests Grant Program.

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

Eng. House Bill 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act.

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

Eng. Com. Sub. for House Bill 2900, Relating to the Deputy Sheriff Retirement System.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Pensions.

Eng. Com. Sub. for House Bill 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax.

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

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Com. Sub. for House Bill 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds.

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

Eng. House Bill 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals.

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

Eng. House Bill 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles.

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

Eng. House Bill 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division.

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

Eng. House Bill 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health.

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

Eng. House Bill 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources.

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

Eng. House Bill 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority.

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

Eng. House Bill 3527, Supplementing and amending appropriations to Department of Education, School Building Authority.

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

Eng. House Bill 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

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

Eng. House Bill 3547, Increasing the number of personal leave days that county board of education employees may use.

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

The Senate proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill 2221, Relating to bankruptcy.

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

Eng. Com. Sub. for House Bill 3111, Creating Infrastructure Ready Jurisdictions.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was rereferred to the Committee on Economic Development.

Eng. Com. Sub. for House Bill 3148, Relating to financing municipal policemen's and firemen's pension and relief funds.

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

Eng. Com. Sub. for House Bill 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

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

Eng. House Bill 3244, Relating to Municipal Pensions Oversight Board proposing legislative rules.

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

Eng. Com. Sub. for House Bill 3302, To recognize unborn child as distinct victim in a DUI causing death.

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

Eng. House Bill 3387, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years.

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

Eng. House Bill 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

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

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 11:59 a.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:02 p.m. and resumed business under the tenth order.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax.

Having been read a second time in earlier proceedings today, and now coming up in deferred order, was again reported by the Clerk.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 22. COUNTY ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICTS.**§7-22-9. Authorization to levy special district excise tax.**

(a) General. — County commissions have no inherent authority to levy taxes and have only that authority expressly granted to them by the Legislature. The Legislature is specifically extended, and intends by this article, to exercise certain relevant powers expressed in section six-a, article X of the Constitution of this state as follows: (1) The Legislature may appropriate state funds for use in matching or maximizing grants-in-aid for public purposes from the United States or any department, bureau, commission or agency thereof, or any other source, to any county, municipality or other political subdivision of the state, under such circumstances and subject to such terms, conditions and restrictions as the Legislature may prescribe by law; and (2) the Legislature may impose a state tax or taxes or dedicate a state tax or taxes or any portion thereof for the benefit of and use by counties, municipalities or other political subdivisions of the state for public purposes, the proceeds of any such imposed or dedicated tax or taxes or portion thereof to be distributed to such counties, municipalities or other political subdivisions of the state under such circumstances and subject to such terms, conditions and restrictions as the Legislature may prescribe.

Because a special district excise tax would have the effect of diverting, for a specified period of years, tax dollars which to the extent, if any, are not essentially incremental to tax dollars currently paid into the General Revenue Fund of the state, the Legislature finds that in order to substantially ensure that such special district excise taxes will not adversely impact the current level of the General Revenue Fund of the state, it is necessary for the Legislature to separately consider and act upon each and every economic development district which is proposed, including the unique characteristics of location, current condition and activity of and within the area included in such proposed economic opportunity development district and that for such reasons a statute more general in ultimate application is not feasible for accomplishment of the intention and purpose of the Legislature in

enacting this article. Therefore, no economic opportunity development district excise tax may be levied by a county commission until after the Legislature expressly authorizes the county commission to levy a special district excise tax on sales of tangible personal property and services made within district boundaries approved by the Legislature.

(b) Authorizations. — The Legislature authorizes the following county commissions to levy special district excise taxes on sales of tangible personal property and services made from business locations in the following economic opportunity development districts:

(1) The Ohio County Commission may levy a special district excise tax for the benefit of the Fort Henry Economic Opportunity Development District which comprises five hundred contiguous acres of land. Notwithstanding the time limitations provisions of subdivision (2), subsection (a), section fifteen of this article, the Fort Henry Economic Opportunity Development District shall not be abolished under subdivision (2), subsection (a), section fifteen of this article until the year 2044, unless sooner abolished and terminated in accordance with the provisions of subdivision (1), subsection (a), section fifteen of this article or any other provision of this code, or sooner abolished for any other reason: *Provided*, That on December 31, 2044, the provisions of subdivision (2), subsection (a), section fifteen of this article shall apply to abolish the Fort Henry Economic Opportunity Development District, if the district has not been abolished prior to that date.

(2) The Harrison County Commission may levy a special district excise tax for the benefit of the Charles Pointe Economic Opportunity Development District which comprises 437 acres of land; ~~and.~~

(3) The Monongalia County Commission may levy a special district excise tax for the benefit of the University Town Centre Economic Opportunity Development District which comprises approximately 1,450 contiguous acres of land. Notwithstanding the time limitations provisions of §7-22-15(a)(2) of this code, the University Town Centre Economic Opportunity Development

District shall not be abolished pursuant to §7-22-15(a)(2) of this code until the year 2053, unless sooner abolished and terminated in accordance with the provisions of subdivision §7-22-15(a)(1) of this code or any other provision of this code, or sooner abolished for any other reason: *Provided*, That on December 31, 2053, the provisions of §7-22-15(a)(2) of this code shall apply to abolish the University Town Centre Economic Opportunity Development District, if the district has not been abolished prior to that date.

(4) The Jefferson County Commission may levy a special district excise tax for the benefit of the Hill Top House Hotel Economic Opportunity District which comprises approximately 11 contiguous acres of land: *Provided*, That notwithstanding any other provision of this article to the contrary:

(A) The Jefferson County Commission may create the district and levy the special district excise tax by order entered of record as provided in §7-22-10 of this code without the approval of the executive director of the development office; and

(B) The Jefferson County Commission may determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount in lieu of that determination by the development office as provided in §7-22-7 of this code. For purposes of determining the base tax revenue amount, the Jefferson County Commission shall promptly request a certification from the Tax Commissioner of the base tax revenue amount and the Tax Commissioner shall provide the certification to the Jefferson County Commission within thirty days.

The bill (Eng. Com. Sub. for H. B. 3013), as amended, was then ordered to third reading.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Eng. Com. Sub. for House Bill 2007, Prohibiting certain medical practices.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment.

And,

Eng. Com. Sub. for House Bill 3271, Relating to increasing monitoring of special education classrooms.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2380, Relating to School Building Authority.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2569, Establishing the Motorsport Responsibility Act.

With amendments from the Committee on Outdoor Recreation pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Eng. Com. Sub. for House Bill 2754, Relating to immunizations performed in a pharmacy.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 2817, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles.

And,

Eng. Com. Sub. for House Bill 2870, Correcting a reference relating to siting certificates for certain electric generating facilities.

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

Respectfully submitted,

Randy E. Smith,
Chair.

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

Your Committee on Education has had under consideration

Eng. House Bill 2827, Make public charter schools eligible for Safe Schools Funds.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2827) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 2848, Water and Sewer Operator licensing reciprocity.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 2906, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Eng. Com. Sub. for House Bill 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services.

Eng. House Bill 2915, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Eng. House Bill 3066, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools.

And,

Eng. House Bill 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Eng. Com. Sub. for House Bill 2917, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2917) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3044, Relating to the annual fee for limited video lottery terminal permits.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3044) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3188, Relating to the establishment of an alert system for missing cognitively impaired persons.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
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. Com. Sub. for House Bill 3265, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3286, Relating to an additional modification decreasing federal taxable income.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3286) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3448, Relating generally to probation officer field training.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3448) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

March 2, 2023

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

Dear Governor Justice,

The following bills, 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, have been examined and found truly enrolled:

Com. Sub. for H. B. 2062, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law;

And,

H. B. 3340, To revise the West Virginia Tax Increment Financing Act.

These bills are presented to you on this day, March 2, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 5:14 p.m., the Senate adjourned until tomorrow, Friday, March 3, 2023, at 11 a.m.

FRIDAY, MARCH 3, 2023

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Delbert Hawley, Rock Branch Independent Church, Nitro, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Laura Wakim Chapman, a senator from the first district.

Pending the reading of the Journal of Thursday, March 2, 2023,

At the request of Senator Clements, 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 concurrence by that body in the passage of

Eng. Senate Bill 136, Requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have treatment plan to be eligible for probation.

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

Eng. Com. Sub. for Senate Bill 208, Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.

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

Eng. Com. Sub. for Senate Bill 270, Adding exemption to permit requirement for cremation.

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

Eng. Senate Bill 276, Awarding service weapon of retiring State Fire Marshal.

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

Eng. Com. Sub. for Senate Bill 300, Relating to law-enforcement training and certification.

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

Eng. Senate Bill 481, Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program.

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

Eng. Senate Bill 553, Allowing for evaluation of prequalified bidders to be based on best value.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 2, section 10e, line 37, by inserting at the end of the sentence following the words "awarded the procurement" by inserting ": *Provided*, That the solicitation for a best value procurement include the scoring criteria and all factors used to determine the highest scoring responsive and responsible bidder when the procurement request is released".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 553, as amended by the House of Delegates, was then 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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 553) passed with its title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2993, Relating to rural emergency hospital licensure.

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 3046—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the creation of the Fast Track for Agriculture Education Endorsement Program.

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 concurrence by that body in the Senate amendment, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendment, as to

Eng. Com. Sub. for House Bill 3113, Requiring high school students to complete course of study in personal finance.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

By striking out the title and inserting in lieu thereof a new title to read as follows:

Eng. Com. Sub. for House Bill 3113—A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring each high school student to complete a one-half credit course of study in personal finance as a requirement for high school graduation; providing beginning class of students and grade level requirement; requiring implementation guidance by State Board and specifying guidance content.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 3113, as amended, was then 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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3113) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect March 17, 2023, of

Eng. House Bill 3307, Establishing the West Virginia-Ireland Trade Commission.

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

Eng. House Bill 3428, Relating to the West Virginia Business Ready Sites Program.

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. House Bill 3510—A Bill making a supplementary appropriation of public moneys out of the Treasury from the

balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2023, organization 0231, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3511—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3529—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 8734, fiscal year 2023, organization 0932, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

The Senate proceeded to the fourth order of business.

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

Your Committee on Economic Development has had under consideration

Eng. House Bill 2599, Creating the utility pole rights of way and easement mapping initiative.

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 the Judiciary.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3479, Creating requirements for use of unmanned aerial vehicles.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3499, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

Senators Stover and Hamilton offered the following resolution:

Senate Resolution 45—Recognizing the 50th anniversary of the National Wild Turkey Federation and its significant contributions to wildlife management, research, and habitat conservations.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. House Bill 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2309) passed with its title.

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

Eng. House Bill 2597, Amending performance evaluations of professional personnel.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2597) passed with its title.

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

Eng. Com. Sub. for House Bill 2605, Relating to Good Samaritan law.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

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. 2605) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 2605—A Bill to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as amended, all relating to actions for injuries; providing that certain persons or an entity who in good faith render or provide emergency care or assistance to a person at the scene of an accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; providing that persons trained in a qualified program of emergency services who in good faith render or provide advice, assistance, equipment, or materials at the scene of an actual or threatened accident, emergency, or disaster, voluntarily and without remuneration, are not liable for civil damages for acts or omissions at the scene; allowing reimbursement for out-of-pocket expenses for equipment and materials without losing immunity; and defining terms.

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 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

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

At the request of Senator Trump, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislature directs the Department of Health and Human Resources to amend the legislative rule filed in the State Register on April 30, 2021, authorized under the authority of §16-1-4 of this code, relating to the Department of Health and Human Resources (Food Establishments, 64 CSR 17), with the amendment set forth below:

On page 2, by striking out all of subdivision 3.1.h. and inserting in lieu thereof a new subdivision 3.1.h. to read as follows:

3.1.h. Chapter 6, section 6-501.115 is not applicable if the following conditions are met:

3.1.h.1. The dog is prohibited from entering any areas where food is being prepared

3.1.h.2. The dog owner will be asked to leave, if a dog creates a nuisance;

3.1.h.3. The establishment is licensed as a private club, restaurant, coffee shop, brew pub, or micro distillery;

3.1.h.4. The establishment has liability insurance for dog-related incidents;

3.1.h.5. Dog accidents are cleaned and sanitized. Dog waste stations are available. A written procedure shall be established and posted concerning dog accident cleanup; and

3.1.h.6. Signage is present indicating that the establishment is dog friendly.

(b) The legislative rule filed in the State Register on March 8, 2022, authorized under the authority of §27-6A-2 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (procedures pertaining to the Dangerousness Assessment Advisory Board, 64 CSR 26), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2022, authorized under the authority of §16-1-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (standards for local boards of health, 64 CSR 73), is authorized.

(d) The legislative rule filed in the State Register on July 25, 2022, authorized under the authority of §16-12-3 of this code, modified by the Department of Health and Human Resources to meet the objectives of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (medical examiner requirements for postmortem inquiries, 64 CSR 84), is authorized with the following amendment:

On page 14, by striking out all of section 13.5. and inserting in lieu thereof a new section 13.5 to read as follows:

"13.5. This section applies only to remains of persons whose death have been pronounced within the State of West Virginia or

for remains of persons whose deaths have been pronounced in another state and does not have a prior authorization for cremation issued by the state in which the death occurred."

(e) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources (Medical Cannabis Program - grower and processors, 64 CSR 110), is authorized with the amendment set forth below:

On page 12, subdivision 8.1.d., by striking out the words "not to exceed 180 days" and inserting in lieu thereof the words "not less than 180 days".

(f) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources (Medical Cannabis Program - dispensaries, (64 CSR 112), is authorized with the amendment set forth below:

On page 12, subdivision 11.1.d., by striking out the words "not to exceed 180 days" and inserting in lieu thereof the words "not less than 180 days".

(g) The legislative rule filed in the State Register on August 24, 2022, authorized under the authority of §16-29B-8 of this code, relating to the Department of Health and Human Resources (financial disclosure, 65 CSR 13), is authorized.

(h) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §16-29B-24 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Uniform Bill Database, 65 CSR 34), is authorized.

(i) The legislative rule filed in the State Register on June 22, 2022, authorized under the authority of §16-53-3 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review

Committee and refiled in the State Register on October 26, 2022, relating to the Department of Health and Human Resources (development of methodologies to examine needs for substance use disorder treatment facilities within the state, 69 CSR 13), is authorized.

(j) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §16-42-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Core Behavioral Health Crisis Services System, 69 CSR 19), is authorized.

(k) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (child care centers licensing, 78 CSR 01), is authorized.

(l) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §27-17-3 of this code, relating to the Department of Health and Human Resources (minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia, 78 CSR 03), is authorized.

(m) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (family child care facility licensing requirements, 78 CSR 18), is authorized.

(n) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to

meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (family child care home registration requirements, 78 CSR 19), is authorized with the amendments set forth below:

On page 13, subdivision 9.2.1.a, after the word, "signed" by inserting the words, "and dated";

And,

On page 13, subdivision 9.2.1.a., after the word, "available" by inserting the words, "the date the pet it brought into the home,".

(o) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (informal and relative family child care home registration requirements, 78 CSR 20), is authorized.

(p) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (out-of-school-time child care center licensing requirements, 78 CSR 21), is authorized.

(q) The legislative rule filed in the State Register on September 20, 2022, authorized under the authority of §49-2-126 of this code, relating to the Department of Health and Human Resources (goals for foster children, 78 CSR 25), is authorized.

(r) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-115A of this code, relating to the Department of Health and Human Resources

(deemed head start child care center licenses, 78 CSR 28), is authorized.

§64-5-2. Department of Health and Human Resources and the Insurance Commissioner.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Department of Health and Human Resources and the Insurance Commissioner (All-Payers Claims Database - Submission Manual, 114A CSR 03), is disapproved.

ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.

64-12-2. Department of Health and Human Resources, the Insurance Commissioner, and the Chair of the Department of Health and Human Resources.

The legislative rule effective April 1, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Secretary of the Department of Health and Human Resources, the Insurance Commissioner, and Chair of the Department of Health and Human Resources (All-Payer Claims Database – Data Submission Requirements, 114A CSR 01), is repealed.

Engrossed Committee Substitute for House Bill 2648, as just amended, was then 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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

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. 2648) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 2648—A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, and to amend and reenact §64-12-2 of said code; all relating to generally authorizing the Department of Health and Human Resources to promulgate legislative rules; authorizing or rejecting the rules as filed and as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature, and directing the Department of Health and Human Resources to amend a current legislative rule; relating to directing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to standards for local boards of health; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to Medical Cannabis Program – dispensaries; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to financial disclosures; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Uniform Bill Database; relating to authorizing the Department of Health and

Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Core Behavioral Health Crisis Services System; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center licenses; relating to rejecting the rule proposed by the Department of Health and Human Resources and the Insurance Commissioner relating to All-Payers Claims Database - Submission Manual; and relating to repealing the Department of Health and Human Resources and the Insurance Commissioner a legislative rule relating to All-Payer Claims Database – Data Submission Requirements.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2648) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2757, Relating to expanding institutional eligibility for the WV Invests Grant Program.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

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. 2757) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2757) takes effect from passage.

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

Eng. House Bill 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act.

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

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2839) passed with its title.

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

Eng. Com. Sub. for House Bill 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax.

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, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Karnes and Martin—2.

Absent: Maroney, Plymale, and Stover—3.

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. 3013) passed.

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

Eng. Com. Sub. for House Bill 3013—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, , all relating to county economic opportunity development districts; providing when the University Town Centre Economic Opportunity Development District may be abolished or terminated; authorizing the Jefferson County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Hill Top House Hotel Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount.

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 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

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. 3364) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3364) takes effect from passage.

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

Eng. House Bill 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax 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, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3391) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3391) takes effect from passage.

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

Eng. House Bill 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3519) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3519) takes effect from passage.

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

Eng. House Bill 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3520) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3520) takes effect from passage.

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

Eng. House Bill 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3521) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3521) takes effect from passage.

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

Eng. House Bill 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3522) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3522) takes effect from passage.

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

Eng. House Bill 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3523) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3523) takes effect from passage.

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

Eng. House Bill 3527, Supplementing and amending appropriations to Department of Education, School Building Authority.

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 House Bill 3527 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Nelson, Oliverio, Queen, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—20.

The nays were: Azinger, Chapman, Karnes, Martin, Maynard, Phillips, Roberts, Rucker, Smith, Stuart, and Taylor—11.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3527) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3527) takes effect from passage.

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

Eng. House Bill 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3528) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3528) takes effect from passage.

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

Eng. House Bill 3547, Increasing the number of personal leave days that county board of education employees may use.

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, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3547) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3547) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney, Plymale, and Stover—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3013) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2221, Relating to bankruptcy.

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 advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2760, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-6. Authorized emergency vehicle.

"Authorized emergency vehicle" means vehicles of a fire department, duly chartered rescue squad, police department, ambulance service, hospital police department, state, county, or municipal agency, and such privately owned ambulances, tow trucks, wreckers, flag car services, vehicles providing road service to disabled vehicles, service vehicles of a public service corporation, postal service vehicles, snow removal equipment, Class A vehicles of firefighters, Class A vehicles of members of ambulance services, Class A vehicles of members of duly chartered rescue squads, emergency management and operations vehicles operated by airports and designated pursuant to §17C-15-26 of this code, and all other emergency vehicles as are designated by the agency responsible for the operation and control of these persons or organizations. Class A vehicles are as defined by §17A-10-1 of this code. Agency authorization and emergency equipment are provided in §17C-15-26 of this code. Agencies responsible for

issuing authorization for emergency vehicle permits may promulgate such regulations that are necessary for the issuance of permits for emergency vehicles. In the event that emergency medical technicians ("EMTs") or paramedics on the scene of an emergency are unable to drive an ambulance in the course of administering patient care, firefighters on the scene shall be permitted to drive an ambulance: *Provided*, That the fire department with which the firefighters are associated or members and the emergency medical services provider that owns the ambulance have previously entered into a memorandum of understanding or other agreement authorizing such action and the firefighter driving the ambulance has completed an Emergency Vehicle Operations Course ("EVO") otherwise required by this code or legislative rule promulgated thereunder.

The bill (Eng. Com. Sub. for H. B. 2760), as amended, was then ordered to third reading.

Eng. House Bill 2827, Make public charter schools eligible for Safe Schools Funds.

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

Eng. Com. Sub. for House Bill 2860, To dispose of old AFFF foam accumulated by fire departments.

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

Eng. Com. Sub. for House Bill 2917, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources.

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 advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3044, Relating to the annual fee for limited video lottery terminal permits.

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

Eng. Com. Sub. for House Bill 3114, Deny severance pay to employees of DOT for failure or refusal of drug testing.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-8. Special merit-based personnel system for Department of Transportation employees.

(a) In order to attract and retain employees in the Department of Transportation, the Secretary of Transportation shall establish a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, removal, discipline, classification, compensation, and welfare of its employees, and other incidents of state employment. All appointments and promotions to positions shall be made solely on the basis of merit and fitness for the position.

(b) The Department of Transportation personnel system shall be founded on effective performance management principles that set clear goals, provide efficient and effective services for our citizens, and appraise and reward employees for being responsible and performing as required.

(c) Beginning on January 1, 2022, notwithstanding any provision of this code or any rule to the contrary, employees and positions within the various agencies, boards, commissions, and

divisions within the Department of Transportation currently governed by the provisions of §29-6-1 *et seq.* of this code shall be subject to the personnel system created pursuant to this section: *Provided*, That such employees and positions shall be deemed to retain their classified or classified-exempt status and all rights and privileges thereof. The employees of the Department of Transportation shall be afforded due process protections through §6C-2-1 *et seq.* of this code or other procedures established by the department that assure all of the protections required by law.

(d) The Department of Transportation personnel system is not exempt from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the employment process.

(e) The Department of Transportation personnel system may not be applied in any manner that would disqualify the department or its agencies, boards, commissions, or divisions for eligibility for any federal funding or assistance.

(f) The Division of Personnel shall, upon request of the Secretary of Transportation, take any action necessary to assist the Department of Transportation in completing the transition to the department's personnel system in an orderly and efficient manner.

(g) The Secretary of Transportation may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code to implement the provisions of this section.

(h) Notwithstanding any provision of this code to the contrary, the Department of Transportation personnel system shall require that any probationary employee of the Department of Transportation who is terminated for failing a drug or alcohol screen or refusing a drug or alcohol screen shall not be entitled to severance pay.

The bill (Eng. Com. Sub. for H. B. 3114), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3148, Relating to financing municipal policemen's and firemen's pension and relief funds.

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

Eng. Com. Sub. for House Bill 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

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 advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 3244, Relating to Municipal Pensions Oversight Board proposing legislative rules.

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

Eng. House Bill 3286, Relating to an additional modification decreasing federal taxable income.

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

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

On page 2, section 6c, line 21, by striking out "2028" and inserting in lieu thereof "2033".

The bill (Eng. H. B. 3286), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3302, To recognize unborn child as distinct victim in a DUI causing death.

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 advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 3387, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years.

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

Eng. House Bill 3444, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund.

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

Eng. House Bill 3448, Relating generally to probation officer field training.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. PROBATION OFFICERS AND ASSISTANTS.

(a) Each circuit court, subject to the approval of the Supreme Court of Appeals and in accordance with its rules, is authorized to appoint one or more probation officers and clerical assistants.

(b) The appointment of probation officers and clerical assistants shall be in writing and entered on the order book of the court by the judge making such appointment and a copy of the order of appointment shall be delivered to the Administrative Director of the Supreme Court of Appeals. The order of appointment shall state the annual salary, fixed by the judge and approved by the Supreme Court of Appeals, to be paid to the appointed probation officer or clerical assistants.

(c) The salary of probation officers and clerical assistants shall be paid at least twice per month, as the Supreme Court of Appeals by rule may direct, and they shall be reimbursed for all reasonable and necessary expenses actually incurred in the line of duty in the field. The salary and expenses shall be paid by the state from the judicial accounts thereof. The county commission shall provide adequate office space for the probation officer and his or her assistants to be approved by the appointing court. The equipment and supplies as may be needed by the probation officer and his or her assistants shall be provided by the state and the cost thereof shall be charged against the judicial accounts of the state.

(d) A judge may not appoint any probation officer, assistant probation officer, or clerical assistant who is related to him or her either by consanguinity or affinity.

(e) Subject to the approval of the Supreme Court of Appeals and in accordance with its rules, a judge of a circuit court whose circuit comprises more than one county may appoint a probation officer and a clerical assistant in each county of the circuit or may appoint the same persons to serve in these respective positions in two or more counties in the circuit.

(f) Nothing contained in this section alters, modifies, affects, or supersedes the appointment or tenure of any probation officer, medical assistant, or psychiatric assistant appointed by any court under any special act of the Legislature heretofore enacted, and the salary or compensation of those persons shall remain as specified in the most recent amendment of any special act until changed by the court, with approval of the Supreme Court of Appeals, by order

entered of record, and any such salary or compensation shall be paid out of the State Treasury.

(g) In order to carry out the supervision responsibilities set forth in §62-26-12 of this code, the Administrative Director of the Supreme Court of Appeals, or his or her designee, in accordance with the court's procedures, may hire multijudicial-circuit probation officers, to be employed through the court's Division of Probation Services. Such officers may also supervise probationers who are on probation for sexual offences with the approval of the administrative director of the Supreme Court of Appeals or his or her designee.

(h) In recognition of the duties of their employment supervising confinement and supervised release, and the inherent arrest powers for violation of the same which constitute law enforcement, state probation officers are determined to be qualified law-enforcement officers as that term is used in 18 U.S.C. § 926B.

(i) Any state probation officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. § 926B if the following criteria are met:

(1) The Supreme Court of Appeals has a written policy authorizing probation officers to carry a concealed firearm for self-defense purposes.

(2) There is in place a requirement that the state probation officers annually qualify in the use of a firearm with standards for qualification which are equal to, or exceed those required of sheriff's deputies by the Law-Enforcement Professional Standards Program;

(3) The Supreme Court of Appeals issues a photographic identification and certification card which identify the state probation officers as qualified law-enforcement employees pursuant to the provisions of §30-29-12 of this code.

(j) Any policy instituted pursuant to this subsection shall include provisions which:

(1) Preclude or remove a person from participation in the concealed firearm program;

(2) Preclude from participation persons prohibited by federal or state law from possessing or receiving a firearm and;

(3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection while in an impaired state as defines in §17C-5-2 of this code.

(k) Any state probation officer who participates in a program authorized by the provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and ammunition.

(l) It is the intent of the Legislature in enacting the amendments to this section during the 2022 regular session of the Legislature to authorize state probation officers wishing to do so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. § 926B.

(m) The privileges authorized by the amendments to this section enacted during the 2022 regular session of the Legislature are wholly within the discretion of the Supreme Court of Appeals.

(n) The Administrative Director of the Supreme Court of Appeals, or his or her designee, may hire field training probation officers to provide uniform training to new and current probation officers statewide. A field training probation officer shall have all the powers granted to a probation officer under this code while performing his or her duties.

The bill (Eng. H. B. 3448), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3450, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund.

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

Eng. House Bill 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

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 advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill 2380, Relating to School Building Authority.

Eng. Com. Sub. for House Bill 2569, Establishing the Motorsport Responsibility Act.

Eng. Com. Sub. for House Bill 2754, Relating to immunizations performed in a pharmacy.

Eng. Com. Sub. for House Bill 2817, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles.

Eng. Com. Sub. for House Bill 2848, Water and Sewer Operator licensing reciprocity.

Eng. Com. Sub. for House Bill 2870, Correcting a reference relating to siting certificates for certain electric generating facilities.

Eng. House Bill 2906, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Eng. Com. Sub. for House Bill 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services.

Eng. House Bill 2915, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Eng. House Bill 3066, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools.

Eng. House Bill 3188, Relating to the establishment of an alert system for missing cognitively impaired persons.

Eng. Com. Sub. for House Bill 3265, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency.

Eng. Com. Sub. for House Bill 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county.

And,

Eng. House Bill 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:08 p.m., the Senate recessed until 1:50 p.m. today.

The Senate reconvened at 1:58 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the third order of business.

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 2862—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-6-11a; and to amend and reenact §12-6C-13 of said code, all relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments; defining terms; setting forth applicability of new requirements; establishing the standard of care for shareholder voting; prohibiting the boards from relying on proxy advisory services unless the service provider agrees to make recommendations according to the standard of care; prohibiting the boards from entrusting direct holdings to any manager unless the manager agrees to cast proxy votes according to the standard of care; requiring a contractual agreement between the boards and their fiduciaries that the boards be provided advance notice and the opportunity to advise fiduciaries with respect to certain shareholder votes; prohibiting the boards' fiduciaries from casting the shareholder votes for the purpose of furthering non-pecuniary interests; requiring the boards to exercise any proxy voting choice options for indirect holdings according to the standard of care; creating certain waivers of the requirements after reasonable efforts; establishing reporting requirements related to shareholder voting; and creating effective dates.

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 3059—A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §54-1-9 of said Code; and to amend said Code by adding thereto a new article, designated §24-2G-1, §24-2G-2, §24-2G-3, §24-2G-4, §24-2G-5, §24-2G-6, §24-2G-7, §24-2G-8, §24-2G-9, §24-2G-10, §24-2G-11, §24-2G-12, §24-2G-13, §24-2G-14, §24-2G-15, §24-2G-16, §24-2G-17, §24-2G-18, §24-

2G-19, and §24-2G-20; and to amend said Code by adding thereto a new section designated as §54-1-9a, all relating to railroads; relating to railroad administration powers of the Public Service Commission; providing a definition; clarifying regulation of service applicable to railroads; providing exceptions; allowing for inquiries into management of railroads and investigation into violations of interstate commerce law; allowing for inquiries into neglect or violations of law; authorizing examinations and production of books and papers; providing for forfeiture for refusal to comply with subpoena; requiring annual statement to commission and identification of officers and directors; providing a prohibition against directing a violation of law; creating a duty to provide adequate service and facilities; directing that charges conform to schedule; requiring maintenance of depots, switches, and sidetracks; recognizing commission's authority over private tracks; prohibiting unlawful preference; prohibiting violations of article; providing rulemaking authority; providing authority to commission to impose civil penalties for violations; requiring railroad companies to provide alternative entry and exit ways in certain circumstances; regulating lines of certain utilities crossing railroads; providing definitions; providing guidance for notice of intent to cross; setting conditions of crossing; providing for one-time standard cumulative crossing fee; delineating flagging expenses; providing guidance for crossing within another public right of way; providing guidance for crossing abandoned track; providing for petition by railroad to circuit court for relief; providing for petition by utility for relief; setting standards for utility crossing of state property that is crossed by a railroad or property managed by the state that is crossed by a railroad; regulating fiber optic broadband lines crossing railroads; providing legislative findings and purpose; providing definitions; providing guidance for notice of intent to cross; setting conditions of crossing; providing for one-time standard cumulative crossing fee; delineating flagging expenses; providing guidance for crossing within another public right of way; providing guidance for crossing abandoned track; providing for petition by railroad to circuit court for relief; providing for petition by broadband provider for relief; and setting standards for broadband provider crossing of state

property that is crossed by a railroad or property managed by the state that is crossed by a railroad.

Referred to the Committee on the Judiciary; 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. House Bill 3330—A Bill to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to creating family court circuits and assigning the number of family court judges in each family court circuit to be elected in the 2024 election.

Referred to the Committee on the Judiciary; 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 3332—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election; and establishing geographic divisions in some circuits.

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

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

March 3, 2023

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:

Com. Sub. for H. B. 3042, Relating to forbidding excessive government limitations on exercise of religion.

This bill is presented to you on this day, March 3, 2023.

Respectfully submitted,

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

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 2 p.m., the Senate adjourned until Monday, March 6, 2023, at 11 a.m.

MONDAY, MARCH 6, 2023

The Senate met at 11:11 a.m.

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

Prayer was offered by Tyler Garden, Administrative Assistant to the Honorable Rupie Phillips, a senator from the seventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Friday, March 3, 2023,

At the request of Senator Stuart, 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 concurrence by that body in the passage of

Eng. Senate Bill 131, Allowing municipal fire marshals to receive service weapon upon retirement.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 188, Grid Stabilization and Security Act of 2023.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 4, section 5B-2N-4, line 8, after the word "certificate" by inserting the words:

"pursuant to §24-2-11c of the West Virginia Code";

And,

On page 8, section 22B-1-7, line 58 after the word "a" by striking the words "a permit issued or denied for the construction and operation of a natural gas electric generation facility" and inserting in lieu thereof the following:

"an appeal of any permit pursuant to §22-5-14 of the code".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 188, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman and Smith—2.

Absent: Phillips and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 188) passed with its title.

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

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

Eng. Senate Bill 246, Revising membership of Broadband Enhancement Council.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 268, Relating to PEIA.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES' INSURANCE ACT.

§5-16-2. Definitions.

The following words and phrases as used in this article, unless a different meaning is clearly indicated by the context, have the following meanings:

(4) "Agency" or "PEIA" means the Public Employees Insurance Agency created by this article.

"Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences in order to produce

socially significant improvement in human behavior and includes the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Autism spectrum disorder" means any pervasive developmental disorder, including autistic disorder, Asperger's syndrome, Rett syndrome, childhood disintegrative disorder, or Pervasive Development Disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

"Certified behavior analyst" means an individual who is certified by the Behavior Analyst Certification Board or certified by a similar nationally recognized organization.

"Dependent" includes an eligible employee's child under the age of 26 as defined in the Patient Protection and Affordable Care Act.

"Device" means a blood glucose test strip, glucometer, continuous glucose monitor (CGM), lancet, lancing device, or insulin syringe used to cure, diagnose, mitigate, prevent, or treat diabetes or low blood sugar, but does not include insulin pumps.

(2) "Director" means the Director of the Public Employees Insurance Agency created by this article.

"Distant site" means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient's health care practitioner.

(3) "Employee" means any person, including an elected officer, who works regularly full-time in the service of the State of West Virginia; and, for the purpose of this article only, the term "employee" also means any person, including an elected officer, who works regularly full-time in the service of a county board of education; a public charter school established pursuant to §18-5G-1 *et seq.* of this code if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance program; a county, city, or town in the ~~State~~ state; any separate

corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities, or towns; any comprehensive community mental health center or intellectually and developmentally disabled facility established, operated, or licensed by the Secretary of the Department of Health and Human Resources pursuant to §27-2A-1 of this code and which is supported in part by state, county, or municipal funds; any person who works regularly full-time in the service of the Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education, or a governing board as defined in §18B-1-2 of this code; any person who works regularly full-time in the service of a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code; any person designated as a 21st Century Learner Fellow pursuant to §18A-3-11 of this code; and any person who works as a long-term substitute as defined in §18A-1-1 of this code in the service of a county board of education: *Provided*, That a long-term substitute who is continuously employed for at least 133 instructional days during an instructional term, and, until the end of that instructional term, is eligible for the benefits provided in this article until September 1 following that instructional term: *Provided, however*, That a long-term substitute employed fewer than 133 instructional days during an instructional term is eligible for the benefits provided in this article only during such time as he or she is actually employed as a long-term substitute. On and after January 1, 1994, and upon election by a county board of education to allow elected board members to participate in the Public Employees Insurance Program pursuant to this article, any person elected to a county board of education shall be considered to be an "employee" during the term of office of the elected member. Upon election by the ~~state~~ State Board of Education to allow appointed board members to participate in the Public Employees Insurance Program pursuant to this article, any person appointed to the ~~state~~ State Board of Education is considered an "employee" during the term of office of the appointed member: *Provided further*, That the

elected member of a county board of education and the appointed member of the ~~state~~ State Board of Education shall pay the entire cost of the premium if he or she elects to be covered under this article. Any matters of doubt as to who is an employee within the meaning of this article shall be decided by the director.

On or after July 1, 1997, a person shall be considered an "employee" if that person meets the following criteria:

(A) Participates in a job-sharing arrangement as defined in §18A-1-1 of this code;

(B) Has been designated, in writing, by all other participants in that job-sharing arrangement as the "employee" for purposes of this section; and

(C) Works at least one-third of the time required for a full-time employee.

(4) "Employer" means the State of West Virginia, its boards, agencies, commissions, departments, institutions, or spending units; a county board of education; a public charter school established pursuant to §18-5G-1 *et seq.* of this code if the charter school includes in its charter contract entered into pursuant to §18-5G-7 of this code a determination to participate in the Public Employees Insurance Program; a county, city, or town in the state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities, or towns; any comprehensive community mental health center or intellectually and developmentally disabled facility established, operated, or licensed by the Secretary of the Department of Health and Human Resources pursuant to §27-2A-1 of this code and which is supported in part by state, county, or municipal funds; a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code; and a corporation meeting the description set forth in §18B-12-3 of this code that is employing a 21st Century Learner

Fellow pursuant to §18A-3-11 of this code but the corporation is not considered an employer with respect to any employee other than a 21st Century Learner Fellow. Any matters of doubt as to who is an "employer" within the meaning of this article shall be decided by the director. The term "employer" does not include within its meaning the National Guard.

"Established patient" means a patient who has received professional services, face-to-face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.

(5) "Finance board" means the Public Employees Insurance Agency finance board created by this article.

"Health care practitioner" means a person licensed under §30-1-1 et seq. of this code who provides health care services.

"Originating site" means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a health care practitioner's office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient's home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

"Objective evidence" means standardized patient assessment instruments, outcome measurements tools, or measurable assessments of functional outcome. Use of objective measures at the beginning of treatment, during, and after treatment is recommended to quantify progress and support justifications for continued treatment. The tools are not required but their use will enhance the justification for continued treatment.

(6) "Person" means any individual, company, association, organization, corporation, or other legal entity. ~~including, but not limited to, hospital, medical or dental service corporations; health maintenance organizations or similar organization providing~~

~~prepaid health benefits; or individuals entitled to benefits under the provisions of this article~~

~~(7) "Plan" unless the context indicates otherwise, means the medical indemnity plan, the managed care plan option, or the group life insurance plan offered by the agency, a group hospital and surgical insurance plan or plans, a group prescription drug insurance plan or plans, a group major medical insurance plan or plans, and a group life and accidental death insurance plan or plans.~~

"Prescription insulin drug" means a prescription drug that contains insulin and is used to treat diabetes, and includes at least one type of insulin in all of the following categories:

(1) Rapid-acting;

(2) Short-acting;

(3) Intermediate-acting;

(4) Long-acting;

(5) Pre-mixed insulin products;

(6) Pre-mixed insulin/GLP-1 RA products; and

(7) Concentrated human regular insulin.

"Primary coverage" means individual or group hospital and surgical insurance coverage or individual or group major medical insurance coverage or group prescription drug coverage in which the spouse or dependent is the named insured or certificate holder.

"Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.

(8) "Retired employee" means an employee of the state who retired after April 29, 1971, and an employee of the Higher Education Policy Commission, the Council for Community and Technical College Education, a state institution of higher education, or a county board of education who retires on or after April 21, 1972, and all additional eligible employees who retire on or after the effective date of this article, meet the minimum eligibility requirements for their respective state retirement system, and whose last employer immediately prior to retirement under the state retirement system is a participating employer in the state retirement system and in the Public Employees Insurance Agency: *Provided*, That for the purposes of this article, the employees who are not covered by a state retirement system, but who are covered by a state-approved or state-contracted retirement program or a system approved by the director, shall, in the case of education employees, meet the minimum eligibility requirements of the State Teachers Retirement System, and in all other cases, meet the minimum eligibility requirements of the Public Employees Retirement System and may participate in the Public Employees Insurance Agency as retired employees upon terms as the director sets by rule as authorized in this article. Employers with employees who are, or who are eligible to become, retired employees under this article shall be mandatory participants in the Retiree Health Benefit Trust Fund created pursuant to §5-16D-1 *et seq.* of this code. Nonstate employers may opt out of the West Virginia other post-employment benefits plan of the Retiree Health Benefit Trust Fund and elect to not provide benefits under the Public Employees Insurance Agency to retirees of the nonstate employer, but may do so only upon the written certification, under oath, of an authorized officer of the employer that the employer has no employees who are, or who are eligible to become, retired employees and that the employer will defend and hold harmless the Public Employees Insurance Agency from any claim by one of the employer's past, present, or future employees for eligibility to participate in the Public Employees Insurance Agency as a retired employee. As a matter of law, the Public Employees Insurance Agency shall not be liable in any respect to provide plan benefits to a retired employee of a nonstate employer which has opted out

of the West Virginia other post-employment benefits plan of the Retiree Health Benefit Trust Fund pursuant to this section.

"Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio-only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

"Virtual telehealth" means a new patient or follow-up patient for acute care that does not require chronic management or scheduled medications.

§5-16-3. Composition of Public Employees Insurance Agency; ~~appointment, qualifications, compensation and duties of director of agency; employees; civil service coverage.~~

(a) The Public Employees Insurance Agency consists of the director, the finance board, the advisory board, and any employees who may be authorized by law. The director shall be appointed by the Governor, with the advice and consent of the Senate, and serves at the will and pleasure of the Governor. The director shall have at least three years' experience in health or governmental health benefit administration as his or her primary employment duty prior to appointment as director. The director shall receive actual expenses incurred in the performance of official business. The director shall employ any administrative, technical, and clerical employees required for the proper administration of the programs provided in this article. The director shall perform the duties that are required of him or her under the provisions of this article and is the Chief Administrative Officer of the Public Employees Insurance Agency. The director may employ a deputy director.

(b) Except for the director, his or her personal secretary, the deputy director, and the chief financial officer, all positions in the agency shall be included in the classified service of the civil service system pursuant to §29-6-1 *et seq.* of this code.

(c) The director is responsible for the administration and management of the Public Employees Insurance Agency as provided in this article and in connection with his or her responsibility may make all rules necessary to effectuate the provisions of this article. Nothing in §5-16-4 or §5-16-5 of this code limits the director's ability to manage on a day-to-day basis the group insurance plans required or authorized by this article, including, but not limited to, administrative contracting, studies, analyses and audits, eligibility determinations, utilization management provisions and incentives, provider negotiations, provider contracting and payment, designation of covered and noncovered services, offering of additional coverage options or cost containment incentives, pursuit of coordination of benefits, and subrogation, or any other actions which would serve to implement the plan or plans designed by the finance board. The director is to function as a benefits management professional and should avoid political involvement in managing the affairs of the Public Employees Insurance Agency.

(d) The director may, if it is financially advantageous to the state, operate the Medicare retiree health benefit plan offered by the agency based on a plan year that runs concurrent with the calendar year. Financial plans as addressed in section five of this article shall continue to be on a fiscal-year basis.

(e) The director should make every effort to evaluate and administer programs to improve quality, improve health status of members, develop innovative payment methodologies, manage health care delivery costs, evaluate effective benefit designs, evaluate cost sharing and benefit-based programs, and adopt effective industry programs that can manage the long-term effectiveness and costs for the programs at the Public Employees Insurance Agency to include, but not be limited to:

(1) Increasing generic fill rates;

(2) Managing specialty pharmacy costs;

(3) Implementing and evaluating medical home models and health care delivery;

(4) Coordinating with providers, private insurance carriers, and, to the extent possible, Medicare to encourage the establishment of cost-effective accountable care organizations;

(5) Exploring and developing advanced payment methodologies for care delivery such as case rates, capitation, and other potential risk-sharing models and partial risk-sharing models for accountable care organizations and/or medical homes;

(6) Adopting measures identified by the Centers for Medicare and Medicaid Services to reduce cost and enhance quality;

(7) Evaluating the expenditures to reduce excessive use of emergency room visits, imaging services, and other drivers of the agency's medical rate of inflation;

(8) Recommending cutting-edge benefit designs to the finance board to drive behavior and control costs for the plans;

(9) Implementing programs to encourage the use of the most efficient and high-quality providers by employees and retired employees;

(10) Identifying employees and retired employees who have multiple chronic illnesses and initiating programs to coordinate the care of these patients;

(11) Initiating steps ~~by the agency~~ to adjust payment by the agency for the treatment of hospital-acquired infections and related events consistent with the payment policies, operational guidelines, and implementation timetable established by the Centers of Medicare and Medicaid Services. The agency shall protect employees and retired employees from any adjustment in payment for hospital acquired infections; and

(12) Initiating steps ~~by the agency~~ to reduce the number of employees and retired employees who experience avoidable readmissions to a hospital for the same diagnosis-related group illness within 30 days of being discharged by a hospital in this state or another state consistent with the payment policies, operational

guidelines, and implementation timetable established by the Centers of Medicare and Medicaid Services.

~~(f) The director shall issue an annual progress report to the Joint Committee on Government and Finance on the implementation of any reforms initiated pursuant to this section and other initiatives developed by the agency~~

§5-16-4. Public Employees Insurance Agency Finance Board continued; qualifications, terms, and removal of members; quorum; compensation and expenses; termination date.

(a) The Public Employees Insurance Agency Finance Board is continued and consists of the Secretary of the Department of Administration or his or her designee, as a voting member, and 10 members appointed by the Governor, with the advice and consent of the Senate, for terms of four years and each may serve until his or her successor is appointed and qualified. Members may be reappointed for successive terms. No more than six members, including the Secretary of the Department of Administration, may be of the same political party. ~~Effective July 1, 2017, Members of the board shall satisfy the qualification requirements provided for by subsection (b) of this section. *Provided, That any member serving upon the effective date of this section who does not satisfy a requirement of subsection (b) of this section may continue to serve until his or her successor has been appointed and qualified*~~ The Governor shall make appointments necessary to satisfy the requirements of subsection (b) of this section to staggered terms as determined by the Governor.

(b) (1) Of the 10 members appointed by the Governor with advice and consent of the Senate:

(A) One member shall represent the interests of education employees. The member shall hold a bachelor's degree, shall have obtained teacher certification, shall be employed as a teacher for a period of at least three years prior to his or her appointment, and shall remain a teacher for the duration of his or her appointment to remain eligible to serve on the board.

(B) One member shall represent the interests of public employees. The member shall be employed to perform full- or part-time service for wages, salary, or remuneration for a public body for a period of at least three years prior to his or her appointment and shall remain an employee of a public body for the duration of his or her appointment to remain eligible to serve on the board.

(C) One member shall represent the interests of retired employees. The member shall meet the definition of retired employee as provided in §5-16-2 of this code.

(D) One member shall represent the interests of a participating political subdivision. The member shall have been employed by a political subdivision for a period of at least three years prior to his or her appointment and shall remain an employee of a political subdivision for the duration of his or her appointment to remain eligible to serve on the board. The member may not be an elected official.

(E) One member shall represent the interests of hospitals. The member shall have been employed by a hospital for a period of at least three years prior to his or her appointment and shall remain an employee of a hospital for the duration of his or her appointment to remain eligible to serve on the board.

(F) One member shall represent the interests of non-hospital health care providers. The member shall have owned his or her non-hospital health care provider business for a period of at least three years prior to his or her appointment and shall maintain ownership of his or her non-hospital health care provider business for the duration of his or her appointment to remain eligible to serve on the board.

(G) Four members shall be selected from the public at large, meeting the following requirements:

(i) One member selected from the public at large shall generally have knowledge and expertise relating to the financing, development, or management of employee benefit programs;

(ii) One member selected from the public at large shall have at least three years of experience in the insurance benefits business;

(iii) One member selected from the public at large shall be a certified public accountant with at least three years of experience with financial management and employee benefits program experience; and

(iv) One member selected from the public at large shall be a health care actuary or certified public accountant with at least three years of financial experience with the health care marketplace.

(2) No member of the board may be a registered lobbyist.

(3) All appointments shall be selected to represent the different geographical areas within the state and all members shall be residents of West Virginia. No member may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty, neglect of fiduciary duty, or other specific responsibility imposed by this article or gross immorality.

(4) All members of the board shall have a fiduciary responsibility to protect plan assets for the benefit of plan participants.

(5) Beginning July 1, 2023, and every year thereafter, all board members shall complete fiduciary training and timely complete any conflict-of-interest forms required to serve as a fiduciary.

(c) The Secretary of the Department of Administration shall serve as chair of the finance board, which shall meet at times and places specified by the call of the chair or upon the written request to the chair by at least two members. The Director of the Public Employees Insurance Agency shall serve as staff to the board. Notice of each meeting shall be given in writing to each member by the director at least three days in advance of the meeting. Six members shall constitute a quorum. The board shall pay each member the same compensation and expense reimbursement that is paid to members of the Legislature for their interim duties for each day or portion of a day engaged in the discharge of official duties.

(d) Upon termination of the board and notwithstanding any provisions of this article to the contrary, the director is authorized to assess monthly employee premium contributions and to change the types and levels of costs to employees only in accordance with this subsection. Any assessments or changes in costs imposed pursuant to this subsection shall be implemented by legislative rule proposed by the director for promulgation pursuant to §29A-3-1 *et seq.* of this code. Any employee assessments or costs previously authorized by the finance board shall then remain in effect until amended by rule of the director promulgated pursuant to this subsection.

§5-16-5. Purpose, Powers and duties of the finance board; ~~initial finance plan; financial plan for following year; and annual financial plans.~~

(a) The purpose of the finance board ~~created by this article~~ is to bring fiscal stability to the Public Employees Insurance Agency through development of annual financial plans and long-range plans designed to meet the agency's estimated total financial requirements, taking into account all revenues projected to be made available to the agency and apportioning necessary costs equitably among participating employers, employees, and retired employees and providers of health care services.

(b) The finance board shall retain the services of an impartial, professional actuary, with demonstrated experience in analysis of large group health insurance plans, to estimate the total financial requirements of the Public Employees Insurance Agency for each fiscal year and to review and render written professional opinions as to financial plans proposed by the finance board. The actuary shall also assist in the development of alternative financing options and perform any other services requested by the finance board or the director. All reasonable fees and expenses for actuarial services shall be paid by the Public Employees Insurance Agency. Any financial plan or modifications to a financial plan approved or proposed by the finance board ~~pursuant to this section~~ shall be submitted to and reviewed by the actuary and may not be finally approved and submitted to the Governor and to the Legislature without the actuary's written professional opinion that the plan may

be reasonably expected to generate sufficient revenues to meet all estimated program and administrative costs of the agency, including incurred but unreported claims, for the fiscal year for which the plan is proposed. ~~The actuary's opinion on the financial plan for each fiscal year shall allow for no more than thirty days of accounts payable to be carried over into the next fiscal year. The actuary's opinion for any fiscal year shall not include a requirement for establishment of a reserve fund~~

(c) All financial plans ~~required by this section~~ shall establish:

(1) ~~Maximum levels of reimbursement which the Public Employees Insurance Agency makes to categories of health care providers~~ The minimum level of reimbursement at 110 percent of the Medicare amount for all providers: *Provided*, That the plan shall reimburse a West Virginia hospital that provides inpatient medical care to a beneficiary, covered by the state and non-state plans, at a minimum rate of 110 percent of the Medicare diagnosis-related group rate for the admission, or the Medicare per diem, per day rate applicable to a critical access hospital, as appropriate: *Provided, however*, That the rates established pursuant to this subdivision do not apply to any Medicare primary retiree health plan.

(2) Any necessary cost-containment measures for implementation by the director;

(3) The levels of premium costs to participating employers; and

(4) The types and levels of cost to participating employees and retired employees.

The financial plans may provide for different levels of costs based on the insureds' ability to pay. The finance board may establish different levels of costs to retired employees based upon length of employment with a participating employer, ability to pay, or other relevant factors. The financial plans may also include optional alternative benefit plans with alternative types and levels of cost. The finance board may develop policies which encourage the use of West Virginia health care providers.

In addition, the finance board may allocate a portion of the premium costs charged to participating employers to subsidize the cost of coverage for participating retired employees, on such terms as the finance board determines are equitable and financially responsible.

(d)(1) The finance board shall prepare an annual financial plan for each fiscal year. ~~during which the finance board remains in existence~~ The finance board chairman shall request the actuary to estimate the total financial requirements of the Public Employees Insurance Agency for the fiscal year.

(2) The finance board shall prepare a proposed financial plan designed to generate revenues sufficient to meet all estimated program and administrative costs of the Public Employees Insurance Agency for the fiscal year. The proposed financial plan shall allow for no more than 30 days of accounts payable to be carried over into the next fiscal year. Before final adoption of the proposed financial plan, the finance board shall request the actuary to review the plan and to render a written professional opinion stating whether the plan will generate sufficient revenues to meet all estimated program and administrative costs of the Public Employees Insurance Agency for the fiscal year. The actuary's report shall explain the basis of its opinion. If the actuary concludes that the proposed financial plan will not generate sufficient revenues to meet all anticipated costs, then the finance board shall make necessary modifications to the proposed plan to ensure that all actuarially determined financial requirements of the agency will be met.

(3) Upon obtaining the actuary's opinion, the finance board shall conduct ~~one or more~~ at least two public hearings in each congressional district to receive public comment on the proposed financial plan, shall review the comments, and shall finalize and approve the financial plan.

(4) ~~Any financial plan shall be designed to allow thirty days or less of accounts payable to be carried over into the next fiscal year.~~ For each fiscal year, the Governor shall provide his or her estimate of total revenues to the finance board no later than October 15 of

the preceding fiscal year: *Provided*, That for the prospective financial plans required by this section, the Governor shall estimate the revenues available for each fiscal year of the plans based on the estimated percentage of growth in general fund revenues; *Provided, however*, That the director and finance board may only use revenue estimates from the Governor as necessary to maintain an actuarially recommended reserve fund and to maintain premium cost-sharing percentages as required in this article: *Provided further*, That the director and finance board may not incorporate revenue sources into the finance board plan beyond the premium cost-sharing percentages as required in this article. The director shall provide the number of covered lives for the current fiscal year and a five-year analysis of the costs for covering paid claims to the finance board no later than October 15 of the preceding year. The finance board shall submit its final approved financial plan after obtaining the necessary actuary's opinion, which opinion shall include, but not be limited to, the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, at a level of 80 percent for the employer and 20 percent for employees, and conducting one or more public hearings in each congressional district to the Governor and to the Legislature no later than January 1 preceding the fiscal year. The financial plan for a fiscal year becomes effective and shall be implemented by the director on July 1 of the fiscal year. In addition to each final approved financial plan required under this section, the finance board shall also simultaneously submit financial statements based on generally accepted accounting practices (GAAP) and the final approved plan restated on an accrual basis of accounting, which shall include allowances for incurred but not reported claims. ~~*Provided, however, That*~~ The financial statements and the accrual-based financial plan restatement shall not affect the approved financial plan.

(e) The provisions of §29A-1-1 *et seq.* of this code shall not apply to the preparation, approval and implementation of the financial plans required by this section.

(f) By January 1 of each year, the finance board shall submit to the Governor and the Legislature a prospective financial plan for a period not to exceed five years for the programs provided in this article. Factors ~~that~~ the board shall consider include, but are not limited to, the trends for the program and the industry; the medical rate of inflation; utilization patterns; cost of services; and specific information such as average age of employee population, active to retiree ratios, the service delivery system, and health status of the population.

(g) The prospective financial plans shall be based on the estimated revenues submitted in accordance §5-16-5(d)(4) of this code and shall include an average of the projected cost-sharing percentages of premiums and an average of the projected deductibles and copays for the various programs. ~~Beginning in the plan year which commences on July 1, 2002, and in each plan year thereafter, until and including the plan year which commences on July 1, 2006, the prospective plans shall include incremental adjustments toward the ultimate level required in this subsection, in the aggregate cost sharing percentages of premium between employers and employees, including the amounts of any subsidization of retired employee benefits. Effective in the plan year commencing on July 1, 2006, and in~~ Each plan year, thereafter the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, shall be at a level of 80 percent for the employer and 20 percent for employees, except for the employers provided in §5-16-18(d) of this code whose premium cost-sharing percentages shall be governed by that subsection. After the submission of the initial prospective plan, the board may not increase costs to the participating employers or change the average of the premiums, deductibles, and copays for employees, except in the event of a true emergency. ~~as provided in this section: *Provided, That*~~ If the board invokes the emergency provisions, the cost shall be borne between the employers and employees in proportion to the cost-sharing ratio for that plan year. ~~*Provided, however, That*~~ For purposes of this section, "emergency" means that the most recent projections demonstrate that plan expenses will exceed plan revenues by more than one percent in

any plan year. ~~Provided further, That~~ The aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, may be offset, in part, by a legislative appropriation for that purpose.

(h) The finance board shall meet on at least a quarterly basis to review implementation of its current financial plan in light of the actual experience of the Public Employees Insurance Agency. The board shall review actual costs incurred, any revised cost estimates provided by the actuary, expenditures, and any other factors affecting the fiscal stability of the plan, and may make any additional modifications to the plan necessary to ensure that the total financial requirements of the agency for the current fiscal year are met. The finance board may not increase the types and levels of cost to employees during its quarterly review except in the event of a true emergency.

(i) For any fiscal year in which legislative appropriations differ from the Governor's estimate of general and special revenues available to the agency, the finance board shall, within 30 days after passage of the budget bill, make any modifications to the plan necessary to ensure that the total financial requirements of the agency for the current fiscal year are met.

(j) In the event the revenues in a given year exceed the expenses, the amount of revenues in excess of the expenses shall be retained by the Public Employees Insurance Agency to offset future premium increases.

§5-16-5b. Creation of trust for retirees hired on or after July 1, 2010.

[Repealed.]

§5-16-7. Authorization to establish ~~group hospital and surgical insurance plan, group major medical insurance plan, group drug prescription plans, and group life and accidental death insurance plan; rules for administration of plans~~ plans; mandated benefits; optional plans; separate rating for claims experience purposes.

(a) The agency shall establish ~~a group hospital and surgical insurance plan or plans, a group prescription drug insurance plan or plans, a group major medical insurance plan or plans, and a group life and accidental death insurance plan or plans~~ for those employees herein made eligible and establish and promulgate rules for the administration of these plans subject to the limitations contained in this article. These plans shall include:

(1) Coverages and benefits for x-ray and laboratory services in connection with mammograms when medically appropriate and consistent with current guidelines from the United States Preventive Services Task Force; pap smears, either conventional or liquid-based cytology, whichever is medically appropriate and consistent with the current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists; and a test for the human papilloma virus when medically appropriate and consistent with current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists, when performed for cancer screening or diagnostic services on a woman age 18 or over;

(2) Annual checkups for prostate cancer in men age 50 and over;

(3) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood pressure testing, urine albumin or urine protein testing, and serum creatinine testing as recommended by the National Kidney Foundation;

(4) For plans that include maternity benefits, coverage for inpatient care in a duly licensed health care facility for a mother and her newly born infant for the length of time which the attending physician considers medically necessary for the mother or her newly born child. No plan may deny payment for a mother or her newborn child prior to 48 hours following a vaginal delivery or prior to 96 hours following a caesarean section delivery if the attending physician considers discharge medically inappropriate;

(5) For plans which provide coverages for post-delivery care to a mother and her newly born child in the home, coverage for inpatient care following childbirth as provided in subdivision (4) of this subsection if inpatient care is determined to be medically necessary by the attending physician. These plans may include, among other things, medicines, medical equipment, prosthetic appliances, and any other inpatient and outpatient services and expenses considered appropriate and desirable by the agency; and

(6) Coverage for treatment of serious mental illness:

(A) The coverage does not include custodial care, residential care, or schooling. For purposes of this section, "serious mental illness" means an illness included in the American Psychiatric Association's diagnostic and statistical manual of mental disorders, as periodically revised, under the diagnostic categories or subclassifications of:

(i) Schizophrenia and other psychotic disorders;

(ii) Bipolar disorders;

(iii) Depressive disorders;

(iv) Substance-related disorders with the exception of caffeine-related disorders and nicotine-related disorders;

(v) Anxiety disorders; and

(vi) Anorexia and bulimia.

With regard to a covered individual who has not yet attained the age of 19 years, "serious mental illness" also includes attention deficit hyperactivity disorder, separation anxiety disorder, and conduct disorder.

(B) The agency shall not discriminate between medical-surgical benefits and mental health benefits in the administration of its plan. With regard to both medical-surgical and mental health benefits, it may make determinations of medical necessity and appropriateness and it may use recognized health care quality and

cost management tools including, but not limited to, limitations on inpatient and outpatient benefits, utilization review, implementation of cost-containment measures, preauthorization for certain treatments, setting coverage levels, setting maximum number of visits within certain time periods, using capitated benefit arrangements, using fee-for-service arrangements, using third-party administrators, using provider networks, and using patient cost sharing in the form of copayments, deductibles, and coinsurance. Additionally, the agency shall comply with the financial requirements and quantitative treatment limitations specified in 45 CFR 146.136(c)(2) and (c)(3), or any successor regulation. The agency may not apply any nonquantitative treatment limitations to benefits for behavioral health, mental health, and substance use disorders that are not applied to medical and surgical benefits within the same classification of benefits: *Provided*, That any service, even if it is related to the behavioral health, mental health, or substance use diagnosis if medical in nature, shall be reviewed as a medical claim and undergo all utilization review as applicable;

(7) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed health care individuals in conjunction with dental care if the covered person is:

(A) Seven years of age or younger or is developmentally disabled and is an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual, or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia.

(B) A child who is 12 years of age or younger with documented phobias or with documented mental illness and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth, or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and

for whom a superior result can be expected from dental care provided under general anesthesia.

(8) (A) ~~Any plan issued or renewed on or after January 1, 2012, shall include coverage for~~ All plans shall include coverage for diagnosis, evaluation, and treatment of autism spectrum disorder in individuals ages 18 months to 18 years. To be eligible for coverage and benefits under this subdivision, the individual must be diagnosed with autism spectrum disorder at age eight or younger. Such plan shall provide coverage for treatments that are medically necessary and ordered or prescribed by a licensed physician or licensed psychologist and in accordance with a treatment plan developed from a comprehensive evaluation by a certified behavior analyst for an individual diagnosed with autism spectrum disorder.

(B) The coverage shall include, but not be limited to, applied behavior analysis which shall be provided or supervised by a certified behavior analyst. ~~The annual maximum benefit for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$30,000 per individual for three consecutive years from the date treatment commences. At the conclusion of the third year, coverage for applied behavior analysis required by this subdivision shall be in an amount not to exceed \$2,000 per month, until the individual reaches 18 years of age, as long as the treatment is medically necessary and in accordance with a treatment plan developed by a certified behavior analyst pursuant to a comprehensive evaluation or reevaluation of the individual~~ This subdivision does not limit, replace, or affect any obligation to provide services to an individual under the Individuals with Disabilities Education Act, 20 U. S. C. §1400 *et seq.*, as amended from time to time, or other publicly funded programs. Nothing in this subdivision requires reimbursement for services provided by public school personnel.

(C) The certified behavior analyst shall file progress reports with the agency semiannually. In order for treatment to continue, the agency must receive objective evidence or a clinically supportable statement of expectation that:

(i) The individual's condition is improving in response to treatment;

(ii) A maximum improvement is yet to be attained; and

(iii) There is an expectation that the anticipated improvement is attainable in a reasonable and generally predictable period of time.

~~(D) On or before January 1 each year, the agency shall file an annual report with the Joint Committee on Government and Finance describing its implementation of the coverage provided pursuant to this subdivision. The report shall include, but not be limited to, the number of individuals in the plan utilizing the coverage required by this subdivision, the fiscal and administrative impact of the implementation and any recommendations the agency may have as to changes in law or policy related to the coverage provided under this subdivision. In addition, the agency shall provide such other information as required by the Joint Committee on Government and Finance as it may request.~~

~~(E) For purposes of this subdivision, the term:~~

~~(i) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences in order to produce socially significant improvement in human behavior and includes the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.~~

~~(ii) "Autism spectrum disorder" means any pervasive developmental disorder including autistic disorder, Asperger's syndrome, Rett syndrome, childhood disintegrative disorder, or Pervasive Development Disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.~~

~~(iii) "Certified behavior analyst" means an individual who is certified by the Behavior Analyst Certification Board or certified by a similar nationally recognized organization.~~

~~(iv) "Objective evidence" means standardized patient assessment instruments, outcome measurements tools, or measurable assessments of functional outcome. Use of objective measures at the beginning of treatment, during, and after treatment is recommended to quantify progress and support justifications for continued treatment. The tools are not required but their use will enhance the justification for continued treatment~~

~~(F)~~ (D) To the extent that the provisions of this subdivision require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of insurance plans offered by the Public Employees Insurance Agency.

(9) For plans that include maternity benefits, coverage for the same maternity benefits for all individuals participating in or receiving coverage under plans that are issued or renewed on or after January 1, 2014: *Provided*, That to the extent that the provisions of this subdivision require benefits that exceed the essential health benefits specified under section 1302(b) of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended, the specific benefits that exceed the specified essential health benefits shall not be required of a health benefit plan when the plan is offered in this state.

~~(10) (A) A policy, plan, or contract that is issued or renewed on or after January 1, 2019, and that is subject to this section, shall provide~~ Coverage, through the age of 20, for amino acid-based formula for the treatment of severe protein-allergic conditions or impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes the following conditions, if diagnosed as related to the disorder by a physician licensed to practice in this state pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code:

(i) Immunoglobulin E and nonimmunoglobulin E-medicated allergies to multiple food proteins;

(ii) Severe food protein-induced enterocolitis syndrome;

(iii) Eosinophilic disorders as evidenced by the results of a biopsy; and

(iv) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract (short bowel).

(B) The coverage required by paragraph (A) of this subdivision shall include medical foods for home use for which a physician has issued a prescription and has declared them to be medically necessary, regardless of methodology of delivery.

(C) For purposes of this subdivision, "medically necessary foods" or "medical foods" shall mean prescription amino acid-based elemental formulas obtained through a pharmacy: *Provided*, That these foods are specifically designated and manufactured for the treatment of severe allergic conditions or short bowel.

(D) The provisions of this subdivision shall not apply to persons with an intolerance for lactose or soy.

(11) The cost for coverage of children's immunization services from birth through age 16 years to provide immunization against the following illnesses: Diphtheria, polio, mumps, measles, rubella, tetanus, hepatitis-b, hemophilia influenzae-b, and whooping cough. Any contract entered into to cover these services shall require that all costs associated with immunization, including the cost of the vaccine, if incurred by the health care provider, and all costs of vaccine administration be exempt from any deductible, per visit charge, and copayment provisions which may be in force in these policies or contracts. This section does not require that other health care services provided at the time of immunization be exempt from any deductible or copayment provisions.

(12) The provision requiring coverage for 12-month refill for contraceptive drugs codified at §33-58-1 of this code.

(13) The group life and accidental death insurance herein provided shall be in the amount of \$10,000 for every employee.

(b) The agency shall ~~with full authorization~~ make available to each eligible employee, at full cost to the employee, the opportunity to purchase optional group life and accidental death insurance as established under the rules of the agency. In addition, each employee is entitled to have his or her spouse and dependents, as defined by the rules of the agency, included in the optional coverage, at full cost to the employee, for each eligible dependent.

(c) The finance board may cause to be separately rated for claims experience purposes:

(1) All employees of the State of West Virginia;

(2) All teaching and professional employees of state public institutions of higher education and county boards of education;

(3) All nonteaching employees of the Higher Education Policy Commission, West Virginia Council for Community and Technical College Education, and county boards of education; or

(4) Any other categorization which would ensure the stability of the overall program.

(d) The agency shall maintain the medical and prescription drug coverage for Medicare- eligible retirees by providing coverage through one of the existing plans or by enrolling the Medicare-eligible retired employees into a Medicare-specific plan, including, but not limited to, the Medicare/Advantage Prescription Drug Plan. If a Medicare-specific plan is no longer available or advantageous for the agency and the retirees, the retirees remain eligible for coverage through the agency.

(e) The agency shall establish procedures to authorize treatment with a nonparticipating provider if a covered service is not available within established time and distance standards and within a reasonable period after service is requested, and with the same coinsurance, deductible, or copayment requirements as would apply if the service were provided at a participating provider, and at no greater cost to the covered person than if the services were obtained at or from a participating provider.

(f) If the Public Employees Insurance Agency offers a plan that does not cover services provided by an out-of-network provider, it may provide the benefits required in paragraph (A), subdivision (6), subsection (a) of this section if the services are rendered by a provider who is designated by and affiliated with the Public Employees Insurance Agency, and only if the same requirements apply for services for a physical illness.

(g) In the event of a concurrent review for a claim for coverage of services for the prevention of, screening for, and treatment of behavioral health, mental health, and substance use disorders, the service continues to be a covered service until the Public Employees Insurance Agency notifies the covered person of the determination of the claim.

(h) Unless denied for nonpayment of premium, a denial of reimbursement for services for the prevention of, screening for, or treatment of behavioral health, mental health, and substance use disorders by the Public Employees Insurance Agency shall include the following language:

(1) A statement explaining that covered persons are protected under this section, which provides that limitations placed on the access to mental health and substance use disorder benefits may be no greater than any limitations placed on access to medical and surgical benefits;

(2) A statement providing information about the internal appeals process if the covered person believes his or her rights under this section have been violated; and

(3) A statement specifying that covered persons are entitled, upon request to the Public Employees Insurance Agency, to a copy of the medical necessity criteria for any behavioral health, mental health, and substance use disorder benefit.

(i) On or after June 1, 2021, and annually thereafter, the Public Employees Insurance Agency shall submit a written report to the Joint Committee on Government and Finance that contains the

following information regarding plans offered pursuant to this section:

(1) Data that demonstrates parity compliance for adverse determination regarding claims for behavioral health, mental health, or substance use disorder services and includes the total number of adverse determinations for such claims;

(2) A description of the process used to develop and select:

(A) The medical necessity criteria used in determining benefits for behavioral health, mental health, and substance use disorders; and

(B) The medical necessity criteria used in determining medical and surgical benefits;

(3) Identification of all nonquantitative treatment limitations that are applied to benefits for behavioral health, mental health, and substance use disorders and to medical and surgical benefits within each classification of benefits; ~~and~~

(4) The results of analyses demonstrating that, for medical necessity criteria described in subdivision (2) of this subsection and for each nonquantitative treatment limitation identified in subdivision (3) of this subsection, as written and in operation, the processes, strategies, evidentiary standards, or other factors used in applying the medical necessity criteria and each nonquantitative treatment limitation to benefits for behavioral health, mental health, and substance use disorders within each classification of benefits are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the medical necessity criteria and each nonquantitative treatment limitation to medical and surgical benefits within the corresponding classification of benefits;

(5) The Public Employees Insurance Agency's report of the analyses regarding nonquantitative treatment limitations shall include at a minimum:

(A) Identify factors used to determine whether a nonquantitative treatment limitation will apply to a benefit, including factors that were considered but rejected;

(B) Identify and define the specific evidentiary standards used to define the factors and any other evidence relied on in designing each nonquantitative treatment limitation;

(C) Provide the comparative analyses, including the results of the analyses, performed to determine that the processes and strategies used to design each nonquantitative treatment limitation, as written, and the written processes and strategies used to apply each nonquantitative treatment limitation for benefits for behavioral health, mental health, and substance use disorders are comparable to, and are applied no more stringently than, the processes and strategies used to design and apply each nonquantitative treatment limitation, as written, and the written processes and strategies used to apply each nonquantitative treatment limitation for medical and surgical benefits;

(D) Provide the comparative analysis, including the results of the analyses, performed to determine that the processes and strategies used to apply each nonquantitative treatment limitation, in operation, for benefits for behavioral health, mental health, and substance use disorders are comparable to, and are applied no more stringently than, the processes and strategies used to apply each nonquantitative treatment limitation, in operation, for medical and surgical benefits; and

(E) Disclose the specific findings and conclusions reached by the Public Employees Insurance Agency that the results of the analyses indicate that each health benefit plan offered by the Public Employees Insurance Agency complies with paragraph (B), subdivision (6), subsection (a) of this section; and

(6) After the initial report required by this subsection, annual reports are only required for any year thereafter during which the Public Employees Insurance Agency makes significant changes to how it designs and applies medical management protocols.

(j) The Public Employees Insurance Agency shall update its annual plan document to reflect its comprehensive parity compliance. An annual report shall also be filed with the Joint Committee on Government and Finance and the Public Employees Insurance Agency Finance Board.

~~(k) This section is effective for policies, contracts, plans or agreements, beginning on or after January 1, 2021. This section applies to all policies, contracts, plans, or agreements, subject to this article that are delivered, executed, issued, amended, adjusted, or renewed in this state on or after the effective date of this section.~~

§5-16-7b. Coverage for telehealth services.

(a) The following terms are defined:

(1) ~~"Distant site" means the telehealth site where the health care practitioner is seeing the patient at a distance or consulting with a patient's health care practitioner.~~

(2) ~~"Established patient" means a patient who has received professional services, face to face, from the physician, qualified health care professional, or another physician or qualified health care professional of the exact same specialty and subspecialty who belongs to the same group practice, within the past three years.~~

(3) ~~"Health care practitioner" means a person licensed under §30-1-1 *et seq.* of this code who provides health care services.~~

(4) ~~"Originating site" means the location where the patient is located, whether or not accompanied by a health care practitioner, at the time services are provided by a health care practitioner through telehealth, including, but not limited to, a health care practitioner's office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient's home, and other nonmedical environments such as school based health centers, university based health centers, or the work location of a patient.~~

(5) ~~"Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including monitoring of~~

~~clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other condition-specific data; medication adherence monitoring; and interactive video conferencing with or without digital image upload.~~

~~(6) "Telehealth services" means the use of synchronous or asynchronous telecommunications technology or audio only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages, or facsimile transmissions.~~

~~(7) "Virtual telehealth" means a new patient or follow up patient for acute care that does not require chronic management or scheduled medications.~~

~~(b) (a) After July 1, 2020 The plan shall provide coverage of health care services provided through telehealth services if those same services are covered through face-to-face consultation by the policy.~~

~~(e) (b) After July 1, 2020 The plan may not exclude a service for coverage solely because the service is provided through telehealth services.~~

~~(d) (c) The plan which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021 shall provide reimbursement for a telehealth service at a rate negotiated between the provider and the insurance company for virtual telehealth encounters. The plan which issues, renews, amends, or adjusts a plan, policy, contract, or agreement on or after July 1, 2021 shall provide reimbursement for a telehealth service for an established patient, or care rendered on a consulting basis to a patient located in an acute care facility, whether inpatient or outpatient, on the same basis and at the same rate under a contract, plan, agreement, or policy as if the service is provided through an in-person encounter rather than provided via telehealth.~~

~~(e)~~ (d) The plan may not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services covered under the policy, or impose upon any person receiving benefits pursuant to the provisions of or the requirements of this section any copayment, coinsurance, or deductible amounts, or any policy year, calendar year, lifetime, or other durational benefit limitation or maximum for benefits or services that is not equally imposed upon all terms and services covered under the policy, contract, or plan.

~~(f)~~ (e) An originating site may charge the plan a site fee.

~~(g)~~ (f) The coverage required by this section shall include the use of telehealth technologies as it pertains to medically necessary remote patient monitoring services to the full extent that those services are available.

§5-16-7c. Required coverage for reconstruction surgery following mastectomies.

(a) The plan shall provide, in a case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, coverage for:

(1) All stages of reconstruction of the breast on which the mastectomy has been performed;

(2) Surgery and reconstruction of the other breast to produce a symmetrical appearance; and

(3) Prostheses and physical complications of mastectomy, including lymphedemas in a manner determined in consultation with the attending physician and the patient. Coverage shall be provided for a minimum stay in the hospital of not less than 48 hours for a patient following a radical or modified mastectomy and not less than 24 hours of inpatient care following a total mastectomy or partial mastectomy with lymph node dissection for the treatment of breast cancer. Nothing in this section shall be construed as requiring inpatient coverage where inpatient coverage

is not medically necessary or where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan. Written notice of the availability of such coverage shall be delivered to the participant upon enrollment and annually thereafter in the summary plan description or similar document.

(b) The plan may not:

(1) Deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; and

(2) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide incentives (monetary or otherwise) to an attending provider, to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section.

~~(c) Nothing in this section shall be construed to prevent a health benefit plan policy or a health insurer offering health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.~~

~~(d) The provisions of this section shall be included under any policy, contract or plan delivered after July 1, 2002~~

§5-16-7g. Coverage for prescription insulin drugs.

(a) A policy, plan, or contract that is issued or renewed on or after January 1, 2023 shall provide coverage for prescription insulin drugs and equipment pursuant to this section.

~~(b) For the purposes of this subdivision, "prescription insulin drug" means a prescription drug that contains insulin and is used to treat diabetes, and includes at least one type of insulin in all of the following categories:~~

- ~~(1) Rapid-acting;~~
- ~~(2) Short-acting;~~
- ~~(3) Intermediate-acting;~~
- ~~(4) Long-acting;~~
- ~~(5) Pre-mixed insulin products;~~
- ~~(6) Pre-mixed insulin/GLP-1 RA products; and~~
- ~~(7) Concentrated human regular insulin~~

~~(e)~~ (b) Cost sharing for a 30-day supply of a covered prescription insulin drug may not exceed \$35 in aggregate, including situations where the covered person is prescribed more than one insulin drug, per 30-day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription. Cost sharing for a 30-day supply of covered device(s) may not exceed \$100 in aggregate, including situations where the covered person is prescribed more than one device, per 30-day supply. Each cost-share maximum is covered regardless of the person's deductible, copayment, coinsurance or any other cost-sharing requirement.

~~(d)~~ (c) Nothing in this section prevents the agency from reducing a covered person's cost sharing by an amount greater than the amount specified in this subsection.

~~(e)~~ (d) No contract between the agency or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision: (i) Authorizing the agency's pharmacy benefits manager or the pharmacy to charge; (ii) requiring the pharmacy to collect; or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the agency as provided in subsection (c) of this section.

~~(f)~~ (e) The agency shall provide coverage for the following equipment and supplies for the treatment or management of diabetes for both insulin-dependent and noninsulin-dependent persons with diabetes and those with gestational diabetes: Blood glucose monitors, monitor supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar, and orthotics.

~~(g)~~ (f) The agency shall provide coverage for diabetes self-management education to ensure that persons with diabetes are educated as to the proper self-management and treatment of their diabetes, including information on proper diets. Coverage for self-management education and education relating to diet shall be provided by a health care practitioner who has been appropriately trained as provided in §33-53-1(k) of this code.

~~(h)~~ (g) The education may be provided by a health care practitioner as part of an office visit for diabetes diagnosis or treatment, or by a licensed pharmacist for instructing and monitoring a patient regarding the proper use of covered equipment, supplies, and medications, or by a certified diabetes educator or registered dietitian.

~~(i)~~ (h) A pharmacy benefits manager, a health plan, or any other third party that reimburses a pharmacy for drugs or services shall not reimburse a pharmacy at a lower rate and shall not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted.

§5-16-8. Conditions of insurance program.

The insurance plans provided for in this article shall be designed by the Public Employees Insurance Agency:

(1) To provide a reasonable relationship between the hospital, surgical, medical, and prescription drug benefits to be included and the expected reasonable and customary hospital, surgical, medical, and prescription drug expenses as established by the director to be incurred by the affected employee, his or her spouse, and his or her dependents. The establishment of reasonable and customary

expenses by the Public Employees Insurance Agency pursuant to the preceding sentence is not subject to ~~the state administrative procedures act in~~ chapter §29A-1-1 *et seq.* of this code;

(2) To include reasonable controls which may include deductible and coinsurance provisions applicable to some or all of the benefits, and shall include other provisions, including, but not limited to, copayments, preadmission certification, case management programs, and preferred provider arrangements;

(3) To prevent unnecessary utilization of the various hospital, surgical, medical, and prescription drug services available;

(4) To provide reasonable assurance of stability in future years for the plans;

(5) To provide major medical insurance for the employees covered under this article;

(6) To provide certain group life and accidental death insurance for the employees covered under this article;

(7) To include provisions for the coordination of benefits payable by the terms of the plans with the benefits to which the employee, or his or her spouse, or his or her dependents may be entitled by the provisions of any other group hospital, surgical, medical, major medical, or prescription drug insurance, or any combination thereof;

(8) To provide a cash incentive plan for employees, spouses, and dependents to increase utilization of, and to encourage the use of, lower cost alternative health care facilities, health care providers, and generic drugs. The plan shall be reviewed annually by the director and the advisory board;

(9) To provide health and wellness programs and resources impacting various components of health and wellness. PEIA may explore, review, evaluate, and offer a variety of health and wellness programming and resources to meet the needs of its members. These programs are voluntary for participants and are separate and distinct from any medical benefit and activities which will include,

~~but not be limited to, benefit plan incentives to discourage tobacco, alcohol and chemical abuse and an educational program to encourage proper diet and exercise. In establishing "wellness" programs, the division of vocational rehabilitation shall cooperate with the Public Employees Insurance Agency in establishing statewide wellness programs. The director of the Public Employees Insurance Agency shall contract with county boards of education for the use of facilities, equipment or any service related to that purpose. Boards of education may charge only the cost of janitorial service and increased utilities for the use of the gymnasium and related equipment. The cost of the exercise program shall be paid by county boards of education, the Public Employees Insurance Agency, or participating employees, their spouses or dependents. All exercise programs shall be made available to all employees, their spouses or dependents and shall not be limited to employees of county boards of education;~~

(10) To provide a program, to be administered by the director, for a patient audit plan with reimbursement up to a maximum of \$1,000 annually to employees for discovery of health care provider or hospital overcharges when the affected employee brings the overcharge to the attention of the plan. The hospital or health care provider shall certify to the director that it has provided, prior to or simultaneously with the submission of the statement of charges for payments, an itemized statement of the charges to the employee participant for which payment is requested of the plan;

(11) To require that all employers give written notice to each covered employee prior to institution of any changes in benefits to employees, and to include appropriate penalty for any employer not providing the required information to any employee; and

(12)(a) (A) To provide coverage for emergency services under offered plans. ~~For the purposes of this subsection, "emergency services" means services provided in or by a hospital emergency facility, an ambulance providing related services under the provisions of §16-4C-1 et seq. of this code, or the private office of a dentist to evaluate and treat a medical condition manifesting itself by the sudden, and at the time, unexpected onset of symptoms that require immediate medical attention and for which failure to~~

~~provide medical attention would result in serious impairment to bodily function, serious dysfunction to any bodily organ or part, or would place the person's health in jeopardy.~~

(b) (B) ~~From July 1, 1998,~~ Plans shall provide coverage for emergency services, including any pre-hospital services, to the extent necessary to screen and stabilize the covered person. The plans shall reimburse, less any applicable copayments, deductibles, or coinsurance for emergency services rendered and related to the condition for which the covered person presented. Prior authorization of coverage shall not be required for the screening services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed. Prior authorization of coverage shall not be required for stabilization if an emergency medical condition exists. In the event that prior authorization was obtained, the authorization may not be retracted after the services have been provided except when the authorization was based on a material misrepresentation about the medical condition by the provider of the services or the insured person. The provider of the emergency services and the plan representative shall make a good faith effort to communicate with each other in a timely fashion to expedite post-evaluation or post-stabilization services. Payment of claims for emergency services shall be based on the retrospective review of the presenting history and symptoms of the covered person.

(c) (C) For purposes of this subdivision:

(A) "Emergency services" means those services required to screen for or treat an emergency medical condition until the condition is stabilized, including pre-hospital care;

(B) "Prudent layperson" means a person who is without medical training and who draws on his or her practical experience when making a decision regarding whether an emergency medical condition exists for which emergency treatment should be sought;

(C) "Emergency medical condition for the prudent layperson" means one that manifests itself by acute symptoms of sufficient severity, including severe pain, such that the person could

reasonably expect the absence of immediate medical attention to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part;

(D) "Stabilize" means with respect to an emergency medical condition, to provide medical treatment of the condition necessary to assure, with reasonable medical probability that no medical deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility: *Provided*, That this provision may not be construed to prohibit, limit, or otherwise delay the transportation required for a higher level of care than that possible at the treating facility;

(E) "Medical screening examination" means an appropriate examination within the capability of the hospital's emergency department, including ancillary services routinely available to the emergency department, to determine whether or not an emergency medical condition exists; and

(F) "Emergency medical condition" means a condition that manifests itself by acute symptoms of sufficient severity including severe pain such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health, or, with respect to a pregnant woman, the health of the unborn child, serious impairment to bodily functions, or serious dysfunction of any bodily part or organ.

§5-16-9. Authorization to execute contracts. ~~for group hospital and surgical insurance, group major medical insurance, group prescription drug insurance, group life and accidental death insurance, and other accidental death insurance; mandated benefits; limitations; awarding of contracts; reinsurance; certificates for covered employees; discontinuance of contracts~~

(a) The director is given exclusive authorization to execute such contract or contracts as are necessary to carry out the provisions of this article. ~~and to provide the plan or plans of group~~

~~hospital and surgical insurance coverage, group major medical insurance coverage, group prescription drug insurance coverage, and group life and accidental death insurance coverage selected in accordance with the provisions of this article, such contract or contracts to be executed with one or more agencies, corporations, insurance companies, or service organizations licensed to sell group hospital and surgical insurance, group major medical insurance, group prescription drug insurance and group life and accidental death insurance in this state.~~

~~(b) The group hospital or surgical insurance coverage and group major medical insurance coverage herein provided shall include coverages and benefits for x ray and laboratory services in connection with mammogram and pap smears when performed for cancer screening or diagnostic services and annual checkups for prostate cancer in men age 50 and over. Such benefits shall include, but not be limited to, the following:~~

~~(1) Mammograms when medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force;~~

~~(2) A pap smear, either conventional or liquid based cytology, whichever is medically appropriate and consistent with the current guidelines from the United States Preventive Services Task Force or The American College of Obstetricians and Gynecologists, for women age 18 and over;~~

~~(3) A test for the human papilloma virus (HPV) for women age 18 or over, when medically appropriate and consistent with the current guidelines from either the United States Preventive Services Task Force or the American College of Obstetricians and Gynecologists for women age 18 and over;~~

~~(4) A checkup for prostate cancer annually for men age 50 or over; and~~

~~(5) Annual screening for kidney disease as determined to be medically necessary by a physician using any combination of blood pressure testing, urine albumin or urine protein testing, and serum~~

~~creatinine testing as recommended by the National Kidney Foundation.~~

~~(6) Coverage for general anesthesia for dental procedures and associated outpatient hospital or ambulatory facility charges provided by appropriately licensed healthcare individuals in conjunction with dental care if the covered person is:~~

~~(A) Seven years of age or younger or is developmentally disabled and is either an individual for whom a successful result cannot be expected from dental care provided under local anesthesia because of a physical, intellectual, or other medically compromising condition of the individual and for whom a superior result can be expected from dental care provided under general anesthesia; or~~

~~(B) A child who is 12 years of age or younger with documented phobias, or with documented mental illness, and with dental needs of such magnitude that treatment should not be delayed or deferred and for whom lack of treatment can be expected to result in infection, loss of teeth or other increased oral or dental morbidity and for whom a successful result cannot be expected from dental care provided under local anesthesia because of such condition and for whom a superior result can be expected from dental care provided under general anesthesia.~~

~~(7) (A) A policy, plan, or contract that is issued or renewed on or after January 1, 2019, and that is subject to this section, shall provide coverage, through the age of 20, for amino acid-based formula for the treatment of severe protein allergic conditions or impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes the following conditions, if diagnosed as related to the disorder by a physician licensed to practice in this state pursuant to either §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code:~~

~~(i) Immunoglobulin E and Nonimmunoglobulin E-mediated allergies to multiple food proteins;~~

~~(ii) Severe food protein induced enterocolitis syndrome;~~

~~(iii) Eosinophilic disorders as evidenced by the results of a biopsy; and~~

~~(iv) Impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract (short bowel).~~

~~(B) The coverage required by §5-16-9(b)(7)(A) of this code shall include medical foods for home use for which a physician has issued a prescription and has declared them to be medically necessary, regardless of methodology of delivery.~~

~~(C) For purposes of this subdivision, "medically necessary foods" or "medical foods" shall mean prescription amino acid-based elemental formulas obtained through a pharmacy: *Provided*, That these foods are specifically designated and manufactured for the treatment of severe allergic conditions or short bowel.~~

~~(D) The provisions of this subdivision shall not apply to persons with an intolerance for lactose or soy.~~

~~(c) The group life and accidental death insurance herein provided shall be in the amount of \$10,000 for every employee. The amount of the group life and accidental death insurance to which an employee would otherwise be entitled shall be reduced to \$5,000 upon such employee attaining age 65.~~

~~(d) All of the insurance coverage to be provided for under this article may be included in one or more similar contracts issued by the same or different carriers~~

~~(e) (b) The provisions of §5A-3-1 *et seq.* of this code, relating to the Division of Purchasing of the Department of Finance and Administration, shall not apply to any contracts for any insurance coverage or professional services authorized to be executed under the provisions of this article. Before entering into any contract for any insurance coverage, as authorized in this article, the director shall invite competent bids from all qualified and licensed insurance companies or carriers, ~~who~~ that may wish to offer plans~~

for the insurance coverage desired. ~~Provided, That~~ The director shall negotiate and contract directly with health care providers and other entities, organizations, and vendors in order to secure competitive premiums, prices, and other financial advantages. The director shall deal directly with insurers or health care providers and other entities, organizations, and vendors in presenting specifications and receiving quotations for bid purposes. No commission or finder's fee, or any combination thereof, shall be paid to any individual or agent; ~~but:~~ Provided, That this shall not preclude an underwriting insurance company or companies, at their own expense, from appointing a licensed resident agent within this state to service the companies' contracts awarded under the provisions of this article. Commissions reasonably related to actual service rendered for the agent or agents may be paid by the underwriting company or companies. ~~Provided, however, That~~ In no event shall payment be made to any agent or agents when no actual services are rendered or performed. The director shall award the contract or contracts on a competitive basis. In awarding the contract or contracts the director shall take into account the experience of the offering agency, corporation, insurance company, or service organization in the group hospital and surgical insurance field, group major medical insurance field, group prescription drug field, and group life and accidental death insurance field, and its facilities for the handling of claims. In evaluating these factors, the director may employ the services of impartial, professional insurance analysts or actuaries, or both. Any contract executed by the director with a selected carrier shall be a contract to govern all eligible employees subject to the provisions of this article. Nothing contained in this article shall prohibit any insurance carrier from soliciting employees covered hereunder to purchase additional hospital and surgical, major medical, or life and accidental death insurance coverage.

⊕ (c) The director may authorize the carrier with whom a primary contract is executed to reinsure portions of the contract with other carriers which elect to be a reinsurer and who are legally qualified to enter into a reinsurance agreement under the laws of this state.

~~(g)~~ (d) Each employee who is covered under any contract or contracts shall receive a statement of benefits to which the employee, his or her spouse, and his or her dependents are entitled under the contract, setting forth the information as to whom the benefits are payable, to whom claims shall be submitted, and a summary of the provisions of the contract or contracts as they affect the employee, his or her spouse, and his or her dependents.

~~(h)~~ (e) The director may at the end of any contract period discontinue any contract or contracts it has executed with any carrier and replace the same with a contract or contracts with any other carrier or carriers meeting the requirements of this article.

~~(i) The director shall provide by contract or contracts entered into under the provisions of this article the cost for coverage of children's immunization services from birth through age 16 years to provide immunization against the following illnesses: Diphtheria, polio, mumps, measles, rubella, tetanus, hepatitis b, hemophilia influenzae b, and whooping cough. Additional immunizations may be required by the Commissioner of the Bureau for Public Health for public health purposes. Any contract entered into to cover these services shall require that all costs associated with immunization, including the cost of the vaccine, if incurred by the healthcare provider, and all costs of vaccine administration be exempt from any deductible, per visit charge and/or copayment provisions which may be in force in these policies or contracts. This section does not require that other healthcare services provided at the time of immunization be exempt from any deductible and/or copayment provisions~~

~~(j)~~ (f) The director shall include language in all contracts for pharmacy benefits management, as defined by §33-51-3 of this code, requiring the pharmacy benefit manager to report quarterly to the agency the following:

(1) The overall total amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter;

(2) The overall total amount of reimbursements paid to pharmacy providers during the quarter;

(3) The overall total number of claims in which the pharmacy benefits manager reimbursed a pharmacy provider for less than the amount charged to the agency for all claims processed by the pharmacy benefit manager during the quarter; and

(4) For all pharmacy claims, the total amount paid to the pharmacy provider per claim, including, but not limited to, the following:

(A) The cost of drug reimbursement;

(B) Dispensing fees;

(C) Copayments; and

(D) The amount charged to the agency for each claim by the pharmacy benefit manager.

In the event there is a difference between the amount for any pharmacy claim paid to the pharmacy provider and the amount reimbursed to the agency, the pharmacy benefit manager shall report an itemization of all administrative fees, rebates, or processing charges associated with the claim. All data and information provided by the pharmacy benefit manager shall be kept secure, and notwithstanding any other provision of this code to the contrary, the agency shall maintain the confidentiality of the proprietary information and not share or disclose the proprietary information contained in the report or data collected with persons outside the agency. All data and information provided by the pharmacy benefit manager shall be considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code. Only those agency employees involved in collecting, securing, and analyzing the data for the purpose of preparing the report provided for herein shall have access to the proprietary data. The director shall provide a quarterly report to ~~the Joint Committee on Government and Finance and~~ the Joint Committee on Health detailing the information required by this section, including any

difference or spread between the overall amount paid by pharmacy benefit managers to the pharmacy providers and the overall amount charged to the agency for each claim by the pharmacy benefit manager. To the extent necessary, the director shall use aggregated, nonproprietary data only: *Provided*, That the director must provide a clear and concise summary of the total amounts charged to the agency and reimbursed to pharmacy providers on a quarterly basis.

~~(k)~~ (g) If the information required herein is not provided, the agency may terminate the contract with the pharmacy benefit manager and the Office of the Insurance Commissioner shall discipline the pharmacy benefit manager as provided in §33-51-8(e) of this code.

(h) The Public Employees Insurance Agency shall contract with networks to provide care to its members out of state.

§5-16-10. Contract provisions for group hospital and surgical, group major medical, group prescription drug and group life, and accidental death insurance for retired employees, their spouses, and dependents.

~~Any contract or contracts entered into hereunder may provide for group hospital and surgical, group major medical, group prescription drug and group life and accidental death insurance~~ A plan may provide benefits for retired employees and their spouses and dependents as defined by rules and regulations of the Public Employees Insurance Agency, and on such terms as the director may deem appropriate.

In the event the Public Employees Insurance Agency provides the above benefits for retired employees, their spouses, and dependents, the Public Employees Insurance Agency shall adopt rules and regulations prescribing the conditions under which retired employees may elect to participate in or withdraw from the plan or plans. Any ~~contract or contracts herein~~ plan provided for shall be secondary to any ~~hospital, surgical, major medical, prescription drug or other health~~ insurance plan administered by the United States Department of Health and Human Services to which the retired employee, spouse, or dependent may be eligible

under any law or regulation of the United States. If an employee eligible to participate in the Public Employees Insurance Agency plans is also eligible to participate in the state Medicaid program, and chooses to do so, then the Public Employees Insurance Agency may transfer to the Medicaid program funds to pay the required state share of such employee's participation in Medicaid except that the amount transferred may not exceed the amount that would be allocated by the agency to subsidize the cost of coverage for the retired employee if he or she were enrolled in the Public Employees Insurance Agency's plans.

§5-16-11. To whom benefits paid.

Any benefits payable under ~~any group hospital and surgical, group major medical and group prescription drug plan or plans a~~ plan may be paid either directly to the ~~attending physician~~ medical provider, hospital, medical group, or other person, firm, association, or corporation furnishing the service upon which the claim is based, or to the insured upon presentation of valid bills for such service, subject to such provisions designed to facilitate payments as may be made by the director.

§5-16-13. Payment of costs by employer and employee; spouse and dependent coverage; involuntary employee termination coverage; conversion of annual leave and sick leave authorized for health or retirement benefits; authorization for retiree participation; continuation of health insurance for surviving dependents of deceased employees; requirement of new health plan; limiting employer contribution.

(a) *Cost-sharing.* — The director shall provide ~~under any contract or contracts entered into under the provisions of this article that the costs of any group hospital and surgical insurance, group major medical insurance, group prescription drug insurance, group life and accidental death insurance benefit plan or plans~~ that shall be paid by the employer and employee.

(b) *Spouse and dependent coverage.* — ~~Each~~ (1) An employee is entitled to have his or her spouse and dependents included in any

~~group hospital and surgical insurance, group major medical insurance or group prescription drug insurance coverage plan to which the employee is entitled to participate. *Provided, That*~~

(2) The spouse and dependent coverage is limited to excess or secondary coverage for each spouse and dependent who has primary coverage from any other source. If an employee's spouse has health insurance available through an employer not defined in §5-16-2 of this code, then the employer may not cover any portion of premiums for the employee's spouse coverage, unless the employee adds his or her spouse to his or her coverage by paying the cost of the actuarial value of the plan: *Provided, That* this does not apply to spouses of retired employees or employers subject to §5-16-22 of this code. For purposes of this subsection, "actuarial value" means the value as recommended by healthcare actuaries under §5-16-5 of this code.

~~For purposes of this section, the term "primary coverage" means individual or group hospital and surgical insurance coverage or individual or group major medical insurance coverage or group prescription drug coverage in which the spouse or dependent is the named insured or certificate holder. For the purposes of this section, "dependent" includes an eligible employee's unmarried child or stepchild under the age of 25 if that child or stepchild meets the definition of a "qualifying child" or a "qualifying relative" in Section 152 of the Internal Revenue Code. The director may require proof regarding spouse and dependent primary coverage and shall adopt rules governing the nature, discontinuance, and resumption of any employee's coverage for his or her spouse and dependents.~~

(c) *Continuation after termination.* — If an employee participating in the plan is terminated from employment involuntarily or in reduction of work force, the employee's insurance coverage provided under this article shall continue for a period of three months at no additional cost to the employee and the employer shall continue to contribute the employer's share of plan premiums for the coverage. An employee discharged for misconduct shall not be eligible for extended benefits under this section. Coverage may be extended up to the maximum period of three months, while administrative remedies contesting the charge

of misconduct are pursued. If the discharge for misconduct be upheld, the full cost of the extended coverage shall be reimbursed by the employee. If the employee is again employed or recalled to active employment within 12 months of his or her prior termination, he or she shall not be considered a new enrollee and may not be required to again contribute his or her share of the premium cost if he or she had already fully contributed such share during the prior period of employment.

(d) *Conversion of accrued annual and sick leave for extended insurance coverage upon retirement for employees who elected to participate in the plan before July, 1988.* - Except as otherwise provided in subsection (g) of this section, when an employee participating in the plan, who elected to participate in the plan before July 1, 1988, is compelled or required by law to retire before reaching the age of ~~sixty-five~~ 65, or when a participating employee voluntarily retires as provided by law, that employee's accrued annual leave and sick leave, if any, shall be credited toward an extension of the insurance coverage provided by this article, according to the following formulae: The insurance coverage for a retired employee shall continue one additional month for every two days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement. For a retired employee, his or her spouse and dependents, the insurance coverage shall continue one additional month for every three days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement.

(e) *Conversion of accrued annual and sick leave for extended insurance coverage upon retirement for employees who elected to participate in the plan after June, 1988.* —Notwithstanding subsection (d) of this section, and except as otherwise provided in subsections (g) and (l) of this section, when an employee participating in the plan who elected to participate in the plan on and after July 1, 1988, is compelled or required by law to retire before reaching the age of 65, or when the participating employee voluntarily retires as provided by law, that employee's annual leave or sick leave, if any, shall be credited toward one half of the premium cost of the insurance provided by this article, for periods

and scope of coverage determined according to the following formulae: (1) One additional month of single retiree coverage for every two days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement; or (2) one additional month of coverage for a retiree, his or her spouse, and dependents for every three days of annual leave or sick leave, or both, which the employee had accrued as of the effective date of his or her retirement. The remaining premium cost shall be borne by the retired employee if he or she elects the coverage. For purposes of this subsection, an employee who has been a participant under spouse or dependent coverage and who reenters the plan within 12 months after termination of his or her prior coverage shall be considered to have elected to participate in the plan as of the date of commencement of the prior coverage. For purposes of this subsection, an employee shall not be considered a new employee after returning from extended authorized leave on or after July 1, 1988.

~~(f) Increased retirement benefits for retired employees with accrued annual and sick leave.~~ In the alternative to the extension of insurance coverage through premium payment provided in subsections (d) and (e) of this section, the accrued annual leave and sick leave of an employee participating in the plan may be applied, on the basis of two days' retirement service credit for each one day of accrued annual and sick leave, toward an increase in the employee's retirement benefits with those days constituting additional credited service in computation of the benefits under any state retirement system: *Provided*, That for a person who first becomes a member of the Teachers Retirement System as provided in §18-7A-1 *et seq.* of this code on or after July 1, 2015, accrued annual and sick leave of an employee participating in the plan may not be applied for retirement service credit. ~~However;~~ *Provided, however, That* the additional credited service shall not be used in meeting initial eligibility for retirement criteria, but only as additional service credited in excess thereof.

(g) *Conversion of accrued annual and sick leave for extended insurance coverage upon retirement for certain higher education employees.*— Except as otherwise provided in subsection ~~(f)~~ (k) of

this section, when an employee, who is a higher education full-time faculty member employed on an annual contract basis other than for 12 months, is compelled or required by law to retire before reaching the age of 65, or when such a participating employee voluntarily retires as provided by law, that employee's insurance coverage, as provided by this article, shall be extended according to the following formulae: The insurance coverage for a retired higher education full-time faculty member, formerly employed on an annual contract basis other than for 12 months, shall continue beyond the effective date of his or her retirement one additional year for each three and one-third years of teaching service, as determined by uniform guidelines established by the University of West Virginia Board of Trustees and the Board of Directors of the State College System, for individual coverage, or one additional year for each five years of teaching service for family coverage.

~~(h) Any employee who retired prior to April 21, 1972, and who also otherwise meets the conditions of the "retired employee" definition in section two of this article, shall be eligible for insurance coverage under the same terms and provisions of this article. The retired employee's premium contribution for any such coverage shall be established by the finance board.~~

~~(i) (h) *Retiree participation.* — All retirees under the provisions of this article, including those defined in section two of this article; those retiring prior to April 21, 1972; and those hereafter retiring~~ All retired employees are eligible to obtain health insurance coverage. The retired employee's premium contribution for the coverage shall be established by the finance board.

~~(j) (i) *Surviving spouse and dependent participation.* — A surviving spouse and dependents of a deceased employee, who was either an active or retired employee participating in the plan just prior to his or her death, are entitled to be included in any comprehensive group health insurance coverage provided under this article to which the deceased employee was entitled, and the spouse and dependents shall bear the premium cost of the insurance coverage. The finance board shall establish the premium cost of the coverage.~~

~~(k)~~ (j) *Elected officials.* — In construing the provisions of this section or any other provisions of this code, the Legislature declares that it is not now, nor has it ever been the Legislature's intent that elected public officials be provided any sick leave, annual leave, or personal leave, and the enactment of this section is based upon the fact and assumption that no statutory or inherent authority exists extending sick leave, annual leave, or personal leave to elected public officials, and the very nature of those positions preclude the arising or accumulation of any leave so as to be thereafter usable as premium paying credits for which the officials may claim extended insurance benefits.

(k) (k) *Participation of certain former employees.* — An employee, eligible for coverage under the provisions of this article who has twenty years of service with any agency or entity participating in the public employees insurance program or who has been covered by the public employees insurance program for twenty years may, upon leaving employment with a participating agency or entity, continue to be covered by the program if the employee pays one hundred five percent of the cost of retiree coverage: *Provided*, That the employee shall elect to continue coverage under this subsection within two years of the date the employment with a participating agency or entity is terminated.

~~(m)~~ (l) *Prohibition on conversion of accrued annual and sick leave for extended coverage upon retirement for new employees who elect to participate in the plan after June, 2001.* — Any employee hired on or after July 1, 2001, who elects to participate in the plan may not apply accrued annual or sick leave toward the cost of premiums for extended insurance coverage upon his or her retirement. This prohibition does not apply to the conversion of accrued annual or sick leave for increased retirement benefits, as authorized by this section: *Provided*, That any person who has participated in the plan prior to July 1, 2001, is not a new employee for purposes of this subsection if he or she becomes reemployed with an employer participating in the plan within two years following his or her separation from employment and he or she elects to participate in the plan upon his or her reemployment.

~~(n)~~ (m) *Prohibition on conversion of accrued years of teaching service for extended coverage upon retirement for new employees who elect to participate in the plan July, 2009.* — Any employee hired on or after July 1, 2009, who elects to participate in the plan may not apply accrued years of teaching service toward the cost of premiums for extended insurance coverage upon his or her retirement.

§5-16-14. Program qualifying for favorable federal income tax treatment.

The director shall develop, ~~implement and have in place by December 31, 1990,~~ deductible and employee premium programs which qualify for favorable federal income tax treatment under section 125 of the Internal Revenue Code.

§5-16-15. Optional dental, optical, disability, and prepaid retirement plan, and audiology and hearing-aid service plan.

(a) ~~On and after July 1, 1989~~ The director shall make available to participants in the public employees insurance system:

- (1) A dental insurance plan;
- (2) An optical insurance plan;
- (3) A disability insurance plan;
- (4) A prepaid retirement insurance plan; and
- (5) An audiology and hearing-aid services insurance plan.

(b) Public employees insurance participants may elect to participate in any one of these plans separately or in combination. All actuarial and administrative costs of each plan shall be totally borne by the premium payments of the participants or local governing bodies electing to participate in that plan. The director is authorized to employ such administrative practices and procedures with respect to these optional plans as are authorized for the administration of other plans under this article. The director

shall establish separate funds ~~(1) For deposit of dental insurance premiums and payment of dental insurance claims; (2) for deposit of optical insurance premium payments and payment of optical insurance claims; (3) for deposit of disability insurance premium payments and payment of disability insurance claims; and (4) for deposit of audiology and hearing aid service insurance premiums and payment of audiology and hearing aid insurance claims~~ for each of the above listed plans. ~~Such~~ The funds shall not be supplemented by nor be used to supplement any other funds.

~~(b) The Finance Board shall study the feasibility of an oral health benefit for children of participants~~

§5-16-16. Preferred provider plan.

The director shall ~~on or before April 1, 1988, or as soon as practicable~~ establish a preferred provider system for the delivery of health care to plan participants by all health care providers, which may include, but not be limited to, medical doctors, chiropractors, physicians, osteopathic physicians, surgeons, hospitals, clinics, nursing homes, pharmacies, and pharmaceutical companies.

The director shall establish the terms of the preferred provider system and the incentives therefor. The terms and incentives may include multiyear renewal options as are not prohibited by the Constitution of this state and capitated primary care arrangements which are not subject to the provisions of §33-25A-1 *et seq.* of this code.

§5-16-18. Payment of costs by employer; schedule of insurance; special funds created; duties of Treasurer with respect thereto.

(a) All employers operating from state general revenue or special revenue funds, or federal funds, or any combination of those funds, shall budget the cost of insurance coverage provided by the Public Employees Insurance Agency to current and retired employees of the employer as a separate line item titled "PEIA" in its respective annual budget and are responsible for the transfer of funds to the director for the cost of insurance for employees

covered by the plan. Each spending unit shall pay to the director its proportionate share from each source of funds. Any agency wishing to charge General Revenue Funds for insurance benefits for retirees under §5-16-13 of this code shall provide documentation to the director that the benefits cannot be paid for by any special revenue account or that the retiring employee has been paid solely with General Revenue Funds for ~~twelve~~ 12 months prior to retirement.

(b) If the general revenue appropriation for any employer, excluding county boards of education, is insufficient to cover the cost of insurance coverage for the employer's participating employees, retired employees, and surviving dependents, the employer shall pay the remainder of the cost from its "personal services" or "unclassified" line items. The amount of the payments for county boards of education shall be determined by the method set forth in §18-9A-24 of this code: *Provided*, That local excess levy funds shall be used only for the purposes for which they were raised: *Provided, however*, That after approval of its annual financial plan, but in no event later than December 31 of each year, the finance board shall notify the Legislature and county boards of education of the maximum amount of employer premiums that the county boards of education shall pay for covered employees during the following fiscal year.

(c) All other employers not operating from the state General Revenue Fund shall pay to the director their share of premium costs from their respective budgets. The finance board shall establish the employers' share of premium costs to reflect and pay the actual costs of the coverage including incurred but not reported claims.

(d) The contribution of the other employers (~~namely: A county, city, or town~~) that are counties, cities, or towns in the state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities or towns; any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more counties, cities, or towns; any comprehensive community mental health center or comprehensive mental

~~retardation~~ health facility established, operated, or licensed by the Secretary of the Department of Health and Human Resources pursuant to ~~section one, article two a, chapter twenty seven~~ §27-2A-1 et seq. of this code, and which is supported in part by state, county, or municipal funds; and a combined city-county health department created pursuant to §16-2-1 *et seq.* of this code for their employees shall be the percentage of the cost of the employees' insurance package as the employers determine reasonable and proper under their own particular circumstances.

(e) The employee's proportionate share of the premium or cost shall be withheld or deducted by the employer from the employee's salary or wages as and when paid and the sums shall be forwarded to the director with any supporting data as the director may require.

(f) All moneys received by the Public Employees Insurance Agency shall be deposited in a special fund or funds as are necessary in the State Treasury and the Treasurer ~~of the state~~ is custodian of the fund or funds and shall administer the fund or funds in accordance with the provisions of this article or as the director may from time to time direct. The Treasurer shall pay all warrants issued by the State Auditor against the fund or funds as the director may direct in accordance with the provisions of this article. All funds received by the agency, ~~including, but not limited to, basic insurance premiums, administrative expenses and optional life insurance premiums~~ shall be deposited, as determined by the director, in any of the investment pools with the West Virginia Investment Management Board, ~~including, but not limited to, the equity and fixed income pools~~ with the interest income or other earnings a proper credit to all such funds for the benefit of the Public Employees Insurance Agency.

(g) The Public Employees Insurance Agency may recover an additional interest amount from any employer that fails to pay in a timely manner any premium or minimum annual employer payment, as defined in ~~article sixteen d of this chapter~~ §5-16D-1 et seq. of this code, which is due and payable to the Public Employees Insurance Agency or the Retiree Health Benefit Trust. The agency may recover the amount due plus an additional amount equal to 2.5 percent per annum of the amount due. Accrual of interest owed by

the delinquent employer commences upon the ~~thirty first~~ 31st day following the due date for the amount owed and shall continue until receipt by the Public Employees Insurance Agency of the delinquent payment. Interest shall compound every ~~thirty~~ 30 days.

§5-16-23. Members of Legislature may be covered if cost of the entire coverage is paid by such members.

~~Notwithstanding the definition of the term "employee" contained in section two of this article and~~ Notwithstanding any other provision of this article to the contrary, members of the Legislature may participate in and be covered by any insurance plan or plans authorized hereunder for state officers and employees, except that all members of the Legislature who elect to participate in or to be covered by any such plan or plans shall pay their proportionate individual share of the full cost for all group coverage on themselves, ~~and~~ their spouses, and dependents, so that there will be no cost to the state for the coverage of any such members, spouses, and dependents.

§5-16-25. Reserve fund.

~~Upon the effective date of this section~~ The finance board shall establish and maintain a reserve fund for the purposes of offsetting unanticipated claim losses in any fiscal year. ~~Beginning with the fiscal year 2002 plan and for each succeeding fiscal year plan~~ The finance board shall maintain the actuarially recommended reserve in an amount no less than 10 percent of the projected total plan costs for that fiscal year in the reserve fund, which is to be certified by the actuary and included in the final, approved financial plan submitted to the Governor and Legislature. ~~in accordance with the provisions of this article.~~

§5-16-26. Quarterly report.

~~By October 30, 1991, and~~ On or before the ~~thirtieth~~ 30th day of January, April, July, and October ~~of each year thereafter~~ the director shall prepare for the approval of the finance board, and thereafter present to the Joint Committee on Government and Finance a quarterly report setting forth:

(a) A summary of the cost to the plan of health care claims incurred in the preceding calendar quarter;

(b) A summary of the funds accrued to the plan by legislative appropriation, employer and employee premiums, or otherwise, in the preceding calendar quarter for payment of health care claims;

(c) An explanation of all cost containment measures, increased premium rates, and any other plan changes adopted by the director in the preceding calendar quarter and estimated cost savings and enhanced revenues resulting therefrom, and a certification that the director made a good faith effort to develop and implement all reasonable health care cost containment alternatives;

(d) Expected claim costs for the next calendar year;

(e) Such other information as the director deems appropriate; and

(f) Any other financial or other information as may be requested by the Joint Committee on Government and Finance.

§5-16-28. Incorporation of the coverage for 12-month refill for contraceptive drugs.

[Repealed.]

§5-16-30. PEIA solvency.

The Public Employees Insurance Agency shall return to, and provide that, the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, shall be at a level of 80 percent for the employer and 20 percent for employees during fiscal year 2024 and thereafter.

§5-16-31. PEIA actuarial study.

PEIA shall conduct an independent actuarial study of the financial solvency of the plan, including, but not limited to, a consideration of alternatives to bring long-term financial stability to the plan, options regarding continued nonstate employee

participation in the plan, collapsing salary levels, and any other cost-saving measures. PEIA shall seek input from public employees, retirees, providers, and other interested parties on solutions to evaluate in the study. The actuarial study shall begin on or before July 1, 2023. A report on the study shall be presented to the Joint Committee on Government and Finance on or before July 1, 2024.

§5-16-32. Effective date of amendments.

The amendments made to this article during the 2023 regular session of the Legislature shall be incorporated into the plan beginning with plan year 2024.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 268—A Bill to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, and §5-16-26 of the Code of West Virginia, 1931, as amended; to repeal §5-16-5b and §5-16-28 of said code; and to amend said code by adding thereto three new sections, designated §5-16-30, §5-16-31, and §5-16-32, all relating generally to the West Virginia Public Employees Insurance Act; providing definitions; removing antiquated reporting requirement; imposing fiduciary responsibility on finance board members and requiring training; providing requirements for actuary opinions and financial plans; modifying levels of reimbursements to health care providers; modifying public hearing requirements; providing for the use of Governor's revenue estimates; requiring director to provide certain information to the board; requiring that certain actuary opinions and financial plans include, but not be limited to, the aggregate premium cost-sharing percentages between employers and employees, including the amounts of any subsidization of retired employee benefits, at a level of 80 percent for the employer and 20 percent for employees beginning with the

plan year for fiscal year 2024; providing for retention of excess revenues; terminating the Post-July 1, 2010, Employee Trust Fund; removing limitations on benefits for certain services provided for autism spectrum disorder; moving certain provisions of law to other places within the code; modifying provisions relating to coverage for reconstructive surgery following mastectomies; modifying provisions relating to coverage for prescription insulin drugs; providing for health and wellness programs; require PEIA to use networks to provide care to members out of state; clarifying language allowing a PEIA plan to provide benefits for retired employees and their spouses and dependents; requiring employees to pay actuarial value of plan for spouse coverage in certain circumstances; requiring programs that qualify for favorable income tax treatment; providing for optional dental, optical, disability, and prepaid retirement plan, and audiology and hearing-aid service plans, and preferred provider plans; providing for employers' payment of PEIA costs; providing for coverage of members of the Legislature; providing for reserve fund and quarterly reports; requiring an independent actuarial study of financial solvency of plan; and providing that amendments made to article shall be incorporated into the plan beginning with plan year 2024.

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

Senator Azinger requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a PEIA plan participant.

The Chair replied that any impact on Senator Azinger would be as a member of a class of persons and that he would be required to vote.

The question now being on the adoption of Senator Takubo's motion to concur in the House of Delegates amendments to the bill, the same was put and prevailed.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 268, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Caputo, Chapman, Karnes, Martin, Maynard, and Stuart—6.

Absent: Phillips and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 268) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—26.

The nays were: Caputo, Chapman, Karnes, Martin, Maynard, and Stuart—6.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 268) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to

take effect July 1, 2023, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 423, Increasing salary for certain state employees.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page twelve, by striking out the following:

<u>Years</u>	<u>PAY GRADE</u>							
<u>Exp.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>2,237</u>	<u>2,258</u>	<u>2,300</u>	<u>2,353</u>	<u>2,406</u>	<u>2,469</u>	<u>2,501</u>	<u>2,574</u>
<u>1</u>	<u>2,269</u>	<u>2,291</u>	<u>2,332</u>	<u>2,385</u>	<u>2,439</u>	<u>2,502</u>	<u>2,533</u>	<u>2,607</u>
<u>2</u>	<u>2,302</u>	<u>2,323</u>	<u>2,365</u>	<u>2,418</u>	<u>2,471</u>	<u>2,534</u>	<u>2,566</u>	<u>2,639</u>
<u>3</u>	<u>2,334</u>	<u>2,356</u>	<u>2,398</u>	<u>2,451</u>	<u>2,504</u>	<u>2,567</u>	<u>2,599</u>	<u>2,672</u>
<u>4</u>	<u>2,367</u>	<u>2,389</u>	<u>2,430</u>	<u>2,483</u>	<u>2,536</u>	<u>2,600</u>	<u>2,631</u>	<u>2,706</u>
<u>5</u>	<u>2,400</u>	<u>2,421</u>	<u>2,463</u>	<u>2,516</u>	<u>2,569</u>	<u>2,632</u>	<u>2,664</u>	<u>2,738</u>
<u>6</u>	<u>2,432</u>	<u>2,454</u>	<u>2,497</u>	<u>2,549</u>	<u>2,602</u>	<u>2,665</u>	<u>2,697</u>	<u>2,771</u>
<u>7</u>	<u>2,466</u>	<u>2,488</u>	<u>2,529</u>	<u>2,581</u>	<u>2,634</u>	<u>2,698</u>	<u>2,729</u>	<u>2,804</u>
<u>8</u>	<u>2,499</u>	<u>2,519</u>	<u>2,562</u>	<u>2,614</u>	<u>2,667</u>	<u>2,730</u>	<u>2,762</u>	<u>2,836</u>
<u>9</u>	<u>2,531</u>	<u>2,552</u>	<u>2,595</u>	<u>2,648</u>	<u>2,700</u>	<u>2,763</u>	<u>2,794</u>	<u>2,869</u>
<u>10</u>	<u>2,564</u>	<u>2,585</u>	<u>2,627</u>	<u>2,680</u>	<u>2,732</u>	<u>2,797</u>	<u>2,828</u>	<u>2,902</u>
<u>11</u>	<u>2,597</u>	<u>2,618</u>	<u>2,660</u>	<u>2,713</u>	<u>2,765</u>	<u>2,829</u>	<u>2,861</u>	<u>2,934</u>
<u>12</u>	<u>2,629</u>	<u>2,651</u>	<u>2,692</u>	<u>2,746</u>	<u>2,799</u>	<u>2,862</u>	<u>2,893</u>	<u>2,967</u>
<u>13</u>	<u>2,662</u>	<u>2,683</u>	<u>2,725</u>	<u>2,778</u>	<u>2,831</u>	<u>2,894</u>	<u>2,926</u>	<u>3,000</u>
<u>14</u>	<u>2,695</u>	<u>2,716</u>	<u>2,758</u>	<u>2,811</u>	<u>2,864</u>	<u>2,927</u>	<u>2,959</u>	<u>3,032</u>

<u>15</u>	<u>2,727</u>	<u>2,749</u>	<u>2,790</u>	<u>2,843</u>	<u>2,896</u>	<u>2,960</u>	<u>2,991</u>	<u>3,065</u>
<u>16</u>	<u>2,760</u>	<u>2,781</u>	<u>2,823</u>	<u>2,876</u>	<u>2,929</u>	<u>2,992</u>	<u>3,024</u>	<u>3,098</u>
<u>17</u>	<u>2,792</u>	<u>2,814</u>	<u>2,857</u>	<u>2,909</u>	<u>2,962</u>	<u>3,025</u>	<u>3,057</u>	<u>3,131</u>
<u>18</u>	<u>2,825</u>	<u>2,847</u>	<u>2,889</u>	<u>2,941</u>	<u>2,994</u>	<u>3,058</u>	<u>3,089</u>	<u>3,164</u>
<u>19</u>	<u>2,859</u>	<u>2,879</u>	<u>2,922</u>	<u>2,974</u>	<u>3,027</u>	<u>3,090</u>	<u>3,122</u>	<u>3,196</u>
<u>20</u>	<u>2,891</u>	<u>2,912</u>	<u>2,955</u>	<u>3,008</u>	<u>3,060</u>	<u>3,123</u>	<u>3,155</u>	<u>3,230</u>
<u>21</u>	<u>2,924</u>	<u>2,944</u>	<u>2,987</u>	<u>3,040</u>	<u>3,092</u>	<u>3,156</u>	<u>3,187</u>	<u>3,264</u>
<u>22</u>	<u>2,957</u>	<u>2,978</u>	<u>3,020</u>	<u>3,073</u>	<u>3,125</u>	<u>3,189</u>	<u>3,221</u>	<u>3,296</u>
<u>23</u>	<u>2,989</u>	<u>3,011</u>	<u>3,053</u>	<u>3,106</u>	<u>3,159</u>	<u>3,223</u>	<u>3,255</u>	<u>3,330</u>
<u>24</u>	<u>2,237</u>	<u>2,258</u>	<u>2,300</u>	<u>2,353</u>	<u>2,406</u>	<u>2,469</u>	<u>2,501</u>	<u>2,574</u>
<u>25</u>	<u>2,269</u>	<u>2,291</u>	<u>2,332</u>	<u>2,385</u>	<u>2,439</u>	<u>2,502</u>	<u>2,533</u>	<u>2,607</u>
<u>26</u>	<u>2,302</u>	<u>2,323</u>	<u>2,365</u>	<u>2,418</u>	<u>2,471</u>	<u>2,534</u>	<u>2,566</u>	<u>2,639</u>
<u>27</u>	<u>2,334</u>	<u>2,356</u>	<u>2,398</u>	<u>2,451</u>	<u>2,504</u>	<u>2,567</u>	<u>2,599</u>	<u>2,672</u>
<u>28</u>	<u>2,367</u>	<u>2,389</u>	<u>2,430</u>	<u>2,483</u>	<u>2,536</u>	<u>2,600</u>	<u>2,631</u>	<u>2,706</u>
<u>29</u>	<u>2,400</u>	<u>2,421</u>	<u>2,463</u>	<u>2,516</u>	<u>2,569</u>	<u>2,632</u>	<u>2,664</u>	<u>2,738</u>
<u>30</u>	<u>2,432</u>	<u>2,454</u>	<u>2,497</u>	<u>2,549</u>	<u>2,602</u>	<u>2,665</u>	<u>2,697</u>	<u>2,771</u>
<u>31</u>	<u>2,466</u>	<u>2,486</u>	<u>2,529</u>	<u>2,581</u>	<u>2,634</u>	<u>2,698</u>	<u>2,729</u>	<u>2,804</u>
<u>32</u>	<u>2,499</u>	<u>2,519</u>	<u>2,562</u>	<u>2,614</u>	<u>2,667</u>	<u>2,730</u>	<u>2,762</u>	<u>2,836</u>
<u>33</u>	<u>2,531</u>	<u>2,552</u>	<u>2,595</u>	<u>2,648</u>	<u>2,700</u>	<u>2,763</u>	<u>2,794</u>	<u>2,869</u>
<u>34</u>	<u>2,564</u>	<u>2,585</u>	<u>2,627</u>	<u>2,680</u>	<u>2,732</u>	<u>2,797</u>	<u>2,828</u>	<u>2,902</u>
<u>35</u>	<u>2,597</u>	<u>2,618</u>	<u>2,660</u>	<u>2,713</u>	<u>2,765</u>	<u>2,829</u>	<u>2,861</u>	<u>2,934</u>
<u>36</u>	<u>2,629</u>	<u>2,651</u>	<u>2,692</u>	<u>2,746</u>	<u>2,799</u>	<u>2,862</u>	<u>2,893</u>	<u>2,967</u>
<u>37</u>	<u>2,662</u>	<u>2,683</u>	<u>2,725</u>	<u>2,778</u>	<u>2,831</u>	<u>2,894</u>	<u>2,926</u>	<u>3,000</u>
<u>38</u>	<u>2,695</u>	<u>2,716</u>	<u>2,758</u>	<u>2,811</u>	<u>2,864</u>	<u>2,927</u>	<u>2,959</u>	<u>3,032</u>
<u>39</u>	<u>2,727</u>	<u>2,749</u>	<u>2,790</u>	<u>2,843</u>	<u>2,896</u>	<u>2,960</u>	<u>2,991</u>	<u>3,065</u>
<u>40</u>	<u>2,760</u>	<u>2,781</u>	<u>2,823</u>	<u>2,876</u>	<u>2,929</u>	<u>2,992</u>	<u>3,024</u>	<u>3,098</u>

And inserting in lieu thereof the following:

<u>Years</u>	<u>PAY GRADE</u>							
<u>Exp.</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
<u>0</u>	<u>2,237</u>	<u>2,258</u>	<u>2,300</u>	<u>2,353</u>	<u>2,406</u>	<u>2,469</u>	<u>2,501</u>	<u>2,574</u>
<u>1</u>	<u>2,269</u>	<u>2,291</u>	<u>2,332</u>	<u>2,385</u>	<u>2,439</u>	<u>2,502</u>	<u>2,533</u>	<u>2,607</u>
<u>2</u>	<u>2,302</u>	<u>2,323</u>	<u>2,365</u>	<u>2,418</u>	<u>2,471</u>	<u>2,534</u>	<u>2,566</u>	<u>2,639</u>
<u>3</u>	<u>2,334</u>	<u>2,356</u>	<u>2,398</u>	<u>2,451</u>	<u>2,504</u>	<u>2,567</u>	<u>2,599</u>	<u>2,672</u>
<u>4</u>	<u>2,367</u>	<u>2,389</u>	<u>2,430</u>	<u>2,483</u>	<u>2,536</u>	<u>2,600</u>	<u>2,631</u>	<u>2,706</u>
<u>5</u>	<u>2,400</u>	<u>2,421</u>	<u>2,463</u>	<u>2,516</u>	<u>2,569</u>	<u>2,632</u>	<u>2,664</u>	<u>2,738</u>
<u>6</u>	<u>2,432</u>	<u>2,454</u>	<u>2,497</u>	<u>2,549</u>	<u>2,602</u>	<u>2,665</u>	<u>2,697</u>	<u>2,771</u>
<u>7</u>	<u>2,466</u>	<u>2,486</u>	<u>2,529</u>	<u>2,581</u>	<u>2,634</u>	<u>2,698</u>	<u>2,729</u>	<u>2,804</u>
<u>8</u>	<u>2,499</u>	<u>2,519</u>	<u>2,562</u>	<u>2,614</u>	<u>2,667</u>	<u>2,730</u>	<u>2,762</u>	<u>2,836</u>
<u>9</u>	<u>2,531</u>	<u>2,552</u>	<u>2,595</u>	<u>2,648</u>	<u>2,700</u>	<u>2,763</u>	<u>2,794</u>	<u>2,869</u>
<u>10</u>	<u>2,564</u>	<u>2,585</u>	<u>2,627</u>	<u>2,680</u>	<u>2,732</u>	<u>2,797</u>	<u>2,828</u>	<u>2,902</u>
<u>11</u>	<u>2,597</u>	<u>2,618</u>	<u>2,660</u>	<u>2,713</u>	<u>2,765</u>	<u>2,829</u>	<u>2,861</u>	<u>2,934</u>
<u>12</u>	<u>2,629</u>	<u>2,651</u>	<u>2,692</u>	<u>2,746</u>	<u>2,799</u>	<u>2,862</u>	<u>2,893</u>	<u>2,967</u>
<u>13</u>	<u>2,662</u>	<u>2,683</u>	<u>2,725</u>	<u>2,778</u>	<u>2,831</u>	<u>2,894</u>	<u>2,926</u>	<u>3,000</u>
<u>14</u>	<u>2,695</u>	<u>2,716</u>	<u>2,758</u>	<u>2,811</u>	<u>2,864</u>	<u>2,927</u>	<u>2,959</u>	<u>3,032</u>
<u>15</u>	<u>2,727</u>	<u>2,749</u>	<u>2,790</u>	<u>2,843</u>	<u>2,896</u>	<u>2,960</u>	<u>2,991</u>	<u>3,065</u>
<u>16</u>	<u>2,760</u>	<u>2,781</u>	<u>2,823</u>	<u>2,876</u>	<u>2,929</u>	<u>2,992</u>	<u>3,024</u>	<u>3,098</u>
<u>17</u>	<u>2,792</u>	<u>2,814</u>	<u>2,857</u>	<u>2,909</u>	<u>2,962</u>	<u>3,025</u>	<u>3,057</u>	<u>3,131</u>
<u>18</u>	<u>2,825</u>	<u>2,847</u>	<u>2,889</u>	<u>2,941</u>	<u>2,994</u>	<u>3,058</u>	<u>3,089</u>	<u>3,164</u>
<u>19</u>	<u>2,859</u>	<u>2,879</u>	<u>2,922</u>	<u>2,974</u>	<u>3,027</u>	<u>3,090</u>	<u>3,122</u>	<u>3,196</u>
<u>20</u>	<u>2,891</u>	<u>2,912</u>	<u>2,955</u>	<u>3,008</u>	<u>3,060</u>	<u>3,123</u>	<u>3,155</u>	<u>3,230</u>
<u>21</u>	<u>2,924</u>	<u>2,944</u>	<u>2,987</u>	<u>3,040</u>	<u>3,092</u>	<u>3,156</u>	<u>3,187</u>	<u>3,264</u>
<u>22</u>	<u>2,957</u>	<u>2,978</u>	<u>3,020</u>	<u>3,073</u>	<u>3,125</u>	<u>3,189</u>	<u>3,221</u>	<u>3,296</u>
<u>23</u>	<u>2,989</u>	<u>3,011</u>	<u>3,053</u>	<u>3,106</u>	<u>3,159</u>	<u>3,223</u>	<u>3,255</u>	<u>3,330</u>

<u>24</u>	<u>3,022</u>	<u>3,043</u>	<u>3,085</u>	<u>3,138</u>	<u>3,191</u>	<u>3,257</u>	<u>3,288</u>	<u>3,364</u>
<u>25</u>	<u>3,055</u>	<u>3,076</u>	<u>3,118</u>	<u>3,171</u>	<u>3,225</u>	<u>3,289</u>	<u>3,322</u>	<u>3,396</u>
<u>26</u>	<u>3,087</u>	<u>3,109</u>	<u>3,150</u>	<u>3,205</u>	<u>3,259</u>	<u>3,323</u>	<u>3,354</u>	<u>3,430</u>
<u>27</u>	<u>3,120</u>	<u>3,141</u>	<u>3,183</u>	<u>3,237</u>	<u>3,291</u>	<u>3,355</u>	<u>3,388</u>	<u>3,463</u>
<u>28</u>	<u>3,153</u>	<u>3,174</u>	<u>3,217</u>	<u>3,271</u>	<u>3,325</u>	<u>3,389</u>	<u>3,422</u>	<u>3,497</u>
<u>29</u>	<u>3,185</u>	<u>3,208</u>	<u>3,250</u>	<u>3,303</u>	<u>3,358</u>	<u>3,423</u>	<u>3,454</u>	<u>3,531</u>
<u>30</u>	<u>3,219</u>	<u>3,240</u>	<u>3,284</u>	<u>3,337</u>	<u>3,391</u>	<u>3,455</u>	<u>3,488</u>	<u>3,564</u>
<u>31</u>	<u>3,252</u>	<u>3,274</u>	<u>3,318</u>	<u>3,371</u>	<u>3,425</u>	<u>3,489</u>	<u>3,522</u>	<u>3,597</u>
<u>32</u>	<u>3,286</u>	<u>3,307</u>	<u>3,350</u>	<u>3,404</u>	<u>3,457</u>	<u>3,523</u>	<u>3,554</u>	<u>3,631</u>
<u>33</u>	<u>3,320</u>	<u>3,340</u>	<u>3,384</u>	<u>3,438</u>	<u>3,491</u>	<u>3,555</u>	<u>3,588</u>	<u>3,664</u>
<u>34</u>	<u>3,352</u>	<u>3,374</u>	<u>3,418</u>	<u>3,472</u>	<u>3,525</u>	<u>3,589</u>	<u>3,622</u>	<u>3,697</u>
<u>35</u>	<u>3,386</u>	<u>3,408</u>	<u>3,450</u>	<u>3,504</u>	<u>3,557</u>	<u>3,623</u>	<u>3,655</u>	<u>3,731</u>
<u>36</u>	<u>3,420</u>	<u>3,441</u>	<u>3,484</u>	<u>3,538</u>	<u>3,592</u>	<u>3,656</u>	<u>3,689</u>	<u>3,763</u>
<u>37</u>	<u>3,452</u>	<u>3,475</u>	<u>3,518</u>	<u>3,572</u>	<u>3,626</u>	<u>3,690</u>	<u>3,722</u>	<u>3,797</u>
<u>38</u>	<u>3,486</u>	<u>3,507</u>	<u>3,550</u>	<u>3,604</u>	<u>3,658</u>	<u>3,723</u>	<u>3,755</u>	<u>3,831</u>
<u>39</u>	<u>3,520</u>	<u>3,541</u>	<u>3,584</u>	<u>3,638</u>	<u>3,692</u>	<u>3,756</u>	<u>3,789</u>	<u>3,863</u>
<u>40</u>	<u>3,552</u>	<u>3,575</u>	<u>3,617</u>	<u>3,671</u>	<u>3,726</u>	<u>3,790</u>	<u>3,822</u>	<u>3,897</u> ;

And,

On page three, section five, line forty-four, following the Roman numeral "VI", by striking out the numbers "~~65,242 67,524~~" and inserting in lieu thereof the numbers "~~65,242 67,542~~".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 423, as amended by the House of Delegates, was then 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 423) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 423) takes effect July 1, 2023.

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

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

Eng. Com. Sub. for Senate Bill 430, Relating to State Treasurer's authority to contract with financial institutions for banking goods and services.

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

Eng. Senate Bill 510, Supplementing and amending appropriations to BOE, Department of Education.

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

Eng. Senate Bill 591, Allowing counties and municipalities to jointly undertake development projects.

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

Eng. Com. Sub. for Senate Bill 594, Specifying fairness in cost sharing calculations for certain high deductible health plans.

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

Eng. Senate Bill 609, Obtaining approval for decommissioning or deconstructing of existing power plant.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, section 5c, on line 1, after the word "existing" and before the word "power" by inserting the words "coal, oil, or natural gas fueled";

On page 1, section 5c, on line 4, before the word "power" by inserting the words "coal, oil, or natural gas fueled";

On page 1, section 5c, line 2, after the word authority by striking the period and inserting in lieu thereof a colon and the following:

"*Provided*, That such approval may not be unreasonably withheld.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 609—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5D-1-5c, relating to and requiring the approval of the Public Energy Authority before decommissioning or deconstructing an existing coal, oil, and natural gas fueled electric power plant; requiring the submission of a petition containing certain specified information; providing for rule-making authority; and exempting certain power plants from the approval requirement.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 609, as amended by the House of Delegates, was then 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 609) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt,

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 609) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 3, Dr. Roland P Sharp Memorial Road.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 6, US Army SGT Vincent DiBacco Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 17, US Navy PO2 Phillip Joseph "PJ" Hainer Memorial Bridge.

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

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

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, to take effect from passage, of

Eng. Com. Sub. for House Bill 2526, Relating to reducing the personal income tax.

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 3232—A Bill to amend and reenact §29-22D-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-22D-25, all relating to allowing the West Virginia Lottery Commission to accredit independent evaluators to audit and opine on sports betting content directly or indirectly affiliated with management services providers; and subjecting management services providers and their direct or indirect affiliates to civil and criminal penalties.

Referred 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 with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill 3317, Relating to removing specific continuing education requirements.

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. House Bill 3512—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year

2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3514—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3516—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment, fund 8824, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3517—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3557—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Veterans' Assistance, fund 8858, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

House Concurrent Resolution 12—Requesting that the Division of Highways place roadway welcome signs containing the phrase "West Virginia a Purple Heart State" on highways at the entrance to West Virginia.

House Concurrent Resolution 33—Requesting the Division of Highways name a bridge bearing the Bridge Number: 20-N14/80-000.1 (20A928), (38.36406,-81.69170) locally known as CENTRAL AVENUE OVERPASS, carrying City N14/80 over CSX RR & FIRST AVENUE in Kanawha County, as the "Lt. Col. Mitchell M. Mickel Memorial Bridge".

House Concurrent Resolution 36—Requesting the Division of Highways name Bridge numbers: 20-064/00-049.98 (EB & WB) (20A779,20A782) Lat/Long: 38.38760,-8176827 Original Name: 1-64 Institute Interchange (EB&WB) Feature Intersected I-64 Ramps C & D in Kanawha County, the "U. S. Army Pvt. Charles A. White, Sr. Memorial Bridge".

House Concurrent Resolution 51—Requesting the Division of Highways name bridge number 42-092/00-035.05 () (42A241), (38.93675, -79.87766) locally known as CRYSTAL SPRINGS BRIDGE, carrying WV 92 over LEADING CREEK in Randolph County, the "U. S. Army SFC Samuel Evans Miller Memorial Bridge".

House Concurrent Resolution 54—Requesting the Division of Highways name bridge number 40-035/00-015.27 (NB & SB) (40A177, 40A179), (38.61845, -81.99839) locally known as Plantation Road Bridge, carrying US 35 over Plantation Creek in Putnam County, West Virginia, the "U.S. Army PFC Russell Richard Ferguson Memorial Bridge".

House Concurrent Resolution 55—Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the "Chief Lee Thomas Memorial Bridge".

House Concurrent Resolution 56—Requesting the Division of Highways name Bridge Number: 28-034/01-002.89 () (28A093), (37.34752, -81.10763) locally known as the Willowbrook Bridge, carrying CR 34/01 over Brush Creek in Mercer County, the "George M. Hall Memorial Bridge".

House Concurrent Resolution 58—Requesting the Division of Highways name Bridge Number: 39-051/00-000.13 () (39A116), (39.34951, -79.66801) locally known as Rowlesburg W-Beam, carrying CR 51 over Cheat River in Preston County, the "U. S. Army SSG Steven "Todd" Shay Memorial Bridge".

House Concurrent Resolution 61—Requesting the Division of Highways name a portion of Poca Fork Road at the mouth of Patterson Drive in Elkview, Kanawha County, West Virginia as the "US Army Sgt. John Edsel Edens Memorial Road".

House Concurrent Resolution 62—Requesting the Division of Highways to name a bridge bearing Bridge Number: 23-007/00-003.44 () (23A374), (37.96246, -81.93843) locally known as NEW GORE FORK BRIDGE, carrying CR 07 over GORE FORK CREEK in Logan County as the "U. S. Army PFC Clayton Collins Memorial Bridge".

House Concurrent Resolution 64—Requesting the Division of Highways name a portion of I-64 in Kanawha County, including bridges number 20-064-20A779), locally known as I-64 Bridge Eastbound at Institute, carrying I-64 over the I-64 Interchange over on-ramps C and D in Kanawha County, and bridge number 20-064-20A782, locally known as I-64 Bridge Westbound at Institute, carrying I-64 over the I-64 Interchange over on-ramps C and D in Kanawha County, the "U. S. Army Air Corps PVT-II Charles A. White Memorial Road".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia
March 4, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for House Bill No. Two Thousand Six (2006), which was presented to me on February 27, 2023.

Committee Substitute for House Bill No. Two Thousand Five Hundred Ninety-Six (2596), which was presented to me on February 27, 2023.

Committee Substitute for House Bill No. Three Thousand Fifty-Five (3055), which was presented to me on February 27, 2023.

Committee Substitute for House Bill No. Three Thousand One Hundred Twenty-Two (3122), which was presented to me on February 27, 2023.

You will note that I have approved these bills on March 4, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

[CLERK'S NOTE: Enr. Senate Bill 128 became law without the Governor's signature on March 4, 2023, under the provisions of Section 14, Article VII of the Constitution of West Virginia.]

The Senate proceeded to the fourth order of business.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 11, US Army SGT Brian Christopher Karim Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 11 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a stretch of County Route 19 in Summers County, beginning at the intersection of Route 19/1 and County Route 19, and ending at the Monroe County line, locally known as Wayside Talcott Road, the "U. S. Army SGT Brian Christopher Karim Memorial Road".

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2004, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2004) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Pensions has had under consideration

Eng. Com. Sub. for House Bill 2026, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time.

Eng. House Bill 2283, Relating to authorized expenditures of revenues from certain state funds for fire departments.

And,

Eng. House Bill 3299, Relating to Natural Resource Police Officer Retirement.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Takubo, unanimous consent was granted to dispense with the second committee references of Engrossed Committee Substitute for House Bill 2026 and Engrossed House Bill 2283 contained in the foregoing report from the Committee on Pensions.

At the further request of Senator Takubo, and by unanimous consent, the bills (Eng. Com. Sub. for H. B. 2026 and Eng. H. B. 2283) were each taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Takubo, unanimous consent being granted, Engrossed House Bill 3299 contained in the preceding report from the Committee on Pensions was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2509, Creating the Uniform Premarital Agreement Act.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2509) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Eng. Com. Sub. for House Bill 2515, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce.

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 Government Organization.

Respectfully submitted,

Rollan A. Roberts,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2515) contained in the preceding report from the Committee on the Workforce was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2540, Travel Insurance Model Act.

With amendments from the Committee on Banking and Insurance pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Banking and Insurance to which the bill was first referred.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2540) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 2621, Relating generally to bail bondsman.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2621) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Banking and Insurance pending.

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

Your Committee on Pensions has had under consideration

Eng. Com. Sub. for House Bill 2900, Relating to the Deputy Sheriff Retirement System.

And has amended same.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3146, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3146) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Eng. House Bill 3328, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3328) contained in the preceding report from the Committee on Outdoor Recreation was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. House Bill 3500, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office.

And has amended same.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3500) contained in the preceding report from the Committee on Banking and Insurance was taken up for

immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senator Grady offered the following resolution:

Senate Resolution 46—Designating March 7, 2023, as Deaf Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 45, Recognizing 50th anniversary of National Wild Turkey Federation.

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

At the request of Senator Hamilton, 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 House Bill 2221, Relating to bankruptcy.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on March 3, 2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Judiciary committee amendment pending.

Eng. Com. Sub. for House Bill 2760, To allow CPR fire fighters to drive ambulances when both attendants are needed to administer patient care.

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

The nays were: None.

Absent: Phillips and Woelfel—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. 2760) 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 2827, Make public charter schools eligible for Safe Schools Funds.

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2827) passed with its title.

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

Eng. Com. Sub. for House Bill 2860, To dispose of old AFFF foam accumulated by fire departments.

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

The nays were: None.

Absent: Phillips and Woelfel—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. 2860) passed with its title.

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

Eng. Com. Sub. for House Bill 2917, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources.

On third reading, coming up in regular order, with the right having been granted on March 3, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the

calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for House Bill 3044, Relating to the annual fee for limited video lottery terminal permits.

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: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Grady, Karnes, Maynard, Roberts, Smith, and Taylor—7.

Absent: Phillips and Woelfel—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. 3044) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Chapman, Clements, Deeds, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Grady, Karnes, Maynard, Roberts, Smith, and Taylor—7.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3044) takes effect from passage.

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

Eng. Com. Sub. for House Bill 3114, Deny severance pay to employees of DOT for failure or refusal of drug testing.

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 House Bill 3114 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—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. 3114) 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 3148, Relating to financing municipal policemen's and firemen's pension and relief funds.

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 House Bill 3148 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—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. 3148) passed with its title.

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

Eng. Com. Sub. for House Bill 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

On third reading, coming up in regular order, with the right having been granted on March 3, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. House Bill 3244, Relating to Municipal Pensions Oversight Board proposing legislative rules.

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

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

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3244) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3244) takes effect from passage.

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

Eng. House Bill 3286, Relating to an additional modification decreasing federal taxable income.

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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart,

Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3286) 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 3302, To recognize unborn child as distinct victim in a DUI causing death.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on March 3, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 17C. TRAFFIC REGULATIONS AND
RULES OF THE ROAD.**

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-2. Driving under influence of alcohol, controlled substances, or drugs; penalties.

(a) *Definitions.* —

(1) "Impaired state" means a person:

(A) Is under the influence of alcohol;

(B) Is under the influence of any controlled substance;

(C) Is under the influence of any other drug or inhalant substance;

(D) Is under the combined influence of alcohol and any controlled substance or any other drug; or

(E) Has an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.

(2) "Bodily injury" means injury that causes substantial physical pain, illness, or any impairment of physical condition.

(3) "Controlled substance" has the meaning provided in §60A-1-101 of this code.

(4) "Serious bodily injury" means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

(5) "Test and lock program" means the Motor Vehicle Test and Lock Program, established in §17C-5A-3a and administered by the Division of Motor Vehicles.

(b) Any person who drives a vehicle in this state while he or she is in an impaired state, and such impaired state proximately causes the death of any person, which for purposes of this subsection, includes an embryo or fetus as authorized by the provisions of §61-2-30 of this code, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years and shall be fined not less than \$1,000 nor more than \$3,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of 10 years or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code: *Provided*, That any death charged under this subsection must occur within one year of the offense: *Provided, however*, That if the person has previously been convicted under this section, the person shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for life or for

a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code.

(c) Any person who drives a vehicle in this state while he or she is in an impaired state, and such impaired state proximately causes serious bodily injury to any person, other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than 10 years and shall be fined not less than \$1,000 nor more than \$3,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of five years or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code: *Provided*, That if the person has previously been convicted under this section, the person shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for life or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code.

(d) Any person who drives a vehicle in this state while he or she is in an impaired state, and such impaired state proximately causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than one year and shall be fined not less than \$200 nor more than \$1,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of two years or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code: *Provided*, That if the person has previously been convicted under this section, the person shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for life or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code. Any jail term imposed pursuant to this subsection shall include actual confinement of not less than 24 hours: *Provided, however*, That a person sentenced pursuant to this

subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(e) Any person who drives a vehicle on any public highway or private road in this state: (1) while he or she is in an impaired state; or (2) while he or she is in an impaired state but has an alcohol concentration in his or her blood of less than fifteen hundredths of one percent, by weight, is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for up to six months and shall be fined not less than \$100 nor more than \$500, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code: *Provided*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(f) Any person who drives a vehicle on any public highway or private road in this state while he or she has an alcohol concentration in his or her blood of fifteen hundredths of one percent or more, by weight, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall be fined not less than \$200 nor more than \$1,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code. A person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(g) Any person who, being a habitual user of narcotic drugs or amphetamines, or any derivative thereof, drives a vehicle on any public highway or private road in this state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one day nor more than six months, which jail term is to include actual confinement of not less than 24 hours, and shall

be fined not less than \$100 nor more than \$500, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months. A person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(h) Any person who knowingly permits his or her vehicle to be driven on any public highway or private road in this state by any other person who is in an impaired state is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code.

(i) Any person who knowingly permits his or her vehicle to be driven on any public highway or private road in this state by any other person who is a habitual user of narcotic drugs or amphetamines, or any derivative thereof, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than six months and shall be fined not less than \$100 nor more than \$500, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of six months.

(j) (1) Any person under the age of 21 years who drives a vehicle on any public highway or private road in this state while he or she has an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, for a first offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$100, and have his or her license to operate a motor vehicle suspended by the Commissioner of the Division of Motor Vehicles for a period of 60 days or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code. For a second or subsequent offense under this subsection, the person is

guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for 24 hours and shall be fined not less than \$100 nor more than \$500, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year or until the person's 21st birthday, whichever period is longer, or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code. A person who is charged with a first offense under the provisions of this subsection may move for a continuance of the proceedings, from time to time, to allow the person to participate in the test and lock program as provided in §17C-5A-3a of this code. Upon successful completion of the program, the court shall dismiss the charge against the person and expunge the person's record as it relates to the alleged offense. In the event the person fails to successfully complete the program, the court shall proceed to an adjudication of the alleged offense. A motion for a continuance under this subsection may not be construed as an admission or be used as evidence.

(2) (A) Notwithstanding subdivision (1) of this subsection, a person shall have his or her license to operate a motor vehicle suspended or revoked for a minimum period of one year or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code, if the person:

(i) Has previously been convicted under this subsection and is subsequently convicted of an offense under another subsection of this section; or

(ii) Is convicted under this subsection and has previously been convicted of an offense under another subsection of this section.

(B) Nothing in this subdivision permits a shorter period of license revocation, license suspension, or participation in the test and lock program than is mandatory for the specific offense for which the person is convicted.

(3) A person arrested and charged with an offense under the provisions of this subsection or subsection (b), (c), (d), (e), (f), (g), (h), or (i) of this section may not also be charged with an offense

under this subsection arising out of the same transaction or occurrence.

(k) Any person who drives a vehicle on any public highway or private road in this state while he or she is in an impaired state and has within the vehicle one or more other persons who are unemancipated minors who have not yet reached their 16th birthday is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than two days nor more than 12 months, and shall be fined not less than \$200 nor more than \$1,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code: *Provided*, That such jail term shall include actual confinement of not less than 48 hours: *Provided, however*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense.

(l) A person convicted of an offense under this section, who has previously been convicted of any offense under this section on one occasion, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than six months nor more than one year, may be fined not less than \$1,000 nor more than \$3,000, and shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for 10 years or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code: *Provided*, That if the second conviction is for an offense as described in subsections (b), (c), or (d) of this section and the subsection creating the offense requires a period of incarceration, period of license revocation, or fine that is greater than what is required for a conviction under this subsection, the greater period of incarceration, period of revocation, or fine shall be imposed: *Provided, however*, That this section does not apply to a second conviction that is subject to a period of license revocation under subsection (j) of this section.

(m) A person convicted of an offense under this section, who has previously been convicted of any offense under this section on two or more occasions, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than five years, shall have his or her license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for life or for a period of time conditioned on participation in the test and lock program in accordance with §17C-5A-3a of this code, and the court may, in its discretion, impose a fine of not less than \$3,000 nor more than \$5,000: *Provided*, That if the third or subsequent conviction is for an offense as described in subsections (b), (c), or (d) of this section and the subsection creating the offense requires a period of incarceration, period of license revocation, or fine that is greater than what is required for a conviction under this subsection, the greater period of incarceration, period of revocation, and fine shall be imposed: *Provided, however*, That this section does not apply to a third or subsequent conviction that is subject to a period of license revocation under subsection (j) of this section.

(n) For purposes of subsections (l) and (m) of this section relating to second, third, and subsequent offenses, the following events shall be regarded as offenses and convictions under this section:

(1) Any conviction under the provisions of subsection (b), (c), (d), (e), (f), (g), (h), or (i) of this section, or under a prior enactment of this section, for an offense which occurred within the 10-year period immediately preceding the date of arrest in the current proceeding;

(2) Any conviction under a municipal ordinance of this state or any other state or a statute of the United States or of any other state of an offense which has the same elements as an offense described in subsection (b), (c), (d), (e), (f), (g), (h), or (i) of this section, which offense occurred within the 10-year period immediately preceding the date of arrest in the current proceeding; and

(3) Any period of conditional probation imposed pursuant to §17C-5-2b of this code for violation of subsection (e) of this

section, which violation occurred within the 10-year period immediately preceding the date of arrest in the current proceeding.

(o) A person may be charged in a warrant, indictment, or information for a second or subsequent offense, as described in subsection (j), (l), or (m) of this section, if the person has been previously arrested for, or charged with, a violation of this section which is alleged to have occurred within the applicable time period for prior offenses, notwithstanding the fact that there has not been a final adjudication of the charges for the alleged previous offense. In that case, the warrant or indictment or information must set forth the date, location, and particulars of the previous offense or offenses. No person may be convicted of a second or subsequent offense under this section unless the conviction for the previous offense has become final, or the person has previously had a period of conditional probation imposed pursuant to §17C-5-2b of this code.

(p) The fact that any person charged with a violation of subsection (b), (c), (d), (e), (f), or (g) of this section, or any person permitted to drive as described under subsection (h) or (i) of this section, is or has been legally entitled to use alcohol, a controlled substance, or a drug does not constitute a defense against any charge of violating subsection (b), (c), (d), (e), (f), (g), (h), or (i) of this section.

(q) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation: *Provided*, That the court may apply the provisions of §62-11A-1 *et seq.* of this code to a person sentenced or committed to a term of one year or less for a first offense under this section: *Provided, however*, That the court may impose a term of conditional probation pursuant to §17C-5-2b of this code to persons adjudicated thereunder. An order for home detention by the court pursuant to the provisions of §62-11B-1 *et seq.* of this code may be used as an alternative sentence to any period of incarceration required by this section for a first or subsequent offense: *Provided further*, That for any period of home incarceration ordered for a person convicted of a second offense under this section, electronic monitoring shall be required for no

fewer than five days of the total period of home confinement ordered and the offender may not leave home for those five days notwithstanding the provisions of §62-11B-5 of this code: *And provided further*, That for any period of home incarceration ordered for a person convicted of a third or subsequent violation of this section, electronic monitoring shall be included for no fewer than 10 days of the total period of home confinement ordered and the offender may not leave home for those 10 days notwithstanding §62-11B-5 of this code.

(r) A person whose license to operate a motor vehicle has been revoked or suspended by the Commissioner of the Division of Motor Vehicles pursuant to this section must complete a comprehensive safety and treatment program as set forth in §17C-5A-3 of this code before his or her license to operate a motor vehicle can be reinstated and his or her driving privileges restored.

(s) For any offense for which an alternative revocation period is permitted conditioned upon participation in the test and lock program, an alternative sentence may not be imposed without the consent of the driver.

(t) Upon entering the order of conviction for an offense under this section, or the imposition of conditional probation as provided in §17C-5-2b of this code, the clerk of the court shall immediately transmit the order to the Commissioner of the Division of Motor Vehicles.

(u) The amendments made to this section during the 2020 regular session of the Legislature shall become effective on July 1, 2020.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-30. Recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person.

(a) This section may be known and cited as the Unborn Victims of Violence Act.

(b) For the purposes of this article, the following definitions shall apply: *Provided*, That these definitions only apply for purposes of prosecution of unlawful acts under this section and may not otherwise be used: (i) To create or to imply that a civil cause of action exists; or (ii) for purposes of argument in a civil cause of action, unless there has been a criminal conviction under this section.

(1) "Embryo" means the developing human in its early stages. The embryonic period commences at fertilization and continues to the end of the embryonic period and the beginning of the fetal period, which occurs eight weeks after fertilization or ten weeks after the onset of the last menstrual period.

(2) "Fetus" means a developing human that has ended the embryonic period and thereafter continues to develop and mature until termination of the pregnancy or birth.

(c) For purposes of enforcing the provisions of §61-2-1, §61-2-4, §61-2-7, §61-2-9(a), §61-2-9(c), §61-2-10, §61-2-10b, 61-2-28(a), and §17C-5-2(b), a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims.

(d) *Exceptions.* — The provisions of this section do not apply to:

(1) Acts committed during a legal abortion to which the pregnant woman, or a person authorized by law to act on her behalf, consented or for which the consent is implied by law;

(2) Acts or omissions by medical or health care personnel during or as a result of medical or health-related treatment or services, including, but not limited to, medical care, abortion, diagnostic testing or fertility treatment;

(3) Acts or omissions by medical or health care personnel or scientific research personnel in performing lawful procedures involving embryos that are not in a stage of gestation in utero;

(4) Acts involving the use of force in lawful defense of self or another, but not an embryo or fetus; and

(5) Acts or omissions of a pregnant woman with respect to the embryo or fetus she is carrying.

(e) For purposes of the ~~enforcement~~ of the provisions of this section, a violation of the provisions of ~~article two-i, chapter sixteen~~ §16-2R-1 et seq. of this code shall not serve as a waiver of the protection afforded by the provisions of subdivision (1), subsection (d) of this section.

(f) *Other convictions not barred.* — A prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant arising from the same incident.

Engrossed Committee Substitute for House Bill 3302, as just amended, was then 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—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. 3302) passed.

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

Eng. Com. Sub. for House Bill 3302—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-2-30 of said code; all relating to including an embryo or fetus as a distinct unborn victim for the offense of DUI causing death; and clarifying that a pregnant

woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims as applied to the offenses of DUI causing death.

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

Eng. House Bill 3387, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years.

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3387) passed with its title.

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

Eng. House Bill 3444, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund.

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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart,

Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3444) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3444) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. House Bill 3448, Relating generally to probation officer field training.

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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart,

Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3448) passed.

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

Eng. Com. Sub. for House Bill 3448—A Bill to amend and reenact §62-12-5 of the Code of West Virginia, 1931, as amended, relating to probation officer field training; and granting field training probation officers the power of a full probation officer while on duty.

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 3450, Relating generally to racetrack video lottery and the Licensed Racetrack Modernization Fund.

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: Barrett, Boley, Caputo, Chapman, Hamilton, Hunt, Jeffries, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Clements, Deeds, Grady, Karnes, Maroney, Martin, Maynard, Roberts, Smith, and Taylor—11.

Absent: Phillips and Woelfel—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. 3450) passed.

At the request of Senator Woodrum, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the title of the bill was withdrawn.

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

Eng. House Bill 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on March 3, 2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Judiciary committee amendment pending.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2380, Relating to School Building 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 advanced to third reading with the unreported Education committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2569, Establishing the Motorsport Responsibility Act.

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

At the request of Senator Maynard, as chair of the Committee on Outdoor Recreation, and by unanimous consent, the unreported Outdoor Recreation committee amendment to the bill was withdrawn.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 19. MOTORSPORT RESPONSIBILITY ACT.

§20-19-1. Legislative purposes.

The West Virginia Legislature finds that motorsport activities are engaged in by a large number of citizens of West Virginia and that such activities also attract to West Virginia a large number of nonresidents, significantly contributing to the economy of West Virginia. Since it is recognized that there are inherent risks in motorsport activities which should be understood by participants therein and which are essentially impossible for the operators of motorsport businesses to eliminate, it is the purpose of this article to define those areas of responsibility and those affirmative acts for which the operators of motorsport businesses shall be liable for loss, damage, or injury suffered by participants, and to further define those risks which the participants expressly assume and for which there can be no recovery. It is the intent of the Legislature to expand the liability protections afforded with respect to motorsports and to not eliminate any other liability protections that may be available under statutory or common law.

§20-19-2. Definitions.

In this article, unless a different meaning plainly is required:

(1) "Driver training" means qualified instruction to enhance a vehicle operator's ability to learn vehicle control, provided by a motorsport facility.

(2) "Lessee" means any qualified person or organization with the necessary licenses and liability insurance meeting the motorsport operator's lease requirements to operate a motorsport facility.

(3) "Motorized vehicle" means an automobile, motorcycle, or any other vehicle propelled by power, other than muscular power, used to transport persons and which operates within the confines of a motorsport facility.

(4) "Motorsport activities" means driver training, vehicle storage, competitive racing, non-competitive driving events, exhibitions of speed, fairs or shows using motorized vehicles, or other forms of recreation involving the use of motor vehicles, including motorcycles.

(5) "Motorsport facility" means a speedway or racetrack designed and intended for motorsport activities.

(6) "Motorsport operator" means any person, partnership, corporation, lessee, or other organization, or any combination thereof offering motorsport activities.

(7) "Participant" means any person or organization using the services of a motorsport facility including, but not limited to, spectators, vehicle operators using either their own personally owned vehicle or a vehicle owned by the motorsport facility, or vehicle passengers using either their own personally owned vehicle or a vehicle owned by the motorsport facility.

(8) "Spectator area" means a specified area within a motorsport facility intended for admission to the general public, whether or not an admission price is charged, or to which admitted persons of the general public have unrestricted access, including the grandstands and other general admission seating or viewing areas.

§20-19-3. Duties of motorsport operators.

(a) Every motorsport operator shall:

(1) Mark for identification purposes all equipment and vehicles used in the business;

(2) Maintain all equipment and vehicles used in the offering of motorsport activities in such condition that the equipment and vehicles are safe to operate or use as intended and recommended by the manufacturer;

(3) Provide facilities, equipment, and services conforming to safety and other requirements established by the rules promulgated by the Department of Economic Development;

(4) Provide or prepare facilities, equipment, and services for motorsports use as advertised or as agreed to by the motorsport operator and the participant;

(5) Procure and maintain commercial general liability insurance against claims for personal injury, death, and property damages occurring upon, in, or about the motorsport facility which affords protection to the limit of not less than \$1 million for injury or death of a single person, to the limit of \$2 million in the aggregate, and to the limit of not less than \$50,000 for property damage; and

(6) Maintain records for a period of at least three years from the date of the creation of the record of:

(A) Proof of insurance;

(B) Inspection reports;

(C) Maintenance records; and

(D) Participant acknowledgement of risks and duties.

§20-19-4. Duties of motorsport participants.

(a) All participants:

(1) Shall comply with the rules or regulations established for use by the motorsport operator;

(2) Shall wear all safety equipment as recommended by the motorsport operator, or which might otherwise be required by law;

(3) Shall obey all rules or instructions announced by the motorsport operator with regard to the safe operation of the motorized vehicle he or she is operating;

(4) Shall, as to the motorsport operator, expressly assume the risk of and legal responsibility for any injury, loss, or damage to person or property which results from participation in operating a motorized vehicle, and caused by any of the following:

(A) Variations in terrain, slope, or angle of terrain including elevation changes;

(B) Surface or subsurface conditions including, but not limited to, rocks or debris;

(C) Turns in the racetrack; and

(D) Collisions with retaining walls, tire walls, trees, fences, other vehicles, or any property provided by the motorsport operator.

(b) Each participant shall have the sole individual responsibility for:

(1) Knowing the range of his or her ability to negotiate the course of the motorsport facility;

(2) Operating the motorized vehicle within the limits of the participant's own ability;

(3) Heeding all posted warnings;

(4) Operating only within the designated area and designated times as provided by the motorsport operator; and

(5) Refraining from acting in a manner which a reasonable person would believe to be likely to cause or contribute to the injury of any person.

§20-19-5. Liability of motorsport operators.

(a) A motorsport operator is liable for injury, loss, or damage caused by failure to follow the duties set forth in §20-19-3 of this code where the violation of duty is the proximate cause of the injury, loss, or damage suffered.

(b) A motorsport operator is not liable for any injury, loss, or damage to the extent caused by the negligence of any person who is not an agent or employee of the motorsport operator.

(c) A motorsport operator is not liable for any injury, loss, or damage to the extent caused by a participant's violation of any duty described in §20-19-4 of this code.

§20-19-6. Liability of motorsport participants.

(a) A participant is not liable for any injury, loss, or damage resulting from violations of the duties established in §20-19-4 of this code where the violation of the duty constitutes simple negligence on the part of the participant, or where the injury, loss, or damage is a result of the risks inherent in motorsports.

(b) A participant is liable for injury, loss, or damage resulting from violations of the duties established in §20-19-4 of this code where the violation of the duty constitutes gross negligence, willful and wanton conduct, or intentional acts on the part the participant, and is the proximate cause of the injury, loss, or damage suffered.

§20-19-7. Rules.

The Department of Economic Development shall promulgate rules pursuant to §29A-1-1 *et seq.* of this code, with respect to motorsport facilities operating in the state, which shall include at a minimum: (a) Safety requirements for equipment; (b) safety requirements for the design of racing surfaces; (c) safety requirements for the provision of run-off areas; (d) requirements

for fire and emergency services; and (e) requirements for signage. The rules shall be promulgated and designed for the purpose of developing motorsport facilities as a recreational activity and additional tourist attraction in West Virginia and shall be approved by the West Virginia Motorsport Committee.

§20-19-8. No abrogation of common law and statutory defenses.

In a proceeding brought against a motor sports operator or participant, in addition to the liability protections provided for under this article, a motor sports operator or participant may assert any and all common law, statutory, or other defenses that may be available. A motorsports operator may require participants to sign anticipatory release and waiver of liability forms as a condition of participating as a spectator or vehicle operator, which signed waiver forms shall be admissible at trial in any action for damages by or on behalf of the person who executed the forms.

The bill (Eng. Com. Sub. for H. B. 2569), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2754, Relating to immunizations performed in a pharmacy.

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

Eng. Com. Sub. for House Bill 2817, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles.

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

Eng. Com. Sub. for House Bill 2848, Water and Sewer Operator licensing reciprocity.

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

Eng. Com. Sub. for House Bill 2870, Correcting a reference relating to siting certificates for certain electric generating facilities.

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

Eng. House Bill 2906, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

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

Eng. Com. Sub. for House Bill 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services.

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

Eng. House Bill 2915, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

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

Eng. House Bill 3066, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools.

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

Eng. House Bill 3188, Relating to the establishment of an alert system for missing cognitively impaired persons.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3F. PURPLE ALERT PLAN.

§15-3F-1. Short title.

This article shall be known and may be cited as "Purple Alert Plan."

§15-3F-2. Findings and declarations relative to "Purple Alert Plan".

(a) The Legislature finds that:

(1) Public alerts can be one of the most effective tools in locating a missing person who has a cognitive disability;

(2) Law-enforcement officers and other professionals, specializing in the field of missing persons, agree that the most critical moments in the search for a missing person are the first few hours immediately following the discovery that the individual is missing, asserting that if he or she is not found within 24 hours, it is unlikely that he or she will be found alive or without serious injury. The rapid dissemination of information, including a description of the missing cognitively impaired person, details of how he or she became missing, and of any vehicle involved, to the citizens of the affected community and region is, therefore, critical;

(3) Alerted to the situation, the citizenry become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering a missing person who has a cognitive disability;

(4) The most effective method of immediately notifying the public of a missing person who has a cognitive disability is through the broadcast media: and

(5) All forms of developing technologies are required to assist law enforcement in rapidly responding to these alerts and are an additional tool for assuring the well-being and safety of our cognitively impaired citizenry. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in the safe recovery of the cognitively impaired person.

(b) The Legislature declares that given the successes other states and regions have experienced in using broadcast media alerts to quickly locate and safely recover missing persons, and, with the recent development of highway video recording and monitoring systems, it is altogether fitting and proper, and within the public interest, to establish these programs for West Virginia.

§15-3F-3. Definition of cognitive disability.

"Cognitive disability" for the purposes of this article means an intellectual disability or a developmental disability, a brain injury, or another physical, mental, or emotional disability that is not related to substance abuse: *Provided*, That this definition does not include Alzheimer's disease or dementia-related disorders which are included in the Silver Alert program, established pursuant to §15-3B-1 *et seq.* of this code.

§15-3F-4. Establishment of "Purple Alert" program.

(a) The Secretary of the Department of Military Affairs and Public Safety shall establish a "Purple Alert" program authorizing the broadcast media, upon notice from the State Police, to broadcast an alert to inform the public of a missing person who has a cognitive disability;

(b) The Secretary shall notify the broadcast media serving the State of West Virginia of the establishment of the "Purple Alert" program and invite their voluntary participation.

(c) The Secretary shall submit a plan to the Joint Committee on Government and Finance no later than July 1, 2024. The plan shall include "Purple Alert" activation protocols, evaluation of first

responder training requirements and needs as related to a cognitively impaired person, coordination and use of established programs, and analysis of any costs. The Secretary shall also make recommendations for any additional legislation or actions necessary to further facilitate the implementation of the "Purple Alert" program.

§15-3F-5. Activation of Purple Alert.

The following criteria shall be met before the State Police activate the Purple Alert:

(1) The person is believed to have a cognitive disability;

(2) The person is believed to be missing, regardless of circumstance;

(3) A person who has knowledge that the person is missing has submitted a missing person's report to the State Police or other appropriate law-enforcement agency;

(4) The missing person may be in danger of death or serious bodily injury;

(5) The missing person is domiciled or believed to be located in the State of West Virginia;

(6) The missing person is, or is believed to be, at a location that cannot be determined by an individual familiar with the missing person, and the missing person is incapable of returning to his or her residence without assistance; and

(7) There is sufficient information available to indicate that a Purple Alert would assist in locating the missing person.

§15-3F-6. Notice to participating media; broadcast of alert.

(a) To participate, the media may agree, upon notice from the State Police via email or facsimile, to transmit information to the public about a missing cognitively impaired person that has occurred within their broadcast service region.

(b) The alerts shall include a description of the missing person, any known details of the circumstances surrounding the person becoming missing, and any other information as the State Police may consider pertinent and appropriate. The State Police shall in a timely manner update the broadcast media with new information when appropriate concerning the missing cognitively impaired person.

(c) The alerts also shall provide information concerning how those members of the public who have information relating to the missing cognitively impaired person may contact the State Police or other appropriate law-enforcement agency.

(d) Concurrent with the notice provided to the broadcast media, the State Police shall also notify the Department of Transportation, the Division of Highways, and the West Virginia Turnpike Commission of the "Purple Alert" so that the department and the affected authorities may, if possible, through the use of their variable message signs, inform the motoring public that a "Purple Alert" is in progress. The department and the affected authorities may provide information relating to the missing cognitively impaired person and information on how motorists may report any information they have to the State Police or other appropriate law-enforcement agency.

(e) The alerts shall terminate upon notice from the State Police.

(f) The Secretary shall develop and undertake a campaign to inform law-enforcement agencies about the "Purple Alert" program established under this article.

§15-3F-7. Immunity from civil or criminal liability.

A person or entity who in good faith follows and abides by the provisions of this article is not liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof, unless it is alleged and proven that the information disclosed was false and disclosed with the knowledge that the information was false.

The bill (Eng. H. B. 3188), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3265, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency.

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

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

On page 1, section 14, lines 12-15, by striking out all of subsection (b) and inserting in lieu thereof a new subsection (b), to read as follows:

(b) Notwithstanding any provision of this code to the contrary, a county sheriff shall owe the fees set forth in subsection (a) of this section to another sheriff's department or law-enforcement agency for service of an order, notice, summons, or other process, or for service of an attachment once the requested service has been completed.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3265) was advanced to third reading with the Government Organization committee amendment pending and the right reserved to consider other amendments on that reading.

Eng. Com. Sub. for House Bill 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county.

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 advanced to third reading with the unreported Health

and Human Resources committee amendments pending and the right for further amendments to be considered on that reading.

Eng. House Bill 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the total appropriation for the fiscal year ending June 30, 2023, to fund 9017, fiscal year 2023, organization 0803, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Sec. 2. Appropriations from state road fund.

DEPARTMENT OF TRANSPORTATION

110 - Division of Highways

(WV Code Chapters 17 and 17C)

Fund 9017 FY 2023 Org 0803

	Appropriation	State Road Fund
8 Interstate Construction.....	27800	70,000,000
9 Other Federal Aid Programs	27900	40,000,000
10 Appalachian Programs.....	28000	80,000,000

Following discussion,

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

The bill (Eng. H. B. 3396), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill 3479, Creating requirements for use of unmanned aerial vehicles.

Eng. House Bill 3499, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship.

Eng. House Bill 3510, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund.

Eng. House Bill 3511, Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program.

And,

Eng. House Bill 3529, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:28 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:06 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the third order of business.

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

Eng. Com. Sub. for Senate Bill 490, Patrol Officer Cassie Marie Johnson Memorial Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-17a. Obstructing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel causing death; penalty.

(a) Notwithstanding any provision of this code to the contrary, any person who knowingly, willfully, and forcibly obstructs or hinders a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel lawfully acting in his or her official capacity and thereby proximately causes the death of a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical

service personnel so acting, is guilty of a felony, and upon conviction thereof, shall be imprisoned in a state correctional facility for a term of 15 years to life.

(b) For purposes of this section, "forcibly" means actions which involve the use of physical force.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 490—A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new section, designated §61-5-17a, relating to creating the offense of obstructing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel causing death; requiring proof of knowingly, willfully and forcibly obstructing or hindering a law enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel engaged in their official capacity and thereby proximately causing the death of the person acting in his or her official capacity; establishing the criminal penalty therefor as life imprisonment with parole eligibility after service of 15 years; and providing a definition.

PREAMBLE: THIS LAW IS DESIGNATED AND MAY BE REFERRED TO AS THE PATROL OFFICER CASSIE MARIE JOHNSON MEMORIAL ACT.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 490, as amended by the House of Delegates, was then 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, Martin, Maynard, Nelson, Oliverio,

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

The nays were: None.

Absent: Maroney, Phillips, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 490) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 526, Including Alzheimer's disease in existing public health programs.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-8. Inclusion of Alzheimer's disease in existing public health programs.

(a) The Commissioner of the Bureau for Public Health, in partnership with the Bureau for Medical Services and the Alzheimer's Association, shall, in its existing public health

programs and services, educate health care professionals on the importance of early detection and timely diagnosis of cognitive impairment and dementia, use of validated cognitive assessment tools in the delivery of the Medicare Annual Wellness Visit, provision of effective care planning and care management at all stages of dementia, and delivery of counseling and referral.

(b) The Bureau for Public Health, in partnership with the Bureau of Senior Services, shall, in its existing, relevant public health outreach programs, incorporate information to increase understanding and awareness of Alzheimer's disease and other dementias, including information about the early signs of Alzheimer's disease and other dementias that should be discussed with health care professionals and the value of early detection and diagnosis, particularly among persons in diverse communities who are at greater risk of developing dementia.

(c) Any public awareness and/or educational outreach programs shall provide uniform, consistent guidance in nonclinical terms, with an emphasis on cultural relevancy and health literacy.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-8, relating to Alzheimer's disease; providing authority to the Commissioner for the Bureau for Public Health; requiring the Bureau for Public Health to partner with other entities; providing information concerning Alzheimer's disease; and providing information concerning other dementias.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 526, as amended by the House of Delegates, was then 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, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Maroney, Phillips, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 526) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, line 8, by striking the period and inserting, "learning pods and micro-schools";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 679—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-9-2, relating to forensic group homes; requiring the office to propose legislative rules; setting forth requirements on where a forensic group home may be located; requiring emergency rules; and providing for variance for existing providers.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 679, as amended by the House of Delegates, was then 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 679) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 679) takes effect from passage.

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

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

Eng. Com. Sub. for Senate Bill 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 29E. LEGISLATIVE OVERSIGHT
COMMISSION ON HEALTH AND HUMAN
RESOURCES ACCOUNTABILITY.**

§16-29E-3. Definitions.

As used in this article:

(a) "Agency" means those various agencies, authorities, boards, committees, commissions or departments of the Department of Health and Human Resources with authority to promulgate legislative rules pursuant to this chapter that regulate health care providers, practitioners or consumers; or those offering social services programs;

(b) "Commission" means the Legislative Oversight Commission on Health and Human Resources Accountability; and

(c) "Department" means the Department of Health and Human Resources, and any successor agencies.

§16-29E-4. Creation of a Legislative Oversight commission on health and human resources accountability.

(a) There is ~~hereby created~~ continued a joint commission of the Legislature known as the Legislative Oversight Commission on Health and Human Resources Accountability. The commission shall be composed of six members of the Senate appointed by the President of the Senate and six members of the House of Delegates appointed by the Speaker of the House of Delegates. No more than five of the six members appointed by the President of the Senate and the Speaker of the House of Delegates, respectively, may be members of the same political party. In addition, the President of the Senate and Speaker of the House of Delegates shall be ex officio nonvoting members of the commission and shall designate the cochairpersons. At least one of the Senate appointees and one of the House of Delegates appointees shall be the chairperson of the Committee on Health and Human Resources of the Senate and House of Delegates, respectively, and at least one of the Senate appointees and at least one of the House of Delegates appointees shall be a member of the Committee on Finance of the Senate and House of Delegates, respectively. The members shall serve until their successors shall have been appointed as heretofore provided.

(b) Members of the commission shall receive such compensation and expenses as provided in §4-2A-1 et seq. of this code. Such expenses and all other expenses including those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory and other personnel shall be paid from an appropriation to be made expressly for the Legislative Oversight Commission on Health and Human Resources Accountability: *Provided*, That if no such appropriation be made, such expenses shall be paid from the appropriation under "Fund No. 0175 for Joint Expenses" created pursuant to the provisions of said chapter: *Provided, however*, That no expense of any kind

payable under the account for joint expenses shall be incurred unless first approved by the Joint Committee on Government and Finance.

(c) The commission shall meet at any time both during sessions of the Legislature and in the interim or as often as may be necessary.

§16-29E-5. Powers and duties of commission.

(a) The powers, duties and responsibilities of the commission shall include the following:

(1) Make a continuing investigation, study and review of the practices, policies and procedures of the health care and social services agencies in this state;

(2) Make a continuing investigation, study and review of all matters related to health and social policy in the state;

(3) Review program development by the various agencies of the Department of Health and Human Resources ~~if those programs impact the physical, emotional or social well being of the citizens of West Virginia;~~

(4) Conduct studies on health and human services;

~~(A) The amount of funds expended by hospitals and other health care providers of this state for services to persons who are unable to pay for those services and for which they receive no other form of reimbursement;~~

~~(B) The extent to which persons in this state forego needed medical services because of insufficient income and assets to pay for those services;~~

~~(C) The extent to which the state is maximizing available federal programs and moneys in providing health care services to the citizens of this state; and~~

~~(D) The operation of the programs and funds created by §16-29C 1 et seq.; and~~

~~(E) The roles of the public, private and private nonprofit sectors in providing health care services to the citizens of this state.~~

(5) Review and study the state Medicaid program in order to determine if the state Medicaid agency, as the payor of last resort, is expending maximum effort to identify alternate private insurance resources for Medicaid beneficiaries;

(6) Review and study the feasibility and financial impact upon the state ~~of assuring by ensuring~~ increased access ~~to~~ for Medicaid beneficiaries to primary health care in the nonhospital setting by requiring enrollment in a primary care clinic program, if available;

(7) Review and study the feasibility and financial impact upon the state of the establishment of different and lesser schedules of payment for primary health services delivered by a hospital emergency room as compared to the schedule of payments for emergency room services of a true medical emergency nature;

~~(8) Conduct a study on the effects of rural health networks, including effects on the quality, cost and availability of care; and~~ Evaluation of the adequacy and availability of care delivery networks throughout the health care continuum from primary care to postmortem settings; and

~~(9) Meet jointly with the advisory committee created in article thirty five of this chapter to determine methods for coordinating the collection and analysis of health care information within the state, including the development of health information systems that will allow for the electronic transmittal of data and access by the various agencies of government;~~

Make a continuing investigation, study, and review of all matters related to any area of concern that exists within the Department of Health and Human Resources, and any successor agencies, including, but not limited to, financial, administrative, programmatic, and systemic issues.

(b) The commission shall make annual reports to the Legislature regarding the results of all investigations, studies and reviews pursuant to §16-29E-7.

§16-29E-7. Legislative reports.

(a) The commission shall submit annual reports to the Legislature, as required by §16-29E-5, which such reports shall describe and evaluate in a concise manner:

(1) The major activities of the several health and human resources agencies for the fiscal year immediately past, including important policy decisions reached on initiatives undertaken during that year, especially as such activities, decisions and initiatives relate to:

(A) The implementation of health care or social services programs;

(B) Improving the accessibility of appropriate health care in all areas of this state;

(C) Improving the health status of the citizens of this state; and

(D) Coordinating social services programs to reflect a cohesive delivery of transitional services.

(2) Other information considered by the commission to be important, including recommendations for statutory, fiscal or policy reforms and reasons for such recommendations.

(b) The reports may specify in what manner any practice, policy or procedure may or should be modified to satisfy the goal of efficient and effective delivery of health and social services programs and to improve the quality of health and social services available in this state.

(c) The commission may require the Department of Health and Human Resources to submit reports on a routine or as needed basis. These reports shall be submitted to the commission. The submission instructions and format for the reports may be designated by the commission or the Joint Committee on Government and Finance.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 730—A Bill to amend and reenact §16-29E-3, §16-29E-5 and §16-29E-7 of the Code of West Virginia, as amended, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability; defining terms; applying authority of commission to successor agencies of the Department of Health and Human Resources; removing limitation on commission review; expanding authority of commission; permitting commission to require reports; and setting forth instructions for reporting.

On motion of Senator Maroney, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 730) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 730—A Bill to amend and reenact §16-29E-3, §16-29E-4, §16-29E-5 and §16-29E-7 of the Code of West Virginia, as amended, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability; defining terms; applying authority of commission to successor agencies of the Department of Health and Human Resources; continuing commission; removing limitation on commission review; expanding authority of commission; permitting commission to require reports; and setting forth instructions for reporting.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 730, as amended, was then 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart,

Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 730) passed with its Senate amended title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Phillips and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 730) takes effect from passage.

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

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

Eng. House Bill 3141, Relating to the practice of dentistry.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment to the bill was reported by the Clerk:

On page 3, line 69 by removing, "a fixed or removable device" and reinserting the stricken language, "an artificial appliance".

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed House Bill 3141, as amended, was then 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, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Phillips and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3141) passed with its title.

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

The Senate again 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

Eng. Com. Sub. for House Bill 2002, Relating to providing support for families.

With an amendment from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2002) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

Eng. Com. Sub. for House Bill 2759, Relating to updating the health care provider tax.

Eng. Com. Sub. for House Bill 3012, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief.

Eng. Com. Sub. for House Bill 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV Act.

Eng. Com. Sub. for House Bill 3271, Relating to increasing monitoring of special education classrooms.

Eng. Com. Sub. for House Bill 3344, To pay certain moral obligations of the state.

Eng. House Bill 3371, Relating to federal funds for land-grant institutions.

And,

Eng. House Bill 3557, Making a supplementary appropriation to the Department of Veterans' Assistance.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, Engrossed Committee Substitute for House Bill 2759 and 3012 contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 2896, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission.

And has amended same.

And,

Eng. Com. Sub. for House Bill 3370, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts.

And has amended same.

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

Respectfully submitted,

Glenn D. Jeffries,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2896 and 3370) contained in the preceding report from the Committee on Economic Development were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill 2955, Relating to the establishment and operation of regional water, wastewater and stormwater authorities.

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 Government Organization.

Respectfully submitted,

Charles H. Clements,
Chair.

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

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill 3214, To create the Road Optimization & Assessment Data (ROAD) Pilot Project.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3214) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Military has had under consideration

Eng. Com. Sub. for House Bill 3233, Relating generally to uniform and equipment allowances for the National Guard.

And has amended same.

And,

Eng. Com. Sub. for House Bill 3398, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 3233 and 3398) contained in the preceding report from the Committee on Military were each taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee references, were then referred to the Committee on Finance, with amendments from the Committee on Military pending.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3332, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3332) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was

then referred to the Committee on Finance, with amendments from the Committee on the Judiciary pending.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 6, 2023

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

Dear Governor Justice,

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

S. B. 136 - Requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have treatment plan to be eligible for probation.

Com. Sub. for S. B. 208 - Relating to criminal justice training for all law-enforcement and correction officers regarding individuals with autism spectrum disorders.

Com. Sub. for S. B. 270 - Adding exemption to permit requirement for cremation.

S. B. 276 - Awarding service weapon of retiring State Fire Marshal.

Com. Sub. for S. B. 300 - Relating to law-enforcement training and certification.

S. B. 481 - Extending sunset provision of Upper Kanawha Valley Resiliency and Revitalization Program.

And,

S. B. 553 - Allowing for evaluation of prequalified bidders to be based on best value.

These bills are presented to you on this day, March 6, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

**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

March 6, 2023

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:

Com. Sub. for H. B. 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds.

This bill is presented to you on this day, March 6, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve 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 senator was added as a co-sponsor to the following resolution on March 3, 2023:

Senate Resolution 45: Senator Woelfel.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 5:25 p.m., the Senate adjourned until tomorrow, Tuesday, March 7, 2023, at 11 a.m.

TUESDAY, MARCH 7, 2023

The Senate met at 11:11 a.m.

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

Prayer was offered by the Reverend Nathan Epling, Madison United Methodist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Monday, March 6, 2023,

At the request of Senator Taylor, 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 amendment by that body, passage as amended with its House of Delegates amended title, and requested the

concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 142, Modifying procedures to settle estates of decedents.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 4, section 4a, line 26, by inserting "distributee and" after the word 'each'; and, on page 4, section 4a, line 28 by inserting "distributee and" after the word 'any';

On page 9, section 9, line 9 by striking "II" and inserting "I" in lieu thereof;

on page 9, section 9, line 11, by striking the word "first";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 142—A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to publish a short form settlement of estates of decedents; providing for short form filing procedure; changing the requirement of a Class II legal advertisement to a Class I legal advertisement for the fiduciary commissioners list of long form settlements; and updating language and style.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 142, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 142) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect July 1, 2023, of

Eng. Senate Bill 237, Relating to Public Employees Retirement System and State Teachers Retirement System.

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

Eng. Com. Sub. for Senate Bill 335, Authorizing Department of Homeland Security to promulgate legislative rules.

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

Eng. Com. Sub. for Senate Bill 439, Establishing design-build program for DEP.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 2, section 2, line 20, immediately following the word "article" by inserting the following

": Provided, That only contracts awarded directly by the Department of Environmental Protection may utilize the design-build delivery method authorized pursuant to the provisions of this article: Provided, however, design-build delivery projects awarded pursuant to the provisions of this article may not exceed a total aggregate value of \$50 million."

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 439, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 439) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 439) takes effect from passage.

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

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

Eng. Com. Sub. for Senate Bill 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor.

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

Eng. Com. Sub. for Senate Bill 455, Modifying certain used car restrictions.

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

Eng. Senate Bill 458, Setting rate of interest on delinquent retirement contribution submissions.

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

Eng. Senate Bill 529, Allowing businesses to register as limited liability limited partnerships.

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 2024—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 2605, Relating to Good Samaritan law.

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

Eng. Com. Sub. for House Bill 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules.

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

Eng. Com. Sub. for House Bill 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

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 2911—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General

Revenue, to the Department of Homeland Security, Division of Administrative Services, fund 0546, fiscal year 2023, organization 0623, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3509—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund, fund 8627, fiscal year 2023, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3513—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2023, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3515—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Veterans' Assistance, Veterans' Facilities Support Fund, fund 6703, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3518—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Agriculture, fund 8736, fiscal year 2023, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3524—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund, fund 1481, fiscal year 2023, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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. House Bill 3526—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2023, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the changed effective date, to take effect July 1, 2023, of

Eng. House Bill 3547, Increasing the number of personal leave days that county board of education employees may use.

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

House Concurrent Resolution 15—Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia's federal delegations stating West Virginia veterans' concerns and objections to the two TRICARE for Life ("TFL") proposals found in the Congressional Budget Office (CBO) biennial report that would significantly increase costs for seniors using the TFL benefit.

Referred to the Committee on Military.

The Senate proceeded to the sixth order of business.

Senator Takubo offered the following resolution:

Senate Resolution 47—Recognizing March as American Red Cross month.

Which, under the rules, lies over one day.

Senator Takubo announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate third reading calendar **Eng. House Bill 3556**.

Senator Takubo also announced that in the same meeting, the Committee on Rules had returned to the Senate calendar, on second reading, **Eng. Com. Sub. for House Bill 3261**.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 11, US Army SGT Brian Christopher Karim Memorial Road.

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

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

On page 2, in the Resolved clause, lines 6 through 8, by striking out the words "County Route 19 in Summers County, beginning at the intersection of Route 19/1 and County Route 19, and ending at the Monroe County line, locally known as Wayside Talcott Road" and inserting in lieu thereof the words "State Route 3 in Summers County, beginning at milepost 17.25, which is the intersection of Huston Road and State Route 3, and ending at milepost 19.96, which is the intersection of Graham House Road and State Route 3";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Com. Sub. for Senate Concurrent Resolution 11— Requesting the Division of Highways name a stretch of State Route 3 in Summers County, beginning at milepost 17.25, which is the intersection of Huston Road and State Route 3, and ending at milepost 19.96, which is the intersection of Graham House Road and State Route 3, the "U. S. Army SGT Brian Christopher Karim Memorial Road."

The question being on the adoption of the resolution (Com. Sub. for S. C. R. 11), as amended, the same was put and prevailed.

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

Senate Resolution 46, Designating March 7, 2023, as Deaf Awareness Day at Legislature.

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

At the request of Senator Grady, 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 House Bill 2221, Relating to bankruptcy.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on March 3, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 10. FEDERAL TAX LIENS; ORDERS AND DECREES IN BANKRUPTCY.

§38-10-4. Exemptions of property in bankruptcy proceedings.

Any person who files a petition under the federal bankruptcy law may exempt from property of the estate in a bankruptcy proceeding the following property:

(a) The debtor's interest, not to exceed \$35,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor: *Provided*, That when the debtor is a physician licensed to practice medicine in this state under §30-3-1 *et seq.* or §30-14-1 *et seq.* of this code, and has commenced a bankruptcy proceeding in part due to a verdict or judgment entered in a medical professional liability action, if the physician has current medical malpractice insurance in the amount of at least \$1 million for each occurrence, the debtor physician's interest that is exempt under this subdivision may exceed \$35,000 in value but may not exceed \$250,000 per household.

(b) The debtor's interest, not to exceed \$7,500 in value, in one motor vehicle.

(c) The debtor's interest, not to exceed ~~\$400~~ 800 in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor: *Provided*, That the total amount of personal property exempted under this subdivision may not exceed ~~\$8,000~~ \$16,000.

(d) The debtor's interest, not to exceed ~~\$1,000~~ \$2,000 in value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(e) The debtor's interest, not to exceed in value \$800 plus any unused amount of the exemption provided under subdivision (a) of this subsection in any property.

(f) The debtor's interest, not to exceed ~~\$1,500~~ \$3,000 in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor.

(g) Any ~~unmeasured~~ unmatured life insurance contract owned by the debtor, other than a credit life insurance contract.

~~(h) The debtor's interest, not to exceed in value \$8,000 less any amount of property of the estate transferred in the manner specified in 11 U.S.C. § 542(d), in any accrued dividend or interest under, or loan value of, any unmeasured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent~~

~~(i)~~ (h) Professionally prescribed health aids for the debtor or a dependent of the debtor.

~~(j)~~ (i) The debtor's right to receive:

(1) A Social Security benefit, unemployment compensation, or a local public assistance benefit;

(2) A veterans' benefit;

(3) A disability, illness, or unemployment benefit;

(4) Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(5) A payment under a stock bonus, pension, profit sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, and funds on deposit in an individual retirement account, including a simplified employee pension regardless of the amount of funds, unless:

(A) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;

(B) The payment is on account of age or length of service;

(C) The plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, or 409 of the Internal Revenue Code of 1986; and

(D) With respect to an individual retirement account, including a simplified employee pension, the amount is subject to the excise tax on excess contributions under Section 4973 and/or Section 4979 of the Internal Revenue Code of 1986, or any successor provisions, regardless of whether the tax is paid.

~~(k)~~ (j) The debtor's right to receive or property that is traceable to:

(1) An award under a crime victim's reparation law;

(2) A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

~~(3) A payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor~~

All life insurance proceeds paid to the debtor as a beneficiary, any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary, or any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value.

(4) A payment, not to exceed ~~\$15,000~~ \$50,000 on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent;

(5) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent,

to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(6) Payments made to the prepaid tuition trust fund or to the savings plan trust fund, including earnings, in accordance with §18-30-1 *et seq.* of this code on behalf of any beneficiary.

~~(j)~~ (k) Solely for the purpose of applying the provisions of 11 U.S.C. § 522(b)(2) in a federal bankruptcy proceeding and only to the extent otherwise allowed by applicable federal law, an individual debtor domiciled in this state may exempt from property of the debtor's bankruptcy estate the property specified under 11 U.S.C. § 522(d).

~~(m)~~ (l) The amendments made to this section during the ~~2021~~ 2023 regular session of the Legislature, ~~as amended during the first extraordinary session of the Legislature, 2021,~~ shall apply to bankruptcies filed on or after the effective date of those amendments.

Engrossed Committee Substitute for House Bill 2221, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman and Taylor—2.

Absent: Jeffries and Phillips—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. 2221) passed.

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

Eng. Com. Sub. for House Bill 2221—A Bill to amend and reenact §38-10-4 of the Code of West Virginia, 1931, as amended, relating to bankruptcy; correcting an erroneous term; updating the monetary amounts of certain exemptions to account for inflation, including those amounts related to household goods, jewelry, tools of the trade, and payments made on account of a personal bodily injury; excluding life insurance proceeds paid to the debtor as a beneficiary; excluding any annuities, other than those annuities included in §38-10-4(i)(5), which are paid to the debtor as a beneficiary; and, excluding any annuities or life insurance policies owned by the debtor which are payable to someone other than the debtor, including any applicable cash surrender value, from inclusion in the bankruptcy estate used to satisfy creditors in a bankruptcy proceeding.

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 2380, Relating to School Building Authority.

On third reading, coming up in regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Monday, March 6, 2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar.

Eng. Com. Sub. for House Bill 2569, Establishing the Motorsport Responsibility Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—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. 2569) passed.

The following amendment to the title of the bill, from the Committee on Outdoor Recreation, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2569—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-19-1, §20-19-2, §20-19-3, §20-19-4, §20-19-5, §20-19-6, §20-19-7, and §20-19-8, all relating to establishing the Motorsport Responsibility Act; providing legislative findings; defining terms; setting forth duties of motorsport operators; setting forth duties of motorsport participants; setting forth the liability of motorsport operators; setting forth the liability of motorsport participants; and providing rule-making authority.

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 2754, Relating to immunizations performed in a pharmacy.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2754) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2754) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2817, Relating to Public Service Commission jurisdiction over alternative fuel for motor vehicles.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2817) passed with its title.

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

Eng. Com. Sub. for House Bill 2848, Water and Sewer Operator licensing reciprocity.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2848) passed with its title.

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

Eng. Com. Sub. for House Bill 2870, Correcting a reference relating to siting certificates for certain electric generating facilities.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2870) passed with its title.

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

Eng. House Bill 2906, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2906) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2906) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2910, Making a supplementary appropriation to the Department of Administration, Public Defender Services.

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

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as his law firm receives funds from the Public Defender Services for court-appointed cases.

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

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2910) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2910) takes effect from passage.

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

Eng. House Bill 2915, Expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2915) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2915) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2917, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources.

On third reading, coming up in regular order, with the right having been granted on March 3, 2023, for amendments to be received on third reading, was read a third time.

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

On page 2, section 48, line 39, by striking out "\$20,000" and inserting in lieu thereof "\$25,000".

Engrossed Committee Substitute for House Bill 2917, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2917) passed.

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

Eng. Com. Sub. for House Bill 2917—A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, relating to allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances; increasing the maximum compensation that may be earned by certain retired public employees who accept employment from a participating employer without suspending his or her retirement annuity; and allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2917) takes effect from passage.

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

Eng. House Bill 3066, Supplementing and amending appropriations to the Department of Education, State Board of Education - State Aid to Schools.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3066) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3066) takes effect from passage.

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

Eng. House Bill 3188, Relating to the establishment of an alert system for missing cognitively impaired persons.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3188) passed.

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

Eng. House Bill 3188—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §15-3F-1, §15-3F-2, §15-3F-3, §15-3F-4, §15-3F-5, §15-3F-6, and §15-3F-7 of said code, all relating to the establishment of an alert system for missing cognitively impaired persons; providing legislative findings; defining cognitive

disability; providing for the establishment of a Purple Alert Plan; providing criteria for the activation of a Purple Alert; providing for notice and broadcasting of a Purple Alert; and providing immunity for individuals providing information pursuant to a Purple Alert in good faith.

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 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

On third reading, coming up in regular order, with the right having been granted on March 3, 2023, for amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.

§8-22A-27a. Credit toward retirement for member's accrued annual or sick leave days.

(a) For purposes of this section, an annual leave or sick leave day shall be the equivalent of eight hours of leave.

(b) Any member accruing annual leave or sick leave days may, after the effective date of this section, elect to use the days which stand to the member's credit with the member's last covered employment employer at the time of retirement to acquire additional credited service in this retirement system. The days shall be applied on the basis of one days' credit granted for each one day of accrued annual or sick leave days, with each month of retirement

service credit to equal 20 days and with any remainder of 10 days or more to constitute a full month of additional credit and any remainder of less than 10 days to be dropped and not used, notwithstanding any provisions of this code to the contrary. The credited service shall be allowed and not considered to controvert the requirement of no more than 12 months' credited service in any year's period.

(c) Members employed by any covered employment employer with a policy for the accrual of unused sick and annual leave which is more generous than that of the State of West Virginia for its state agency employees shall receive service credit only for accrued unused sick and annual leave as provided for by the State of West Virginia for state employees who are covered by the rules of the West Virginia Division of Personnel. If the member is paid in a lump sum for accrued unused leave, the Board shall not consider the lump sum payment as annual compensation in computing a member's final average salary.

Following discussion,

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

Engrossed Committee Substitute for House Bill 3211, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3211) passed.

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

Eng. Com. Sub. for House Bill 3211—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-27a, relating to authorizing service credit for unused accrued annual or sick leave days in the West Virginia Municipal Police Officers and Firefighters Retirement System; defining an annual leave or sick leave day as eight hours; authorizing service credit for unused accrued annual or sick leave days in the West Virginia Municipal Police Officers and Firefighters Retirement System; and limiting credit for accrued annual or sick leave days to the policy offered by the State of West Virginia for its state employees who are covered by the rules of the West Virginia Division of Personnel.

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 3265, Remove statutory mandates that the sheriff of a county shall serve process or is responsible for cost of service or arrest by another law enforcement agency.

On third reading, coming up in regular order, with the Government Organization committee amendment to the bill pending, and with the right having been granted on yesterday, Monday, March 6, 2023, for further amendments to be received on third reading, was read a third time.

The question being on the adoption of the Government Organization committee amendment to the bill (*shown in the Senate Journal of yesterday, Monday, March 6, 2023, page 1663*), the same was put and prevailed.

Engrossed Committee Substitute for House Bill 3265, as just amended, was then put upon its passage.

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

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3265) 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 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendments pending, and with the right having been granted on yesterday, Monday, March 6, 2023, for further amendments to be received on third reading, was read a third time.

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 9, line 4, by striking out "(c)(23)";

On page 1, section 9, line 8, by striking out the word "and";

And,

On page 1, section 9, line 13, by striking out "(b)(24)".

On motion of Senator Maroney, the following amendment to the bill (Eng. Com. Sub. for H. B. 3337) was next reported by the Clerk and adopted:

On page 1, section 9, lines 15-18, by striking out all of subdivision (5) and adding in lieu thereof a new subdivision, designated subdivision (5), to read as follows:

(5) Add licensed substance abuse treatment beds in any county which already has greater than 250 licensed substance abuse treatment beds.

Engrossed Committee Substitute for House Bill 3337, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo and Taylor—2.

Absent: Jeffries and Phillips—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. 3337) passed.

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

Eng. Com. Sub. for House Bill 3337—A Bill to amend and reenact §16-2D-9 of the Code of West Virginia, 1931, as amended, relating to prohibiting a certificate of need; prohibiting additional drug and alcohol treatment facilities and services in certain counties.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen,

Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo and Taylor—2.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3337) takes effect from passage.

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

Eng. House Bill 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3396) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3396) takes effect from passage.

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

Eng. House Bill 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

Having been removed from the Senate third reading calendar in earlier proceedings today, no further action thereon was taken.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2002, Relating to providing support for families.

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

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

On page 2, section 7, line 6, by striking out the word "federal" and inserting in lieu thereof the words "federally approved".

The bill (Eng. Com. Sub. for H. B. 2002), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2004, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2A. MAXWELL GOVERNMENTAL ACCESS TO FINANCIAL RECORDS ACT.

§31A-2A-4. Exceptions.

(a) Nothing in this article is intended to, or shall prohibit, apply to, or interfere with:

(1) The lawful authority or ability of the commissioner of banking or any other state or federal regulatory agency of a bank, savings and loan association, trust company, or credit union to obtain or to share between such regulatory agencies any records which the commissioner of banking or such state or federal regulatory agency may deem appropriate for the examination and regulation of the financial institution: Provided, That nothing in this subdivision permits disclosure of protected financial information in violation of §31A-2B-1 et seq. of this code;

(2) The lawful authority or ability of the ~~Commissioner of Insurance~~ Commissioner or the State Auditor to obtain any records from a financial institution relating to the financial institution's sale of insurance or securities;

(3) The dissemination or publication of information derived from financial records if the information cannot be identified to any particular customer, deposit, or account, or if the information is in composite form and is not disseminated or published in a way which identifies any particular customer, deposit, or account;

(4) The making of reports or returns specifically required or permitted by federal or state law, including applicable tax law or regulations;

(5) The disclosure of any information under the provisions of the uniform commercial code governing the dishonor of a negotiable instrument, or the disclosure to any purported state entity payee or to any purported state entity holder of a check, draft, order, or other item, whether or not such instrument has been accepted by such payee or holder as payment, as to whether or not such instrument would be honored if presented at the time of such disclosure;

(6) A state entity obtaining a credit report or consumer credit report from anyone other than a financial institution;

(7) The exchange, in the regular course of business, of information showing the outstanding balance of a mortgage loan account in connection with a sale, refinancing, or foreclosure of real property in a transaction to which the state entity is a party; or the disclosure, in the regular course of business, of information on a mortgage or deed of trust on a subject property to a state entity as holder of any subordinate mortgage, deed of trust or security interest;

(8) The disclosure to the Department of Health and Human Resources, upon written request, of an individual's financial records which the department determines are necessary to verify or confirm the individual's eligibility or ineligibility for public assistance;

(9) The disclosure of an individual's financial records in response to a written request by the Department of Health and Human Resources, as authorized by the federal parent locator service of the United States Department of Health and Human Services;

(10) The examination or audit of financial records relating to preneed funeral trust accounts pursuant to §47-14-1 *et seq.* of this code;

(11) The disclosure of financial records relating to unclaimed property pursuant to §36-8-1 *et seq.* of this code, including the examination of financial records by the State Treasurer or his or

her agent to determine compliance with the handling and reporting of unclaimed property as provided by, and subject to, the limitations set forth in §36-8-20 of this code;

(12) The presentation to appropriate local, state, or federal law-enforcement authorities of a certificate under oath by an authorized representative of a financial institution drawee that declares the dishonor of the check, draft, or order by the drawee, the lack of an account with the drawee at the time of utterance or the insufficiency of the drawer's funds at the time of presentation and utterance in connection with any criminal action for obtaining property or services by a worthless check, draft, or order;

(13) The notification to appropriate local, state, or federal law-enforcement authorities or regulatory agencies that the financial institution, its officers, employees or agents thereof have information which may be relevant to a possible violation of any statute or regulation: Provided, That nothing in this subdivision permits disclosure of protected financial information in violation of §31A-2B-1 et seq. of this code. The disclosure of any information pursuant to this subdivision may only include the name or other identifying information concerning any individual, corporation, or account involved in and the nature of any suspected illegal activity;

(14) The disclosure of information or records by a financial institution to any court or other appropriate state entity which is incidental to recording a lien, perfecting a security interest, proving a claim in bankruptcy, or otherwise collecting on a debt owing either to the financial institution itself or in its role as a fiduciary;

(15) The disclosure of information or records by a financial institution which is incidental to processing an application for assistance to a customer in the form of a government loan, loan guaranty, or loan insurance agreement, or which is incidental to processing a default on, or administering, a government guaranteed or insured loan or to initiating contact with an appropriate state entity for the purpose of providing any financial record necessary to permit such authority to carry out its responsibilities under a loan, loan guaranty, or loan insurance agreement;

(16) The disclosure of information incidental to a transaction in the normal course of business of the financial institution where there is no reasonable cause to believe that the information is intended to be used by the state entity in connection with an investigation of the customer;

(17) The preparation, review, handling, or maintenance of financial records in the ordinary course of business by any officer, employee, or agent of a financial institution having custody of the records; or

(18) The disclosure to appropriate law-enforcement officials of the financial records of any officer, director, employee, or controlling shareholder of a financial institution by a financial institution or by any state or federal regulatory agency having authority to regulate the financial institution, if there is reason to believe that the financial record is relevant to a possible violation by such person of any law relating to a crime against the financial institution or any such state or federal regulatory agency. No state or federal regulatory agency which discloses any information pursuant to this subdivision shall be deemed to have waived any privilege applicable to that record under law.

(b) Nothing in this article shall preclude a state entity from obtaining information that is public record without regard to this article although the information may have been derived from financial records.

(c) Nothing in this article shall preclude a state entity from obtaining information or financial records voluntarily submitted to it by others in an attempt to seek governmental assistance or redress of a grievance, including legislative change: *Provided*, That the financial record or information was not solicited by the state entity in an effort to evade the requirements of this article or submitted by a financial institution in contravention of §31A-2A-7 of this code.

(d) Notwithstanding the exceptions set forth in this section, a financial institution may not disclose financial records to a state entity and a state entity may not compel disclosure of financial

records in a manner that singles out or discriminates against any person based on activity protected by the Second Amendment to the United States Constitution or Section 22, Article III of the West Virginia Constitution.

ARTICLE 2B. THE SECOND AMENDMENT FINANCIAL PRIVACY ACT.

§31A-2B-1. Short title.

This article shall be known and may be cited as the "Second Amendment Financial Privacy Act."

§31A-2B-2. Findings and intent.

(a) The Legislature finds that:

(1) The Second Amendment to the United States Constitution guarantees the people the right to keep and bear arms;

(2) Section 22, Article III of the West Virginia Constitution provides that "[a] person has the right to keep and bear arms for the defense of self, family, home and state, and for lawful hunting and recreational use";

(3) In September of 2022, the International Organization for Standardization, based in Switzerland, approved a unique Merchant Category Code for firearm and ammunition retailers;

(4) Later in September of 2022, the world's three largest payment card networks publicly announced they would assign the new Merchant Category Code to firearms retailers accepting payment cards for purchases, after 28 members of Congress sent a public letter to networks, pressuring them to adopt the new code;

(5) In the letter to payment card networks, federal lawmakers stated that the new Merchant Category Code for firearms retailers would be "[. . .] the first step towards facilitating the collection of valuable financial data that could help law enforcement in countering the financing of terrorism efforts", expressing a clear government expectation that networks will utilize the new

Merchant Category Code to conduct mass surveillance of constitutionally protected firearms, firearm accessories or components, and ammunition purchases in cooperation with law enforcement;

(6) The new Merchant Category Code will allow the banks, payment card networks, acquirers, and other entities involved in payment card processing to identify and separately track lawful payment card purchases at firearms retailers in West Virginia, paving the way for both unprecedented surveillance of Second Amendment activity and unprecedented information sharing between financial institutions and the government;

(7) This potential for cooperative surveillance and tracking of lawful firearms, firearm accessories or components, and ammunition purchases will have a significant chilling effect on citizens wishing to exercise their federal and state constitutional rights to keep and bear arms in West Virginia;

(8) While federal law requires some financial institutions to report transactions that are highly indicative of money laundering or other unlawful activities, there is no federal or state law authorizing financial institutions to surveil and track lawful activities by customers in cooperation with law enforcement; in fact, both the federal Right to Financial Privacy Act and West Virginia's Maxwell Governmental Access to Financial Records Act prohibit financial institutions from disclosing a customer's financial records except in limited circumstances; and

(9) This article should be construed as a generally applicable consumer financial protection law that does not prevent or significantly interfere with the duly authorized powers of any bank, nor does this article directly or indirectly discriminate against any bank based on its charter or structure.

(b) Based on the above-stated findings, it is the intent of the Legislature to prohibit the misuse of payment card processing systems to surveil, report, or otherwise discourage constitutionally protected firearm, firearm accessories or components, and

ammunition purchases and sales within West Virginia's jurisdiction.

§31A-2B-3. Definitions.

(a) The terms used in this article shall have the same meaning provided in §31A-2A-1 of this code, unless otherwise specified in this section.

(b) For the purposes of this article, the following terms have the following meanings:

(1) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

(2) "Assign" or "assignment" refers to a financial institution policy, process, or practice that labels, links, or otherwise associates a firearms code with a merchant or payment card transaction in a manner that allows the financial institution or any other entity facilitating or processing the payment card transaction to identify whether a merchant is a firearms retailer or whether a transaction involves the sale of firearms, firearm accessories or components, or ammunition.

(3) "Customer", in addition to the definition provided in §31A-2A-1(a) of this code, includes any person who presents a payment card to a merchant for the purchase of goods or services.

(4) "Disclosure" means the transfer, publication, or distribution of protected financial information to another person for any purpose other than to process or facilitate a payment card transaction.

(5) "Financial institution", in addition to the definition provided in §31A-2A-1(b) of this code, includes an entity other than a merchant involved in facilitating or processing a payment card transaction, including, but not limited to, a bank, acquirer, gateway, payment card network, or payment card issuer.

(6) "Financial record", in addition to the definition provided in §31A-2A-1(c) of this code, includes a financial record held by a financial institution related to a payment card transaction that the financial institution has processed or facilitated.

(7) "Firearm" has the same meaning as that term is defined in §61-7-2 of this code and includes antique firearms.

(8) "Firearm accessories or components" means:

(A) Any device specifically adapted to enable the wearing or carrying about one's person or the storage or mounting in or on any conveyance of a firearm and any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm;

(B) Any item that is used in conjunction with or mounted upon a firearm, including but not limited to telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, braces, ammunition carriers, and lights for target illumination; and

(C) Any component for making ammunition, reloading materials and equipment, machinery, and tools for manufacturing ammunition.

(9) "Firearms code" means any code or other indicator a financial institution assigns to a merchant or to a payment card transaction that identifies whether a merchant is a firearms retailer or whether the payment card transaction involves the purchase of a firearm, firearm accessories or components, or ammunition. The term includes, but is not limited to, a Merchant Category Code assigned to a retailer by a payment card network or other financial institution.

(10) "Firearms retailer" means any person engaged in the lawful business of selling or trading firearms or antique firearms, as those terms are defined in §61-7-2 of this code, firearm accessories or components, or ammunition to be used in firearms or antique firearms.

(11) "Government entity" means any state or local government agency or instrumentality thereof, located in West Virginia.

(12) "Merchant" means a person or entity that accepts payment cards from customers for the purchase of goods or services. The term includes a firearms retailer that accepts payment cards for the lawful purchase of firearms, firearm accessories or components, or ammunition.

(13) "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to purchase goods or services from a merchant.

(14) "Protected financial information" means any record of a sale, purchase, return, or refund involving a payment card that is retrieved, characterized, generated, labeled, sorted, or grouped based on the assignment of a firearms code. A "customer's protected financial information" refers to protected financial information appearing in a financial institution's records pertaining to a customer.

§31A-2B-4. Protected financial information.

A financial institution is prohibited from disclosing a customer's protected financial information to a government entity and a government entity is prohibited from accessing or obtaining said information unless:

(1) Disclosure is expressly permitted by §31A-2A-4 of this code and the protected financial information is not singled out, segregated, or disclosed based on the assignment of a firearms code;

(2) Disclosure is made pursuant to a valid warrant issued in a criminal investigation, stating the grounds or probable cause for its issuance, and otherwise meeting the requirements of §62-1A-3 of this code;

(3) The customer has provided written authorization for disclosure, according to the requirements of §31A-2B-5 of this code;

(4) Disclosure is made pursuant to a subpoena meeting the requirements of §31A-2A-5 and §31A-2B-6 of this code or to a grand jury subpoena meeting the requirements of §31A-2A-6 of this code; or

(5) The financial institution discloses only the following information:

(A) That the financial institution is not in possession of the protected financial information; and

(B) The identity of the entity that is in possession of the requested protected financial information.

§31A-2B-5. Written authorization for disclosure.

(a) Notwithstanding §31A-2B-4 of this code, a financial institution may disclose a customer's protected financial information to a government entity if the customer provides the financial institution with written authorization for said disclosure. The written authorization described by this section must contain the following:

(1) A statement that the customer consents to the disclosure of the protected financial information, along with the definition provided in §31A-2B-3(14) of this code, for a specific period;

(2) A statement that the customer has the right to refuse to consent to disclosure;

(3) A statement that the customer understands his or her right to revoke said consent at any time before the protected financial information is disclosed;

(4) A description of the financial records authorized to be disclosed;

(5) The purpose for which disclosure of the protected financial information is authorized;

(6) The recipient or recipients of the disclosure; and

(7) The customer's signature.

(b) The written authorization described in this section may not be required as a condition of doing business or transacting with any financial institution.

(c) The written authorization required by this section must be executed distinctly and separately from other agreements or instruments entered into between the customer and financial institution.

§31A-2B-6. Additional requirements for subpoenas.

A subpoena issued by a government entity that specifically requires disclosure of protected financial information must meet the following requirements, in addition to the requirements of §31A-2A-5 of this code:

(1) The subpoena must state that protected financial information is being sought, along with the definition provided in §31A-2B-3(14) of this code;

(2) A copy of the subpoena must be served upon the customer according to the procedure provided in §31A-2A-5 of this code and the subpoena must contain a certification that said service was executed; and

(3) A copy of the subpoena must be served by the government entity upon the Consumer Protection Division of the West Virginia Attorney General's Office on the same day the subpoena is served upon the customer whose protected financial data is being sought and the subpoena must contain a certification that said service was executed.

§31A-2B-7. Use of protected financial information for discriminatory purpose.

A financial institution may not use a firearms code to engage in the following discriminatory conduct:

(1) Declining a lawful payment card transaction based on the assignment of a firearms code to the merchant or transaction;

(2) Limiting or declining to do business with a customer, potential customer, or merchant based on the assignment of a firearms code to previous lawful transactions involving the customer, potential customer, or merchant;

(3) Charging a higher transaction or interchange fee to any merchant or for a lawful transaction, as compared to the fee charged to a similarly situated merchant or for a similar transaction, based on the assignment of a firearms code; or

(4) Otherwise taking any action against a customer or merchant that is intended to suppress lawful commerce involving firearms, firearm accessories or components, or ammunition.

§31A-2B-8. Civil remedies.

(a) Subject to subsection (c) of this section, a customer may bring a civil action for damages, injunctive relief, or both damages and injunctive relief against any financial institution or government entity that causes the customer's protected financial information to be disclosed in violation of this article. For each violation, the individual may recover:

(1) Against any person who negligently or recklessly violates this article, liquidated damages of \$10,000 or actual damages, whichever is greater; or

(2) Against any person who intentionally violates this article, liquidated damages of \$25,000 for each or actual damages, whichever is greater.

(b) Subject to subsection (c) of this section, a customer or merchant aggrieved by a violation of §31A-2B-7 of this code may bring a civil action for damages, injunctive relief, or both damages and injunctive relief. Said person may recover liquidated damages of \$50,000 or actual damages, whichever is greater.

(c) Right to cure. – Prior to an aggrieved party bringing a civil action pursuant to this section, a financial institution shall have the right to cure an alleged violation of this section, according to the procedures, restrictions, and requirements set forth in §46A-5-108(a) of this code: *Provided*, That both parties must follow the procedures set forth therein.

(d) Attorney's fees. – If a court finds that a violation of this article has occurred as the result of a civil action brought pursuant to subsection (a) or subsection (b) of this section, the court shall award reasonable attorney's fees to the aggrieved party. An award of attorney's fees is subject to the same limitations set forth in §46A-5-108(f) of this code.

(e) Statute of Limitations. – Any action under this article is barred unless the action is commenced within five years after the aggrieved party knows or reasonably should know of the violation. The statute of limitations provided herein is tolled for the 45-day period set forth in §46A-5-108(a) of this code or for the period the effectuation of the cure offer is being performed, whichever is longer.

(f) The remedies provided in this article are the exclusive civil remedies available to an aggrieved party for violations of this article.

§31A-2B-9. Enforcement; contractual authority of the State.

(a) Notwithstanding any other provisions of this chapter, the Commissioner of Banking is authorized to administratively enforce the requirements of this article consistent with §31A-2-4 of this code.

(b) The Attorney General is authorized to investigate compliance with this article and may bring a civil action for injunctive relief to judicially enforce this article: *Provided*, That with regard to a national bank, the Attorney General is authorized to conduct investigations and take judicial enforcement action only to the extent permitted by 12 U.S.C. §25b(i). Upon awarding an injunction against a financial institution as the result of a judicial

enforcement action pursuant to this subsection, a court may award the Attorney General reasonable attorney's fees.

(c) In selecting a financial institution to provide a financial service or product to the state related to payment card processing, the State Treasurer may disqualify a financial institution from the competitive bidding process or from any other official selection process if:

(1) During the past five years, a court of competent jurisdiction has entered an order or opinion finding that the financial institution violated this article;

(2) During the past five years, the Commissioner of Banking or the Attorney General, as the result of an investigation, has determined that a financial institution has violated this article;

(3) During the past five years, the financial institution has admitted to violating this article in the records of a court or other official proceeding; or

(4) The financial institution has publicly stated that it has adopted or intends to adopt policies or practices that violate this article.

§31A-2B-10. Scope and Severability.

(a) Nothing in this article may be construed or applied in a manner that violates or conflicts with superseding federal law.

(b) The sections and provisions of this article are severable. If any section or provision of this article is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the other sections and provisions of this article, which shall remain in full force and effect.

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 members of a class of persons and that they would be required to vote.

The question being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2004), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2026, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time.

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 advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 2283, Relating to authorized expenditures of revenues from certain state funds for fire departments.

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

Eng. Com. Sub. for House Bill 2509, Creating the Uniform Premarital Agreement Act.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1A. UNIFORM PREMARITAL AGREEMENT ACT.

§48-1A-101. Definitions.

As used in this article:

(a) "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage and includes the definition of the term prenuptial agreement as set forth in §48-1-203 of this code.

(b) "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property including income and earnings.

§48-1A-201. Formalities.

A premarital agreement must be in writing and signed by both parties and contain an acknowledgement that both parties have had an opportunity to consult with separate legal counsel. It is enforceable without consideration.

§48-1A-301. Content.

(a) Parties to a premarital agreement may contract with respect to:

(1) The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;

(2) The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of or otherwise manage and control property;

(3) The disposition of property upon separation, marital dissolution, death or the occurrence or nonoccurrence of any other event;

(4) The modification or elimination of spousal support;

(5) The making of a will, trust, or other arrangement to carry out the provisions of the agreement;

(6) The ownership rights in and disposition of the death benefit from a life insurance policy;

(7) The choice of law governing the construction of the agreement; and

(8) Any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.

(b) The right of a child to support may not be adversely affected by premarital agreement.

§48-1A-401. Effect of marriage.

A premarital agreement becomes effective upon marriage.

§48-1A-501. Amendment; revocation.

After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement, or the revocation, is enforceable without consideration.

§48-1A-601. Enforcement.

(a) A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:

(1) That party did not execute the agreement voluntarily;

(2) Either party was under the age of 18 when the marriage occurred; or

(3) The agreement was unconscionable when it was executed and, before execution of the agreement, that party:

(A) Was not provided adequate financial disclosures of the other party as set forth in subsection (b) of this section;

(B) Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; and

(C) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.

(b) A party has adequate financial disclosure under this section if the party:

(1) Receives a reasonably accurate description and good-faith estimate of value of the property, liabilities, and income of the other party;

(2) Expressly waives, in a separate signed record, the right to financial disclosure beyond the disclosure provided; or

(3) Has adequate knowledge, or a reasonable basis for having adequate knowledge, of the information described in subdivision (1) of this section.

(c) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, the family court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.

(d) A court may refuse to enforce a term of a premarital agreement if, in the context of the agreement taken as a whole:

(1) The term was unconscionable at the time of signing; or

(2) Enforcement of the term would result in substantial hardship for a party because of a material change in circumstances arising after the agreement was signed.

(e) The issues of unconscionability of a premarital agreement or substantial hardship shall be decided by the family court as a matter of law.

§48-1A-701. Unenforceable terms.

(a) A term in a premarital agreement or marital agreement is not enforceable to the extent that it:

(1) Adversely affects a child's right to support;

(2) Limits or restricts a remedy available to a victim of domestic violence under law of this state;

(3) Purports to modify the grounds for a court-decreed separation or marital dissolution available under the law of this state; or

(4) penalizes a party for initiating a legal proceeding leading to a court-decreed separation or marital dissolution.

(b) A term in a premarital agreement or marital agreement which defines the rights or duties of the parties regarding custodial responsibility is not binding on the court.

§48-1A-801. Enforcement; void marriage.

If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

§48-1A-901. Limitation of actions.

Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement. However, equitable defenses limiting the time for enforcement, including laches and estoppel, are available to either party.

§48-1A-1001. Application; construction; and effective date.

(a) This article shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this article among states enacting it.

(b) This article applies to premarital agreements signed on or after July 1, 2023.

§48-1A-1101. Short title.

This article may be cited as the "Uniform Premarital Agreement Act."

The bill (Eng. Com. Sub. for H. B. 2509), as amended, was then ordered to third reading.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:18 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 4:48 p.m. and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2540, Travel Insurance Model Act.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.**§33-12-32b. Travel Insurance Entity Producer Limited License Act.**

[Repealed.]

ARTICLE 62. TRAVEL INSURANCE MODEL ACT.**§33-62-1. Short title.**

This article shall be known as the "Travel Insurance Model Act."

§33-62-2. Purposes and scope.

(a) The purpose of this article is to promote the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in this state through the establishment of clear regulatory obligations for those involved in the development and distribution of travel insurance, preserving the unique aspects of travel protection plans, and protecting and benefiting consumers by encouraging fair and effective competition within the market.

(b) The requirements of this article shall apply to travel insurance, whether or not provided as part of a travel protection plan, where policies and certificates are delivered or issued for delivery in this state. This article shall not be applicable to cancellation fee waivers and travel assistance services, except as expressly provided herein.

(c) All other applicable provisions of chapter 33 of this code shall continue to apply to travel insurance, except that the specific provisions of this article shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

§33-62-3. Definitions.

As used in this article:

(1) "Aggregator site" means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping;

(2) "Blanket travel insurance" means travel insurance issued to any eligible group providing coverage for specified circumstances and specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group;

(3) "Cancellation fee waiver" means a contractual agreement between a supplier of travel arrangements or travel services and its customer to waive some or all of the non-refundable cancellation fee or penalty provisions of the underlying travel contract between

the supplier and customer with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance;

(4) "Commissioner" means the commissioner of insurance of this state;

(5) "Eligible group" means any of the following:

(A) Any entity engaged in the business of providing travel or travel services, including, but not limited to, tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs, and common carriers, or the operator, owner, or lessor of a means of transportation of passengers, including, but not limited to, airlines, cruise lines, railroads, steamship companies, and public bus carriers;

(B) Any college, school, or other institution of learning covering students, teachers, or employees defined by reference to specified hazards incident to activities or operations of the institution of learning;

(C) Any employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests, defined by reference to specified hazards incident to activities or operations of the employer;

(D) Any sports team, camp, or sponsor thereof covering participants, members, campers, employees, officials, supervisors, or volunteers;

(E) Any religious, charitable, recreational, educational, or civic organization or branch thereof covering any group of members, participants, or volunteers defined by reference to specified hazards incident to any activity or activities or operations sponsored or supervised by or on the premises of such organization or branch;

(F) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one

or more financial institution or financial institution vendor, under which accountholders, credit card holders, debtors, guarantors, or purchasers are insured;

(G) Any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association;

(H) Any trust or the trustees of a fund established, created, or maintained for the benefit of members or customers of one or more associations meeting the above requirements;

(I) Any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;

(J) Any newspaper or other publisher covering its journalists and carriers;

(K) Any volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group, or agency having jurisdiction thereof, covering all or any group of the members, participants, or volunteers of such group;

(L) Preschools, daycare institutions for children or adults, and senior citizen clubs;

(M) Any automobile or truck rental or leasing company covering a group of individuals who may become renters, lessees, or passengers defined by their travel status on the rented or leased vehicles. The common carrier, the operator, owner, or lessor of a means of transportation, or the automobile or truck rental or leasing company, is the policyholder under a policy to which this section applies; or

(N) Any other group where the commissioner has determined that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, and that

issuance of the policy would not be contrary to the best interests of the public;

(5) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details;

(6) "Group travel insurance" means travel insurance issued to any eligible group;

(7) "Limited lines travel insurance producer" means a:

(A) Licensed managing general agent or third party administrator;

(B) Licensed insurance producer, including a limited lines producer; or

(C) Travel administrator;

(8) "Offer and disseminate" means providing general information, including a description of the coverage and price, as well as processing the application, collecting premiums, and performing other non-licensable activities permitted by the state;

(9) "Primary certificate holder" means an individual person who elects and purchases travel insurance under a group policy;

(10) "Primary policyholder" means an individual person who elects and purchases individual travel insurance;

(11) "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this state, in connection with travel insurance, except that a person shall not be considered a travel administrator if that person's only actions that would otherwise cause it to be considered a travel administrator are among the following:

(A) A person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(B) An insurance producer selling insurance or engaged in administrative and claims related activities within the scope of the producer's license;

(C) A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this article;

(D) An individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

(E) A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer;

(12) "Travel assistance services" means non-insurance services that may be distributed by limited lines travel insurance producers or other entities, and for which there is no indemnification for the travel protection plan customer based on a fortuitous event, nor any transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited to, security advisories; destination information; vaccination and immunization information services; travel reservation services; entertainment; activity and event planning; translation assistance; emergency messaging; international legal and medical referrals; medical case monitoring; coordination of transportation arrangements; emergency cash transfer assistance; medical prescription replacement assistance; passport and travel document replacement assistance; lost luggage assistance; concierge services; and any other service that is furnished in connection with planned travel. Travel assistance services are not insurance and not related to insurance;

(13) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including, but not limited to:

(A) Interruption or cancellation of trip or event;

(B) Loss of baggage or personal effects;

(C) Damages to accommodations or rental vehicles;

(D) Sickness, accident, disability, or death occurring during travel;

(E) Emergency evacuation;

(F) Repatriation of remains; or

(G) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner.

Travel insurance does not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting six months or longer, including, for example, those working overseas as an expatriate or military personnel being deployed, or any other product that requires a specific insurance producer license;

(14) "Travel protection plans" means plans that provide one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers; and

(15) "Travel retailer" means a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer.

§33-62-4. Licensing and registration.

(a) The commissioner may issue to an individual or business entity that has filed with the commissioner an application for such limited license in a form and manner prescribed by the commissioner, a limited lines travel insurance producer license that

authorizes the limited lines travel insurance producer to sell, solicit, or negotiate travel insurance through a licensed insurer. No person may act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered, respectively. The annual fee for a limited lines travel insurance producer license is \$200.

(b) A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer business entity license only if the following conditions are met:

(1) The limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:

(A) A description of the material terms or the actual material terms of the insurance coverage;

(B) A description of the process for filing a claim;

(C) A description of the review or cancellation process for the travel insurance policy; and

(D) The identity and contact information of the insurer and limited lines travel insurance producer;

(2) At the time of licensure, the limited lines travel insurance producer shall establish and maintain a register on a form prescribed by the commissioner of each travel retailer that offers travel insurance on the limited lines travel insurance producer's behalf. The register shall be maintained and updated by the limited lines travel insurance producer and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number. The limited lines travel insurance producer shall submit such register to the commissioner upon reasonable request. The limited lines travel insurance producer shall also certify that the travel retailer registered complies with 18 U.S.C. § 1033. The grounds for the suspension, revocation, and the penalties applicable to resident insurance producers under §33-12-24 of this code shall be

applicable to the limited lines travel insurance producers and travel retailers;

(3) The limited lines travel insurance producer has designated one of its employees who is a licensed individual producer as the person (a "designated responsible producer" or "DRP") responsible for the limited lines travel insurance producer's compliance with the travel insurance laws, rules, and regulations of the state;

(4) The DRP, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer;

(5) The limited lines travel insurance producer has paid all applicable insurance producer licensing fees as set forth in applicable state law; and

(6) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review by the commissioner. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

(c) Limited lines travel insurance producers, and those registered under their licenses, are exempt from the examination requirements under §33-12-9 of this code and the pre-licensing and continuing education requirements of §33-12-8 of this code.

(d) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that:

(1) Provide the identity and contact information of the insurer and the limited lines travel insurance producer;

(2) Explain that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

(3) Explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(e) A travel retailer's employee or authorized representative, who is not licensed as an insurance producer may not:

(1) Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

(2) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(3) Hold himself or itself out as a licensed insurer, licensed producer, or insurance expert.

(f) Notwithstanding any other provision in this chapter, a travel retailer whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this article, is authorized to do so and receive related compensation, upon registration by the limited lines travel insurance producer as described in subdivision (2), subsection (b) of this section.

(g) *Responsibility.* — As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this article.

(h) A licensee under this section is subject to the provisions of § 33-12-6b of this code as if it were an insurance agency.

(i) License renewal. — The commissioner shall annually renew, on the expiration date as provided in this subsection, the license of a licensee who qualifies and applies for renewal on a form prescribed by the commissioner and pays the fee set forth in subsection (a) of this section: *Provided*, That the commissioner may fix the dates of expiration of limited lines travel insurance producer licenses as he or she considers advisable for efficient distribution of the workload of his or her office:

(1) If the fixed expiration date would upon first occurrence shorten the period for which a license fee has been paid, no refund of unearned fee shall be made;

(2) If the fixed expiration date would upon first occurrence lengthen the period for which a license fee has been paid, the commissioner may charge no additional fee for the lengthened period;

(3) If a date is not fixed by the commissioner, each license shall, unless continued as provided in this subsection, expire at midnight on June 30 following issuance; and

(4) A licensee that fails to timely renew its license may reinstate its license, retroactive to the expiration date, upon submission of the renewal application within 12 months after the expiration date and payment of a penalty in the amount of \$50.

(j) Appointment. — Limited lines travel insurance producer may not act as an agent of an insurer unless the insurer appoints the limited lines travel insurance producer as its agent, as follows:

(1) The insurer shall file, in a format approved by the commissioner, a notice of appointment within 15 days from the date the agency contract is executed and shall pay a nonrefundable appointment processing fee in the amount of \$25: *Provided*, That an insurer may elect to appoint a limited lines travel insurance producer to all or some insurers within the insurer's holding company system or group by filing a single notice of appointment;

(2) Upon receipt of a notice of appointment, the commissioner shall verify within a reasonable time, not to exceed 30 days, that

the limited lines travel insurance producer is eligible for appointment: *Provided*, That the commissioner shall notify the insurer within five days of a determination that the limited lines travel insurance producer is ineligible for appointment;

(3) The insurer shall remit, no later than midnight on May 31 annually and in a manner prescribed by the commissioner, a renewal appointment fee for each appointed limited lines travel insurance producer in the amount of \$25; and

(4) The insurer shall maintain a current list of limited lines travel insurance producers appointed to accept applications on behalf of the insurer, and shall make the list available to the commissioner upon reasonable request for purposes of conducting investigations and enforcing the provisions of this chapter.

§33-62-5. Premium tax.

(a) A travel insurer shall pay premium tax, as provided in §33-31-14 and §33-34-14a of this code, on travel insurance premiums paid by any of the following:

(1) An individual primary policyholder who is a resident of this state;

(2) A primary certificate holder who is a resident of this state who elects coverage under a group travel insurance policy; or

(3) An eligible group policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary in, this state that purchases a blanket travel insurance policy for eligible blanket group members, subject to any apportionment rules that apply across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

(b) An insurer shall obtain and maintain documentation necessary to determine the state to which premium tax should be reported based on information provided by the policyholder or certificate holder, as applicable, and shall report as premium only

the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

§33-62-6. Forms and rates.

(a) Notwithstanding any other provision of this chapter, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance: *Provided*, That travel insurance that provides coverage for sickness, accident, disability, or death occurring during travel, either exclusively or in conjunction with related coverages of emergency evacuation or repatriation of remains, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

(b) All travel Insurance policies, certificates of insurance, endorsements, riders, and rates delivered, issued for delivery, or charged in this state shall be filed with the commissioner before being used. No policy, certificate of insurance, or endorsement shall be issued until the expiration of 30 days after it has been filed, unless the commissioner shall have given prior written approval.

(c) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, and the travel insurance offered as part of the travel protection plan may be offered as individual travel insurance, group travel insurance, or blanket travel insurance.

§33-62-7. Travel protection plans.

Travel protection plans may be offered for one price in this state if:

(1) The travel insurance, travel assistance services, and cancellation fee waivers are clearly delineated in the travel protection plan's fulfillment materials. The fulfillment materials shall include the travel insurance disclosures required under this code and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable; and

(2) The travel protection plan clearly discloses to the consumer at or prior to the time of purchase and fulfillment that it includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and provides an opportunity for the consumer to obtain additional information regarding the features and pricing of each.

§33-62-8. Sales practices.

(a) All persons offering travel insurance to residents of this state are subject to the Unfair Trade Practices provisions of §33-11-1 et seq. of this code, except as otherwise provided in this section. In the event of a conflict between this article and other provisions of this chapter regarding the sale and marketing of travel insurance and travel protection plans, the provisions of this article shall control.

(b) *Illusory Travel Insurance.* — Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy is an unfair trade practice under §33-11-1 et seq. of this code.

(c) Marketing.

(1) All documents provided to consumers prior to the purchase of travel insurance, including, but not limited to, sales materials, advertising materials, and marketing materials, shall be consistent with all travel insurance policy documents, including, but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

(2) Travel insurance policies or certificates that contain preexisting condition exclusions must provide information and an opportunity to learn more about the preexisting condition exclusions any time prior to purchase, and in the coverage's fulfillment materials.

(3) The fulfillment materials and the information described in §33-62-4(b)(1) of this code shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a travel protection plan. Unless the insured has either started a

covered trip or filed a claim under the travel insurance coverage, a policyholder or certificate holder may cancel a policy or certificate for a full refund of the travel protection plan price from the date of purchase of a travel protection plan until at least:

(A) Fifteen days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or

(B) Ten days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail. For the purposes of this section, "delivery" means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

(4) The company shall disclose in the policy fulfillment and documentation whether the travel insurance is primary or secondary to other applicable coverage.

(5) Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means.

(d) Opt out. — Unless otherwise permitted by this code or federal law, no person offering travel insurance or travel protection plans on an individual or group basis may do so using negative option or opt-out, which would require a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form when the consumer purchases a trip.

(e) It shall be an unfair trade practice to market blanket travel insurance coverage as free.

(f) Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a consumer choose between the following options as a condition of purchasing a trip or travel package:

(1) Purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or

(2) Agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

§33-62-9. Travel administrators.

(a) Notwithstanding any other provisions of this chapter, no person shall act or represent itself as a travel administrator in this state unless that person:

(1) Is a licensed property and casualty insurance producer in this state for activities permitted under that producer license;

(2) Holds a valid managing general agent (MGA) license in this state pursuant to §33-37-1 *et seq.* of this code; or

(3) Holds a valid third-party administrator (TPA) license in this state pursuant to §33-46-1 *et seq.* of this code.

(b) A travel administrator and its employees are exempt from the licensing requirements of §33-12B-1 *et seq.* of this code.

(c) An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer, and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the commissioner upon request.

§33-62-10. Policy.

Travel insurance may be provided under an individual policy or under a group or blanket policy.

§33-62-11. Enforcement.

(a) The commissioner may conduct investigations or examinations of travel insurers, limited lines travel insurance producers, travel retailers, and travel administrators to enforce the

provisions of this article to protect resident travel insurance consumers.

(b) The commissioner may take action, following notice and a hearing pursuant to §33-2-13 of this code, as necessary or appropriate to enforce the provisions of this article, any order of the commissioner, and any other provision of state law to protect consumers of travel insurance in this state.

§33-62-12. Rulemaking.

The commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this article.

The bill (Eng. Com. Sub. for H. B. 2540), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2759, Relating to updating the health care provider tax.

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

Eng. Com. Sub. for House Bill 2896, Relating to making West Virginia an Agreement State with the U. S. Nuclear Regulatory Commission.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was referred to the Committee on Finance.

Eng. Com. Sub. for House Bill 2900, Relating to the Deputy Sheriff Retirement System.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 14D. DEPUTY SHERIFF RETIREMENT SYSTEM ACT.

§7-14D-24a. Return to covered employment by retired member.

(a) The annuity of any member who retires under the provisions of this article and who resumes service in covered employment shall be suspended while the member continues in covered employment. The monthly annuity payment for the month in which the service resumes shall be prorated to the date of commencement of service, and the member shall again become a contributing member during resumption of service. At the conclusion of resumed service in covered employment the member shall have his or her annuity recalculated to take into account the entirety of service in covered employment.

(b) Notwithstanding the provisions of subsection (a) of this section, the annuity of a member who retires under the provisions of this article shall not be suspended if the member resumes covered employment and the following conditions are met:

(1) The member has been retired for at least 180 days;

(2) The retired member did not retire as a result of a disability pursuant to the provisions of §7-14D-14 of this code;

(3) The retired member is a certified, or certifiable, law-enforcement officer as provided in §30-29-5 of this code;

(4) The sheriff of the county seeking to re-employ the retired member has fewer than five deputies in his or her employ and has been unable to recruit additional qualified deputy sheriffs despite the exercise of due diligence;

(5) The re-employment of the retired member is for a period not to exceed five years or until such time as the sheriff may recruit additional deputy sheriffs to provide for five full-time deputy

sheriffs not hired pursuant to this subsection, whichever is sooner; and the sheriff is required to post the vacancy until it is filled by a non-retirant;

(6) The retired member may not again become a contributing member of the Deputy Sheriff Retirement System while performing services under the provisions of this subsection; and

(7) The employer of any deputy sheriff rehired pursuant to this subsection shall remit an employer contribution pursuant to §7-14D-7 of this code on the deputy sheriff's monthly salary.

(c) Any retired member who is seeking re-employment pursuant to the provisions of this section shall not be subject to the maximum age restriction set forth in §7-14-8 of this code.

(d) Unless acted upon by the Legislature, the provisions of subsections (b) and (c) of this section will sunset on July 1, 2026. On or before October 1, 2025, any employer of a member of the Deputy Sheriff Retirement System rehired pursuant to subsection (b) of this section must make a report to the Joint Standing Committee on Pensions and Retirement.

The bill (Eng. Com. Sub. for H. B. 2900), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3012, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief.

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

Eng. House Bill 3146, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 9C. UNIFORM PUBLIC MEETINGS DURING EMERGENCIES ACT.

§6-9C-1. Short title.

This article may be cited as the Public Meetings During Emergencies Act.

§6-9C-2. Definitions.

In this article:

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Emergency" means an event or condition that is an emergency, disaster, or public health emergency as addressed in §15-5-2 and §15-5-6 of this code.

"Emergency declaration" means a declaration of emergency issued by a person or agency authorized to do so under §15-5-6 of this code and that is in effect.

"Meeting" has the same definition as in §6-9A-2 of this code.

"Person" has the same definition as in §6-9A-2 of this code. The term does not include a public corporation, government or governmental subdivision, agency, or instrumentality.

"Public agency" has the same definition as in §6-9A-2 of this code, however, for purposes of this article, it does not include the Legislature.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Virtual meeting" or "virtually" means a meeting of a public agency or any part thereof, at which some or all of the members of the public agency participate wholly or partly by electronic means.

§6-9C-3. Virtual meetings.

(a) A public agency may meet virtually during an emergency that is the subject of an emergency declaration if otherwise permitted by law, or all or part of the jurisdiction of the public agency is subject to the emergency declaration; and the person authorized by law or by rule of the public agency to act for the public agency determines that due to the emergency it would not be practical or prudent for the public agency to meet physically or if the emergency declaration prohibits physical meetings.

(b) If a virtual meeting of a public agency authorized by §6-9C-3(a) of this code complies with the requirements of §6-9C-4, §6-9C-5, and §6-9C-6 of this code, then any action taken at a virtual meeting has the same legal force and effect as an action taken at a physical meeting of the public agency. All other laws of the state that apply to a physical meeting of a public agency shall, to the extent practicable and not inconsistent with a virtual meeting, apply to a virtual meeting of the public agency.

§6-9C-4. Authorization for virtual meeting.

(a) A public agency may conduct a virtual meeting while an emergency declaration is in effect that applies to all or part of the jurisdiction of the public agency if:

(1) The emergency declaration prohibits, limits, or has the effect of prohibiting or limiting an in-person meeting of the public agency; or

(2) The presiding officer of the public agency or other individual authorized to act for the public agency determines it is not practical or prudent for the public agency to conduct an in-person meeting because of the emergency; and

(A) Communicates to the members of the public agency that the meeting shall be a virtual meeting; and

(B) Takes reasonable steps to inform members of the public that the meeting shall be a virtual meeting.

§6-9C-5. Conduct of virtual meeting.

(a) A public agency shall, to the extent practicable, select a means to conduct a virtual meeting that is compatible with assistive technology commonly used by individuals with disabilities and that facilitates the accommodation needs of individuals with disabilities to access the meeting.

(b) Except as provided in §6-9C-5(c) or §6-9C-5(d) of this code, the means used to conduct a virtual meeting shall permit each member of the public agency who attends the meeting to see and hear during the meeting and to be seen and heard by, the other members of the public agency who attend the meeting.

(c) If a member of a public agency is unable to obtain visual access to the virtual meeting but is able to obtain audio access that permits the member, during the meeting, to hear and be heard by the other members of the public agency who attend the meeting, the member may attend by audio access.

(d) If a public agency lacks the capacity to provide contemporaneous visual access to a virtual meeting for members of the public agency, the public agency may conduct the meeting by audio-only access that permits each member of the public agency who attends the meeting, to hear and be heard during the meeting by the other members of the public agency who attend the meeting.

(e) A member of a public agency who attends a virtual meeting is considered present for all purposes, including for determination of a quorum and voting, if during the meeting, the member may:

(1) For a meeting conducted in compliance with §6-9C-5(b) of this code, see and hear and be seen and heard by the other members of the public agency who attend; or

(2) For a meeting conducted in compliance with §6-9C-5(c) or (d) of this code, may hear and be heard by the other members of the public agency who attend.

(f) A member of a public agency who attends a virtual meeting through electronic means that provide audio-only access to the meeting shall state the member's name each time the member speaks. Failure by a member to state the member's name does not invalidate an action taken at the virtual meeting.

(g) A vote taken at a virtual meeting shall be by a process that identifies how each member of the public agency votes.

(h) The minutes of a virtual meeting shall include any vote taken, that the meeting was conducted by electronic means, the technology used, and which members of the public agency attended by electronic means.

§6-9C-6. Public observation.

(a) If the open meetings law requires that the public be able to observe all or part of a meeting of a public agency in real time:

(1) The public agency shall permit the public to observe a virtual meeting or the part of the virtual meeting that would be required to be open to the public if it were part of an in-person meeting; and

(2) The public agency shall provide the technological means to allow the members of the public who observe the virtual meeting to see and hear or, if the public agency conducts the meeting by audio-only access under §6-9C-5(d) of this code, to hear any members of the public authorized by the public agency to speak in the meeting.

(b) A document, exhibit, or other record presented to a public agency at a virtual meeting that, under the open meetings law, would have been available to the public at an in-person meeting, including members of the public observing or participating in a virtual meeting under §6-9C-7 of this code, shall be made available

to the public at the same time as the virtual meeting to the extent practicable.

§6-9C-7. Public participation.

(a) If a law of this state or a political subdivision of the state or a rule, practice, or procedure adopted by the public agency requires that members of the public be permitted to participate in a meeting of the public agency, the public agency to the extent practicable shall permit members of the public to participate in a virtual meeting, subject to the conditions that apply at an in-person meeting of the public agency.

(b) If members of the public are permitted to speak at a virtual meeting, the technology used to conduct the meeting shall permit the members of the public agency and members of the public attending the meeting to hear the members of the public who speak at the meeting.

(c) If a public agency considers at a virtual meeting a matter affecting the right or interest of a person entitled by other law of the state or a political subdivision of this state or by rule of the public agency to participate, present evidence, or examine or cross-examine witnesses at an in-person meeting, the public agency shall permit the person to use the same technology that the public agency uses to conduct the virtual meeting, or provide equivalent access, to attend the meeting and present evidence, or examine or cross-examine witnesses in the meeting.

(d) If a person to which §6-9C-7(c) of this code applies objects that the virtual meeting does not allow the person to effectively protect the right or interest referred to in §6-9C-7(c) of this code, the public agency shall consider the objection and may proceed with the matter at a virtual meeting if the agency determines that the virtual meeting will allow the person to effectively protect the right or interest. The determination and the reason for the determination shall be stated in a record.

§6-9C-8. Notice.

(a) In addition to any other requirement concerning notice, a public agency, for a meeting of the public agency, shall give notice

of a virtual meeting and shall specify that the meeting will be a virtual meeting and the technology that will be used for the virtual meeting.

(b) Notice of a virtual meeting shall specify how:

(1) Members of the public may observe the meeting in real time pursuant to §6-9C-6 of this code;

(2) Members of the public permitted to participate, present evidence, or examine or cross-examine witnesses at the meeting pursuant to §6-9C-7 of this code may do so;

(3) A member of the public may alert the public agency of a technical or quality problems that prevents the member from accessing the meeting; and

(4) A member of the public with a disability may request a reasonable accommodation to access the meeting.

§6-9C-9. Procedural rules.

A public agency may adopt rules for conducting a virtual meeting under this article, comparable to rules for conducting an in-person meeting of the public agency. The rules may include:

(1) The means by which the public agency will inform members of the public that a virtual meeting will be held;

(2) The effect of a technical or quality problems that interferes with meeting or access to a meeting by a member of the public agency or the public;

(3) The means by which a record considered at a meeting is made available to the public agency and, if required by other law, the public;

(4) The means for access to a meeting by an individual with a disability; and

(5) The process by which a person may object under §6-9C-7 of this code to the conduct of a meeting on the ground that the procedure denies the person due process of law.

§6-9C-10. Electronic Signatures in Global and National Commerce Act.

This article modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103 (b) of that act, 15 U.S.C. § 7003(b).

The bill (Eng. H. B. 3146), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3214, To create the Road Optimization & Assessment Data (ROAD) Pilot Project.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-25. Road optimization and assessment data pilot program; legislative findings and purposes; reporting.

(a) The Legislature hereby finds and declares that:

(1) Properly maintained roads are important to the economic and industrial growth and development of the state and to the health, education, welfare, and prosperity of the state's residents;

(2) Roads that are not well-maintained because of potholes, patching, cracking, road shoulder issues, canopy brush, or drainage issues do not contribute to the health, education, welfare, and prosperity of the residents of this state;

(3) Data is and has been collected by the West Virginia Division of Highways for purposes of an overall assessment and evaluation of road maintenance; and

(4) The purpose of this section is to create a pilot program to study alternative, advanced methods of assessing the conditions of the roads that will lead to improved processes of addressing road maintenance needs.

(b) The Road Optimization and Assessment Data (ROAD) Pilot Program is hereby created. The Commissioner of Highways shall develop and implement the pilot program concerning the collection of data and the overall assessment of the conditions of the paved roads of the state and the repairs and maintenance required to ensure well-maintained roads. The pilot program shall include a combination of urban and rural roads, using Monongalia County and Preston County as the test areas for this pilot program and, to the broadest extent feasible:

(1) Use existing assessments in the pilot counties to teach the program;

(2) Incorporate machine learning (ML), artificial intelligence (AI), or other advanced technologies to assess state roads;

(3) Use Global Positioning System (GPS) data or geotagging, including high accuracy precision GPS, to indicate road geometry and curvature;

(4) Use laser measuring systems, including video, that are capable of longitudinal profiling, identifying and measuring of cracks, pavement distress, potholes, patching, road shoulder issues, canopy brush, and drainage issues;

(5) Use video for road imagery as well as canopy brush and drainage documentation;

(6) Use a reflectometer system to check the reflectivity of painted lines;

(7) Utilize post-data capture processing to create a baseline for road condition assessment based on standards of the Division of Highways and the ASTM D6433-11 Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys; and

(8) Incorporate the data gathered pursuant to this section within the Division of Highways' existing pavement management system, or an alternative machine learning or artificial intelligence system in order to improve predictive analysis of roads and to guide in the performance of preventive maintenance for roads rather than reactive maintenance.

(c) The commissioner shall provide for the data capturing and processing pursuant to this section at intervals determined by the commissioner to adequately collect and assess data for maintenance purposes: *Provided*, That data capturing and processing shall occur at least twice during the pilot project. The data shall compare the changes in road conditions, such as deterioration of roads from previous conditions, average daily traffic, and heavy truck traffic if such information is available.

(d) The term of this pilot program is five years. At the conclusion of year two and year four of the pilot program, and at the conclusion of the pilot program, the commissioner shall report to the Joint Legislative Oversight Commission on Department of Transportation Accountability on the steps taken to implement the pilot program, identify the technologies used in the pilot program, outline the data collected through the pilot program, identify costs of the pilot program, summarize any improvements in road maintenance and pavement management processes that may be realized through the pilot program, and make recommendations concerning improvements to and continuation of the pilot program.

The bill (Eng. Com. Sub. for H. B. 3214), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3261, Relating to Social Workers Qualifications.

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 and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 30. SOCIAL WORKERS.

§30-30-16. PROVISIONAL LICENSE TO PRACTICE AS A SOCIAL WORKER.

(a) To be eligible for a provisional license to practice as a social worker, the applicant must:

(1) Submit an application to the board;

(2) Be at least 18 years of age;

(3) Have a baccalaureate degree in a related field, as provided by legislative rule;

(4) Have obtained regular supervised employment, or the reasonable promise of regular supervised employment, contingent upon receiving a provisional license, in a critical social work workforce shortage position, area, or setting requiring a social work license: *Provided*, That such employment shall not be as an independent practitioner, contracted employee, sole proprietor, consultant, or other nonregular employment;

(5) Have satisfied the board that he or she merits the public trust by providing the board with three letters of recommendation from persons not related to the applicant;

(6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: *Provided*, That an applicant in an active recovery process, which may, in the discretion of the board, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program, may be considered;

(7) Not have been convicted of a felony in any jurisdiction within five years preceding the date of application for license, which conviction remains unreversed;

(8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense for which he or she was convicted related to the practice of social work, which conviction remains unreversed; and

(9) Meet any other requirements established by the board.

(b) The board shall promulgate emergency rules, in accordance with §29A-3-15 of this code, to implement the provisions of subsection (a) of this section.

(c) A provisionally licensed social worker may become a licensed social worker by completing the following:

(1) Be continuously employed for four years as a social worker and supervised: *Provided*, That should an individual lose his or her employment due to a reduction in force, or be unable to work due to medical reasons, the individual may request that the Board allow for a reasonable interruption in continuous employment and provide additional time for the individual to complete the requirements of the provisional license. The board shall promulgate by legislative rule the supervision requirements;

(2) Complete 12 credit hours of core social work study from a program accredited by the council on social work education, as defined by legislative rule, within the four-year provisional license period;

(3) Complete continuing education as required by legislative rule; and

(4) Pass an examination approved by the board.

(d) On or before July 1, 2020, the Legislative Auditor shall cause to be performed a performance audit of the provisional license to practice as a social worker application process and the application process by which a provisional licensee may become a licensed social worker.

(e) Any employee of the Department of Health and Human Resources with a provisional license as of the effective date of this section who opted to take the department-provided courses previously allowed has until June 30, 2022, to convert his or her license to a social work license or provisional license under this section. If the individual cannot or desires not to complete this process, he or she shall be eligible for registration as provided in §30-30-30 of this code.

CHAPTER 49. CHILD WELFARE.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-110a Bureau of Social Service authority to hire and employ workers who are not social workers in geographical areas of critical shortage.

(a) The Legislature hereby finds that there is a crisis in West Virginia in certain geographical regions of the state, that is caused by an absence of people employed by the Department of Health and Human Resources as child protective services workers, youth case workers, and support staff for these positions.

(b) Notwithstanding any other provisions of this code to the contrary, the Bureau of Social Services, pursuant to the provisions of this section, may employ persons who do not hold a social worker's license and persons who are not on the social work register to work for the bureau as child protective services workers, youth case workers and support staff, in geographical areas of critical shortage of this state.

(c) For purposes of this section "geographical areas of critical shortage" means those regions of West Virginia where the West

Virginia Bureau of Social Services has a vacancy rate for child protective services workers, or youth service workers, that exceeds 25% of allocated positions.

(d) Workers hired by the bureau under this section to work in geographical areas of critical shortage may be employed by the bureau and work in said geographical areas as child protective services workers, youth service workers, case managers, clerical staff and in other related positions for the bureau.

(e) The provisions of this section shall operate independently of, and in addition to, any other provisions of law or policy that allow persons to be employed in these jobs, and the provisions of this section do not eliminate any other provisions of law that permit persons to be employed in the jobs described in this section.

(f) In order for a person to be eligible for employment under this section, he or she shall:

(1) Be at least 18 years of age.

(2)(A) Have an associate's degree in social work or a related field from an accredited college, university, community and technical college, community college or junior college; or

(B) Be an honorably retired law enforcement officer or be an honorably retired parole officer or honorably retired federal or state probation officer.

(3) Provide to the bureau three letters of recommendation from persons not related to the applicant.

(4) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code: Provided, That an applicant in an active recovery process, which may, in the discretion of the bureau, be evidenced by participation in an acknowledged substance abuse treatment and/or recovery program, may be considered;

(5) Satisfy the requirements of the West Virginia Clearance for Access Registry and Employment Screening Act, §30-1-24 of this code.

(C) Meet any other requirements established by the bureau.

(g) The bureau shall provide training to any and all persons hired and employed hereunder, as the bureau deems appropriate.

(h) The provisions of this section authorizing the hiring of persons shall sunset, expire, and be of no force and effect on or after the 31st day of December, 2028, but shall not serve to require the termination of persons hired pursuant to this section.

The bill (Eng. Com. Sub. for H. B. 3261), as amended, was then ordered to third reading.

Eng. House Bill 3328, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property.

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

Eng. Com. Sub. for House Bill 3370, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 5A. STATE PARKS AND RECREATION ENDOWMENT FUND.

§20-5A-1. Establishment of fund; deposits; expenditures; investments; use of fund for the State Parks Enhancement Loan Insurance Program.

(a) There is created in the office of the State Treasurer a special revenue account fund to be known as the West Virginia State Parks and Recreation Endowment Fund.

(b) The following shall be deposited into the fund:

(1) The royalties received from the leasing of state-owned gas, oil, and other mineral rights beneath the Ohio River and its tributaries; and

(2) The proceeds of any gifts, grants, contributions, or other moneys accruing to the state which are specifically designated for inclusion in the fund.

(c) Expenditures from the fund shall be for the purposes set forth in this section and are to be made in accordance with appropriation of the Legislature under the provisions of §12-3-1 *et seq.* of this code, and in compliance with the provisions of §11B-2-1 *et seq.* of this code: *Provided*, That income accruing from investments of the fund pursuant to this article shall be distributed or expended for either of the following purposes:

(1) Maintenance, repair, and improvement of any existing recreational facilities, including any supporting or related infrastructure and associated recreational features, all to provide uninterrupted enjoyment and public use of state parks, state forests, and state rail trails.

(2) Maintenance, repair, and procurement of any fixture, furnishing, and equipment necessary to provide uninterrupted enjoyment and public use of state parks, state forests, and state rail trails.

(d) The board of trustees established pursuant to this article shall invest the assets of the fund consistent with the provisions of §12-6-1 of this code. The board may accumulate investment income of the fund within the fund until the income, in the sole judgment of the board, can provide a significant supplement to the budget of the Division of Natural Resources. After that time, the board may direct expenditures from the income for the purposes set forth in this section.

(e) Notwithstanding any other provision of this article to the contrary, the assets of the fund may be used by the board of trustees to facilitate or provide collateral for the State Parks Enhancement

Loan Insurance Program established in §20-5A-3 of this code: *Provided*, That no amount of the fund's income from investments may be used to provide loan insurance.

§20-5A-3. State Parks Enhancement Loan Insurance Program.

(a) *Legislative findings and purpose.*

(1) The Legislature finds that certain areas of the state currently have existing developments or attractions, including, but not limited to, developments in West Virginia State Parks and resorts that are constructed on U.S. Army Corps of Engineers property, wherein such attractions and developments are unable to serve as collateral for loans. Because of this, the expansion of tourism and development projects in these areas is severely restricted or significantly impeded.

(2) The purpose of this section is to establish the State Parks Enhancement Loan Insurance Program, which may provide for the guarantee of a loan made to an eligible entity to be used exclusively for further development on these properties to encourage economic development and tourism.

(b) *Terms defined.* – As used in this section, unless the context clearly indicates otherwise:

(1) Board of trustees means the board provided for in §20-5A-2 of this code.

(2) Development project means any new project, or any project at any existing development or attraction, being pursued by a private entity, which has established a partnership or agreement with the division to operate on U.S. Army Corps of Engineers property, State Parks and resorts property, any other property under the jurisdiction of the division, or on a hybrid tourism destination, for the purpose of increasing recreational opportunities, tourism, and economic development.

(3) Director means the director of the Division of Natural Resources.

(4) Division means the Division of Natural Resources.

(5) Eligible entity means any corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, business trust, joint venture, or any other entity operating or intending to operate a development project, whether owned or leased, that receives the approval pursuant to this section to apply for an insurance agreement under the State Parks Enhancement Loan Insurance Program.

(6) Program means the State Parks Enhancement Loan Insurance Program.

(c) The State Parks Enhancement Loan Insurance Program is established. The program may insure the payment or repayment of all or any part of the principal of, prepayment premiums or penalties on, and interest on any form of debt instrument entered into by an eligible entity with a financial institution, including, but not limited to, banks, insurance companies and other institutions in the business of lending money. Eligible entities shall submit applications for loan insurance to the board of trustees. By a majority vote, the board of trustees may approve or deny any application. If approved, the board of trustees shall enter into an insurance agreement with the eligible entity and any necessary financial institution.

(d) In order to effectuate the purposes of this section, the board of trustees shall cooperate with the West Virginia Economic Development Authority pursuant to §31-15-8b of this code. The board of trustees may utilize the staff and resources of the authority for guidance and assistance in administering the program.

(e) The board of trustees may, subject to a recommendation by the director, establish additional requirements and procedures for the issuance of loan insurance; including, but not limited to, setting the premiums and fees to be paid to it for providing financial assistance under this section. The premiums and fees set by the board of trustees shall be payable in the amounts, at the time, and in the manner that the board of trustees, in its sole and absolute discretion, requires. The premiums and fees need not be uniform

among transactions and may vary in amount: (1) Among transactions; and (2) at different stages during the terms of transactions.

(f) The board of trustees may, in its sole and absolute discretion, require the security it believes sufficient in connection with its insuring of the payment or repayment of any bonds, notes, debt, or other instruments: *Provided*, That the board of trustees may not require a security interest in the real property or permanent improvements which are part of the development project when the eligible entity will not hold ownership on the real or personal property of the development project.

(g) The obligations of the board of trustees under any insurance agreement entered into pursuant to this article shall not constitute a debt or a pledge of the faith and credit or taxing powers of this state, the division, or of any county, municipality, or any political subdivision of this state for the payment of any amount due thereunder or pursuant thereto, but the obligations evidenced by such insurance agreement shall be payable solely from the funds pledged for their payment.

(h) The board of trustees may not authorize any amount of loan insurance through the program that exceeds \$10 million in the aggregate of the assets existing in the West Virginia State Parks and Recreation Endowment Fund: *Provided*, That no more than \$5 million may be authorized for any project: *Provided, however*, That no amount of the fund's income from investments may be used to provide loan insurance. However, any amount of loan insurance issued by the board of trustees shall not require the encumbrance or otherwise segregation of funds within the West Virginia State Parks and Recreation Endowment Fund.

(i) The board of trustees may establish an application and additional procedures or guidelines for the program. Prior to submission of an application to the board of trustees, an eligible entity must receive approval in writing from the Secretary of the Department of Commerce, the Secretary of the Department of Economic Development, and the Secretary of the Department of Tourism.

(j) The West Virginia Department of Commerce shall maintain a list of approved projects using this loan insurance program and shall submit this list to the Joint Committee on Government and Finance in the form of an annual report for legislative review.

CHAPTER 31. CORPORATIONS.

ARTICLE 15. WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY.

§31-15-8b. Facilitation of the State Parks Enhancement Loan Insurance Program.

The authority shall cooperate with the Division of Natural Resources and the Board of Trustees of the West Virginia State Parks and Recreation Endowment Fund to facilitate the administration of the State Parks Enhancement Loan Insurance Program established by §20-5A-3 of this code. The executive director shall make the authority's staff available to provide guidance and assistance for the administration of the program. Any requirement or restriction on the authority's loan insurance programs and other operations established by this article shall not be applicable to the administration of the State Parks Enhancement Loan Insurance Program.

The bill (Eng. Com. Sub. for H. B. 3370), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3479, Creating requirements for use of unmanned aerial vehicles.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 16. USE OF UNMANNED AIRCRAFT SYSTEMS
AERIAL VEHICLE.**

§61-16-1. Definitions.

As used in this article:

(1) "Aircraft" means any device now known or subsequently invented, used, or designed for flight in the air, including, but not limited to, unmanned ~~aircraft vehicles or systems~~ aerial vehicles;

(2) "Targeted facility" means a critical infrastructure facility, as defined in §61-10-34 of this Code.

(3) "~~Unmanned aircraft system~~" or "~~system~~ aerial vehicles" means an aircraft that is operated without direct human intervention from inside or on the aircraft and includes the crewmember, the associated support equipment, the control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft, including, but not limited to, drones;

~~(3)~~ (4) "~~Unmanned aircraft system~~ aerial vehicle operator" or "operator" means a person exercising control over an unmanned ~~aircraft system~~ aerial vehicle during flight.

§61-16-2. Prohibited use of an unmanned ~~aircraft system~~ aerial vehicle; criminal penalties.

(a) Except as authorized by the provisions of this article, a ~~person may~~ it is unlawful for any person to not operate an unmanned ~~aircraft system~~ aerial vehicle:

(1) To knowingly and intentionally capture or take photographs, images, video, or audio of another person or the private property of another, without the other person's permission, in a manner that would invade the individual's reasonable expectation of privacy, including, but not limited to, capturing, or recording through a window;

(2) To knowingly and intentionally view, follow, or contact another person or the private property of another without the other person's permission in a manner that would invade the individual's reasonable expectation of privacy, including, but not limited to, viewing, following, or contacting through a window;

(3) To knowingly and intentionally harass another person;

(4) To violate a restraining order or similar judicial order;

(5) To act with a willful wanton disregard for the safety of persons or property; or

(6) To knowingly and intentionally operate an unmanned ~~aircraft system~~ aerial vehicle in a manner that interferes with the official duties of law enforcement personnel or emergency medical personnel.

(b) It is unlawful for any person to operate an unmanned aerial vehicle over the property of a targeted facility to:

(A) intentionally deploy any substance, material, projectile, or object,

(B) to conduct surveillance of, or gather evidence and information about such facility, with the intent to do harm to such facility the public or any person, or

(C) to engage in any attempt to obtain:

(i) business trade secrets, proprietary information, or,

(ii) protected Federal or state information for the operator's own use or profit.

(c) Nothing in this section prohibits a person from operating an unmanned aerial vehicle to conduct surveillance of, gather evidence and information about, or photographically or electronically record the person's own property or immovable property owned by another person under a valid lease, servitude, right-of-way, right of use, permit, license, or other right: *Provided*, That nothing in this section prohibits third persons retained by the

owner of immovable property from operating an unmanned aerial vehicle over, or to otherwise conduct surveillance of, gather evidence and information about, or to photographically or electronically record the property: *Provided, however,* That nothing in this section prohibits a person from operating an unmanned aerial vehicle in connection with production of a motion picture, television program, or similar production if the operation of the unmanned aerial vehicle is authorized by the property owner.

(d) The provisions of this section do not apply to a law-enforcement agency acting in compliance with the provisions of this article: *Provided,* That a law enforcement agency's operation of an unmanned aerial vehicle for the purpose of surveillance, investigation into crime, or any other purpose related to the enforcement of the criminal laws of this state or those of the United States shall be in accordance with the Fourth Amendment to the United States Constitution and Article III, § 6 of the constitution of this state.

(e) The provisions of this section do not apply to a news organization using a camera-carrying unmanned aerial vehicle at altitudes greater than 400 feet over private property for legitimate newsgathering purposes.

(f) Any person violating the provisions of subsection (a) or (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

~~(e)~~(g) Any person who equips an unmanned ~~aircraft system~~ aerial vehicle with any deadly weapon or operates any unmanned ~~aircraft system~~ aerial vehicle equipped with any deadly weapon, other than for military purposes in an official capacity, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(A) A transfer on death deed that revokes the deed or part of the deed expressly or by inconsistency;

(B) An instrument of revocation that expressly revokes the deed or part of the deed; or

(C) ~~An *inter vivos* deed that expressly revokes the transfer on death deed or part of the deed~~ As to property that was described in a transfer on death deed made by a transferor and previously recorded, an *inter vivos* deed made by the same transferor that conveys the same real estate, or part thereof, whether or not the *inter vivos* deed expressly revokes the transfer on death deed, or part of the deed; and

(2) Is acknowledged by the transferor after the acknowledgment of the deed being revoked and recorded before the transferor's death in the public records in the office of the clerk of the county commission of the county where the deed is recorded.

(b) If a transfer on death deed is made by more than one transferor ~~(1) Revocation~~ revocation by a transferor does not affect the deed as to the interest of another transferor; and ~~(2) A~~ a deed of joint owners is revoked only if it is revoked by all of the living joint owners.

(c) After a transfer on death deed is recorded it may not be revoked by a revocatory act on the deed.

(d) This section does not limit the effect of an *inter vivos* transfer of the property.

36-12-13. Effect of transfer on death deed at transferor's death

(a) Except as otherwise provided in the transfer on death deed in this article, ~~section six, article one, chapter forty one of this code §41-1-6 of this code, section three, article three, chapter forty one of this code §41-3-3 of this code, article three, chapter forty two of this code §42-3-1, et seq. of this code, section two, article four, chapter forty two of this code §42-§4-2 of this code, or article five, chapter forty two of this code §42-5-1, et seq. of this code,~~ on the death of the transferor the following rules apply to property that is

the subject of a transfer on death deed and owned by the transferor at death:

(1) Subject to subdivision (2) of this subsection, the interest in the property is transferred to the designated beneficiary in accordance with the deed.

(2) The interest of a designated beneficiary, when there is only one beneficiary designated, is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor, when there is only one beneficiary designated, lapses.

(3) Subject to subdivision (4) of this subsection, concurrent interests are transferred to the beneficiaries in equal and undivided shares ~~with no right of survivorship,~~ unless the deed specifies otherwise, as tenants in common or with right of survivorship if the deed specifies joint tenancy with right of survivorship.

(4) If the transferor has identified two or more designated beneficiaries to receive concurrent interests in the property, the share of one which lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently as tenants in common or with right of survivorship if the deed specifies joint tenancy with the right of survivorship.

(b) Subject to ~~article two, chapter thirty nine and chapter thirty eight of this code §39-2-1, et seq., and §38-1-1, et seq.~~ of this code, a beneficiary takes the property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens and other interests to which the property is subject at the transferor's death. For purposes of this subsection, ~~article two, chapter thirty nine and chapter thirty eight of this code, §39-2-1, et seq, and §38-1-1, et seq. of this code,~~ the recording of the transfer on death deed is deemed to have occurred at the transferor's death.

(c) If a transferor is a joint owner with other joint owners with right of survivorship and is:

(1) Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship; or

(2) The last surviving joint owner, the transfer on death deed is effective.

(d) If a transferor is an owner with other owners as tenants in common, the transfer on death deed is only effective as to the interest in the property which was held by the transferor.

(e) A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.

(f) The amendments to this section, enacted during the 2023 regular session of the Legislature, shall apply only to transfer on death deeds recorded after the effective date of this section.

The bill (Eng. H. B. 3499), as amended, was then ordered to third reading.

Eng. House Bill 3500, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. REGULATED CONSUMER LENDERS.

§46A-4-114. Permitting licensee to conduct business at remote location.

(a) Notwithstanding any provision of this article to the contrary, but subject to the requirements of this section, employees

of a West Virginia licensee located in West Virginia may perform work for the licensee at their residence: *Provided*, That such a residence is located within 100 miles of a licensed West Virginia corporation or branch office: *Provided, however*, That nothing in this subsection restricts employees of the licensee from participating in regulated consumer lending activities at other locations for limited periods of time. Any regulated consumer lender activity conducted by an employee of the West Virginia licensee shall be considered, reported, and regulated as loans of the West Virginia licensee, regardless of the employee's location during the activity.

(b) A licensee, prior to authorizing work by employees at a location other than the licensee's designated place of business, shall ensure the following:

(1) No in-person customer interactions will be conducted at the other location;

(2) The other location is not designated as a business location to consumers or customers;

(3) Appropriate data security and privacy safeguards are in place for licensee and consumer data, information, and records at the other location, including, but not limited to, the use and maintenance of secure virtual private networks and maintenance of appropriate security updates, patches, or other alterations to ensure the security of electronic devices;

(4) Appropriate risk-based monitoring and oversight processes of work performed by the employees of a licensee at the other location are in place, and records of such monitoring and processes are maintained;

(5) No consumer information or records are maintained at the other location;

(6) All consumer and licensee information and records remain accessible and available for regulatory oversight and examinations;

(7) Employees are trained and keep confidential all conversations about, and with, consumers that may be conducted at the other location; and

(8) The other location is a safe and secure workplace for employees.

(c) A licensee, prior to authorizing work at a location other than the licensee's designated place of business, shall establish written policies and procedures to ensure compliance with the requirements of subsection (b) of this section.

(d) A licensee that authorizes work at another location pursuant to this section shall:

(1) Periodically review and document compliance with the provisions of this section and the written policies and procedures established pursuant to subsection (c) of this section as it relates to every employee who works at another location; and

(2) Certify annually to the commissioner that the provisions of this section have been met as to each employee working at another location.

The bill (Eng. H. B. 3500), as amended, was then ordered to third reading.

Eng. House Bill 3510, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund.

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

Eng. House Bill 3511, Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program.

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

Eng. House Bill 3529, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services.

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

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

Eng. House Bill 2955, Relating to the establishment and operation of regional water, wastewater and stormwater authorities.

Eng. Com. Sub. for House Bill 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV Act.

Eng. Com. Sub. for House Bill 3271, Relating to increasing monitoring of special education classrooms.

Eng. Com. Sub. for House Bill 3344, To pay certain moral obligations of the state.

Eng. House Bill 3371, Relating to federal funds for land-grant institutions.

Eng. House Bill 3512, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

Eng. House Bill 3514, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund.

Eng. House Bill 3516, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment.

Eng. House Bill 3517, Making a supplementary appropriation to the Division of Human Services – Child Care and Development.

And,

Eng. House Bill 3557, Making a supplementary appropriation to the Department of Veterans' Assistance.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 2380, Relating to School Building Authority.

On third reading, coming up in deferred order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Monday, March 6, 2023, for further amendments to be received on third reading, was read a third time.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

Engrossed Committee Substitute for House Bill 2380 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Trump, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Taylor—1.

Absent: Jeffries, Phillips, and Weld—3.

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. 2380) passed.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the third order of business.

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

Eng. Senate Bill 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 6, section 3, line 4, by striking "§16-5-1" and inserting in lieu thereof "§16-5V-1".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 449, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Jeffries, Phillips, Stover, and Weld—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 449) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 49, section 25, line 40, by striking "§18-17A-28" and inserting in lieu thereof "§18-7A-28";

And, on page 49, section 25, line 41, by striking "§18-17A-28" and inserting in lieu thereof "§18-7A-28".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 450, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 450) passed with its title.

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

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take effect July 1, 2023, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Com. Sub. for Senate Bill 475, Modifying examinations for disability pensions.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect July 1, 2023, instead of ninety days from passage.

Senator Takubo moved that the bill take effect July 1, 2023.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 475) takes effect July 1, 2023.

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

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

Eng. Senate Bill 605, Requiring state medical examiner to enter into contracts with procurement organization.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, by line 1, by striking, "the Bureau of Public Health in the Department of Health and Human Resources."; and inserting in lieu thereof, "the department.";

On page 1, line 8, after the word, "Examiner" by inserting a period;

On page 1, line 15, by striking the word, "commissioner" and inserting the word, "secretary";

On page 2, line 24, by striking subsection (f) in its entirety; and inserting lieu thereof a new subsection (f) to read as follows:

"(f) The Chief Medical Examiner shall cooperate with procurement organizations as defined in §16-19-3 of this code to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. ~~The Chief Medical Examiner may enter into contracts and agreements with a procurement organization when necessary to~~ To facilitate the efficient and economical recovery of anatomical gifts, the Chief Medical Examiner, including contracts or agreements shall authorize the presence of persons approved or assigned by the procurement organization to perform a ~~specific type of duty or duties at the office of the chief medical examiner~~ Chief Medical Examiner necessary to the timely recovery of anatomical gifts including access to records or information provided by the administrative director of the Office of the Chief Medical Examiner being provided with necessary to identify a potential donor, evaluate donor eligibility, and obtain authorization for recovery, but not including records or information that directly conflict with investigations conducted pursuant to §61-12-8 of this code. This position shall be grant funded and provided at no cost to the state. The procurement organization is liable for all costs related to the placement of persons authorized by this subsection and the Chief Medical Examiner's liability for payment of services is zero.";

And,

On page 2, line 35, by striking the words, "of the Department of Health and Human Resources".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 605, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 605) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 605) takes effect from passage.

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

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:



Jim Justice
Governor of West Virginia

March 7, 2023

SENATE EXECUTIVE MESSAGE NO. 3
2023 REGULAR SESSION

The Honorable Craig Blair
President, West Virginia Senate
Building 1, Room M-229
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear President Blair:

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on March 1, 2023 as part of my Budget Document for the fiscal year ending June 30, 2024:

General Revenue Fund
Statement of Revenues, Expenditures, and Changes in Cash Balance
(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2022	\$ 1,994,018,233
Less: 31 Day Disbursements (July 1, 2022 - July 31, 2022)	(52,861,583)
Plus: Prior Year Reimbursements (July 1, 2022 - July 31, 2022)	137,305
Less: Prior Year Appropriations Forwarded	(597,407,798)
Less: Cash Balance - Adjustments and Accruals	<u>(451,758)</u>
Accumulated Surplus from FY 2022 @ July 31, 2022	\$1,343,434,399
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	\$ <u>0</u>
Less: FY 2023 Surplus Appropriations (FY 2022 Surplus) (Senate Bill 250) 2022 Regular Session	(793,370,787)
Less: FY 2023 Surplus Supplemental Appropriation to the Division of Highways (SB 4002) (2022 4th EX)	(150,000,000)

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OFFICE OF THE GOVERNOR

The Honorable Craig Blair
 SENATE EXECUTIVE MESSAGE NO. 3
 2023 REGULAR SESSION
 Page 2

March 7, 2023

Plus: Prior Year Reimbursements (August 1, 2022 – February 27, 2023)	36,566	
Plus: Recommended FY 2023 Surplus Supplemental Appropriation - Expiration of State Excess Lottery Funds to General Revenue Surplus Balance (2023 Regular Session)	30,500,000	
Plus: Recommended FY 2023 Surplus Supplemental Appropriation – Expiration of Lottery Funds to General Revenue Surplus Balance (2023 Regular Session)	21,550,000	
Less: FY 2023 Recommended Various Surplus Supplemental Appropriations (2023 Regular Session)	<u>(451,810,251)</u>	
Unappropriated Surplus Balance @ December 31, 2022		\$339,927
Plus: FY 2023 Revenue Estimate (<i>as revised</i>)	\$4,636,024,000	
Less: FY 2023 Appropriations (FY 2023 Budget Bill) (SB 250) (2022 Regular Session) (4,635,701,389)		
Plus: FY 2023 Recommended Supplemental Appropriation (Education) (School Aid Formula) (2023 Regular Session)	4,559,900	
Less: FY 2023 Recommended Supplemental Appropriation Various Supplemental Appropriations (2023 Regular Session)	<u>(4,681,766)</u>	
Total Estimated Unappropriated Balance @ June 30, 2023		\$200,745
Plus: FY 2024 Revenue Estimate (<i>as revised 3/7/2023</i>)	\$4,884,000,000	
FY 2024 Appropriations (FY 2024 Budget Bill) (2023 Regular Session)	<u>(4,883,768,346)</u>	
Total Estimated Unappropriated Balance @ June 30, 2024		<u>\$231,654</u>
		<u>\$772,326</u>

Thank you for your cooperation in this matter.

Sincerely,

 Jim Justice
 Governor

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendment to the Budget Bill, which was referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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 Concurrent Resolution 23 (originating in the Committee on Health and Human Resources)—Requesting the Bureau for Medical Services to propose and initiate a study to determine the impact of public benefit income eligibility guidelines on direct care workforce participation and mitigation strategies to encourage the greatest direct care workforce participation possible (Direct Care Workforce Benefit Cliff Study).

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Eng. Com. Sub. for House Bill 2016, Relating to confidential childcare records.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2016) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2218, Distracted Driving Act.

With amendments from the Committee on Transportation and Infrastructure pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2218) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment.

Eng. Com. Sub. for House Bill 2821, Relating to taxation of gambling and lottery winnings.

And,

Eng. Com. Sub. for House Bill 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2346, 2821, and 3168) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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. Com. Sub. for House Bill 2515, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Government Organization on March 6, 2023;

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2515) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Government Organization committee amendment pending and the right for further amendments to be considered on that reading.

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 2768, To require all state entities and Chapter 30 boards to use ".gov" domains and e-mail addresses.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; 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 Takubo, unanimous consent being granted, the bill (Eng. H. B. 2768) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Government Organization pending.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 2814, To create a Hydrogen power task force.

And has amended same.

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

Respectfully submitted,

Randy E. Smith,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2814) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Rules has had under consideration

Eng. Com. Sub. for House Bill 2820, To provide HOPE Scholarship recipients with the ability to play sports.

With an amendment from the Committee on School Choice pending;

And has also amended same.

Now on second reading, having been referred to the Committee on Rules on February 25, 2023;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Rules.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2820) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

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

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. Com. Sub. for House Bill 2865, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2865) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2875) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2890, Modifying student discipline.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2890) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2989, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia.

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,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2989) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3035, Relating generally to high-quality education programs and school operations.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3035) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Education pending.

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

Eng. Com. Sub. for House Bill 3077, Relating to making the use of the multi-state real time tracking system permanent.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3077) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3084, Relating to revising provisions related to public charter schools.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3084) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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. Com. Sub. for House Bill 3092, Relating to in-state food service permit reciprocity.

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 Health and Human Resources.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, 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.

At the further request of Senator Takubo, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. 3092) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Rev. Com. Sub. for House Bill 3110, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection.

And has amended same.

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

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

Eng. Com. Sub. for House Bill 3130, Creating the Coalfields Energy Research and Economic Development Authority.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3130) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3153, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3156, Raising the compensation rates of panel attorneys.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3156) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

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. Com. Sub. for House Bill 3189, The PFAS Protection Act.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3189) contained in the preceding report from the Committee on Government Organization

was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 3191, Relating to certain facilities operated by the state government to obtain a license.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3191) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3224, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients.

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,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

At the further request of Senator Takubo, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. 3224) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3233, Relating generally to uniform and equipment allowances for the National Guard.

With an amendment from the Committee on Military pending;

Now on second reading, having been read a first time and referred to the Committee on Finance on March 6, 2023;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3233) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Military committee amendment pending and the right for further amendments to be considered on that reading.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3299, Relating to Natural Resource Police Officer Retirement.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 6, 2023;

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3299) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time, and ordered to third reading.

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. Com. Sub. for House Bill 3313, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3313) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3315, Relating generally to readiness enhancement and commission bonuses.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3369, Creating a School Safety Unit within the Division of Protective Services.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Grady, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3369) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Eng. House Bill 3417, Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program".

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Grady, unanimous consent being granted, the bill (Eng. H. B. 3417) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3432, Relating to statutory construction.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Eng. House Bill 3441, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3441) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. House Bill 3555, Relating to student purchase and refunds of course material.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3555) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3559, Relating to defining a newborn safety device.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3559) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Transportation and Infrastructure has had under consideration

Com. Sub. for House Concurrent Resolution 2, U. S. Army Cpl. Billy F. Mann Memorial Bridge.

House Concurrent Resolution 4, U. S. Army MSG Jon D. Wayt Memorial Bridge.

House Concurrent Resolution 9, U. S. Army PFC Walter C. Horner Memorial Bridge.

House Concurrent Resolution 21, Michael Lee "Rube" Ruben Memorial Bridge.

House Concurrent Resolution 22, U.S. Army T/5 Doyle Bedell Taylor Memorial Bridge.

House Concurrent Resolution 24, U. S. Army PFC Herman H. Lucas Memorial Bridge.

House Concurrent Resolution 25, U. S. Marine Corps, PFC John Louis "Johnny" Brumbaugh, Jr. Memorial Bridge.

House Concurrent Resolution 26, U.S. Army SGT Samuel D. Roberts Sr. Memorial Bridge.

House Concurrent Resolution 40, USMC Corporal Larry Allen "Crocky" Holstein, Jr. Memorial Bridge.

House Concurrent Resolution 47, U. S. Army SGT Walter Hedrick Memorial Bridge.

And,

House Concurrent Resolution 49, U. S. Army 1SG Elmer C. Lofton Memorial Bridge.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. 2 and H. C. R. 4, 9, 21, 22, 24, 25, 26, 40, 47, and 49) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

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

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution 10, Shelby "Cubby" Foster and Robert "Robbie" Collins Memorial Road.

And has amended same.

House Concurrent Resolution 23, U.S. Army SGT Theron Turner Memorial Bridge.

And has amended same.

And,

House Concurrent Resolution 42, U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (H. C. R. 10, 23, and 42) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The following amendments to the resolutions, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

House Concurrent Resolution 10, Shelby "Cubby" Foster and Robert "Robbie" Collins Memorial Road.

On page 2, in the Resolved clause, lines 34 through 35, by striking out the words "Shelby 'Cubby' Foster and Robert 'Robbie'" and inserting in lieu thereof the words "U.S. Army PFC Shelby "Cubby" Foster and U.S. Army Sgt. Robert "Robbie"";

On page 2, in the first Further Resolved clause, line 37, by striking out the words "Shelby 'Cubby' Foster and Robert 'Robbie'" and inserting in lieu thereof the words "U.S. Army PFC Shelby "Cubby" Foster and U.S. Army Sgt. Robert "Robbie"";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name a portion of Cabin Creek Road, County Route 79/3, beginning immediately east of the intersection of Cabin Creek Road and Nevada Street at Ohley and ending immediately north of the intersection of Cabin Creek Road and Eskdale Avenue at Eskdale in Kanawha County as the "U.S. Army PFC Shelby "Cubby" Foster and U.S. Army Sgt. Robert "Robbie" Collins Memorial Road".

House Concurrent Resolution 23, U.S. Army SGT Theron Turner Memorial Bridge.

On page 1, in the third Whereas clause, lines 12 through 13, by striking out the words "when he became disabled. He suffered from

blindness, diabetes, and kidney failure due to Agent Orange exposure while in Vietnam";

And,

On page 1, in the fifth Whereas clause, line 17, by striking out the words "lost his battle with diabetes" and inserting in lieu thereof the words "passed away".

House Concurrent Resolution 42, U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge.

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, William Joseph Thompson was born March 12, 1971, in Baltimore; Maryland, the son of Marvin Thompson and Violet Thompson (both now deceased); he was the baby of eight siblings: Lisa Abernethy, Phillip Thompson, Samantha Blankenship, Steve Thompson, Jeff Thompson, Glynn Thompson, Cassie Wilkinson, and step sister Carol McGinn; he grew up in Princeton, West Virginia, since the age of two; and

Whereas, William Joseph Thompson attended Princeton Senior High School and graduated in 1989; he loved playing Tiger football and running track; and

Whereas, U.S. Army SSG William Joseph enlisted in the West Virginia Army National Guard and decided he liked military life, following in the footsteps of many in his family, and joined the army as an active duty soldier in 1989, where he became a combat medic; and

Whereas, U.S. Army SSG William Joseph Thompson was stationed many places throughout the country, was deployed two years in Germany, and had two deployments to Iraq; he served eight years active duty then returned to Princeton and again joined the West Virginia Army National Guard with the 1/150 ARS HHT in Brushfork; he began working at Princeton Community Hospital as a nursing assistant and later became an LPN, working in the telemetry unit; and

Whereas, U.S. Army SSG William Joseph Thompson met Suzanne Thompson at PCH, in 1998; they married in 2001 and had a son, Ethan Thompson, in 2003 and a daughter, Ava Thompson, in 2007; and

Whereas, U.S. Army SSG William Joseph Thompson was deployed to Iraq to serve in Operation Iraqi Freedom in 2003; he returned home to Princeton in 2005 and began pursuing his RN degree at Bluefield State College; after completing one year, he was deployed to Iraq again in 2009; and

Whereas, During this second deployment to Iraq, U.S. Army SSG William Joseph Thompson was stationed at Camp Stryker, near the Baghdad airport. He returned to Fort Stewart, Georgia, in 2010, with respiratory problems;

Whereas, U.S. Army SSG William Joseph Thompson was medically retired from the military on October 27, 2012, with 23 years of service; and

Whereas, U.S. Army SSG William Joseph Thompson advocated for other soldiers who had been exposed to burn pits during their deployment to Iraq and Afghanistan and testified in front of the United States Congress and United States Committee on Veterans Affairs; he shared his story with CBS Evening news and NBC Nightly news, helping to get the word out about toxic exposures; he played a pivotal role in fighting for federal legislation in what is now called the PACT Act that was passed August 10,2022; and

Whereas, U.S. Army SSG William Joseph Thompson passed away December 15,2021; and

Whereas, U.S. Army SSG William Joseph "Will" Thompson was a bright light in this world he was a man of God and praised Him through the good times and the bad. His continued faith was an inspiration to many; he loved to make people laugh, he loved to dance, sing and have fun; he was selfless, always thinking of those in need; he was a patriot and loved serving his country and loved the American flag, saluting the one in his yard every day; he was

grateful for each day that was given to him as he knew how short and precious life could be; he was thankful for his two organ donors that gave him the gift of life; he was a wonderful husband, father, brother, son, combat medic, nurse and a true hero; and

Whereas, U.S. Army SSG William Joseph Thompson was awarded many military awards including the Expert Field Medical Badge from Germany, several Army Achievement medals, the Meritorious Service Medal, the Army Commendation Medal, National Defense Service Medal, Global War on Terrorism, Expeditionary medal, the Good Conduct Medal, and the German Armed Forces Badge of Marksmanship; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SSG William Joseph Thompson and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Numbers: 28-077/00-010.89 (NB & SB) (28A200, 28A201), (37.38675, -81.05430) locally known as I-77 NB & SB OVER WV 20, carrying I-77 over County Route 20 in Mercer County, the "U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name Bridge Numbers: 28-077/00-010.89 (NB & SB) (28A200, 28A201), (37.38675, - 81.05430) locally known as I-77 NB & SB WV 20, carrying I-77 over County Route 20 in Mercer County, the "U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge".

The question being on the adoption of the resolutions (H. C. R. 10, 23, and 42), as amended, 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 Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution 34, William N. "Shug" Kisner Memorial Bridge.

House Concurrent Resolution 54, U.S. Army PFC Russell Richard Ferguson Memorial Bridge.

House Concurrent Resolution 58, U. S. Army SSG Steven "Todd" Shay Memorial Bridge.

And,

House Concurrent Resolution 62, U.S. Army PFC Clayton Collins Memorial Bridge.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolutions (H. C. R. 34, 54, 58, and 62) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Maroney, unanimous consent being granted, it was ordered that the Journal show had Senator Maroney been present in the chamber on yesterday, March 6, 2023, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 490 and Engrossed Committee Substitute for Senate Bill 526.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



SENATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 7, 2023

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

Dear Governor Justice,

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

Com. Sub for Com. Sub for S. B. 268 - Relating to PEIA.

And

Com. Sub. for S. B. 423 - Increasing salary for certain state employees.

These bills are presented to you on this day, March 7, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 7, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

S. B. 609 - Obtaining approval for decommissioning or deconstructing of existing power plant.

This bill is presented to you on this day, March 7, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

*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

March 7, 2023

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

Dear Governor Justice,

The following bills, 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, have been examined and found truly enrolled:

Com. Sub. for H. B. 2526, Relating to reducing the personal income tax;

Com. Sub. for H. B. 2587, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizen's taxes will be paid;

And,

H. B. 2611, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities.

These bills are presented to you on this day, March 7, 2023.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

**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

March 7, 2023

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

Dear Governor Justice,

The following bills, 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, have been examined and found truly enrolled:

H. B. 2899, Repealing two sections of code relating to gas utility rates;

Com. Sub. for H. B. 3210, Relating to the performance of installation of propane gas systems;

And,

H. B. 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

These bills are presented to you on this day, March 7, 2023.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 5:52 p.m., the Senate adjourned until tomorrow, Wednesday, March 8, 2023, at 11 a.m.

WEDNESDAY, MARCH 8, 2023

The Senate met at 11:15 a.m.

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

Prayer was offered by Pastor Brian Dean, Grace Baptist Temple, St. Albans, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, March 7, 2023,

At the request of Senator Rucker, 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 concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 51, Requiring impact statement in certain instances of school closing or consolidation.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the

concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 205, Relating to registration plates.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1 by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-14. Registration plates generally; description of plates; issuance of special numbers and plates; registration fees; special application fees; exemptions; commissioner to promulgate forms; suspension and nonrenewal. suspension of registration; electronic signatures.

~~(a) The division, upon registering a vehicle, shall issue to the owner one registration plate for a motorcycle, trailer, semitrailer, or other motor vehicle.~~

~~(b) Registration plates issued by the division shall meet the following requirements:~~

~~(1) Every registration plate shall be of reflectorized material and have displayed upon it the registration number assigned to the vehicle for which it is issued; the name of this state, which may be abbreviated; and the year number for which it is issued or the date of expiration of the plate.~~

~~(2) Every registration plate and the required letters and numerals on the plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. *Provided,*~~

~~That the requirements of this subdivision shall not apply to the year number for which the plate is issued or the date of expiration.~~

~~(3) Registration numbering for registration plates shall begin with the number two.~~

~~(c) The division may not issue, permit to be issued, or distribute any special registration plates except as follows:~~

~~(1) The Governor shall be issued two registration plates, on one of which shall be imprinted the numeral one and on the other the word one.~~

~~(2) State officials and judges may be issued special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to the Secretary of State, State Superintendent of Schools, Auditor, Treasurer, Commissioner of Agriculture, and the Attorney General, the members of both houses of the Legislature, including the elected officials of both houses of the Legislature, the justices of the Supreme Court of Appeals of West Virginia, the representatives and senators of the state in the Congress of the United States, the judges of the West Virginia circuit courts, active and retired on senior status, the judges of the United States district courts for the State of West Virginia and the judges of the United States Court of Appeals for the fourth circuit, if any of the judges are residents of West Virginia, a special registration plate for a Class A motor vehicle and a special registration plate for a Class G motorcycle owned by the official or his or her spouse: *Provided*, That the division may issue a Class A special registration plate for each vehicle titled to the official and a Class G special registration plate for each motorcycle titled to the official.~~

~~(B) Each plate issued pursuant to this subdivision shall bear any combination of letters and numbers not to exceed an amount determined by the commissioner and a designation of the office. Each plate shall supersede the regular numbered plate assigned to the official or his or her spouse during the official's term of office.~~

~~and while the motor vehicle is owned by the official or his or her spouse.~~

~~(C) The division shall charge an annual fee of \$15 for every registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.~~

~~(3) The division may issue members of the National Guard forces special registration plates as follows:~~

~~(A) Upon receipt of an application on a form prescribed by the division and receipt of written evidence from the chief executive officer of the Army National Guard or Air National Guard, as appropriate, or the commanding officer of any United States armed forces reserve unit that the applicant is a member thereof, the division shall issue to any member of the National Guard of this state or a member of any reserve unit of the United States armed forces a special registration plate designed by the commissioner for any number of Class A motor vehicles owned by the member. Upon presentation of written evidence of retirement status, retired members of this state's Army or Air National Guard, or retired members of any reserve unit of the United States armed forces, are eligible to purchase the special registration plate issued pursuant to this subdivision.~~

~~(B) The division shall charge an initial application fee of \$10 for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter. Except as otherwise provided herein, effective July 1, 2007, all fees currently held in the special revolving fund used in the administration of this section and all fees collected by the division shall be deposited in the State Road Fund.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's National Guard forces license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(4) Specially arranged registration plates may be issued as follows:~~

~~(A) Upon appropriate application, any owner of a motor vehicle subject to Class A registration, or a motorcycle subject to Class G registration, as defined by this article, may request that the division issue a registration plate bearing specially arranged letters or numbers with the maximum number of letters or numbers to be determined by the commissioner. The division shall attempt to comply with the request wherever possible.~~

~~(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A 1-1 *et seq.* of this code regarding the orderly distribution of the plates: *Provided*, That for purposes of this subdivision, the registration plates requested and issued shall include all plates bearing the numbers two through 2,000.~~

~~(C) An annual fee of \$15 shall be charged for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.~~

~~(5) The division may issue honorably discharged veterans special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to any honorably discharged veteran of any branch of the armed services of the United States a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee is to compensate the Division of Motor Vehicles for additional costs and services required in the issuing of the special registration. All fees collected by the division shall be deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the~~

~~surviving spouse dies, remarries, or does not renew the license plate.~~

~~(6) The division may issue disabled veterans special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to any disabled veteran who is exempt from the payment of registration fees under the provisions of this chapter a registration plate for a vehicle titled in the name of the qualified applicant which bears the letters "DV" in red and also the regular identification numerals in red.~~

~~(B) A surviving spouse may continue to use his or her deceased spouse's disabled veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(C) A qualified disabled veteran may obtain a second disabled veterans license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.~~

~~(7) The division may issue recipients of the distinguished Purple Heart medal special registration plates as follows:~~

~~(A) Upon appropriate application, there shall be issued to any armed service person holding the distinguished Purple Heart medal for persons wounded in combat a registration plate for a vehicle titled in the name of the qualified applicant bearing letters or numbers. The registration plate shall be designed by the Commissioner of the Division of Motor Vehicles and shall denote that those individuals who are granted this special registration plate are recipients of the Purple Heart. All letterings shall be in purple where practical.~~

~~(B) Registration plates issued pursuant to this subdivision are exempt from all registration fees otherwise required by the provisions of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's Purple Heart medal license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(D) A recipient of the Purple Heart medal may obtain a second Purple Heart medal license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.~~

~~(8) The division may issue survivors of the attack on Pearl Harbor special registration plates as follows:~~

~~(A) Upon appropriate application, the owner of a motor vehicle who was enlisted in any branch of the armed services that participated in and survived the attack on Pearl Harbor on December 7, 1941, the division shall issue a special registration plate for a vehicle titled in the name of the qualified applicant. The registration plate shall be designed by the Commissioner of the Division of Motor Vehicles.~~

~~(B) Registration plates issued pursuant to this subdivision are exempt from the payment of all registration fees otherwise required by the provisions of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's survivors of the attack on Pearl Harbor license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(D) A survivor of the attack on Pearl Harbor may obtain a second survivors of the attack on Pearl Harbor license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.~~

~~(9) The division may issue special registration plates to nonprofit charitable and educational organizations authorized under prior enactment of this subdivision as follows:~~

~~(A) Approved nonprofit charitable and educational organizations previously authorized under the prior enactment of this subdivision may accept and collect applications for special registration plates from owners of Class A motor vehicles together with a special annual fee of \$15, which is in addition to all other fees required by this chapter. The applications and fees shall be submitted to the Division of Motor Vehicles with the request that the division issue a registration plate bearing a combination of letters or numbers with the organization's logo or emblem, with the maximum number of letters or numbers to be determined by the commissioner.~~

~~(B) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code regarding the procedures for and approval of special registration plates issued pursuant to this subdivision.~~

~~(C) The commissioner shall set an appropriate fee to defray the administrative costs associated with designing and manufacturing special registration plates for a nonprofit charitable or educational organization. The nonprofit charitable or educational organization shall collect this fee and forward it to the division for deposit in the State Road Fund. The nonprofit charitable or educational organization may also collect a fee for marketing the special registration plates.~~

~~(10) The division may issue specified emergency or volunteer registration plates as follows:~~

~~(A) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified paramedic or emergency medical technician, a member of a paid fire department, a member of the State Fire Commission, the State Fire Marshal, the State Fire Marshal's assistants, the State Fire Administrator, and voluntary rescue squad members may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified~~

~~applicant which bears the insignia of the profession, group, or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.~~

~~(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees.~~

~~(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.~~

~~(11) The division may issue specified certified firefighter registration plates as follows:~~

~~(A) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified firefighter may apply for a special license plate which bears the insignia of the profession, for any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia pursuant to the provisions of this article. Upon presentation of written evidence of certification as a certified firefighter, certified firefighters are eligible to purchase the special registration plate issued pursuant to this subdivision.~~

~~(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees. The firefighter certification department, section, or division of the West Virginia University fire service extension shall notify the~~

~~commissioner in writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her certification, the commissioner may not issue him or her a license plate under this subdivision.~~

~~(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.~~

~~(12) The division may issue special scenic registration plates as follows:~~

~~(A) Upon appropriate application, the commissioner shall issue a special registration plate displaying a scenic design of West Virginia which displays the words "Wild Wonderful" as a slogan.~~

~~(B) The division shall charge a special one time initial application fee of \$10 in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund.~~

~~(13) The division may issue honorably discharged Marine Corps League members special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to any honorably discharged Marine Corps League member a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.~~

~~(B) The division may charge a special one time initial application fee of \$10 in addition to all other fees required by this chapter. This special fee is to compensate the Division of Motor Vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged Marine Corps League license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(14) The division may issue military organization registration plates as follows:~~

~~(A) The division may issue a special registration plate for the members of any military organization chartered by the United States Congress upon receipt of a guarantee from the organization of a minimum of 100 applicants. The insignia on the plate shall be designed by the commissioner.~~

~~(B) Upon appropriate application, the division may issue members of the chartered organization in good standing, as determined by the governing body of the chartered organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.~~

~~(C) The division shall charge a special one time initial application fee of \$10 for each special license plate in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.~~

~~(D) A surviving spouse may continue to use his or her deceased spouse's military organization registration plate until the surviving spouse dies, remarries, or does not renew the special military organization registration plate.~~

~~(15) The division may issue special nongame wildlife registration plates and special wildlife registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate displaying a species of West Virginia wildlife which shall display a species of wildlife native to West Virginia as prescribed and designated by the commissioner and the Director of the Division of Natural Resources.~~

~~(B) The division shall charge an annual fee of \$15 for each special nongame wildlife registration plate and each special wildlife registration plate in addition to all other fees required by this chapter. All annual fees collected for nongame wildlife registration plates and wildlife registration plates shall be deposited in a special revenue account designated the Nongame Wildlife Fund and credited to the Division of Natural Resources.~~

~~(C) The division shall charge a special one time initial application fee of \$10 in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited in the State Road Fund.~~

~~(16) The division may issue members of the Silver Haired Legislature special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to any person who is a duly qualified member of the Silver Haired Legislature a specialized registration plate which bears recognition of the applicant as a member of the Silver Haired Legislature.~~

~~(B) A qualified member of the Silver Haired Legislature may obtain one registration plate described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge an annual fee of \$15, in addition to all other fees required by this chapter, for the plate. All annual fees collected by the division shall be deposited in the State Road Fund.~~

~~(17) Upon appropriate application, the commissioner shall issue to a classic motor vehicle or classic motorcycle, as defined in §17A-10-3a of this code, a special registration plate designed by the commissioner. An annual fee of \$15, in addition to all other fees required by this chapter, shall be charged for each classic registration plate.~~

~~(18) Honorably discharged veterans may be issued special registration plates for motorcycles subject to Class G registration as follows:~~

~~(A) Upon appropriate application, there shall be issued to any honorably discharged veteran of any branch of the armed services~~

of the United States a special registration plate for any number of motoreycles subject to Class G registration titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles.

~~(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee is to be collected by the division and deposited in the State Road Fund. *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(19) Racing theme special registration plates:~~

~~(A) The division may issue a series of special registration plates displaying National Association for Stock Car Auto Racing themes.~~

~~(B) An annual fee of \$25 shall be charged for each special racing theme registration plate in addition to all other fees required by this chapter. All annual fees collected for each special racing theme registration plate shall be deposited into the State Road Fund.~~

~~(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.~~

~~(20) The division may issue recipients of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to any recipient of the Navy Cross, Distinguished Service Cross,~~

~~Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal, a registration plate for any number of vehicles titled in the name of the qualified applicant bearing letters or numbers. A separate registration plate shall be designed by the Commissioner of the Division of Motor Vehicles for each award that denotes that those individuals who are granted this special registration plate are recipients of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal as applicable.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section exempts the applicant for a special registration plate under this subdivision from any other provision of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Silver Star, Bronze Star, or Air Medal special registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.~~

~~(21) The division may issue honorably discharged veterans special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to any honorably discharged veteran of any branch of the armed services of the United States with verifiable service during World War II, the Korean War, the Vietnam War, the Persian Gulf War, or the War Against Terrorism a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the commissioner denoting service in the applicable conflict.~~

~~(B) The division shall charge a special one time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing contained in this~~

~~section may be construed to exempt any veteran from any other provision of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans' registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.~~

~~(22) The division may issue special volunteer firefighter registration plates as follows:~~

~~(A) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer firefighter may apply for a special license plate for any Class A vehicle titled in the name of the qualified applicant which bears the insignia of the profession in white letters on a red background. The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia on the left side of the license plate.~~

~~(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the applicant's fire chief, stating that the applicant is a volunteer firefighter and justified in having a registration plate with the requested insignia. The applicant must comply with all other laws of this state regarding registration and licensure of motor vehicles and must pay all required fees.~~

~~(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special one time initial application fee of \$10, which is in addition to any other registration or license fee required by this chapter. All application fees shall be deposited into the State Road Fund.~~

~~(23) The division may issue special registration plates which reflect patriotic themes, including the display of any United States symbol, icon, phrase, or expression which evokes patriotic pride or recognition. The division shall also issue registration plates with the words "In God We Trust":~~

~~(A) Upon appropriate application, the division shall issue to an applicant a registration plate of the applicant's choice, displaying a~~

~~patriotic theme as provided in this subdivision, for a vehicle titled in the name of the applicant. A series of registration plates displaying patriotic themes shall be designed by the Commissioner of the Division of Motor Vehicles for distribution to applicants.~~

~~(B) The division shall charge a special one time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) The provisions of §17A 3-14(d) of this code are not applicable for the issuance of the license plates designated by this subdivision.~~

~~(24) Special license plates bearing the American flag and the logo "9/11/01":~~

~~(A) Upon appropriate application, the division shall issue special registration plates which shall display the American flag and the logo "9/11/01".~~

~~(B) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.~~

~~(25) The division may issue a special registration plate celebrating the centennial of the 4-H youth development movement and honoring the Future Farmers of America organization as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate depicting the symbol of the 4-H organization which represents the head, heart, hands, and health, as well as the symbol of the Future Farmers of America organization which represents a cross section of an ear of corn for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) The division shall charge an annual fee of \$15 for each special 4 H Future Farmers of America registration plate in addition to all other fees required by this chapter.~~

~~(26) The division may issue special registration plates to educators in the state's elementary and secondary schools and in the state's institutions of higher education as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) The division shall charge an annual fee of \$15 for each special educator registration plate in addition to all other fees required by this chapter.~~

~~(27) The division may issue special registration plates to members of the Nemesis Shrine as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in Nemesis Shrine.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(D) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the Nemesis Shrine to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2005.~~

~~(28) The division may issue volunteers and employees of the American Red Cross special registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue to any person who is a duly qualified volunteer or employee of the American Red Cross a specialized registration plate which bears recognition of the applicant as a volunteer or employee of the American Red Cross for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(29) The division shall issue special registration plates to individuals who have received the U.S. Army Combat Infantryman Badge, Combat Action Badge, or Combat Medical Badge; the U.S. Marine Corps, U.S. Navy, or U.S. Coast Guard Combat Action Ribbon; or the U.S. Air Force Combat Action Medal as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof that they have received the U.S. Army Combat Infantryman Badge, Combat Action Badge, or Combat Medical Badge; the U.S. Marine Corps, U.S. Navy, or U.S. Coast Guard Combat Action Ribbon; or the U.S. Air Force Combat Action Medal.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(30) The division may issue special registration plates to members of the Knights of Columbus as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Knights of Columbus.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(D) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the Knights of Columbus to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2007.~~

~~(31) The division may issue special registration plates to former members of the Legislature as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of former service as an elected or appointed member of the West Virginia House of Delegates or the West Virginia Senate.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road~~

Fund. The design of the plate shall indicate total years of service in the Legislature.

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(32) Democratic state or county executive committee member special registration plates:~~

~~(A) The division shall design and issue special registration plates for use by democratic state or county executive committee members. The design of the plates shall include an insignia of a donkey and shall differentiate by wording on the plate between state and county executive committee members.~~

~~(B) An annual fee of \$25 shall be charged for each democratic state or county executive committee member registration plate in addition to all other fees required by this chapter. All annual fees collected for each special plate issued under this subdivision shall be deposited into the State Road Fund.~~

~~(C) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.~~

~~(D) The division shall not begin production of a plate authorized under the provisions of this subdivision until the division receives at least 100 completed applications from the state or county executive committee members, including all fees required pursuant to this subdivision.~~

~~(E) Notwithstanding the provisions of §17A-3-14(d) of this code, the time period for the democratic executive committee to comply with the minimum 100 prepaid applications is hereby extended to January 15, 2005.~~

~~(33) The division may issue honorably discharged female veterans' special registration plates as follows:~~

~~(A) Upon appropriate application, there shall be issued to any female honorably discharged veteran, of any branch of the armed services of the United States, a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as a woman veteran.~~

~~(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any veteran from any other provision of this chapter.~~

~~(C) A surviving spouse may continue to use his deceased spouse's honorably discharged veterans license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(34) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with West Liberty State College to any resident owner of a motor vehicle. Resident owners may apply for the special license plate for any number of Class A vehicles titled in the name of the applicant. The special registration plates shall be designed by the commissioner. Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of \$15, which is in addition to any other registration or license fee required by this chapter. The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.~~

~~(35) The division may issue special registration plates to members of the Harley Owners Group as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Harley Owners Group.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(36) The division may issue special registration plates for persons retired from any branch of the armed services of the United States as follows:~~

~~(A) Upon appropriate application, there shall be issued to any person who has retired after service in any branch of the armed services of the United States, a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as retired from the armed services of the United States.~~

~~(B) A special initial application fee of \$10 shall be charged in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund: *Provided*, That nothing in this section may be construed to exempt any registrants from any other provision of this chapter.~~

~~(C) A surviving spouse may continue to use his or her deceased spouse's retired military license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(37) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with or support for Fairmont State University as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee~~

~~shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(38) The division may issue special registration plates honoring the farmers of West Virginia, and the division may issue special beekeeper pollinator registration plates as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate depicting a farming scene or other apt reference to farming, whether in pictures or words, at the discretion of the commissioner. Upon appropriate application, the division shall issue a special registration plate displaying a pollinator species or advocating its protection as prescribed and designated by the commissioner.~~

~~(B) The division shall charge a special initial application fee of \$10 for each plate in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(39) The division shall issue special registration plates promoting education as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate displaying a children's education related theme as prescribed and designated by the commissioner and the State Superintendent of Schools.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(40) The division may issue members of the 82nd Airborne Division Association special registration plates as follows:~~

~~(A) The division may issue a special registration plate for members of the 82nd Airborne Division Association upon receipt of a guarantee from the organization of a minimum of 100 applicants. The insignia on the plate shall be designed by the commissioner.~~

~~(B) Upon appropriate application, the division may issue members of the 82nd Airborne Division Association in good standing, as determined by the governing body of the organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.~~

~~(C) The division shall charge a special one-time initial application fee of \$10 for each special license plate in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into the State Road Fund: *Provided*, That nothing in this section may be construed to exempt the applicant from any other provision of this chapter.~~

~~(D) A surviving spouse may continue to use his or her deceased spouse's special 82nd Airborne Division Association registration plate until the surviving spouse dies, remarries, or does not renew the special registration plate.~~

~~(41) The division may issue special registration plates to applicants supporting law enforcement officers, to retired members of the West Virginia State Police, and to survivors of wounds received in the line of duty as a member with a West Virginia law enforcement agency as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner which recognizes, supports, and honors the men and women of law enforcement and includes the words "Back the Blue". Upon appropriate application, the division shall issue to any member of a municipal police department, sheriff's department, the State Police, or the law enforcement division of the Division of Natural~~

~~Resources who has been wounded in the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association, or the Division of Natural Resources a special registration plate for one vehicle titled in the name of the qualified applicant with an insignia appropriately designed by the commissioner.~~

~~(B) For special registration plates supporting law enforcement officers, the division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund. An annual fee of \$15 shall be charged for each plate supporting law enforcement officers in addition to all other fees required by this chapter.~~

~~(C) Registration plates issued pursuant to this subdivision to survivors of wounds received in the line of duty as a member with a West Virginia law enforcement agency are exempt from the registration fees otherwise required by the provisions of this chapter. A surviving spouse may continue to use his or her deceased spouse's special registration plate until the surviving spouse dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as a member with a West Virginia law enforcement agency may obtain a license plate as described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.~~

~~(D) Upon appropriate application, the division may issue special registration plates designed by the commissioner for any number of vehicles titled in the name of the qualified applicant who offers sufficient proof of being a retired member of the West Virginia State Police. The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(42) The division may issue a special registration plate for persons who are Native Americans and residents of this state:~~

~~(A) Upon appropriate application, the division shall issue to an applicant who is a Native American resident of West Virginia a registration plate for a vehicle titled in the name of the applicant with an insignia designed by the Commissioner of the Division of Motor Vehicles to designate the recipient as a Native American.~~

~~(B) The division shall charge a special one time initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(43) The division may issue special registration plates commemorating the centennial anniversary of the creation of Davis and Elkins College as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to commemorate the centennial anniversary of Davis and Elkins College for any number of vehicles titled in the name of the applicant.~~

~~(B) The division shall charge a special initial application fee of \$10. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(44) The division may issue special registration plates recognizing and honoring breast cancer survivors. The division may also issue special registration plates to support a cure for childhood cancer:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to~~

~~recognize and honor breast cancer survivors, such plate to incorporate somewhere in the design the "pink ribbon emblem", for any number of vehicles titled in the name of the applicant. Upon appropriate application, the division may also issue a special registration plate designed by the commissioner to support a cure for childhood cancer, such plate to incorporate somewhere in the design the gold ribbon emblem with "WV Kids Cancer Crusaders" below or next to the emblem and "Cure Childhood Cancer" at the bottom of the plate, for any number of vehicles titled in the name of the applicant.~~

~~(B) The division shall charge a special initial application fee of \$10. This special fee shall be deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(45) The division may issue special registration plates to members of the Knights of Pythias or Pythian Sisters as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Knights of Pythias or Pythian Sisters.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(46) The commissioner may issue special registration plates for whitewater rafting enthusiasts as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.~~

~~(47) The division may issue special registration plates to members of Lions International as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with Lions International for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in Lions International.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(48) The division may issue special registration plates supporting organ donation and adoption as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner which recognizes, supports, and honors organ and tissue donors and includes the words "Donate Life", and the division may issue a special registration plate designed by the commissioner which supports and encourages adoption and includes the words "Choose Life".~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee~~

~~shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(49) The division may issue special registration plates to members of the West Virginia Bar Association as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the West Virginia Bar Association for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the West Virginia Bar Association.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(50) The division may issue special registration plates bearing an appropriate logo, symbol, or insignia combined with the words "SHARE THE ROAD" designed to promote bicycling in the state as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(51) The division may issue special registration plates honoring coal miners and the coal industry, as well as other professions, as set forth in this subdivision as follows:~~

~~(A)(i) Upon appropriate application, the division shall issue a special registration plate depicting and displaying coal miners in mining activities as prescribed and designated by the commissioner and the board of the National Coal Heritage Area Authority.~~

~~(ii) The division may issue registration plates with the words "Friends of Coal".~~

~~(iii) The division may issue special registration plates recognizing the occupation of linemen, showing appreciation for workers who construct and maintain utility lines, and depicting a scene or other apt reference to the occupation of linemen, whether in words or pictures, at the discretion of the commissioner.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of license plates designated by this subdivision.~~

~~(52) The division may issue special registration plates to present and former Boy Scouts, and to present and former members of the Civil Air Patrol as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of present or past membership in the Boy Scouts as either a member or a leader, or in the Civil Air Patrol, as applicable. The~~

~~special registration plates for the Civil Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(53) The division may issue special registration plates to present and former Boy Scouts who have achieved Eagle Scout status as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of achievement of Eagle Scout status.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(54) The division may issue special registration plates recognizing and memorializing victims of domestic violence:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to recognize and memorialize victims of domestic violence, such plate to incorporate somewhere in the design the "purple ribbon emblem", for any number of vehicles titled in the name of the applicant.~~

~~(B) The division shall charge a special initial application fee of \$10. This special fee shall be deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(55) The division may issue special registration plates bearing the logo, symbol, insignia, letters, or words demonstrating association with, or support for, the University of Charleston as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(56) The division may issue special registration plates to members of the Sons of the American Revolution as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the Sons of the American Revolution for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the Sons of the American Revolution.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) An annual fee of \$15 shall be charged for each plate in addition to all other fees required by this chapter.~~

~~(57) The commissioner may issue special registration plates for horse enthusiasts as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.~~

~~(58) The commissioner may issue special registration plates to the next of kin of a member of any branch of the armed services of the United States killed in combat as follows:~~

~~(A) Upon appropriate application, the division shall issue a special registration plate for any number of vehicles titled in the name of a qualified applicant depicting the Gold Star awarded by the United States Department of Defense as prescribed and designated by the commissioner.~~

~~(B) The next of kin shall provide sufficient proof of receiving a Gold Star lapel button from the United States Department of Defense in accordance with Public Law 534, 89th Congress, and criteria established by the United States Department of Defense, including criteria to determine next of kin.~~

~~(C) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of special license plates designated by this subdivision.~~

~~(59) The commissioner may issue special registration plates for retired or former justices of the Supreme Court of Appeals of West Virginia as follows:~~

~~(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.~~

~~(B) The division shall charge a special initial application fee of \$10 in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(C) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.~~

~~(D) The provisions of §17A-3-14(d) of this code are not applicable for the issuance of special license plates designated by this subdivision.~~

~~(60) Upon approval by the commissioner of an appropriate application, and upon all requirements of this subdivision being satisfied, the division may issue special registration plates for Class A and Class G motor vehicles to members of an organization for which a special registration plate has not been issued pursuant to any other subdivision in this subsection prior to January 1, 2010, in accordance with the provisions of this subdivision:~~

~~(A) An organization desiring to create a special registration plate must comply with the following requirements to be eligible to apply for the creation and issuance of a special registration plate:~~

~~(i) The organization must be a nonprofit organization organized and existing under Section 501(c)(3) of Title 26 of the Internal Revenue Code and based, headquartered, or have a chapter in West Virginia;~~

~~(ii) The organization may be organized for, but may not be restricted to, social, civic, higher education, or entertainment purposes;~~

~~(iii) The organization may not be a political party and may not have been created or exist primarily to promote a specific political~~

~~or social belief, as determined by the commissioner in his or her sole discretion;~~

~~(iv) The organization may not have as its primary purpose the promotion of any specific faith, religion, religious belief, or antireligion;~~

~~(v) The name of the organization may not be the name of a special product or brand name, and may not be construed, as determined by the commissioner, as promoting a product or brand name; and~~

~~(vi) The organization's lettering, logo, image, or message to be placed on the registration plate, if created, may not be obscene, offensive, or objectionable as determined by the commissioner in his or her sole discretion.~~

~~(B) Beginning July 1, 2010, an organization requesting the creation and issuance of a special registration plate may make application with the division. The application shall include sufficient information, as determined by the commissioner, to determine whether the special registration plate requested, and the organization making the application, meet all the requirements set forth in this subdivision. The application shall also include a proposed design, including lettering, logo, image, or message to be placed on the registration plate. The commissioner shall notify the organization of the commissioner's approval or disapproval of the application.~~

~~(C)(i) The commissioner may not begin the design or production of any license plates authorized and approved pursuant to this subdivision until the organization which applied for the special registration plate has collected and submitted collectively to the division applications completed by at least 250 persons and collectively deposited with the division all fees necessary to cover the first year's basic registration, one time design and manufacturing costs, and to cover the first year additional annual fee for all of the applications submitted.~~

~~(ii) If the organization fails to submit the required number of applications and fees within six months of the effective date of the approval of the application for the plate by the commissioner, the plate will not be produced until a new application is submitted and is approved by the commissioner: *Provided*, That an organization that is unsuccessful in obtaining the minimum number of applications may not make a new application for a special plate until at least two years have passed since the approval of the previous application of the organization.~~

~~(D) The division shall charge a special initial application fee of \$25 for each special license plate in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.~~

~~(E) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.~~

~~(F) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the organization for any number of vehicles titled in the name of a qualified registration plate applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the organization.~~

~~(G) The commissioner shall discontinue the issuance or renewal of the registration of any special plate issued pursuant to this subdivision if:~~

~~(i) The number of valid registrations for the specialty plate falls below 250 plates for at least 12 consecutive months; or~~

~~(ii) The organization no longer exists or no longer meets the requirements of this subdivision.~~

~~(d) The minimum number of applications required prior to design and production of a special license plate shall be as follows:~~

~~(1) The commissioner may not begin the design or production of any license plates for which eligibility is based on membership~~

~~or affiliation with a particular private organization until at least 100 persons complete an application and deposit with the organization a check to cover the first year's basic registration, one time design and manufacturing costs, and to cover the first year additional annual fee. If the organization fails to submit the required number of applications with attached checks within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: *Provided*, That an organization or group that is unsuccessful in obtaining the minimum number of applications may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization: *Provided, however*, That the provisions of this subdivision are not applicable to the issuance of plates authorized pursuant to §17A-3-14(c)(60) of this code.~~

~~(2) The commissioner may not begin the design or production of any license plates authorized by this section for which membership or affiliation with a particular organization is not required until at least 250 registrants complete an application and deposit a fee with the division to cover the first year's basic registration fee, one time design and manufacturing fee, and additional annual fee, if applicable. If the commissioner fails to receive the required number of applications within six months of the effective date of the original authorizing legislation, the plate will not be produced and will require legislative reauthorization: *Provided*, That if the minimum number of applications is not satisfied within the six months of the effective date of the original authorizing legislation, a person may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization.~~

~~(e)(1) Nothing in this section requires a charge for a free prisoner of war license plate or a free recipient of the Congressional Medal of Honor license plate for a vehicle titled in the name of the qualified applicant as authorized by other provisions of this code.~~

~~(2) A surviving spouse may continue to use his or her deceased spouse's prisoner of war license plate or Congressional Medal of~~

~~Honor license plate until the surviving spouse dies, remarries, or does not renew the license plate.~~

~~(3) Qualified former prisoners of war and recipients of the Congressional Medal of Honor may obtain a second special registration plate for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one time fee of \$10 to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second special plate.~~

~~(f) The division may issue special 10 year registration plates as follows:~~

~~(1) The commissioner may issue or renew for a period of no more than 10 years any registration plate exempted from registration fees pursuant to any provision of this code or any restricted use antique motor vehicle license plate authorized by §17A 10 3a of this code: *Provided*, That the provisions of this subsection do not apply to any person who has had a special registration suspended for failure to maintain motor vehicle liability insurance as required by §17D 2A 3 of this code or failure to pay personal property taxes as required by §17A 3 3a of this code.~~

~~(2) An initial nonrefundable fee shall be charged for each special registration plate issued pursuant to this subsection, which is the total amount of fees required by §17A 3 3, §17A 10 3a, or §17A 10 15 of this code for the period requested.~~

~~(g) The provisions of this section may not be construed to exempt any registrant from maintaining motor vehicle liability insurance as required by §17D 2A 3 of this code or from paying personal property taxes on any motor vehicle as required by §17A 3 3a of this code.~~

~~(h) The commissioner may, in his or her discretion, issue a registration plate of reflectorized material suitable for permanent use on motor vehicles, trailers, and semitrailers, together with appropriate devices to be attached to the registration to indicate the year for which the vehicles have been properly registered or the~~

~~date of expiration of the registration. The design and expiration of the plates shall be determined by the commissioner. The commissioner shall, whenever possible and cost effective, implement the latest technology in the design, production, and issuance of registration plates, indices of registration renewal and vehicle ownership documents, including, but not limited to, offering Internet renewal of vehicle registration and the use of bar codes for instant identification of vehicles by scanning equipment to promote the efficient and effective coordination and communication of data for improving highway safety, aiding law enforcement, and enhancing revenue collection.~~

~~(i) Any license plate issued or renewed pursuant to this chapter which is paid for by a check that is returned for nonsufficient funds is void without further notice to the applicant. The applicant may not reinstate the registration until the returned check is paid by the applicant in cash, money order, or certified check and all applicable fees assessed as a result thereof have been paid.~~

~~(j) The division shall, upon request of a qualifying applicant, exempt one nonexempt military special registration plate per qualifying applicant from all registration fees. For purposes of this subsection:~~

~~(1) "Exempt military special registration plate" means a special registration plate related to military service that is issued pursuant to this section for which registration fees are exempt pursuant to this section or §17A-10-8 of this code, including, but not limited to, a special registration plate issued to one of the following:~~

~~(A) A disabled veteran pursuant to §17A-3-14(e)(6), §17A-10-8(4), or §17A-10-8(5) of this code;~~

~~(B) A recipient of the Purple Heart medal pursuant to §17A-3-14(e)(7) of this code;~~

~~(C) A survivor of the attack on Pearl Harbor pursuant to §17A-3-14(e)(8) of this code;~~

~~(D) A former prisoner of war pursuant to §17A-10-8(6) of this code; or~~

~~(E) A recipient of the Congressional Medal of Honor pursuant to §17A 10 8(7) of this code.~~

~~(2) "Nonexempt military special registration plate" means a special registration plate related to military service that is issued pursuant to this section for which registration fees are not exempt pursuant to this section or §17A 10 8 of this code, including, but not limited to, special registration plate issued to one of the following:~~

~~(A) A member of the National Guard forces pursuant to §17A 3 14(e)(3) of this code;~~

~~(B) An honorably discharged veteran pursuant to §17A 3 14(e)(5) or §17A 3 14(e)(21) of this code;~~

~~(C) An honorably discharged Marine Corps League member pursuant to §17A 3 14(e)(13) of this code;~~

~~(D) A member of a military organization pursuant to §17A 3 14(e)(14) of this code;~~

~~(E) A recipient of the Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal pursuant to §17A 3 14(e)(20) of this code;~~

~~(F) A recipient of the Combat Infantry Badge or the Combat Medic Badge pursuant to §17A 3 14(e)(29) of this code;~~

~~(G) An honorably discharged female veteran pursuant to §17A 3 14(e)(33) of this code;~~

~~(H) A person retired from any branch of the armed services of the United States pursuant to §17A 3 14(e)(36) of this code; or~~

~~(I) A member of the 82nd Airborne Division Association pursuant to §17A 3 14(e)(40) of this code.~~

~~(3) "Qualifying applicant" means an applicant who qualifies for an exempt military special registration plate, and who also qualifies for a nonexempt military special registration plate, who requests~~

~~that the division issue one such nonexempt military special registration plate instead of such exempt military special registration plate in order to have such nonexempt military special registration plate be exempt from the payment of registration fees.~~

(a) The division, upon registering a vehicle, shall issue to the owner one registration plate with a registration number consisting of a combination of letters, numerals, symbols, or characters in a configuration determined by the commissioner.

(b) Registration plates shall meet the following requirements:

(1) Plates must incorporate reflectorized material.

(2) Registration numbers shall be plainly readable from 100 feet during daylight.

(3) The commissioner may assign any additional feature to facilitate reciprocal agreements, facilitate interstate travel, promote highway safety, or promote the efficient operation of the division.

(c) The commissioner may suspend the registration of any owner who displays a damaged or illegible plate or otherwise fails to comply with the requirements of §17A-3-19 of this code.

(d) Any license plate issued or renewed pursuant to this chapter which is paid for by a check that is returned for nonsufficient funds is void without further notice to the applicant. The applicant may not reinstate the registration until the returned check is paid by the applicant in cash, money order, or certified check and all applicable fees assessed as a result thereof have been paid.

(e) In furtherance of the Uniform Electronic Transactions Act, §39A-1-1 *et seq.* of this code, the division may accept or authorize an electronic signature in any instance the law required to be enforced by the commissioner requires a signature or a pen and ink signature.

§17A-3-14a. Special registration plates for government officials.

(a) The Governor shall be issued two registration plates, on one of which shall be imprinted the numeral one and on the other the word one.

(b) State officials and judges may be issued special registration plates as follows:

(1) Upon appropriate application, the division shall issue to the Secretary of State, State Superintendent of Schools, Auditor, Treasurer, Commissioner of Agriculture, Attorney General, members of both houses of the Legislature, including elected active and former officials of both houses of the Legislature, active or retired or former justices of the Supreme Court of Appeals of West Virginia, judges of the Intermediate Court of Appeals, representatives and senators of the state in the Congress of the United States, active or retired on senior status judges of the West Virginia circuit courts, the judges of the United States district courts for the State of West Virginia, and judges of the United States Court of Appeals for the fourth circuit, if any of the judges are residents of West Virginia, a special registration plate for any vehicle owned by the official or his or her spouse.

(2) Each plate issued pursuant to this subsection shall bear any combination of letters and numbers, not to exceed an amount determined by the commissioner, and a designation of the office. Each plate shall supersede the regular numbered plate assigned to the official or his or her spouse during the official's term of office and while the vehicle is owned by the official or his or her spouse.

(3) The division shall charge an annual fee of \$15 for every registration plate issued pursuant to this subsection, which is in addition to all other fees required by this chapter.

(4) The division shall charge a special initial application fee of \$10 for every application received by a former or retired government official authorized to receive a plate in this section, which is in addition to all other fees required by this chapter.

§17A-3-14b. Special registration plates for military personnel.

(a) The division may continue to issue special plates for any plate class authorized by enactments of §17A-3-14 of this code prior to the year 2023 for active, retired, or honorably discharged military personnel, or the next of kin of a member of any branch of

the armed services of the United States killed in combat. The division shall charge an initial application fee of \$10 for each special registration plate issued pursuant to this section, which is in addition to all other fees required by this chapter. A surviving spouse may continue to use his or her deceased spouse's military license plate until the surviving spouse dies, remarries, or does not renew the license plate.

(b) The applicant shall present documentation as determined by the commissioner as evidence of qualification for any plate authorized in this section.

(c) The division may issue a special registration plate pursuant to this section to any number of vehicles titled in the name of the applicant.

(d) If a new special plate as authorized in this section recognizes members of a military organization chartered by the United States Congress, the division may produce such plate upon receipt of a guarantee from the organization of a minimum of 100 applicants.

§17A-3-14c. Specially arranged registration plates.

Specially arranged registration plates for plate classes and special registration plate types authorized by the commissioner may be issued as follows:

(1) Upon appropriate application, any owner of a motor vehicle subject to registration, may request that the division issue a registration plate bearing specially arranged letters or numbers with the maximum number of letters or numbers to be determined by the commissioner. The division shall attempt to comply with the request wherever possible.

(2) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code regarding the orderly distribution of the plates: *Provided*, That for purposes of this subsection, the registration plates requested and issued shall include all plates bearing the numbers two through 2,000.

(3) An annual fee of \$15 shall be charged for each special registration plate issued pursuant to this section, which is in addition to all other fees required by this chapter.

§17A-3-14d. Special honorary military plates.

(a) The division may issue special plates to disabled veterans, recipients of the distinguished Purple Heart medal, recipients of the Congressional Medal of Honor, recipients of the Distinguished Service Cross, Navy Cross, and Air Force Cross, or veteran survivors of the attack on Pearl Harbor on December 7, 1941. Registration plates issued pursuant to this section are exempt from all registration fees otherwise required by the provisions of this chapter. A surviving spouse may continue to use the license plate of his or her deceased spouse that was issued pursuant to this section until the surviving spouse dies, remarries, or does not renew the license plate.

(b) A qualified applicant may obtain a second license plate as described in this section for use on a passenger vehicle titled in the name of the applicant. The division shall charge for the second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition to all other fees required by this chapter.

(c) The applicant shall present satisfactory proof as determined by the commissioner as evidence of qualification for any plate authorized in this section.

(d) An applicant qualified to receive a special plate under subsection (a) of this section, or qualified to receive a registration fee exemption under §17A-10-8(6) of this code as a former prisoner of war, may choose to transfer the registration fee exemptions to a special registration plate for military personnel for which the applicant also qualifies under §17A-3-14b of this code instead of receiving the honorary military plate pursuant to this section.

§17A-3-14e. Special registration plates for organizations.

(a) The division may continue to issue all special registration plates to organizations issued under a prior enactment of §17A-3-14 of this code.

(b) An organization requesting the creation and issuance of a special registration plate shall make application with the division. The application shall include sufficient information, as determined by the commissioner, to determine whether the special registration plate requested, and the organization making the application, meet all the requirements set forth in this section and legislative rule. The application shall include a proposed design, including lettering, logo, image, or message to be placed on the registration plate. The commissioner shall notify the organization of the commissioner's approval or disapproval of the application.

(c) (1) The commissioner may not begin the design or production of any license plates authorized and approved pursuant to this section until the organization which applied for the special registration plate has collected and submitted collectively to the division applications completed by at least 100 persons and collectively deposited with the division all fees necessary to cover the first year's basic registration, one-time design and manufacturing costs, and the first year additional annual fee for all of the submitted applications.

(2) By concurrent resolution of the Legislature, the requirement to collectively deposited with the division all fees necessary to cover the first year's basic registration, one-time design, and manufacturing costs may be waived for any organization.

(d) If the organization fails to submit the required number of applications and fees within six months of the effective date of the approval of the application for the plate by the commissioner, the plate may not be produced until a new application is submitted and is approved by the commissioner: *Provided*, That an organization that is unsuccessful in obtaining the minimum number of applications may not make a new application for a special plate until at least two years have passed since the approval of the previous application of the organization.

(e) The division shall charge a special initial application fee of \$25 for each special license plate in addition to all other fees required by this chapter. This special fee shall be collected by the division and deposited in the State Road Fund.

(f) The division shall charge an annual fee of \$15 for each special registration plate in addition to all other fees required by this chapter.

(g) Upon appropriate application, the division may issue a special registration plate designed by the commissioner in consultation with the organization for any number of vehicles titled in the name of a qualified registration plate applicant. Persons desiring the special registration plate shall offer sufficient proof of membership in the organization unless the organization has identified in the application that the special registration plate is desired to be made available for general issuance.

(h) The commissioner may discontinue the issuance or renewal of the registration of any special plate issued pursuant to this section if:

(1) The number of valid registrations for the specialty plate falls below 100 plates for at least 12 consecutive months; or

(2) The organization no longer exists or no longer meets the requirements of this section.

(i) If a new design is requested after issuance of a special registration plate, the organization shall pay the costs of design and any unused material from the previous design. In addition, the division shall charge a special initial application fee of \$25 for each newly designed special license plate in addition to all other fees required by this chapter.

§17A-3-14f. Special 10-year registration plates.

(a) The division may issue special 10-year registration plates as follows for any registration plate exempted from registration fees pursuant to any provision of this code or any restricted use antique motor vehicle license plate authorized by §17A-10-3a of this code: *Provided*, That the provisions of this subsection do not apply to any person who has had a special registration suspended for failure to maintain motor vehicle liability insurance as required by §17D-2A-3 of this code or failure to pay personal property taxes as required by §17A-3-3a of this code.

(b) An initial nonrefundable fee shall be charged for each special registration plate issued pursuant to this section, which is the total amount of fees required by §17A-3-3, §17A-10-3a, or §17A-10-15 of this code for the period requested.

§17A-3-14g. Special registration plates for first responders.

(a) The division may issue special emergency or volunteer registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified paramedic or emergency medical technician, member of a paid fire department, member of the State Fire Commission, the State Fire Marshal, State Fire Marshal assistant, State Fire Administrator, or voluntary rescue squad member may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group, or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subsection shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special initial application fee of \$10, which is in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(b) The division may issue special certified firefighter registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified firefighter may apply for a

special license plate that bears the insignia of the profession for any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subsection shall bear the requested insignia pursuant to the provisions of this article. Upon presentation of written evidence of certification as a certified firefighter, certified firefighters are eligible to purchase the special registration plate issued pursuant to this subsection.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees. The firefighter certification department, section, or division of the West Virginia University fire service extension shall notify the commissioner in writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her certification, the commissioner may not issue him or her a license plate under this subsection.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special initial application fee of \$10, which is in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(c) The division may issue special volunteer firefighter registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer firefighter may apply for a special license plate for any Class A vehicle titled in the name of the qualified applicant which bears the insignia of the profession in white letters on a red background. The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia on the left side of the license plate.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit signed by the applicant's fire chief,

stating that the applicant is a volunteer firefighter and is justified in having a registration plate with the requested insignia. The applicant must comply with all other laws of this state regarding registration and licensure of motor vehicles and must pay all required fees.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special one-time initial application fee of \$10, which is in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(d) The division may issue special registration plates to applicants supporting law-enforcement officers, to retired members of the West Virginia State Police, and to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency as follows:

(1) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner which recognizes, supports, and honors the men and women of law-enforcement and includes the words Back the Blue. Upon appropriate application, the division shall issue to any member of a municipal police department, sheriff's department, the State Police, or the law-enforcement division of the Division of Natural Resources who has been wounded in the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association, or the Division of Natural Resources a special registration plate for one vehicle titled in the name of the qualified applicant with an insignia appropriately designed by the commissioner.

(2) For special registration plates supporting law-enforcement officers, the division shall charge a special initial application fee of \$10 in addition to all other fees required by this chapter. This special fee shall be collected by the division and deposited in the State Road Fund. An annual fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition to all other fees required by this chapter.

(3) Registration plates issued pursuant to this subsection to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency are exempt from the registration fees otherwise required by the provisions of this chapter. A surviving spouse may continue to use his or her deceased spouse's special registration plate until the surviving spouse dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency may obtain a license plate as described in this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge for the second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition to all other fees required by this chapter.

(4) Upon appropriate application, the division may issue special registration plates designed by the commissioner for any number of vehicles titled in the name of the qualified applicant who offers sufficient proof of being a retired member of the West Virginia State Police. The division shall charge a special initial application fee of \$10 in addition to all other fees required by this chapter. This special fee shall be collected by the division and deposited in the State Road Fund.

§17A-3-14h. Special themed registration plates.

(a) The division may issue new special themed registration plates at the discretion of the commissioner and may continue to issue any special themed registration plate authorized under a prior enactment of §17A-3-14 of this code. The commissioner may discontinue the issuance or renewal of a special registration plate issued or authorized under this section at any time.

(b) Unless otherwise provided in this section, the division shall charge an initial application fee of \$10 and an annual fee of \$15 for each special themed registration plate in addition to all other fees required by this chapter.

(c) The division may not issue any special themed registration plate pursuant to subsection (a) of this section until at least 100

persons complete an application and deposit with the division a check to cover the first year's basic registration fee, initial application fee, and annual fee.

(d) The division may issue special nongame wildlife registration plates and special wildlife registration plates as follows:

(1) Upon appropriate application, the division shall issue a special registration plate displaying a species of West Virginia wildlife that shall display a species of wildlife native to West Virginia as prescribed and designated by the commissioner and the Director of the Division of Natural Resources.

(2) All annual fees collected pursuant to this section for nongame wildlife registration plates and wildlife registration plates shall be deposited in a special revenue account designated the Nongame Wildlife Fund and credited to the Division of Natural Resources under authority granted in Article VI, Section 56 of The Constitution of West Virginia.

(3) All initial application fees collected by the division for nongame wildlife registration plates and wildlife registration plates shall be deposited in the State Road Fund.

(e) Racing theme special registration plates:

(1) The division may issue a series of special registration plates displaying National Association for Stock Car Auto Racing themes.

(2) An annual fee of \$25 shall be charged for each special racing theme registration plate in addition to all other fees required by this chapter. All annual fees collected for each special racing theme registration plate shall be deposited into the State Road Fund.

(3) A special application fee of \$10 shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate in addition to all other fees

required by this chapter. All application fees shall be deposited into the State Road Fund.

§17A-3-14i. Manufacturing of certain special registration plates; rulemaking.

(a) For all registration plates authorized pursuant to the provisions of §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, the division is not required to keep a stockpile of such plates, but may create a process for the issuance of such plates by special order.

(b) The division may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to administer the issuance of all special registration plates authorized in this article.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 205—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated as §17A-3-14a, §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, §17A-3-14h, and §17A-3-14i, all relating to registration plates; authorizing special registration plates; establishing fees; authorizing the suspension of registration of any owner who displays a damaged or illegible plate or otherwise fails to comply with legal requirements; voiding license plates issued or renewed and paid for by worthless check; authorizing Division of Motor Vehicles to accept or authorize electronic signatures; authorizing waiver of certain costs and fees related to special registration plates by concurrent resolution of the Legislature; and authorizing rulemaking by the Division of Motor Vehicles.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 205, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 205) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 267, Updating law regarding prior authorizations.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill 267—A Bill to amend and reenact §5-16-7f of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-31; to amend and reenact §33-15-4s of said code; to amend and reenact §33-16-3dd of said code; to amend and reenact §33-24-7s

of said code; to amend and reenact §33-25-8p of said code; and to amend and reenact §33-25A-8s of said code, all relating to prior authorizations; defining terms; requiring prior authorizations and related communications to be submitted via an electronic portal; requiring electronic notification to the health care provider confirming receipt of the prior authorization; establishing timelines for compliance; providing communication via the portal regarding the current status of the prior authorization; reducing time frames for prior authorization requests; providing a time frame for a decision to be rendered after the receipt of additional information; providing a time frame for a claim to be submitted to audit; stating provisions pertaining to patient communications about step therapy protocols; establishing time frame for peer-to-peer appeals; reducing timeline for prior authorization appeal process; revising the percentage approval for a health care provider to be considered for an exemption from prior authorization criteria; revising time frame for prior authorization exemption process; removing limitation on prior authorization exemption that applied exemption to procedures used to justify granting of exemption; expanding auditing of prior authorization exemption process; requiring plan to give health care practitioner rationale for revocation of exemption; providing for limitations to exemption; removing criteria related to electronic submission of pharmacy benefits; amending effective date; requiring oversight and data collection by the Office of the Insurance Commissioner and the Inspector General; and providing for civil penalties.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 267, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 463, Increasing validity of CDL instruction permit.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 2, Section 9, line 42 immediately following the phrase "18 years of age" by striking the words "and has held a graduated Class E, Class E or Class D license for at least one year.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 463—A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to commercial driver's license instruction permits.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 463, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 463) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 476, Exempting managed care contracts from purchasing requirements.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, line 3, by striking the period and inserting a colon, and the following:

Provided, That for purposes of continuity of care, the Bureau for Medical Services may not:

(1) Disrupt existing WV Medicaid and WV Children's Health Insurance Plan enrollment within an existing managed care organization as part of any such purchasing exemption; or

(2) Redistribute or reassign membership of an existing managed care organization to any new, qualifying managed care entrant as part of any contract awarded pursuant to such exemption.

The Bureau for Medical Services shall integrate any and all new and qualifying managed care entrants into the State's auto-assignment logic for new members and shall publicize any eligible managed care organization for purposes of self-selection by the member. No plan shall have preferential assignment of new members and each plan will be assigned equally.;

On page 1, section 9-5-31, line 3, by striking the word "contacts" and inserting in lieu thereof "contracts";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 476—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, relating to managed care contracts; providing that the Bureau for Medical Services is exempt from the requirements of the Purchasing Division with respect to managed care contracts; providing for exceptions; providing that the Bureau for Medical Services may not disrupt certain existing enrollments with managed care organizations; prohibiting the Bureau for Medical Services from redistributing or reassigning membership; providing for the integration of new managed care entrants; providing that no plan shall have preferential assignment of new members.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 476, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 476) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 476) takes effect from passage.

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

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. House Bill 2904—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known

as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Office of the Secretary, fund 0606, fiscal year 2023, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023, by adding a new item of appropriation.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 2908—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2023, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 2914—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General

Revenue, to the Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2023, organization 0100 by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax.

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 3040—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Office of the Secretary, fund 0186, fiscal year 2023, organization 0201, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 3065—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Aeronautics Commission, fund 0582, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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. House Bill 3067—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Public Transit, fund 0510, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 3074—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities, fund 0580, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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. House Bill 3108—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority, fund 0506, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 3114, Deny severance pay to employees of DOT for failure or refusal of drug testing.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the changed effective date, to take effect from passage, of

Eng. House Bill 3444, Relating to the creation of the West Virginia Semiquincentennial Commission and Fund.

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

Eng. House Bill 3448, Relating generally to probation officer field training.

Executive Communications

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 7, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:
Senate Bill No. Six Hundred Nine (609), which was presented to me on March 7, 2023.
You will note that I have approved this bill on March 7, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia
March 7, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for House Bill No. Two Thousand Five Hundred Twenty-Six (2526), which was presented to me on March 7, 2023.

House Bill No. Three Thousand Two Hundred Seventy-Two (3272), which was presented to me on March 1, 2023.

You will note that I have approved these bills on March 7, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2436, Relating to the implementation of an acuity-based patient classification system.

With amendments from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2436) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2939, Relating to filing of lien by municipalities for collection of refuse fees.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2939) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3147, To create the Upper Ohio Valley Trail Network.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3147) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Caputo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3166) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3270, To amend the deliberate intent statute to limit noneconomic damages to \$500,000.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3270) contained in the preceding report from the Committee on the Judiciary was taken

up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 3306, Relating to the organizational structure of the Office of Drug Control Policy.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3306) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3360, Creating an office of the Inspector General within the Department of Homeland Security.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3360) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3439, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3439) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senator Caputo offered the following resolution:

Senate Resolution 48—Designating March 9, 2023, as Recovery Community Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 23, Requesting study on impact of public benefit income eligibility guidelines on direct care workforce participation.

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

At the request of Senator Takubo, unanimous consent being granted, the resolution was referred to the Committee on Rules.

Senate Resolution 47, Recognizing March as American Red Cross month.

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 House Bill 2002, Relating to providing support for families.

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 House Bill 2002 pass?"

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

The nays were: Caputo—1.

Absent: Jeffries and Phillips—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. 2002) 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 2004, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2026, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 7, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. House Bill 2283, Relating to authorized expenditures of revenues from certain state funds for fire departments.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2283) passed with its title.

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

Eng. Com. Sub. for House Bill 2509, Creating the Uniform Premarital Agreement Act.

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

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2509) passed.

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

Eng. Com. Sub. for House Bill 2509—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-1A-101, §48-1A-201, §48-1A-301, §48-1A-401, §48-1A-501, §48-1A-601, §48-1A-701, §48-1A-801, §48-1A-901 §48-1A-1001, and §48-1A-1101 all relating to the Uniform Premarital Agreement Act; defining terms; providing requirements and content of agreement; providing for the effect of marriage; describing amendment, revocation and enforcement of such agreements; describing unenforceable terms; providing for tolling of statute of limitations; providing application and construction of article; providing effective date; and setting forth short 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 2515, Require agencies to develop and maintain an inventory of available services for single parents wanting to obtain degrees, secure training or reenter the workforce.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday, Tuesday, March 7, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 9. HUMAN SERVICES.

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

§9-3-1. Application for and granting of federal-state or federal assistance.

(a) Any person domiciled in this state, who shall make, or have made in his or her behalf, an application therefor and who is

otherwise in all respects qualified to receive the same, shall be granted federal-state assistance or federal assistance in such form and amount, to such extent, and for such period, as authorized by applicable federal and state laws, rules and regulations and as determined by the department in accordance with such laws, rules and regulations and within limits of available funds.

(b) In conjunction with the Higher Education Policy Commission and Workforce West Virginia, the Bureau for Family Assistance must compile and maintain a list of those services available to assist and support individuals who are qualified to receive federal, federal-state, or state assistance and who want to obtain a degree, secure workforce training, or reenter the workforce. This document must be maintained on the Bureau for Family Assistance's website and any hard copy requested for this document must be supplied to the person requesting the information via first-class mail.

§9-3-2. Application for and granting of state assistance.

(a) Any indigent person domiciled in this state, who shall make, or have made in his or her behalf, an application therefor and who is otherwise in all respects qualified to receive the same, shall be granted state assistance in such form and amount, to such extent, and for such period, as authorized by applicable state laws, rules and regulations of the department and as determined by the department in accordance with such laws, rules and regulations and within limits of available funds.

(b) In conjunction with the Higher Education Policy Commission and Workforce West Virginia, the Bureau for Family Assistance must compile and maintain a list of those services available to assist and support individuals who are qualified to receive federal, federal-state, or state assistance and who want to obtain a degree, secure workforce training, or reenter the workforce. This document must be maintained on the Bureau for Family Assistance's website and any hard copy requested for this document must be supplied to the person requesting the information via first-class mail.

CHAPTER 18B. HIGHER EDUCATION.**ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.****§18B-1B-4. Powers and duties of Higher Education Policy Commission.**

(a) The primary responsibility of the commission is to provide shared services in a cost-effective manner upon request to the state colleges and universities, the West Virginia Council for Community and Technical College Education, and the community and technical colleges; undertake certain statewide and regional initiatives as specifically designated in this chapter, including those related to the administration of grants and scholarships and including those in conjunction with the council; to review, confirm, or approve certain actions undertaken by governing boards, as delineated in this chapter; and assist in the development of policy that will achieve the goals, objectives and priorities found in §18B-1-1a and §18B-1D-1 of this code. The commission shall exercise its authority and carry out its responsibilities in a manner that is consistent and not in conflict with the powers and duties assigned by law to the West Virginia Council for Community and Technical College Education and the powers and duties assigned to the governing boards. To that end, the commission has the following powers and duties relating to the governing boards under its jurisdiction:

(1) Develop and advance the public policy agenda pursuant to §18B-1D-1 *et seq.* of this code to address major challenges facing the state, including, but not limited to, the goals, objectives, and priorities established in this chapter;

(2) In conjunction with the council, propose emergency and legislative rules in accordance with §29A-3A-1 and §18B-1-6 of this code to establish a performance-based funding formula model the commission and council shall use, beginning in the fiscal year 2024 budget cycle, in developing their annual budget requests to ensure the fair and equitable distribution and use of public funds among the state's institutions of higher education, including the statutorily and administratively exempted schools. This funding

formula model shall advance the goals of the state's postsecondary education system by emphasizing outcomes focused on student success and institutional mission achievement. The formula shall include a range of variables that shall be weighted in a manner that corresponds to each institution's mission and provides incentives for productivity improvements consistent with the goal of strengthening the state's economy and workforce by developing the most competitive and capable graduates in the nation. The rule shall, at a minimum:

(A) Establish a set of objective performance metrics that reflect and support the state's higher education goals and priorities and the methodology by which those metrics shall be used in the allocation of state funds;

(B) Ensure that a portion of each institution's base appropriation is allocated based on outcomes achieved over a defined period of time;

(C) Incentivize postsecondary program offerings that align with the state's higher education and workforce development priorities; and

(D) Establish safeguards to ensure stability of the funding formula model including, but not limited to, providing for periodic reviews of and revision to the performance metrics and funding methodology in addition to accounting for inflation;

(3) In collaboration with the council and the governing boards:

(A) ~~Building~~ Build public consensus around and ~~sustaining~~ sustain attention to a long-range public policy agenda. In developing the agenda, the commission and council shall seek input from the Legislature, the Governor, the governing boards, and the State Board of Education and local school districts to create the necessary linkages to assure smooth, effective and seamless movement of students through the public education and post-secondary education systems and to ensure that the needs of public school courses and programs can be fulfilled by the graduates produced and the programs offered;

(B) ~~Assisting~~ Assist governing boards in carrying out their duty effectively to govern the individual institutions of higher education;

(4) Serve as a point of contact to state policymakers:

(A) The Governor for the public policy agenda; and

(B) The Legislature by maintaining a close working relationship with the legislative leadership and the Legislative Oversight Commission on Education Accountability;

(5) Upon request, provide shared services to a state institution of higher education;

(6) Administer scholarship and grant programs as provided for in this code;

(7) Establish and implement the benchmarks and performance indicators for state colleges and universities necessary to measure institutional progress in achieving state policy priorities and institutional missions pursuant to §18B-1D-7 of this code;

(8) Establish a formal process for recommending capital investment needs and for determining priorities for state colleges and universities for these investments for consideration by the Governor and the Legislature as part of the appropriation request process pursuant to §18B-19-1 *et seq.* of this code;

(9) Except the statutorily and administratively exempted schools, develop standards and evaluate governing board requests for capital project financing in accordance with §18B-19-1 *et seq.* of this code;

(10) Except the statutorily and administratively exempted schools, ensure that governing boards manage capital projects and facilities needs effectively, including review and approval of capital projects, in accordance with §18B-19-1 *et seq.* of this code;

(11) Acquire legal services as considered necessary, including representation of the commission, the governing boards,

employees, and officers before any court or administrative body, notwithstanding any other provision of this code to the contrary. The counsel may be employed either on a salaried basis or on a reasonable fee basis. In addition, the commission may, but is not required to, call upon the Attorney General for legal assistance and representation as provided by law;

(12) Employ a chancellor, and any interim chancellor employed shall meet all criteria required of the chancellor, pursuant to §18B-1B-5 of this code;

(13) Employ other staff as necessary and appropriate to carry out the duties and responsibilities of the commission and the council, in accordance with §18B-4-1 *et seq.* of this code;

(14) Provide suitable offices in Kanawha County for the chancellor, vice chancellors, and other staff;

(15) Approve the total compensation package from all sources for presidents of institutions under its jurisdiction, except the statutorily exempted schools, as proposed by the governing boards. The governing boards, except the governing boards of the statutorily exempted schools, must obtain approval from the commission of the total compensation package both when institutional presidents are employed initially and afterward when any change is made in the amount of the total compensation package: *Provided*, That the commission shall receive notice, but need not approve or confirm, an increase in the compensation of an institutional president that is exactly in the ratio of compensation increases allocated to all institutional employees and approved by the governing board to expressly include the president;

(16) Assist and facilitate the work of the institutions to implement the policy of the state to assure that parents and students have sufficient information at the earliest possible age on which to base academic decisions about what is required for students to be successful in college, other post-secondary education and careers related, as far as possible, to results from current assessment tools in use in West Virginia;

(17) Approve and implement a uniform standard jointly with the council to determine which students shall be placed in remedial or developmental courses. The standard shall be aligned with college admission tests and assessment tools used in West Virginia and shall be applied uniformly by the governing boards. The chancellors shall develop a clear, concise explanation of the standard which they shall communicate to the State Board of Education and the state superintendent of schools;

(18) Jointly with the council and in conjunction with the West Virginia Network, support systemwide technology needs through leveraged consortium purchasing, software, database and networking support, and other services including, but not limited to, the following:

(A) Expanding distance learning and technology networks to enhance teaching and learning, and promoting access to quality educational offerings with minimum duplication of effort; and

(B) Increasing the delivery of instruction to nontraditional students, providing services to business and industry, and increasing the management capabilities of the higher education system.

(C) Notwithstanding any other provision of law or this code to the contrary, the council, commission, and governing boards are not subject to the jurisdiction of the Chief Technology Officer for any purpose;

(19) Propose rules in accordance with §29A-3A-1, *et seq.* and §18B-1-6 of this code to ensure that, within sound academic policy, a student may transfer and apply toward the requirements of any postsecondary credential the maximum number of credits earned at any regionally accredited in-state or out-of-state institution of higher education in a manner that minimizes the need to repeat courses or incur additional costs. This requirement applies to transfer processes for all levels of postsecondary programs delivered at community and technical colleges, baccalaureate-degree-granting institutions, and graduate-degree-granting institutions;

(20) Propose rules in accordance with §29A-3A-1, *et seq.* and §18B-1-6 of this code to develop a program through which a student who has gained knowledge and skills through employment, participation in education, and training at vocational schools or other education institutions, or Internet-based education programs, may demonstrate by competency-based assessment that he or she has the necessary knowledge and skills to be granted academic credit or advanced placement standing toward the requirements of an associate's degree or a bachelor's degree at a state institution of higher education;

(21) Seek out and attend regional, national, and international meetings and forums on education and workforce development-related topics as, in the commission's discretion, are critical for the performance of their duties as members, for the purpose of keeping abreast of education trends and policies to aid it in developing the policies for this state to meet the established education goals, objectives, and priorities pursuant to §18B-1-1a and §18B-1D-1 *et seq.* of this code;

(22) Promulgate and implement a rule for governing boards and institutions to follow when considering capital projects pursuant to §18B-19-1 *et seq.* of this code, which rule shall provide for appropriate deference to the value judgments of governing boards and may not apply to the statutorily or administratively exempted schools;

(23) Submit to the appropriate agencies of the executive and legislative branches of state government an appropriation request that reflects recommended appropriations for the commission and the governing boards under its jurisdiction including the statutorily and administratively exempted schools. The commission shall submit as part of its appropriation request the separate recommended appropriation request it received from the council, both for the council and for the governing boards under the council's jurisdiction. The commission annually shall submit the proposed allocations based on the funding formula model required by subdivision (a)(2) of this section;

(24) Promulgate rules allocating reimbursement of appropriations, if made available by the Legislature, to governing boards for qualifying noncapital expenditures incurred in providing services to students with physical, learning, or severe sensory disabilities;

(25) Pursuant to §29A-3A-1 *et seq.* and §18B-1-6 of this code, promulgate rules necessary or expedient to fulfill the purposes of this chapter and Chapter 18C of this code;

(26) Determine when a joint rule among the governing boards under its jurisdiction is necessary or required by law and, in those instances, in consultation with the governing boards under its jurisdiction, promulgate the joint rule;

(27) Promulgate and implement a rule jointly with the council whereby course credit earned at a community and technical college transfers for program credit at any other state institution of higher education and is not limited to fulfilling a general education requirement;

(28) Promulgate a rule pursuant to §18B-10-1 of this code establishing tuition and fee policy for all governing boards under the jurisdiction of the commission, except the statutorily and administratively exempted schools. The rule shall include, but is not limited to, the following:

(A) Differences among institutional missions;

(B) Strategies for promoting student access;

(C) Consideration of charges to out-of-state students; and

(D) ~~Such~~ Any other policies as the commission and council consider appropriate;

(29) Notwithstanding any other provision of this code to the contrary sell, lease, convey, or otherwise dispose of all or part of any real property that it owns, in accordance with §18B-19-1 *et seq.* of this code;

(30) ~~Policy~~ Provide policy analysis and research focused on issues affecting institutions of higher education generally or a geographical region thereof;

(31) ~~Development and approval of~~ Develop and approve institutional mission definitions except for the statutorily and administratively exempted schools: *Provided*, That the commission may use funds appropriated by the Legislature for incentive funds to influence institutional behavior in ways that are consistent with public priorities, including the statutorily and administratively exempted schools;

(32) ~~Academic program review and approval~~ Review and approve academic programs for governing boards under its jurisdiction, except the statutorily and administratively exempted schools. The review and approval includes use of institutional missions as a template to judge the appropriateness of both new and existing programs and the authority to implement needed changes.

(A) The commission's authority to review and approve academic programs for the statutorily and administratively exempted schools is limited to programs that are proposed to be offered at a new location not presently served by that institution: *Provided*, That West Virginia University and the West Virginia University Institute of Technology are subject to the commission's authority as provided in §18B-1C-2 of this code.

(B) In reviewing and approving academic programs, the commission shall focus on the following policy concerns:

(i) New programs may not be implemented which change the institutional mission, unless the institution also receives approval for expanding the institutional mission;

(ii) New programs which require significant additional expense investments for implementation may not be implemented unless the institution demonstrates that:

(I) The expenses shall be addressed by effective reallocations of existing institutional resources; or

(II) The expenses can be legitimately spread out over future years and shall be covered by reasonably anticipated additional net revenues from new enrollments;

(iii) A new undergraduate program which is significantly similar to an existing program already in the geographic service area may not be implemented unless the institution requesting the new program demonstrates a compelling need in the service area that is not being met by the existing program: *Provided*, That the academic programs of the statutorily and administratively exempted schools are not to be taken into consideration except as it relates to academic programs offered at West Virginia University in Beckley and West Virginia University Institute of Technology in Beckley.

(C) The commission shall approve or disapprove proposed academic degree programs in those instances where approval is required as soon as practicable. The commission shall maintain by rule a format model by which a new program approval shall be requested by an institution. When a request for approval of a new program is submitted to the commission, the chancellor shall provide notice within two weeks as to whether the submission meets the required format, and if it does not the chancellor shall identify each specific deficiency and return the request to the institution. The institution may refile the request for approval with the commission to address any identified deficiencies. Within 30 days after the chancellor's confirmation that the request meets the required format, the commission shall either approve or disapprove the request for the new program. The commission may not withhold approval unreasonably.

(33) ~~Distribution of~~ Distribute funds appropriated to the commission, including incentive and performance-based funds;

(34) ~~Administration of~~ Administer state and federal student aid programs under the supervision of the vice chancellor for administration, including promulgation of rules necessary to administer those programs;

(35) ~~Serving~~ Serve as the agent to receive and disburse public funds when a governmental entity requires designation of a statewide higher education agency for this purpose;

(36) ~~Developing and distributing~~ Develop and distribute information, assessment, accountability and personnel systems for state colleges and universities, including maintaining statewide data systems that facilitate long-term planning and accurate measurement of strategic outcomes and performance indicators;

(37) Jointly with the council, ~~promulgating and implementing~~ promulgate and implement rules for licensing and oversight for both public and private degree-granting and nondegree-granting institutions that provide post-secondary education courses or programs in the state. The council has authority and responsibility for approval of all post-secondary courses or programs providing community and technical college education as defined in §18B-1-2 of this code;

(38) ~~Developing, facilitating, and overseeing~~ Develop, facilitate, and oversee statewide and regional projects and initiatives related to providing post-secondary education at the baccalaureate level and above such as those using funds from federal categorical programs or those using incentive and performance-based funds from any source;

(39) (A) For all governing boards under its jurisdiction, except for the statutorily exempted schools, ~~the commission shall~~ review institutional operating budgets, review and approve capital budgets, and distribute incentive and performance-based funds.

(B) For the governing boards of the statutorily exempted schools, the commission shall distribute incentive and performance-based funds and may review and comment upon the institutional operating budgets and capital budgets. The commission's comments, if any, shall be made part of the governing board's minute record and shall be filed with the Legislative Oversight Commission on Education Accountability;

(40) ~~May provide~~ Provide information, research, and recommendations to state colleges and universities relating to programs and vocations with employment rates greater than 90 percent within six months post-graduation; and

(41) ~~May provide~~ Provide information, research, and recommendations to state colleges and universities on coordinating with the West Virginia State Board of Education about complimentary programs.

(b) In addition to the powers and duties provided in this section and any other powers and duties assigned to it by law, the commission has other powers and duties necessary or expedient to accomplish the purposes of this chapter and Chapter 18C of this code: *Provided*, That the provisions of this subsection ~~may do not be construed to~~ shift management authority from the governing boards to the commission.

(c) The commission may withdraw specific powers of a governing board under its jurisdiction for a period not to exceed two years, if the commission determines that either of the following conditions exist:

(1) The commission has received information, substantiated by independent audit, of significant mismanagement or failure to carry out the powers and duties of the governing board according to state law; or

(2) Other circumstances which, in the view of the commission, severely limit the capacity of the governing board to exercise its powers or carry out its duties and responsibilities.

The commission may not withdraw specific powers for a period exceeding two years. During the withdrawal period, the commission shall take all steps necessary to reestablish sound, stable and responsible institutional governance.

(d) On or after July 1, 2024, nothing in this section authorizes the commission to restrict or regulate the carrying of a concealed pistol or revolver by a person who holds a current and valid license

to carry a concealed deadly weapon except as expressly authorized in §18B-4-5b of this code.

(e) In conjunction with Workforce West Virginia and the Bureau for Family Assistance, the Higher Education Policy Commission must compile and maintain a list of those services available to assist and support individuals who are qualified to receive federal, federal-state, or state assistance and who want to obtain a degree, secure workforce training, or reenter the workforce. This document must be maintained on the Higher Education Policy Commission's website, and any hard copy requested for this document must be supplied to the person requesting the information via first-class mail.

CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

ARTICLE 10. UNEMPLOYMENT COMPENSATION.

§21A-10-24. List of services and support available to individuals who are qualified to receive federal, federal-state, or state assistance.

(a) In conjunction with the Higher Education Policy Commission and the Bureau for Family Assistance, Workforce West Virginia must compile and maintain a list of those services available to assist and support individuals who are qualified to receive federal, federal-state, or state assistance and who want to obtain a degree, secure workforce training, or reenter the workforce. This document must be maintained on Workforce West Virginia's website, and any hard copy requested for this document must be supplied to the person requesting the information via first-class mail.

Engrossed Committee Substitute for House Bill 2515, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—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. 2515) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2515—A Bill to amend and reenact §9-3-1 and §9-3-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4; and to amend said code by adding thereto a new section, designated §21A-10-24, all relating to requiring certain agencies to work together to create an inventory of occupational and educational resources for certain persons qualified to receive assistance and to maintain and distribute that document; requiring that the Bureau for Family Assistance, the Higher Education Policy Commission, and Workforce West Virginia develop and maintain an inventory of available services and supports for individuals qualified to receive federal, federal-state, or state assistance and who wish to obtain a degree, secure workforce training, or reenter the workforce; requiring the Bureau for Family Assistance, the Higher Education Policy Commission, and Workforce West Virginia to maintain the document on their websites and to distribute the document via first-class mail upon request; and eliminating authority of Higher Education Policy Commission to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances.

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 2540, Travel Insurance Model Act.

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

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2540) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2540—A Bill to repeal §33-12-32b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, and §33-62-12, all relating to adopting the Travel Insurance Model Act; providing a short title; setting forth scope and purposes; providing definitions; providing licensing and registration requirements; setting forth annual license fee; requiring payment of premium taxes; specifying forms and rates; establishing acceptable and prohibited sales practices; making persons offering travel insurance subject to the Unfair Trade Practices Act; establishing requirements for travel administrators; allowing individual, group, or blanket travel insurance policies; granting the Insurance Commissioner enforcement powers; and providing rulemaking authority to the Insurance Commissioner.

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 2759, Relating to updating the health care provider tax.

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: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Smith, Stover, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—23.

The nays were: Azinger, Chapman, Karnes, Martin, Maynard, Rucker, Stuart, and Taylor—8.

Absent: Jeffries, Phillips, and Woelfel—3.

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. 2759) passed with its title.

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

Eng. Com. Sub. for House Bill 2820, To provide HOPE Scholarship recipients with the ability to play sports.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Tuesday, March 7, 2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill and the pending unreported committee amendments were deferred until the conclusion of bills on today's first reading calendar.

Eng. Com. Sub. for House Bill 2900, Relating to the Deputy Sheriff Retirement System.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3012, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3012) passed with its title.

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

Eng. House Bill 3146, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope,

Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3146) 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 3214, To create the Road Optimization & Assessment Data (ROAD) Pilot Project.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3214) passed.

The following amendment to the title of the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3214—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to creating the Road

Optimization and Assessment Data Pilot Program; setting forth legislative findings and purpose; requiring the Commissioner of Highways to implement the program; specifying assessment methods and term of program; and requiring reporting by the Division of Highways.

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 3233, Relating generally to uniform and equipment allowances for the National Guard.

On third reading, coming up in regular order, with the unreported Military committee amendment pending, and with the right having been granted on yesterday, Tuesday, March 7, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1B. NATIONAL GUARD.

§15-1B-11. Uniforms, arms, equipment and supplies.

(a) The uniforms, arms, equipment, and supplies necessary for performance of duties shall be those prescribed by applicable federal laws and regulations. Officers shall provide themselves with uniforms and equipment prescribed, and there shall be annually allowed, to aid them in procuring and maintaining the same in condition for service, the sum of \$100 each or a higher sum not to exceed \$750 as determined at the discretion of the Adjutant General. Such sum shall be paid during the last month of each fiscal year for such year. In the event of service for less than the full fiscal year one-twelfth of such sum shall be allowed for each month of service during such year.

(b) Any member of the National Guard requiring a maternity or other specialty uniform, may request a sum or reimbursement to offset any expenses incurred in procuring such uniform, not to exceed the amount provided in subsection (a) of this section once in a 36-month period. Sums or reimbursements made pursuant to this subsection are made at the discretion of the Adjutant General. Any approved sum or reimbursement shall be paid during the last month of the fiscal year in which the request was approved.

Engrossed Committee Substitute for House Bill 3233, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3233) 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 3261, Relating to Social Workers Qualifications.

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 House Bill 3261 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo, Chapman, and Maynard—3.

Absent: Jeffries and Phillips—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. 3261) passed.

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

Eng. Com. Sub. for House Bill 3261—A Bill to amend and reenact §30-30-16 of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new section, designated §49-2-110a all relating to social work and child welfare generally; directing that provisional social workers who are laid off or ill during the four year provisional licensure period may request the West Virginia Board of Social Work allow a reasonable interruption in service and allow additional time to complete the licensure requirements; declaring a crisis exists in certain parts of the state due to an absence of child protective services, youth services workers, youth case workers and support staff; defining affected geographical areas; authorizing the hiring of persons not on the social work register to fill positions; establishing the criteria for employment; requiring the development to train the new workers; and establishing a sunset date for the program.

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

Eng. House Bill 3299, Relating to Natural Resource Police Officer Retirement.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3299) passed with its title.

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

Eng. House Bill 3328, Authorizing the Hatfield-McCoy Regional Recreation Authority to contract to build and maintain trails on privately owned property.

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 House Bill 3328 pass?"

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

The nays were: Clements—1.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3328) passed with its title.

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

Eng. Com. Sub. for House Bill 3370, Creating loan program for certain properties and developments on U. S. Army Corps of Engineers land, state parks and resorts.

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, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: Woelfel—1.

Absent: Jeffries and Phillips—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. 3370) passed.

The following amendment to the title of the bill, from the Committee on Economic Development, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3370—A Bill to amend and reenact §20-5A-1 of the code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §20-5A-3; and to amend said code by adding thereto a new section, designated §31-15-8b, all relating to establishing the State Parks Enhancement Loan Insurance Program; authorizing the board of trustees of the West Virginia State Parks and Recreation Endowment Fund to use the fund to facilitate or provide collateral

for the program; providing that the program will provide for the guarantee of a loan made to an eligible private entity to be used exclusively for new or existing projects, developments, or attractions on properties of West Virginia State Parks and resorts that are constructed on U.S. Army Corps of Engineers property, wherein such properties and developments have no collateral for loans, and on any other property under the jurisdiction of the Division of Natural Resources, or on a hybrid tourism destination, to encourage economic development and tourism and increasing recreational opportunities; providing legislative findings and purpose; defining terms; establishing the State Parks Enhancement Loan Insurance Program; providing for the establishment of requirements and procedures for the issuance of loan insurance; limiting the amount of loan insurance through the program to \$10 million in the aggregate of the assets existing in the fund; providing that no more than \$5 million may be authorized for any project; providing that no amount of the fund's income from investments may be used to provide loan insurance; providing for application and additional procedures or guidelines for the program; requiring approval in writing from secretary of the Department of Commerce, the secretary of the Department of Economic Development, and the secretary of the Department of Tourism to apply for loan insurance; requiring the board of trustees to cooperate with the West Virginia Economic Development Authority and authorizing the board of trustees to utilize the staff and resources of the authority for guidance and assistance in administering the program; providing additional powers and duties to the board of trustees; requiring reporting; and requiring that the West Virginia Economic Development Authority to facilitate the administration of the program and that its executive director make the authority's staff available to provide guidance and assistance for the administration of the program.

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 3479, Creating requirements for use of unmanned aerial vehicles.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3479) passed.

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

Eng. Com. Sub. for House Bill 3479—A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aerial vehicles; adding definitions; updating terminology to be consistent with the new definitions; establishing the crime of operating an unmanned aerial vehicle over the property of a targeted facility; establishing exceptions to the prohibitions contained in the article for law enforcement activity conducted in accordance with the provisions of this article and the federal and state constitutions; clarifying that these regulations do not prohibit the authorized operation of drones by landowners or third parties hired by a landowner to surveil, photograph, or otherwise involving their own land; and requiring compliance with federal laws and regulations relating to unmanned aerial vehicles.

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

Eng. House Bill 3499, To permit joint tenancy with rights of survivorship when transfer on death deeds specify a joint tenancy with right of survivorship.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3499) passed.

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

Eng. House Bill 3499—A Bill to amend and reenact §36-12-11 of the Code of West Virginia, as amended, and to amend and reenact §36-12-13 of said code, all relating to transfer on death deeds; and specifically clarifying that an inter vivos transfer of a piece of real property that is the subject of a transfer on death deed causes the transfer on death deed to be revoked, with or without express language of revocation; and permitting transfer on death deeds to specify that the possessory interest conveyed can, if so provided in the language of the deed, transfer a joint tenancy with right of survivorship.

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

Eng. House Bill 3500, Allowing consumer lenders to permit employees to conduct certain business at locations other than the licensee's designated office.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3500) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. House Bill 3500—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-4-114, relating to permitting employees of regulated consumer lenders to conduct work at their residence if certain requirements are met.

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

Eng. House Bill 3510, Making a supplementary appropriation to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3510) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3510) takes effect from passage.

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

Eng. House Bill 3511, Making a supplementary appropriation to the Department of Education, State Board of Education – School Lunch Program.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3511) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3511) takes effect from passage.

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

Eng. House Bill 3529, Making a supplementary appropriation to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3529) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3529) takes effect from passage.

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

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 12:43 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 4:44 p.m.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 4:46 p.m., the Senate recessed.

The Senate reconvened at 5:55 p.m. and proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2016, Relating to confidential childcare records.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5. VITAL STATISTICS.

§16-5-28. Copies from the system of vital statistics.

In accordance with ~~section twenty-seven~~ {§16-5-27} of this ~~article~~ code and the legislative rules promulgated thereunder:

(a) The State Registrar and other custodians of vital records authorized to issue certified copies shall upon receipt of an application, issue a certified copy of a vital record in his or her custody to the registrant, his or her parents, spouse, adult children, grandchildren or great-grandchildren, legal guardian, or their respective authorized representative. Additionally, the State Registrar and other custodians of vital records, upon receipt of an application, shall issue a certified copy of a vital record in his or her custody to a child placing agency completing adoption on behalf of the department. Others may be authorized to obtain certified copies when they demonstrate that the record is needed for the determination or protection of his or her personal or property right. The department may promulgate rules to further define others who may obtain copies of vital records filed under this article.

(b) All forms and procedures used in the issuance of certified copies of vital records in the state shall be approved by the State Registrar. All certified copies of certificates of birth issued shall have security features that deter the document from being altered, counterfeited, duplicated, or simulated without ready detection in compliance with regulations issued by the federal government.

(c) Each copy or abstract issued shall show the date of registration, and copies or abstracts issued from records marked "Amended" shall be similarly marked and, when possible, show the effective date of the amendment. Copies issued from records marked "Delayed" shall be similarly marked and shall include the date of registration and a description of the evidence used to establish the delayed certificate. Any copy issued of a "Certificate of Foreign Birth" shall indicate the foreign birth and show the actual place of birth and the statement that the certificate is not proof of United States citizenship for the person for whom it is issued.

(d) A certified copy of a vital record issued in accordance with this section shall be considered for all purposes the same as the original, and shall be prima facie evidence of the facts stated in the record: *Provided*, That the evidentiary value of a certificate or record filed more than one year after the event, or a record which

has been amended, or a certificate of foreign birth, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

(e) Nothing in this section shall be construed to permit disclosure of information contained in the "Information for Medical and Health Use Only" section of the certificate of birth or the "Information for Statistical Purposes Only" section of the certificate of marriage or certificate of divorce or annulment unless specifically authorized by the State Registrar for statistical or research purposes. This information is not subject to subpoena or court order and is not admissible before any court, tribunal, or judicial body. Information collected for administrative use may not be included on certified copies of records, and may be disclosed only for administrative, statistical, or research purposes authorized by state or federal law and legislative rule.

(f) When the State Registrar receives information that a certificate may have been registered through fraud or misrepresentation, he or she may withhold issuance of any copy of that certificate.

(1) The State Registrar shall inform the registrant or the registrant's authorized representative of the right to request a hearing by the commissioner.

(2) The secretary of the department may authorize the State Registrar or another person to hold an investigation or hearing to determine if fraud or misrepresentation has occurred.

(3) If upon conclusion of a hearing or investigation no fraud or misrepresentation is found, copies may be issued.

(4) If fraud or misrepresentation is found by a preponderance of the evidence, the State Registrar shall remove the certificate from the file. The certificate and evidence will be retained but will not be subject to inspection or copying except upon order of a court of competent jurisdiction or by the State Registrar for purposes of prosecution or administration of the system of vital statistics.

(g) No person may prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record, except as authorized by this article, or by legislative rule.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

§49-4-608. Permanency hearing; frequency; transitional planning; out-of-state placement; findings; notice; permanent placement review.

(a) *Permanency hearing when reasonable efforts are not required.* — If the court finds, pursuant to this article, that the department is not required to make reasonable efforts to preserve the family, then, notwithstanding any other provision, a permanency hearing must be held within 30 days following the entry of the court order so finding, and a permanent placement review hearing must be conducted at least once every 90 days thereafter until a permanent placement is achieved.

(b) *Permanency hearing every 12 months until permanency is achieved.* — If, 12 months after receipt by the department or its authorized agent of physical care, custody, and control of a child either by a court-ordered placement or by a voluntary agreement, the department has not placed a child in an adoptive home, placed the child with a natural parent, placed the child in legal guardianship, or permanently placed the child with a fit and willing relative, the court shall hold a permanency hearing. The department shall file a progress report with the court detailing the efforts that have been made to place the child in a permanent home and copies of the child's case plan, which shall include ~~including~~ the permanency plan as defined in §49-1-201 and §49-4-604 of this code. Copies of the report shall be sent to the parties and all persons entitled to notice and the right to be heard. The court shall schedule a hearing, giving notice and the right to be present to the child's attorney; the child; the child's parents; the child's guardians; the child's foster parents; any preadoptive parent, or any relative providing care for the child; any person entitled to notice and the right to be heard; and other persons as the court may, in its

discretion, direct. The child's presence may be waived by the child's attorney at the request of the child or if the child is younger than 12 years-of-age and would suffer emotional harm. The purpose of the hearing is to review the child's case, to determine whether and under what conditions the child's commitment to the department shall continue, to determine what efforts are necessary to provide the child with a permanent home, and to determine if the department has made reasonable efforts to finalize the permanency plan. The court shall conduct another permanency hearing within 12 months thereafter for each child who remains in the care, custody, and control of the department until the child is placed in an adoptive home, returned to his or her parents, placed in legal guardianship, or permanently placed with a fit and willing relative.

(c) *Transitional planning for older children.* — In the case of a child who has attained 16 years of age, the court shall determine the services needed to assist the child to make the transition from foster care to independent living. The child's case plan should specify services aimed at transitioning the child into adulthood. When a child turns 17, or as soon as a child aged 17 comes into a case, the department must immediately provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child. The plan must include specific options on housing, health insurance, education, local opportunities for mentors, continuing support services, work force support, and employment services, and the plan should be as detailed as the child may elect. In addition to these requirements, when a child with special needs turns 17, or as soon as a child aged 17 with special needs comes into a case, he or she is entitled to the appointment of a department adult services worker to the multidisciplinary treatment team, and coordination between the multidisciplinary treatment team and other transition planning teams, such as special education individualized education planning (IEP) teams.

(d) *Out-of-state placements.* — A court may not order a child to be placed in an out-of-state facility unless the child is diagnosed with a health issue that no in-state facility or program serves, unless a placement out of state is in closer proximity to the child's family

for the necessary care, or the services are able to be provided more timely. If the child is to be placed with a relative or other responsible person out of state, the court shall use judicial leadership to help expedite the process under the Interstate Compact for the Placement of Children provided in §49-7-101 and §49-7-102 of this code and the Uniform Child Custody Jurisdiction and Enforcement Act provided in §48-20-101 *et seq.* of this code.

(e) *Findings in order.* — At the conclusion of the hearing the court shall, in accordance with the best interests of the child, enter an order containing all the appropriate findings. The court order shall state:

(1) Whether or not the department made reasonable efforts to preserve the family and to prevent out-of-home placement or that the specific situation made the effort unreasonable;

(2) Whether or not the department made reasonable efforts to finalize the permanency plan and concurrent plan for the child;

(3) The appropriateness of the child's current placement, including its distance from the child's home and whether or not it is the least restrictive one (or most family-like one) available;

(4) The appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(5) Services required to meet the child's needs and achieve permanency; and

(6) In addition, in the case of any child for whom another planned permanent living arrangement is the permanency plan, the court shall: (A) Inquire of the child about the desired permanency outcome for the child; (B) make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child; and (C) provide in the court order compelling reasons why it continues to not be in the best interest of the child to: (i) return home, (ii) be

placed for adoption, (iii) be placed with a legal guardian, or (iv) be placed with a fit and willing relative.

(f) The department shall annually report to the court the current status of the placements of children in the care, custody, and control of the state department who have not been adopted.

(g) The department shall file a report with the court in any case where any child in the custody of the state receives more than three placements in one year no later than 30 days after the third placement. This report shall be provided to all parties and persons entitled to notice and the right to be heard. Upon motion by any party, the court shall review these placements and determine what efforts are necessary to provide the child with a permanent home. No report may be provided to any parent or parent's attorney whose parental rights have been terminated pursuant to this article.

(h) The department shall give actual notice, in writing, to the court, the child, the child's attorney, the parents, and the parents' attorney at least 48 hours prior to the move if this is a planned move, or within 48 hours of the next business day after the move if the child is in imminent danger in the child's current placement, except where the notification would endanger the child or the foster family. A multidisciplinary treatment team shall convene as soon as practicable after notice to explore placement options. This requirement is not waived by placement of the child in a home or other residence maintained by a private provider. No notice may be provided pursuant to this provision to any parent or parent's attorney whose parental rights have been terminated pursuant to this article.

(i) Nothing in this article precludes any party from petitioning the court for review of the child's case at any time. The court shall grant the petition upon a showing that there is a change in circumstance or needs of the child that warrants court review.

(j) Any foster parent, preadoptive parent or relative providing care for the child shall be given notice of and the right to be heard at the permanency hearing provided in this section.

(k) Once an adoption case is assigned to a child placing agency, all related court hearing notices shall be sent to the child placing agency as an interested party.

ARTICLE 5. RECORD KEEPING AND DATABASE.

§49-5-101. Confidentiality of records; non-release of records; exceptions; penalties.

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of Corrections and Rehabilitation, the Department of Health and Human Resources, a child agency or facility, or court or law-enforcement agency, are confidential and may not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated;

(C) The attorney of the child or parent; and

(D) The Juvenile Justice Commission and its' designees acting in the course of their official duties;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; and

(4) Pursuant to an order of a court of record: *Provided*, That the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety and may issue

an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available; upon request, to:

(1) Federal, state, or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court, or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court, or family court; and

(6) The West Virginia Crime Victims Compensation Fund and its designees acting in the course of their official duties.

(d) If there is a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Health and Human Resources and provided to the entities described in subsection (c) of this section, all under the circumstances described in that subsection: *Provided*, That information released by the Department of Health and Human Resources pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect. For purposes of this subsection, "near fatality" means any medical condition of the child which is certified by the attending physician to be life threatening.

(e) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to §49-5-103 of this code.

(f) Any person who willfully violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300, or actual damages, whichever is greater.

(g) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

(h)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of Corrections and Rehabilitation may provide access to, and the confidential use of, a treatment plan, court records, or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of Corrections and Rehabilitation in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile;

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody, and treatment of the juvenile;

(3) The Division of Corrections and Rehabilitation may enter into reciprocal agreements with other states and propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this subsection; and

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

(i) The records subject to disclosure pursuant to subsection (b) of this section may not include a recorded/videotaped interview, as defined in §62-6B-2(6) of this code, the disclosure of which is exclusively subject to §62-6B-6 of this code.

(j) Notwithstanding the provisions of subsection (a) of this section, records in the possession of the Division of Corrections and Rehabilitation declared to be confidential by the provisions of subsection (a) of this section may be published and disclosed for use in an employee grievance if the disclosure is done in compliance with subsections (k), (l), and (m) of this section.

(k) Records or information declared confidential by the provisions of this section may not be released for use in a grievance proceeding except:

(1) Upon written motion of a party; and

(2) Upon an order of the Public Employee's Grievance Board entered after an in-camera hearing as to the relevance of the record or information.

(l) If production of confidential records or information is disclosed to a grievant, his or her counsel or representative, pursuant to subsection (k) of this section:

(1) The division shall ensure that written records or information is redacted of all identifying information of any juvenile which is not relevant to the resolution of the grievance;

(2) Relevant video and audio records may be disclosed without redaction; and

(3) Records or other information released to a grievant or his or her counsel or representative pursuant to subsection (k) of this section may only be used for purposes of his or her grievance

proceeding and may not be disclosed, published, copied, or distributed for any other purpose, and upon the conclusion of the grievance procedure, returned to the Division of Corrections and Rehabilitation.

(m) If a grievant or the Division of Corrections and Rehabilitation seek judicial review of a decision of the Public Employee's Grievance Board, the relevant confidential records disclosed and used in the grievance proceeding may be used in the appeal proceeding upon entry of an order by the circuit court, and the order shall contain a provision limiting disclosure or publication of the records or information to purposes necessary to the proceeding and prohibiting unauthorized use and reproduction.

(n) Nothing in this section may be construed to abrogate the provisions of §29B-1-1 *et seq.* of this code.

(o) A child placing agency or a residential child care and treatment facility may disclose otherwise confidential information to other child placing agencies or residential child care and treatment facilities when making referrals or providing services on behalf of the child. This information shall be maintained in the same manner as provided in this code.

(p) The department shall provide electronic access to information required to perform an adoption to child placing agencies as necessary to complete the adoption.

(q) A child placing agency completing adoption as a contractor on behalf of the department shall have access to secure records from vital statistics and other pertinent record holders.

The bill (Eng. Com. Sub. for H. B. 2016), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2024, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

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 advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2218, Distracted Driving Act.

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

At the request of Senator Clements, as chair of the Committee on Transportation and Infrastructure, and by unanimous consent, the unreported Transportation and Infrastructure committee amendment to the bill was withdrawn.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 14. MISCELLANEOUS RULES.

~~§17C-14-15. Prohibited use of an electronic communications device driving without handheld features; definitions; exceptions; penalties~~ Electronically Distracted Driving Act.

~~(a) Except as provided in subsection (c) of this section, a person may not drive or operate a motor vehicle on a public street or highway while:~~

~~(1) Texting; or~~

~~(2) Using a cell phone or other electronic communications device, unless the use is accomplished by hands free equipment.~~

~~(b) For purposes of this section, the following terms shall mean:~~

~~(1) "Cell phone" shall mean a cellular, analog, wireless or digital telephone.~~

~~(2) "Driving" or "operating a motor vehicle" means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary.~~

~~(3) "Electronic communication device" means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, two way messaging device, electronic game, or portable computing device. For the purposes of this section, an "electronic communication device" does not include:~~

~~(A) Voice radios, mobile radios, land mobile radios, commercial mobile radios or two way radios with the capability to transmit and receive voice transmissions utilizing a push to talk or press-to-transmit function; or~~

~~(B) Other voice radios used by a law enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators (HAM) licensed by the Federal Communications Commission and school bus operators.~~

~~(4) "Engaging in a call" means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a pushpad or screen to initiate the call.~~

~~(5) "Hands free electronic communication device" means an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either hand or both hands.~~

~~(6) "Hands free equipment" means the internal feature or function of a hands free electronic communication device or the~~

~~attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.~~

~~(7) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic communication device, and includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page or engaging in any other form of electronic text retrieval or entry, for present or future communication. For purposes of this section, "texting" does not include the following actions:~~

~~(A) Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;~~

~~(B) Inputting, selecting or reading information on a global positioning system or navigation system; or~~

~~(C) Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.~~

~~(8) "Using a cell phone or other electronic communication device" means holding in a person's hand or hands an electronic communication device while:~~

~~(A) Viewing or transmitting images or data;~~

~~(B) Playing games;~~

~~(C) Composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data; or~~

~~(D) Engaging in a call.~~

~~(e) Subsection (a) of this section shall not apply to:~~

~~(1) A law enforcement officer, a firefighter, an emergency medical technician, a paramedic or the operator of an authorized emergency vehicle in the performance of their official duties;~~

~~(2) A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies.~~

~~(3) The activation or deactivation of hands free equipment or a function of hands free equipment.~~

~~(d) This section does not supersede the provisions of section three a, article two, chapter seventeen b of this code or any more restrictive provisions for drivers of commercial motor vehicles prescribed by the provisions of chapter seventeen e of this code or federal law or rule.~~

~~(e) Any person who violates the provisions of subsection (a) of this section is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100; for a second offense be fined \$200; and for a third or subsequent offense be fined \$300. No court costs or other fees shall be assessed for a violation of subsection (a) of this section.~~

~~(f) Notwithstanding any other provision of this code to the contrary, points may not be entered on any driver's record maintained by the Division of Motor Vehicles as a result of a violation of this section, except for the third and subsequent convictions of the offense, for which three points shall be entered on any driver's record maintained by the Division of Motor Vehicles.~~

~~(g) Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands free equipment shall be enforced as a secondary offense until July 1, 2013, when it shall be enforced as a primary offense for purposes of citation~~

(a) Definitions — As used in this section:

(1) "Smartwatch" means a wearable computer that provides a local touchscreen for daily use, associated with applications, and connected to a cellular or Wi-Fi network;

(2) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device which stores audio or video data files to be retrieved on demand by a user;

(3) "Utility services" means and includes electric, natural gas, water, wastewater, cable, telephone, or telecommunications services, or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights-of-way, or associated infrastructure;

(4) "Wireless telecommunications device" means one of the following portable devices:

(A) A cellular telephone;

(B) A portable telephone;

(C) A text-messaging device;

(D) A personal digital assistant;

(E) A stand-alone computer including, but not limited to, a tablet, laptop, or notebook computer;

(F) A handheld global positioning system receiver;

(G) A device capable of displaying a video, movie, broadcast television image, or visual image;

(H) Any substantially similar portable wireless device that is used to initiate or receive communication, information, or data;

(I) "Wireless telecommunications device" does not include a smartwatch, any type of radio including but not limited to, radios used by first responders or school bus operators; citizens band radio or radio hybrid; commercial two-way radio communication device or its functional equivalent; subscription-based emergency

communication device; prescribed medical device; amateur or ham radio device, or any built-in vehicle equipment for security, navigation, communications, or remote diagnostics; and

(5) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use a wireless telecommunications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(b) The driver of a school bus shall not use or operate a wireless telecommunications device or two-way radio while loading or unloading passengers.

(c) The driver of a school bus shall not use or operate a wireless telecommunications device while the bus is in motion nor while stationary in traffic nor at a traffic control signal, unless that device is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials.

(d) A driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions involving any stand-alone electronic device or wireless telecommunications device that distracts such driver from the safe operation of the vehicle.

(e) While operating a motor vehicle on any street, highway, or property open to the public for vehicular traffic in this state, no driver may:

(1) Physically hold or support, with any part of his or her body, a wireless communication device or stand-alone electronic device; *Provided*, That such prohibition shall not apply to the wearing of a smartwatch;

(2) Write, send, or read any text-based communication including, but not limited to, a text message, instant message, e-mail, or social media interaction on a wireless telecommunications device or stand-alone electronic device; *Provided*, That such prohibition shall not apply to a voice-operated or hands-free

communication feature which is automatically converted by such device to be sent as a message in a written form;

(3) Make any communication involving a wireless telecommunications device, including a phone call, voice message, or one-way voice communication: *Provided*, That such prohibition shall not apply to a voice operated or hands-free communication feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on a wireless telecommunications device or stand-alone electronic device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on a wireless telecommunications device or stand-alone electronic device;

(6) Watch a video or movie on a wireless telecommunications device or standalone electronic device other than watching data related to the navigation of such vehicle;

(7) Record, post, send, or broadcast video, including a video conference on a wireless telecommunications device or stand-alone electronic device: *Provided*, That such prohibition does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle; or

(8) Actively play any game on a wireless telecommunications device or stand-alone electronic device.

(f) While operating a commercial motor vehicle on any highway of this state, no driver may:

(1) Use more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

(2) Reach for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to:

(A) No longer be in a seated driving position; or

(B) No longer be properly restrained by a safety belt.

(g) Each violation of this section shall constitute a separate offense.

(h) It is a misdemeanor for any driver to violate any of the provisions of this section. Every driver convicted of a misdemeanor for a violation of any of the provisions of this section shall be punished as follows:

(1) For a first conviction with no prior conviction of and no plea of no contest accepted to a charge of violating this section within the previous 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$100;

(2) For a second conviction within a 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$200;

(3) For a third or subsequent conviction within a 24-month period, as measured from the date of any prior conviction or plea:

(A) A fine of not more than \$350;

(B) Three points on the driver's record maintained by the Division of Motor Vehicles; and

(C) At the court's discretion, suspension of the driver's license for a period of 90 days;

(4) Any driver who causes physical harm to property as the proximate result of committing a violation of this section is guilty of a misdemeanor punishable up to 30 days in jail or a fine not less than \$100 and not more than \$500;

(5) Any driver who causes serious physical harm to another person as the proximate result of committing a violation of this section is guilty of a misdemeanor and shall be fined not less than \$500 nor more than \$1,000, or confined in jail up to 120 days, or both fined and confined, and such driver shall have his or her

license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year; and

(6) Any driver who causes the death of another as the proximate result of committing a violation of this section is guilty of negligent homicide and shall be punished in accordance with §17C-5-1 of this code.

~~(h)(i) Within ninety days of the effective date of this section,~~ The Department of Transportation shall cause to be erected signs upon any highway entering the state of West Virginia on which a welcome to West Virginia sign is posted, and any other highway where the Division of Highways deems appropriate, posted at a distance of not more than one mile from each border crossing, each sign to bear an inscription clearly communicating to motorists entering the state that texting, or the use of a wireless communication device without hands-free equipment, is illegal within this state.

~~(j)~~ (j) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

~~(k)~~ (k) No policy providing liability coverage for personal lines insurance shall contain a provision which may be used to deny coverage or exclude payment of any legal damages recoverable by law for injuries proximately caused by a violation of this section, as long as such amounts are within the coverage limits of the insured.

(l) This section shall not apply to:

(1) Drivers reporting to state, county, or local authorities a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or a road condition that causes an immediate and serious traffic or safety hazard;

(2) An employee or contractor of a utility services provider acting within the scope of his or her employment while responding to a utility emergency;

(3) A driver operating a commercial vehicle while using a mobile data terminal that transmits and receives data;

(4) A law-enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties; or

(5) While in a motor vehicle that is lawfully parked.

(m) This section does not supersede the provisions of §17B-2-3a of this code, or any more restrictive provisions for drivers of commercial motor vehicles prescribed either by the provisions of §17E-1-1 *et seq.* of this code or by federal law or rule.

(n) The amendments to this section adopted during the regular session of the Legislature in 2023, shall be known as the Robin W. Ames Memorial Act.

The bill (Eng. Com. Sub. for H. B. 2218), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment.

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

Eng. Com. Sub. for House Bill 2814, To create a Hydrogen power task force.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2I. HYDROGEN POWER TASK FORCE**§24-2I-1. Title.**

This article shall be known as "Hydrogen Power Task Force Act".

§24-2I-2. Establishment of the task force.

(a) There is hereby established a task force to study hydrogen-fueled energy in West Virginia's economy and energy infrastructure. Such study shall include, without limitation:

(1) A review of regulations and legislation needed to guide the development and achievement of economies of scale for a hydrogen energy ecosystem in the state;

(2) An examination of how to position the state to take advantage of competitive incentives and programs created by the federal Infrastructure Investment and Jobs Act and the federal Inflation Reduction Act;

(3) Recommendations for post-secondary education or workforce initiatives to prepare the state's workforce for hydrogen fueled energy-related jobs;

(4) An examination of the sources of potential hydrogen, including, but not limited to, coal, oil, natural gas, hydro, wind, solar, biogas, and nuclear;

(5) Recommendations for funding and tax preferences for building hydrogen-fueled energy facilities at sites throughout West Virginia;

(6) Recommendations regarding funding sources for developing hydrogen fueled energy programs and infrastructure; and

(7) Recommendations for potential end uses of hydrogen-fueled energy.

(b) The task force shall consist of the following members:

(1) A representative from a regulated electric utility company, who shall be appointed by the Governor;

(2) A representative from the fossil fuel energy industry, who shall be appointed by the Governor;

(3) A representative from the manufacturing industry with experience in hydrogen-fueled energy technology, who shall be appointed by the Governor;

(4) A representative from environmental organizations that advocate for renewable energy, who shall be appointed by the Governor;

(5) The chairperson of the Public Service Commission or his or her designee;

(6) The Secretary of the Department of Environmental Protection or his or her designee;

(7) The Secretary of the Department of Economic Development or his or her designee;

(8) The Secretary of the Department of Commerce or his or her designee; and

(9) A representative from higher education.

(c) All initial appointments to the task force shall be made not later than 90 days after the effective date of this section. Any vacancy shall be filled by the appointing authority, as applicable.

(d) The chairperson shall be elected by members of the task force at the first meeting, which meeting is to be called by the Governor. The first meeting shall be held not later than 120 days after the effective date of this section.

(e) Not later than July 1, 2024, the task force shall submit an electronic report on its findings and recommendations to the Joint Committee on Government and Finance.

(f) The task force shall terminate on the date that it submits such report or July 1, 2024, whichever is later.

The bill (Eng. Com. Sub. for H. B. 2814), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2821, Relating to taxation of gambling and lottery winnings.

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

Eng. Com. Sub. for House Bill 2865, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2H. POWER OF COMMISSION TO ORDER MEASURES UP TO AND INCLUDING THE ACQUISITION OF DISTRESSED AND FAILING WATER AND WASTEWATER UTILITIES.

§24-2H-4. Preparation of list of potentially unstable water and wastewater utilities.

Annually, at least by November 1, the commission shall prepare a list of water and wastewater utilities that appear to be financially unstable by reviewing annual reports, rate case filings and other financial data available to it. Commission staff shall contact each utility placed on the list and provide advice and assistance in resolving any financial instability or managerial or operational issues that are contributing to the utility's financial instability. The commission shall provide the list of potentially

unstable water and wastewater utilities to the West Virginia Rural Water Association. Commission staff shall publish annually, by hyperlink, the list of potentially unstable water and wastewater utilities on the commission's homepage no later than November 1.

§24-2H-5. Determination of whether a utility qualifies as a "distressed utility", "failing utility", or a "capable proximate utility".

(a) In determining whether a utility is distressed or failing, the commission shall consider the following factors:

(1) The financial, managerial, and technical ability of the utility;

(2) The level of expenditures necessary to make improvements to the water or wastewater utility to assure compliance with applicable statutory and regulatory standards concerning the adequacy, efficiency, safety, or reasonableness of utility service and the impact of those expenditures on customer rates;

(3) The opinion and advice, if any, of the Department of Environmental Protection and the Bureau for Public Health as to steps that may be necessary to assure compliance with applicable statutory or regulatory standards concerning the adequacy, efficiency, safety, or reasonableness of utility service;

(4) The status of the utility's bond payments and other financial obligations;

(5) The status and result of any corrective measures previously put into place under §24-2H-7 of this code; and

(6) Any other relevant matter.

(b) In determining whether a utility is a capable proximate utility, the commission shall consider the following factors:

(1) The financial, managerial, and technical ability of all proximate public utilities providing the same type of service;

(2) Expansion of the franchise or operating area of the acquiring utility to include the service area of the distressed utility;

(3) The financial, managerial, operational, and rate demands that may result from the current proceeding and the cumulative impact of other demands where the utility has been identified as a capable proximate utility; and

(4) Eligibility of the capable proximate utility to receive state grant funding and federal grant funding in a similar manner as the distressed utility; and

~~(4)~~(5) Any other relevant matter.

§24-2H-6. Notice to distressed or failing utility and formal proceeding.

(a) A proceeding under this article may be initiated by the commission on its own motion, or by the staff of the commission, or any other person or entity having a legal interest in the financial, managerial, or operational condition of the utility, by filing a petition with the commission that includes all of the factual data supporting the justification for the utility to be considered as a distressed or failing utility that the petitioner has available to them at the time of filing: *Provided, That high water loss or unaccounted for water shall not be considered the sole evidence of a distressed or failing utility.* In any such petition, the utility shall be named as the respondent. The commission shall include, as additional parties, any capable proximate public and private utilities that may be able to acquire the utility.

(b) The commission shall hold an evidentiary and public hearing(s) in a location in or within 25 miles of the utility's service area. The commission shall give reasonable notice of the time, place, and subject matter of the hearing as follows:

(1) Issuance of a press release;

(2) Written notice by certified mail or registered mail to:

(A) The utility;

(B) The Consumer Advocate Division;

(C) Capable proximate public or private ~~utility(s)~~ utility or utilities that were made parties to the proceeding; and

(D) The county commission if the utility is a public service district; or

(E) The municipality if the utility is owned and operated by the municipality.

(3) The utility shall give notice to its customers of the time, place, and subject matter of the hearing either as a bill insert or printed on its monthly bill statement as ordered by the commission.

(c) The public hearing shall be conducted to receive public comments, including, but not limited to, comments regarding possible options available to bring the distressed or failing utility into compliance with appropriate statutory and regulatory standards concerning actual or imminent public health problems or unreasonable quality and reliability service standards. At the evidentiary hearing, the commission shall receive evidence to determine if the utility is a distressed or failing utility and whether a capable proximate utility should acquire the utility. If there is more than one capable proximate utility, then sufficient evidence should be presented to allow the commission to determine the appropriate capable proximate utility to acquire the distressed or failing utility.

§24-2H-8. Commission approval of operating agreement, acquisition price; rates for distressed and failing utilities; improvement plan; debt obligations; cost recovery.

(a) After an order has been entered pursuant to §24-2H-7 of this code, the distressed utility and ~~acquiring~~ another acquiring public utility shall file a petition with the commission under §24-2-12 of this code to approve the necessary operating agreement if such alternative is directed by the commission. After an order has been entered pursuant to §24-2H-7 of this code, the failing utility and acquiring utility shall file a petition with the commission under §24-2-12 of this code, to approve the purchase price of the

acquisition. Where the parties are unable to agree on an acquisition price, the filing may request that an evidentiary hearing be held so that the commission may determine the acquisition price and any other issues related to the acquisition. The acquisition price must, at a minimum, satisfy all outstanding loans, tax obligations, required grant repayment, liens, and indebtedness owed by the failing utility or the acquiring utility must agree to assume the indebtednesses if legally permitted. The acquiring utility shall consult with the lenders or lienholders regarding payment in full or the assumption, to the extent legally permissible, of any outstanding obligations of the failing utility.

(b) The parties to an acquisition may propose to the commission other methods of determining the acquisition price.

(c) As part of the proceeding, the acquiring utility may propose to the commission that it be permitted for a reasonable period of time after the date of acquisition, to charge and collect rates from the customers of the failing utility pursuant to a separate tariff, which may be higher or lower than the existing tariff of the distressed or failing utility, or may allow a surcharge on both the acquired and existing customers. A separate tariff or rate filing must be made by the acquiring utility before the commission will consider any increase in rates or allow a surcharge to be placed on the acquiring utility's acquired or existing ratepayers.

(d) As part of this proceeding, the acquiring utility shall submit to the commission for approval a plan, including a timetable for bringing the failing utility into compliance with applicable statutory and regulatory standards, including, but not limited to, plans for regionalization. The acquiring utility shall have previously obtained the approval of the plan from the Department of Environmental Protection and the Bureau for Public Health, as applicable, and those agencies are directed to use their full discretion in working towards long-term solutions that will support compliance. The failing utility shall cooperate with the acquiring utility in negotiating agreements with state and federal agencies, including, but not limited to, negotiation of hold harmless agreements, consent orders or enforcement moratoria during any period of remediation. In addition, the failing utility shall cooperate

with the acquiring utility in obtaining the consent of the failing utility's and the acquiring utility's bondholder(s) to the acquisition. The acquiring utility must present to the commission as part of its financing plan, documentation on how the failing utility's indebtedness will be paid or assumed.

(e) A nonprofit acquiring public utility may seek grant funding from the Distressed Utilities Account established pursuant to §31-15A-9(i) of this code to repair, maintain, and replace the distressed water and wastewater utilities facilities as needed. The reasonably and prudently incurred costs of the acquiring utility shall be recoverable in rates as provided in §24-2H-9 of this code.

(f) If the distressed or failing utility is a public service district, then the commission shall make a recommendation to the respective county commission(s) with regard to the acquisition of distressed or failing utilities as provided in §16-13A-2(a)(2) of this code. If the distressed or failing utility is a municipal corporation, then the commission shall make a recommendation to the respective municipal council with regard to the acquisition of distressed or failing utilities as provided in §8-12-17 of this code.

(g) The capable proximate utility may propose one or more of the cost recovery methods or incentives set forth in §24-2H-9 of this code as part of its petition for approval from the commission.

The bill (Eng. Com. Sub. for H. B. 2865), as amended, was then ordered to third reading.

Eng. House Bill 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. COURT ACTIONS.**§49-4-114. Consent by agency or department to adoption of child; statement of relinquishment by parent; counseling services; petition to terminate parental rights; notice; hearing; court orders.**

(a)(1) Whenever a child welfare agency licensed to place children for adoption or the Department of Health and Human Resources has been given the permanent legal and physical custody of any child and the rights of the mother and the rights of the legal, determined, putative, outside or unknown father of the child have been terminated by order of a court of competent jurisdiction or by a legally executed relinquishment of parental rights, the child welfare agency or the department may consent to the adoption of the child, pursuant to article twenty-two, chapter forty-eight of this code.

(2) Relinquishment for an adoption to an agency or to the department is required of the same persons whose consent or relinquishment is required, under section three hundred one, article twenty-two, chapter forty-eight of this code. The form of any relinquishment so required shall conform as nearly as practicable to the requirements established in section three hundred three, article twenty-two, chapter forty-eight, and all other provisions of that article providing for relinquishment for adoption shall govern the proceedings herein.

(3) For purposes of any placement of a child for adoption by the department, the department shall first consider the suitability and willingness of any known grandparent or grandparents to adopt the child. Once grandparents who are interested in adopting the child have been identified, the department shall conduct a home study evaluation, including home visits and individual interviews by a licensed social worker. If the department determines, based on the home study evaluation, that the grandparents would be suitable adoptive parents, it shall assure that the grandparents are offered the placement of the child prior to the consideration of any other prospective adoptive parents. A circuit judge may determine the placement of a child for adoption by a grandparent or grandparents

is in the best interest of the child without the grandparent or grandparents completing or passing a home study evaluation.

(4) The department shall make available, upon request, for purposes of any private or agency adoption proceeding, preplacement and post-placement counseling services by persons experienced in adoption counseling, at no cost, to any person whose consent or relinquishment is required pursuant to article twenty-two, chapter forty-eight of this code.

(b)(1) Whenever the mother has executed a relinquishment, pursuant to this section, and the legal, determined, putative, outsider father, or unknown father, as those terms are defined pursuant to part one, article twenty-two, chapter forty-eight of this code, has not executed a relinquishment, the child welfare agency or the department may, by verified petition, seek to have the father's rights terminated based upon the grounds of abandonment or neglect of the child. Abandonment may be established in accordance with section three hundred six, article twenty-two, chapter forty-eight of this code.

(2) Unless waived by a writing acknowledged as in the case of deeds or by other proper means, notice of the petition shall be served on any person entitled to parental rights of a child prior to its adoption who has not signed a relinquishment of custody of the child.

(3) In addition, notice shall be given to any putative, outsider father, or unknown father who has asserted or exercised parental rights and duties to and with the child and who has not relinquished any parental rights, and the rights have not otherwise been terminated, or who has not had reasonable opportunity before or after the birth of the child to assert or exercise those rights, except that if the child is more than six months old at the time the notice would be required and the father has not asserted or exercised his or her parental rights and he or she knew the whereabouts of the child, then the father shall be presumed to have had reasonable opportunity to assert or exercise any rights.

(c)(1) Upon the filing of the verified petition seeking to have the parental rights terminated, the court shall set a hearing on the petition. A copy of the petition and notice of the date, time, and place of the hearing on the petition shall be personally served on any respondent at least twenty days prior to the date set for the hearing.

(2) The notice shall inform the person that his or her parental rights, if any, may be terminated in the proceeding and that the person may appear and defend any rights within twenty days of the service. In the case of a person who is a nonresident or whose whereabouts are unknown, service shall be achieved: ~~(1)~~ (A) By personal service; ~~(2)~~ (B) by registered or certified mail, return receipt requested, postage prepaid, to the person's last known address, with instructions to forward; or ~~(3)~~ (C) by publication. If personal service is not acquired, then if the person giving notice has any knowledge of the whereabouts of the person to be served, including a last known address, service by mail shall be first attempted as herein provided. Service achieved by mail shall be complete upon mailing and is sufficient service without the need for notice by publication. In the event that no return receipt is received giving adequate evidence of receipt of the notice by the addressee or of receipt of the notice at the address to which the notice was mailed or forwarded, or if the whereabouts of the person are unknown, then the person required to give notice shall file with the court an affidavit setting forth the circumstances of any attempt to serve the notice by mail, and the diligent efforts to ascertain the whereabouts of the person to be served. If the court determines that the whereabouts of the person to be served cannot be ascertained and that due diligence has been exercised to ascertain the person's whereabouts, then the court shall order service of the notice by publication as a Class II publication in compliance with article three, chapter fifty-nine of this code, and the publication area shall be the county where the proceedings are had, and in the county where the person to be served was last known to reside. In the case of a person under disability, service shall be made on the person and his or her personal representative, or if there be none, a guardian ad litem.

(3) In the case of service by publication or mail or service on a personal representative or a guardian ad litem, the person is allowed thirty days from the date of the first publication or mailing of the service on a personal representative or guardian ad litem in which to appear and defend the parental rights.

(d) A petition under this section may be instituted in the county where the child resides or where the child is living.

(e) If the court finds that the person certified to parental rights is guilty of the allegations set forth in the petition, the court shall enter an order terminating his or her parental rights and shall award the legal and physical custody and control of the child to the petitioner.

The bill (Eng. H. B. 2875), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2890, Modifying student discipline.

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 advanced to third reading with the unreported Education committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 2955, Relating to the establishment and operation of regional water, wastewater and stormwater authorities.

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

Eng. Com. Sub. for House Bill 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV Act.

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

Eng. Com. Sub. for House Bill 3077, Relating to making the use of the multi-state real time tracking system permanent.

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

Eng. Com. Sub. for House Bill 3084, Relating to revising provisions related to public charter schools.

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 advanced to third reading with the unreported Finance committee amendments pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3092, Relating to in-state food service permit reciprocity.

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

Eng. Com. Sub. for House Bill 3130, Creating the Coalfields Energy Research and Economic Development Authority.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term.

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

Eng. Com. Sub. for House Bill 3189, The PFAS Protection Act.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 11C. PFAS PROTECTION ACT.

§22-11C-1. Legislative Findings.

(a) *Legislative findings.* — (1) The Legislature recognizes the prevalence of perfluoroalkyl and polyfluoroalkyl substances, which the United States Environmental Protection Agency (USEPA) has classified as contaminants. These chemicals are used in thousands of applications throughout the industrial, food, automotive, aerospace, electronic, oil and gas, green energy, and textile industries. They are used in some fire-fighting foams, food packaging, cleaning products, semiconductors, computers, cellular phones, electric vehicle batteries, automobiles, pharmaceuticals, agricultural pesticides, oil and gas development, defense equipment, hydrogen production, and various other household items. Many are very stable, some accumulate in the environment, and many are highly water soluble, easily transferring through soil to groundwater.

(2) During the 2020 regular session, the West Virginia Legislature passed Senate Concurrent Resolution 46 (SCR 46), which requested that the Department of Environmental Protection (DEP) and the Department of Health and Human Resources cooperatively propose and initiate a public source-water supply study plan to sample PFAS substances for all community water systems in West Virginia, including schools and daycares that operate treatment systems regulated by the West Virginia Department of Health and Human Resources.

(3) In compliance with SCR 46, the DEP and the Department of Health and Human Resources contracted with the United States Geological Survey to conduct the PFAS study. The USGS study was completed in 2022, with results for 279 sampled sites.

(4) According to the USGS study, PFOA and/or PFOS was detected above the then-current USEPA drinking water health advisory in 13% (37) of the sampled raw water sources between 2019 and 2021.

(5) In June 2022, the USEPA issued updated interim or final drinking water health advisories for four PFAS: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorobutane sulfonic acid and its potassium salt (PFBS), and hexafluoropropylene oxide dimer acid and its ammonium salt (HFPO-DA).

(6) According to the data collected for the USGS study, PFOA and/or PFOS was detected above the June 2022 drinking water health advisories in 49% (137) of the sampled raw water sources (involving 130 public water systems) between 2019 and 2021.

(7) In August 2022, the USEPA proposed to designate PFOA and PFOS as hazardous substances because, when released into the environment, these chemicals present substantial danger to public health.

(8) On December 5, 2022, the USEPA issued guidance to state permitting authorities entitled "Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs."

(9) The USEPA has committed to establishing drinking water standards under the Safe Drinking Water Act for PFOA and PFOS in 2023.

(10) The USEPA has committed to publishing recommended human health water quality criteria under the Clean Water Act for PFOA and PFOS in 2024.

(11) While some manufacturers have already voluntarily done so, it is imperative to identify the remaining sources of PFAS detected in the raw water sources for public water systems so that these sources of pollution can be properly addressed, minimizing the impacts to public drinking water systems. Identifying and addressing PFAS sources will also benefit people who rely on impacted private drinking water wells.

(12) It is in the public interest for West Virginia to reduce toxic chemicals in drinking water supplies to protect the health of West Virginians and strengthen the state's economy.

§22-11C-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

(1) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means non-polymeric perfluoroalkyl and polyfluoroalkyl substances that contain at least two fully fluorinated carbon atoms, excluding gases and volatile liquids. PFAS includes, among other substances, PFOA and PFOS.

(2) "Secretary" means the Secretary of the Department of Environmental Protection.

(3) "USGS study" means United States Geological Survey Scientific Investigations Report 2022-5067, entitled "Occurrence of Per- and Polyfluoroalkyl Substances and Inorganic Analytes in Groundwater and Surface Water Used as Sources for Public Water Supplies in West Virginia," published in 2022.

(4) "Publicly Owned Treatment Works" means any treatment works owned by the state or any political subdivision thereof, any municipality or any other public entity, for the treatment of pollutants as well as any such treatment works that were subsequently conveyed to a private entity which delivers wastewater treatment services under the regulation of the Public Service Commission of West Virginia.

§22-11C-3. Identification of PFAS sources where PFAS has been detected in raw water sources for public drinking water systems.

(a) To identify and address sources of PFAS in raw water sources of public drinking water systems, DEP shall:

(1) Write a PFAS action plan to identify and address sources of PFAS by July 1, 2024, for each of the 37 raw water sources for which the USGS study has measured PFOA, PFOS, PFBS, or HFPO-DA above the practical quantitation limit and above USEPA's applicable drinking water human health advisory;

(2) For each raw water source for which the USGS study has measured PFOA, PFOS, PFBS, or HFPO-DA above the method detection level, above USEPA's applicable drinking water human health advisory, and below the practical quantitation limit, DEP shall initiate a study to sample the finished water of the associated public water system, after treatment, by December 31, 2023;

(3) For each public water system for which the measured PFOA, PFOS, PFBS, or HFPO-DA in the finished water is above the method detection level and above USEPA's applicable drinking water human health advisory, whether or not the measured value is above or below the practical quantitation limit, DEP shall write a PFAS action plan to identify and address sources of PFAS for the public water system's raw water source or sources. The first 50 such plans shall be completed by December 31, 2025, and the remaining plans shall be completed by December 31, 2026;

(4) For each public water system for which a PFAS action plan is required under this section, DEP shall provide information to the public water system regarding PFAS raw water and finished water sampling results, DEP's schedule for developing any required PFAS action plan, a summary of results from any completed PFAS action plan, information about how to obtain any completed PFAS action plan, and contact information for an appropriate person or office at DEP to which questions can be directed. Public water systems are subject to the Fifth Unregulated Contaminate Monitoring Rule (UCMR), 40 C.F.R. part 141, which are also

subject to the Consumer Confidence Report (CCR) and the Public Notification (PN) rules under the Safe Drinking Water Act, 42 U.S.C. 300f et seq., as enacted, amended, and as may be subsequently amended, to which the public water systems are required to notify their customers of available UCMR results and report UCMR results in their annual Consumer Confidence Report (CCR) when unregulated contaminants, including PFAS, are detected;

(5) Recommend any necessary changes to West Virginia statutes or administrative rules to address the sources of PFAS chemicals; and

(6) Report annually on its activities to the Joint Legislative Oversight Commission on State Water Resources.

(7) In developing PFAS action plans, consult with other applicable units of state government, organizations representing West Virginia public drinking water systems, West Virginia public drinking water systems, and other relevant entities with knowledge related to identifying and addressing PFAS sources.

(b) The PFAS action plans, to the extent that data are available, shall identify the source or sources of PFAS in the raw water source, and regulatory and non-regulatory options for addressing each identified source of PFAS and minimizing the impacts on public water systems.

(c) The PFAS action plans and associated studies herein required do not change the duty or drinking water standard requirements of public water systems.

§22-11C-4. Self-reporting of PFAS manufacture and use, monitoring of PFAS discharges, and establishment of PFAS water quality criteria.

(a) No later than December 31, 2023, all facilities that discharge to a surface water under a West Virginia/National Pollutant Discharge Elimination System permit or that discharge to a Publicly Owned Treatment Works under an industrial pretreatment program, including but not limited to chemical and

manufacturing facilities, which manufacture or knowingly use or have used one or more of the following PFAS chemicals in their production process since January 1, 2017, must report the use of these chemicals to the DEP:

(1) Any PFAS chemical found in any public water system's raw water source in the USGS study; and

(2) Any additional PFAS chemicals that the secretary determines are harmful to human health and that he or she reasonably believes to be present in West Virginia waters at levels that can be detected using USEPA-approved methods: *Provided*, That if USEPA-approved methods are not yet available, USEPA-recommended methods may be used. If two or more methods have been approved by USEPA, monitoring shall use the method with the lowest detection level.

(b) This reporting shall include the chemical name, the Chemical Abstracts Service (CAS) number, the amount used in each year from 2017 through 2022, and any additional information required by the secretary to ascertain sources of PFAS chemicals in West Virginia, and shall be provided in a manner and form prescribed by the secretary.

(c) For every facility that reports the use of one or more PFAS chemicals in accordance with subsection (a) of this section, and that discharges to a Publicly Owned Treatment Works, the secretary shall forward the information provided by the facility to the Publicly Owned Treatment Works within 30 days of receipt. This reporting requirement does not change the duty or discharge permits of a Publicly Owned Treatment Works.

(d) For every facility that reports the use of one or more PFAS chemicals in accordance with subsection (a) of this section, at least quarterly monitoring of the self-reported PFAS chemicals shall be required within six months of notification by the facility: *Provided*, That the secretary may alter the monitoring frequency if monitoring results are below the method detection level for four consecutive samples, or if monitoring results show consistent results and the source or sources of the PFAS detected in the

samples have been conclusively determined. This monitoring shall be implemented as follows:

(1) If the facility discharges to a surface water under a West Virginia/National Pollutant Discharge Elimination System permit, the secretary shall modify the facility's West Virginia/National Pollutant Discharge Elimination System permit to require monitoring.

(2) If the facility discharges to a Publicly Owned Treatment Works under an industrial pretreatment program and the permit holder for the Publicly Owned Treatment Works has pretreatment authority, the permit holder for the Publicly Owned Treatment Works shall modify the pretreatment permit held by the facility that reports the use of one or more PFAS chemicals to require monitoring.

(3) If the facility discharges to a Publicly Owned Treatment Works under an industrial pretreatment program and the department has pretreatment authority, the secretary shall modify the pretreatment permit held by the facility that reports the use of one or more PFAS chemicals to require monitoring.

(e) Monitoring shall use laboratory and sampling methods approved by the USEPA: *Provided*, That if USEPA-approved methods are not yet available, USEPA-recommended methods may be used. If two or more approved methods are available, monitoring shall use the method with the lowest detection level.

(f) For every facility that reports the use of one or more PFAS chemicals in accordance with subsection (a) of this section, the secretary shall modify the facility's West Virginia/National Pollutant Discharge Elimination System permit as directed by the federal Clean Water Act and State Water Pollution Control Act, after consultation with relevant USEPA guidance.

(g) After the USEPA establishes final water quality criteria under the Clean Water Act for any PFAS, DEP shall propose adopting appropriate criteria by rule, which criteria may be no more stringent than the criteria established by USEPA, as part of

the next regular legislative rulemaking cycle in accordance with §29A-3-1 et seq of this code.

The bill (Eng. Com. Sub. for H. B. 3189), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3191, Relating to certain facilities operated by the state government to obtain a license.

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

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

On page 2, section 1, line 26, by striking out "a3.32ny" and inserting in lieu thereof the word "any".

The bill (Eng. Com. Sub. for H. B. 3191), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3224, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients.

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

Eng. Com. Sub. for House Bill 3271, Relating to increasing monitoring of special education classrooms.

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

Eng. Com. Sub. for House Bill 3313, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3344, To pay certain moral obligations of the state.

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

Eng. House Bill 3371, Relating to federal funds for land-grant institutions.

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

Eng. House Bill 3441, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards.

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

Eng. House Bill 3512, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

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

Eng. House Bill 3514, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund.

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

Eng. House Bill 3516, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment.

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

Eng. House Bill 3517, Making a supplementary appropriation to the Division of Human Services – Child Care and Development.

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

Eng. House Bill 3555, Relating to student purchase and refunds of course material.

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On page 8, section 14, line 179, by striking out "(n)" and inserting in lieu thereof "(m)";

And,

By relettering the remaining subsections.

The bill (Eng. H. B. 3555), as amended, was then ordered to third reading.

Eng. House Bill 3557, Making a supplementary appropriation to the Department of Veterans' Assistance.

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

Eng. House Bill 3559, Relating to defining a newborn safety device.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. COURT ACTIONS.

§49-4-201. Accepting possession of certain relinquished children.

(a) A hospital or health care facility operating in this state, or a fire department that has been designated a safe-surrender site under §49-4-206 of this code, shall, without a court order, take possession of a child if the child is voluntarily delivered to the hospital, health care facility, or fire department by the child's parent within 30 days of the child's birth, and the parent did not express an intent to return for the child.

(b) A hospital, health care facility, or fire department that takes possession of a child under this article shall perform any act necessary to protect the physical health or safety of the child. In accepting possession of the child, the hospital, health care facility, or fire department may not require the person to identify himself or herself and shall otherwise respect the person's desire to remain anonymous.

(c) Hospitals, health care facilities, and fire departments designated as safe-surrender sites under §49-4-206, of this code may install and operate newborn safety devices as defined in this section.

(d) "Newborn safety device" means a device:

(1) Designed to permit a person to anonymously place a child under 30 days of age in the device with the intent to leave the child, and for a licensed emergency medical services provider to remove the child from the device and take custody of him or her;

(2) Equipped with an adequate dual alarm system connected to the physical location where the device is physically installed. The dual alarm system shall:

(A) Be tested at least one time per week to ensure the alarm system is in working order; and

(B) Be visually checked at least two times per day to ensure the alarm system is in working order;

(C) Notify a centralized location in the facility within 30 seconds of a child being placed in the device;

(D) Trigger a 911 call if staff at the facility do not respond within 15 minutes after a child is placed in the device.

(3) Be approved by and physically located, with outside access, at a participating hospital or medical facility, or a fire department that has been designated a safe-surrender site under §49-4-206 of this code, that:

(A) Is licensed or otherwise legally operating in this state; and

(B) Is staffed continuously on a 24-hour basis every day by a licensed emergency medical services provider; and

(4) Is located in an area that is conspicuous and visible to a hospital, a medical facility, or a fire department.

(d) A person who relinquishes a child in a newborn safety device may remain anonymous and shall not be pursued, and the relinquishment of a child pursuant to the provisions of this section shall not, in and of itself, be considered child abuse and neglect as that term is defined in §49-1-201 of this code.

(e) Any emergency medical services provider who physically retrieves a child from a newborn safety device shall immediately arrange for the child to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.

(f) By placing a child in a newborn safety device, the person:

(1) Waives the right to notification required by subsequent court proceedings; and

(2) Waives legal standing to make a claim of action against any person who accepts physical custody of the child.

(g) An emergency medical services provider with the duty granted in this article whose actions are taken in good faith is immune from criminal or civil liability, unless his or her actions were the result of gross negligence or willful misconduct. The grant of immunity in this section extends to all employees and administrators of the emergency medical services provider.

(h) The provisions of subsection (d) of this section shall not apply when indicators of child physical abuse or child neglect are present.

The bill (Eng. H. B. 3559), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Eng. Com. Sub. for House Bill 2911, Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services.

Eng. Rev. Com. Sub. for House Bill 3110, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection.

Eng. Com. Sub. for House Bill 3153, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers.

Eng. Com. Sub. for House Bill 3315, Relating generally to readiness enhancement and commission bonuses.

Eng. House Bill 3432, Relating to statutory construction.

Eng. House Bill 3509, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund.

Eng. House Bill 3513, Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority.

Eng. House Bill 3515, Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund.

Eng. House Bill 3518, Making a supplementary appropriation to the Department of Agriculture.

Eng. House Bill 3524, Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund.

And,

Eng. House Bill 3526, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission.

The end of today's first reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 2820, To provide HOPE Scholarship recipients with the ability to play sports.

On third reading, coming up in deferred order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Tuesday, March 7, 2023, for further amendments to be received on third reading, was read a third time.

At the request of Senator Rucker, as chair of the Committee on School Choice, and by unanimous consent, the unreported School Choice committee amendment to the bill was withdrawn.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25. Authority of county boards to regulate athletic and other extracurricular activities of secondary schools; delegation of authority to West Virginia Secondary School Activities Commission; authority of commission; approval of rules by state board; incorporation; funds; participation by private and parochial schools and by home-schooled students and participants in the Hope Scholarship Program or in a Microschool or Learning Pod.

(a) The county boards of education shall exercise the control, supervision, and regulation of all interscholastic athletic events, and other extracurricular activities of the students in public secondary schools, and of those schools of their respective counties. The county board of education may delegate control, supervision, and regulation of interscholastic athletic events and band activities to the West Virginia Secondary School Activities Commission.

(b) The West Virginia Secondary School Activities Commission is composed of the principals, or their representatives, of those secondary schools whose county boards of education have certified in writing to the State Superintendent of Schools that they have elected to delegate the control, supervision, and regulation of their interscholastic athletic events and band activities of the students in the public secondary schools in their respective counties to the commission. The West Virginia Secondary School Activities Commission may exercise the control, supervision, and regulation of interscholastic athletic events and band activities of secondary schools, delegated to it pursuant to this section. The rules of the West Virginia Secondary School Activities Commission shall contain a provision for a proper review procedure and review board and be promulgated in accordance with the provisions of chapter

29A of this code, but shall, in all instances, be subject to the prior approval of the state board. The West Virginia Secondary School Activities Commission, may, with the consent of the State Board of Education, incorporate under the name of West Virginia Secondary School Activities Commission, Inc., as a nonprofit, nonstock corporation under the provisions of chapter 31 of this code. County boards of education may expend moneys for and pay dues to the West Virginia Secondary School Activities Commission, and all moneys paid to the commission, as well as moneys derived from any contest or other event sponsored by the commission, are quasi-public funds as defined in §18-5-1 *et seq.* of this code, and the funds of the commission are subject to an annual audit by the State Tax Commissioner.

(c) The West Virginia Secondary School Activities Commission shall promulgate reasonable rules providing for the control, supervision, and regulation of the interscholastic athletic events and other extracurricular activities of private and parochial secondary schools as elect to delegate to the commission control, supervision, and regulation, upon the same terms and conditions, subject to the same rules and requirements and upon the payment of the same fees and charges as those provided for public secondary schools. Any such private or parochial secondary school shall receive any monetary or other benefits in the same manner and in the same proportion as any public secondary school.

(d) Notwithstanding any other provision of this section, or the commission's rules, the commission shall consider eligible for participation in interscholastic athletic events and other extracurricular activities of secondary schools a student who is receiving home instruction pursuant to §18-8-1(c) of this code, attends a private school, is a participant in the Hope Scholarship Program, pursuant to §18-8-1(m) of this code and as provided for in §18-31-1, *et seq.* of this code, or participates in a microschool or learning pod, pursuant to §18-8-1(n) of this code, and who:

(1) Has demonstrated satisfactory evidence of academic progress for ~~one~~ each year in compliance with the provisions of that subsection: *Provided*, That the student's average test results are within or above the fourth stanine in all subject areas;

~~(2) Is enrolled in at least one virtual instructional course per semester, consistent with the applicable virtual instruction policy of the county board in which the home-schooled student lives and the State Board;~~

~~(3)~~ (2) Has not reached the age of 19 by August 1 of the current school year;

~~(4)~~ (3) Is an amateur who receives no compensation but participates solely for the educational, physical, mental and social benefits of the activity;

~~(5)~~ (4) Agrees to comply with all disciplinary rules of the West Virginia Secondary School Activities Commission and the county board in which the ~~home-schooled~~ student lives; and

~~(6)~~ (5) Agrees to obey all rules of the West Virginia Secondary School Activities Commission governing awards, all-star games, parental consents, physical examinations, and vaccinations applicable to all high school athletes.

Eligibility is limited to participation in interscholastic athletic events and other extracurricular activities at the public secondary school serving the attendance zone in which the student lives: *Provided*, That ~~home-schooled~~ students who leave a ~~member~~ school during the school year are subject to the same transfer protocols that apply to member-to-member transfers. *Provided, further*, That students enrolled in a private school shall not be eligible to play on a public school team if the sport is offered at the private school. Reasonable fees may be charged to the student to cover the costs of participation in interscholastic athletic events and other extracurricular activities.

(e) The West Virginia Secondary School Activities Commission shall recognize preparatory athletic programs, whose participants attend a secondary school in West Virginia for academic instruction, as nonparticipating members of the commission solely for the purpose of competing on the national level: *Provided*, That the preparatory athletic program shall pay the same fees as member schools. Such recognition does not entitle the

preparatory athletic program to compete against a member school during the regular season or in any commission state championship events. The commission may promulgate an emergency rule pursuant to subsection (b) of this section, if necessary, to carry out the intent of this subsection.

§18-2-25e. Athletic eligibility of transfer students.

(a) The West Virginia Secondary School Activities Commission shall modify its rule, prior to the 2023-2024 school year, to allow students to transfer schools and retain athletic eligibility at least one time during a student's four years of secondary school, inclusive of grades nine through 12. The West Virginia Secondary School Activities Commission may promulgate an emergency rule, if necessary, to modify its rule prior to the 2023-2024 school year.

(b) Nothing in this section is intended to limit or restrict a student transferring more than one time for the following reasons:

(1) The West Virginia Secondary School Activities Commission's ability to make eligibility determinations on a case-by-case basis when warranted by a student's circumstances in accordance with the West Virginia Secondary School Activities Commission's rules; or

(2) For any other reason permitted under the rules of the West Virginia Secondary School Activities Commission.

On motion of Senator Rucker, the following amendments to the Rules committee amendment to the bill (Eng. Com. Sub. for H. B. 2820) were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 6, line 36, by striking out the words "attends a private school,";

On page 2, section 25, lines 58 and 59, by striking out the proviso;

On page 3, section 25, after line 61, by inserting a new subsection, designated subsection (e), to read as follows:

(e) Students enrolled in a private school shall be eligible to participate in extracurricular activities at the public secondary school serving the attendance zone in which the student lives if the extracurricular activity is not offered at the student's private school: *Provided*, The student meets the requirements of subsection (d)(4) and (d)(5) of this section.;

And,

By relettering the remaining subsection.

The question now being on the adoption of the Rules committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2820, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—28.

The nays were: Caputo, Hamilton, Queen, and Woelfel—4.

Absent: Jeffries and Phillips—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. 2820) passed.

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

Eng. Com. Sub. for House Bill 2820—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-25e, all relating to eligibility for participation in

extracurricular activities under control of the West Virginia Secondary Schools Activities Commission; permitting students enrolled in private schools, the Hope Scholarship Program, microschoools and learning pods access to participate in extracurricular activities; modifying eligibility requirements for students enrolled in private schools, home school, the Hope Scholarship Program, microschoools, and learning pods to participate in extracurricular activities; prohibiting private school student from participating in public school sport if sport is offered at private school; clarifying students enrolled in private schools, the Hope Scholarship Program, microschoools and learning pods are subject to same transfer protocols that apply to member-to-member transfers; clarifying when students may transfer schools and retain eligibility to participate in extracurricular activities under control of the West Virginia Secondary Schools Activities Commission; and requiring the West Virginia Secondary Schools Activities Commission to promulgate rules, including emergency rules if necessary.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the third order of business.

Executive Communications

The Clerk then presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia
March 8, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for House Bill No. Two Thousand Sixty-Two (2062), which was presented to me on March 2, 2023.

You will note that I have approved this bill on March 8, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate again proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2007, Prohibiting certain medical practices.

With amendments from the Committee on Health and Human Resources pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred; and as last amended by the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2007) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2008, Requiring local entities to enforce immigration laws.

Eng. Com. Sub. for House Bill 3018, Establishing that 18 is the age of consent and removing the ability of an underage person

to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court.

And,

Eng. Com. Sub. for House Bill 3190, Amending the definition of "minor".

And reports the same back without recommendation as to passage; but with the recommendation that they first be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2008, 3018, and 3190) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, ordered to second reading, and then rereferred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2621, Relating generally to bail bondsman.

With amendments from the Committee on Banking and Insurance pending;

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 6, 2023;

And reports the same back with the recommendation that it do pass as amended by the Committee on Banking and Insurance to which the bill was first referred.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2621) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Banking and Insurance committee amendment pending and the right for further amendments to be considered on that reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2862, Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2862) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Military has had under consideration

Eng. House Bill 2967, Expediting License Applications for active military members and veterans, and their spouses.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2967) contained in the preceding report from the Committee on Military was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3035, Relating generally to high-quality education programs and school operations.

With amendments from the Committee on Education pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 7, 2023;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3035) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

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

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3040, Supplementing and amending appropriations to the Department of Administration, Office of the Secretary.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3040) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3059, Give PSC authority to fine Class I railroads for safety and operational violations.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3135, To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3135) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3156, Raising the compensation rates of panel attorneys.

With an amendment from the Committee on the Judiciary pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 7, 2023;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3156) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

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

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 3203, Relating generally to West Virginia Real Estate License Act.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3203) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3303, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office.

And has amended same.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3303) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3332, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election.

With amendments from the Committee on the Judiciary pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 6, 2023;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3332) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

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

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. Com. Sub. for House Bill 3354, To authorize municipalities to combine operations with other municipalities and counties to provide governmental services.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3354) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3369, Creating a School Safety Unit within the Division of Protective Services.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 7, 2023;

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3369) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time, and ordered to third reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3398, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism.

With an amendment from the Committee on Military pending;

And has also amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 6, 2023;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred; and as last amended by the Committee on Finance.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3398) contained in the preceding report from the Committee on Finance was taken up for immediate consideration and read a second time.

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

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 3443, Relating to a development or improvement on land subject to review by the State Historic Preservation Office.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3443) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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 3451, Updating the veteran preference ratings in state code for state employment.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3451) contained in the preceding report from the Committee on Government Organization was taken up for

immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill 3473, Creating a workgroup relating to Dig Once Policy.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3473) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 3482, To create the Coal Fired Grid Stabilization and Security Act of 2023.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Randy E. Smith,
Chair.

Senator Smith requested unanimous consent that the second committee reference of the bill contained in the foregoing report from the Committee on Energy, Industry, and Mining be dispensed with.

Which consent was not granted, Senator Tarr objecting.

Senator Smith then moved that the second committee reference of the bill contained in the foregoing report from the Committee on Energy, Industry, and Mining be dispensed with.

The question being on the adoption of Senator Smith's aforestated motion, and on this question, Senator Tarr demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Oliverio, Swope, and Tarr—3.

Absent: Jeffries and Phillips—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Smith's aforestated motion had prevailed.

Thereafter, the bill (Eng. Com. Sub. for H. B. 3482) was taken up for immediate consideration, read a first time, and ordered to second reading.

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 3552, Relating to per diem jail costs.

And has amended same.

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

At the further request of Senator Takubo, and by unanimous consent, the bill (Eng. H. B. 3552) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3560, Relating to expanding the definitions of land and recreational purposes.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3560) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Military has had under consideration

House Concurrent Resolution 15, Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia's federal delegations stating West Virginia veterans' concerns and objections to the two TRICARE for Life ("TFL") proposals.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Ryan W. Weld,
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

House Concurrent Resolution 27, Requesting Joint Committee on Government and Finance study all benefits of state employees to determine which benefits, if any, may be refused by an employee in exchange for a cash equivalent.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (H. C. R. 27) contained in the foregoing report from the Committee on Government Organization was then referred to the Committee on Rules.

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

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution 33, Lt. Col. Mitchell M. Mickel Memorial Bridge.

And has amended same.

And,

House Concurrent Resolution 61, U.S. Army Sgt. John Edsel Edens Memorial Road.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution 51, U. S. Army SFC Samuel Evans Miller Memorial Bridge.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

The Senate proceeded to the thirteenth order of business.

Senator Takubo called attention to today being the birthday of the senator from Marshall and on behalf of the Senate extended felicitations and good wishes to Senator Maroney.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 8, 2023

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

Dear Governor Justice,

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

S. B. 131, Allowing municipal fire marshals to receive service weapon upon retirement;

Com. Sub. for S. B. 188, Grid Stabilization and Security Act of 2023;

S. B. 246, Revising membership of Broadband Enhancement Council;

Com. Sub. for S. B. 430, Relating to State Treasurer's authority to contract with financial institutions for banking goods and services;

Com. Sub. for S. B. 490, Patrol Officer Cassie Marie Johnson Memorial Act;

S. B. 510, Supplementing and amending appropriations to BOE, Department of Education;

Com. Sub. for S. B. 526, Including Alzheimer's disease in existing public health programs;

S. B. 591, Allowing counties and municipalities to jointly undertake development projects;


Com. Sub. for S. B. 594, Specifying fairness in cost sharing calculations for certain high deductible health plans;

And,

S. B. 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes.

These bills are presented to you on this day, March 8, 2023.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates



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

March 8, 2023

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

Dear Governor Justice,

The following bills, 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, have been examined and found truly enrolled:

H. B. 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles;

H. B. 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division;

H. B. 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health;

H. B. 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources;

H. B. 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority;

H. B. 3527, Supplementing and amending appropriations to Department of Education, School Building Authority;

And,

H. B. 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

These bills are presented to you on this day, March 8, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Steve 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 resolution on March 7, 2023:

Senate Resolution 47: Senators Deeds and Caputo.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 6:53 p.m., the Senate adjourned until tomorrow, Thursday, March 9, 2023, at 11 a.m.

THURSDAY, MARCH 9, 2023

The Senate met at 11:07 a.m.

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

Prayer was offered by Pastor Fred Guidi, Horizons Church, Lost Creek, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric Nelson, Jr., a senator from the seventeenth district.

Pending the reading of the Journal of Wednesday, March 8, 2023,

At the request of Senator Maynard, 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 concurrence by that body in the passage of

Eng. Senate Bill 99, Relating to meetings among county boards of education.

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

Eng. Com. Sub. for Senate Bill 356, Authorizing DOT to promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 451, Relating to Teachers Retirement System and Teachers' Defined Contribution Retirement System.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill 451—A Bill to amend and reenact §18-7A-3, §18-7A-13a, §18-7A-15, and §18-7A-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 and §18-7B-17 of said code, all relating to retirement systems for teachers and certain other educational employees; defining terms; requiring certain notifications; providing for public charter schools as employer in systems; and limiting eligibility for certain transfers of service from the Public Employees Retirement System to the Teachers Retirement System.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 451, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries, Maroney, and Phillips—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 451) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 452, Relating to Emergency Medical Services Retirement System.

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

Eng. Senate Bill 457, Removing certain activities Alcohol Beverage Control Commission licensee is prohibited to permit on private club premises.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.**§60-7-12. Certain acts of licensee prohibited; criminal penalties.**

(a) It is unlawful for any licensee, or agent, employee, or member thereof, on such licensee's premises to:

(1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;

(2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice; ~~gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; however, various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code and rules promulgated thereunder.~~ A private resort hotel holding a license issued pursuant to §60-7-1 et seq. of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed under §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code, during hours of operation authorized by §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code.

(3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;

(4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be considered legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;

(5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. and 6:00 a.m. on weekdays, Saturdays, and Sundays, or, between the hours of 3:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday; and

(6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of age;

(7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues-paying member in good standing of the private club or a guest of the member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as authorized by the commissioner;

(10)(A) Employ any person who is younger than 16 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;

(B) Employ any person who is between 16 years of age and younger than 21 years of age who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve

or give nonintoxicating beer, wine, or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises.

(c) Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 457, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Hamilton, Hunt, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Chapman, Deeds, Grady, Karnes, Martin, Maynard, Roberts, Smith, and Taylor—10.

Absent: Jeffries, Maroney, and Phillips—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 457) passed with its title.

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

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

Eng. Senate Bill 487, Extending additional modification reducing federal adjusted gross income.

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

Eng. Senate Bill 597, Allowing Workforce WV to hire classified service exempt employees.

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

Eng. Com. Sub. for Senate Bill 688, Allowing BOE to hire retired teachers to assist with tutoring.

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 take effect from passage, as to

Eng. Com. Sub. for Senate Bill 730, Expanding authority of Legislative Oversight Commission on Health and Human Resources Accountability.

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

Eng. Com. Sub. for House Bill 2569, Establishing the Motorsport Responsibility Act.

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 2905—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 2907—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of General Services, fund 0230, fiscal year 2023, organization 0211, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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. House Bill 2913—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 2928—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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. House Bill 3039—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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. House Bill 3564—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year

ending June 30, 2023, to the Division of Human Services – Energy Assistance, fund 8755, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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. House Bill 3073—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. Com. Sub. for House Bill 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments

to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Com. Sub. for House Bill 3337, Prohibiting additional drug and alcohol treatment facilities and services in a certain county.

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

Eng. House Bill 3396, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways.

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:



Jim Justice
Governor of West Virginia

March 7, 2023

The Honorable Craig Blair
President of the Senate
State Capitol, Building 1, Room 229-M
Charleston, West Virginia 25305

The Honorable Roger Hanshaw
Speaker of the House of Delegates
State Capitol, Building 1, Room 228-M
Charleston, West Virginia 25305

Dear President Blair and Speaker Hanshaw:

After submission of my recommended FY 2024 Executive Budget on January 11, 2023, there are areas that require adjustment.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2024 Budget Bill for the following sections:

TITLE II – APPROPRIATIONS

Section 1. Appropriations from general revenue.

Executive

Governor's Office – Civil Contingent Fund, Fund 0105, Fiscal Year 2024, Org 0100

(To add reappropriation language.)

- After "2012 Natural Disasters – Surplus (fund 0105, appropriation 13500)," add "Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation 22599)."
- Remove the word "and" after "Natural Disasters – Surplus (fund 0105, appropriation 76400).". Then insert "and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700)" after "Local Economic Development Assistance (fund 0105, appropriation 81900)".

Department of Administration

Division of General Services, Fund 0230, Fiscal Year 2024, Org 0211

(To add reappropriation language.)

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- Strike and replace the reappropriation language with the following: “Any unexpended balances remaining in the appropriations for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) and Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.”

Public Defender Services, Fund 0226, Fiscal Year 2024, Org 0221
 (To add reappropriation language.)

- Strike and replace the reappropriation language with the following: “Any unexpended balances remaining in the appropriations for Appointed Counsel Fees (fund 0226, appropriation 78800) and Appointed Counsel Fees – Surplus (fund 0226, appropriation 43500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.”

Department of Commerce

Division of Natural Resources, Fund 0265, Fiscal Year 2024, Org 0310
 (To add reappropriation language.)

- After “Any unexpended balances remaining in the appropriations for Buildings (fund 0265, appropriation 25800),” add “Equine Enrichment – Surplus (fund 0265, appropriation 22899),”.
- After “Capital Outlay – Parks (fund 0265, appropriation 28800),” add “Upper Mud River Flood Control (fund 0265, appropriation 65400),”.

Department of Education

State Board of Education – State Department of Education, Fund 0313, Fiscal Year 2024, Org 0402
 (To add reappropriation language, decrease Teacher Retirement Savings Realized appropriation per CPRB actuary, and insert a new item of appropriation.)

- Decrease “Teachers’ Retirement Savings Realized” (fund 0313, appropriation 09500) by \$16,104,000.
- Insert a new item of appropriation: “Grown Your Own West Virginia Pathway to Teaching Program” Appropriation XXXXX for \$5,000,000.
- After “National Teacher Certification (fund 0313, appropriation 16100),” insert “Hope Scholarship Program (fund 0313, appropriation 30401),”.
- After “21st Century Learners (fund 0313, appropriation 88600),” insert “Classroom Aide Program – Surplus (fund 0313, appropriation XXXXX),”.

State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2024, Org 0402

(To adjust School Aid Formula based on the passage of SB 423 (\$2,300 pay raise), certified property valuations, and actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Strike the entirety of item 46 and replace it with the following:

46 - State Board of Education –

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 The Honorable Roger Hanshaw, Speaker
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State Aid to Schools

(W.V. Code Chapters 18 and 18A)

Fund 0317 FY 2024 Org 0402

Other Current Expenses	02200	\$ 179,624,115
Advanced Placement	05300	635,238
Professional Educators	15100	940,631,329
Service Personnel	15200	327,141,159
Fixed Charges.....	15300	110,082,365
Transportation	15400	87,405,241
Improved Instructional Programs.....	15600	57,738,239
Professional Student Support Services.....	65500	64,943,783
21 st Century Strategic Technology Learning Growth.....	93600	37,971,242
Teacher and Leader Induction.....	93601	<u>17,006,361</u>
Basic Foundation Allowances		1,823,179,072
Less Local Share		(533,898,170)
Adjustments.....		<u>(1,679,011)</u>
Total Basic State Aid.....		1,287,601,891
Public Employees' Insurance Matching.....	01200	212,341,880
Teachers' Retirement System.....	01900	69,085,343
School Building Authority	45300	66,500,000
Retirement Systems – Unfunded Liability	77500	<u>285,469,999</u>
Total		\$ 1,920,999,113

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The above appropriation for School Building Authority (fund 0317, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

Department of Health and Human Resources

Division of Human Services, Fund 0403, Fiscal Year 2024, Org 0511

(To adjust appropriations per agency request)

- Decrease “CHIP Services” Appropriation 85602 by \$4,096,995.
- Increase “Medical Services” Appropriation 18900 by \$2,466,346.

Division of Health – Central Office, Fund 0407, Fiscal Year 2024, Org 0506

- Increase “Chief Medical Examiner (R)” Appropriation 04500 by \$1,630,649.

Consolidated Medical Services Fund, Fund 0525, Fiscal Year 2024, Org 0506

(To provide funds for contract nurses in Institutional Facilities and add transfer language.)

- Increase “Institutional Facilities Operations (R)” Appropriation 33500 by \$12,031,796.
- On page 49, after line 35 add “The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) shall be transferred to Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.”

Department of Homeland Security

Division of Corrections and Rehabilitation – Correctional Units, Fund 0450, Fiscal Year 2024, Org 0608

(To add reappropriation language.)

- After “Capital Improvements – Surplus (fund 0450, appropriation 66100),” insert “Capital Outlay, Repairs and Equipment – Surplus (fund 0450, appropriation 67700),”.

West Virginia State Police, Fund 0453, Fiscal Year 2024, Org 0612

(To reduce pension contribution per CPRB actuary)

- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$26,000.

Division of Administrative Services – Criminal Justice Fund, Fund 0546, Fiscal Year 2024, Org 0623

(To add reappropriation language.)

- After “Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200),” insert “Victims of Crime Act – Surplus (fund 0546, appropriation XXXXX),”.

Department of Transportation

Division of Public Transit, Fund 0510, Fiscal Year 2024, Org 0810

(To address funding for Potomac Highlands Airport Authority’s operating expenses.)

- Increase “Current Expenses (R)” Appropriation 13000 by \$200,000.

Insert a new budget item as follows:

“78a - Division of Multimodal Transportation Facilities, Fund 0580, Fiscal Year 2024, Org 0810”

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(To include the new Division of Multimodal Transportation Facilities fund with new items of appropriation.)

78a – Division of Multimodal Transportation Facilities

(W.V. Code Chapter 17)

Fund 0580 FY 2023 Org 0810

Personal Services and Employee Benefits (R)	00100	\$	700,000
Current Expenses (R)	13000		750,000
BRIM Premium	91300		7,500
Total		\$	1,457,500

Any unexpended balances remaining in the appropriations for Personal Services and

Employee Benefits – Surplus (fund 0580, appropriation 00100) and Current Expenses (fund 0580, appropriation 13000 at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Department of Veterans’ Assistance

Department of Veterans’ Affairs, Fund 0456, Fiscal Year 2024, Org 0613

(To replenish the special revenue fund used for contract nurses and add transfer language.)

- Insert a new item of appropriation: “Directed Transfer” Appropriation 70000 for \$1,500,000.
- After the reappropriation language, add “The above appropriation for Directed Transfer (fund 0456, appropriation 70000) shall be transferred to Veterans’ Facilities Support Fund (fund 6703).”

Sec. 2. Appropriations from state road fund.

Department of Transportation

Division of Highways, Fund 9017, Fiscal Year 2024, Org 0803

(To increase state road spending authority for Equipment.)

- Increase “Equipment Revolving” Appropriation 27600 by \$24,954,134.

Sec. 3. Appropriations from other funds.

Department of Administration

Department of Administration – Office of the Secretary – Employee Pension and Health Care Benefit Fund, Fund 2044, Fiscal Year 2024, Org 0201

(To align appropriation with amount transferred from fund 0313 appropriation 09500 for FY 2024.)

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- Decrease “Current Expenses” Appropriation 13000 by \$16,104,000.

Department of Health and Human Resources

Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, Fund 5156, Fiscal Year 2024, Org 0506

- (To correct the fiscal year on directive language.)
- On page 114, line 7, change “fiscal year 2023” to “fiscal year 2024”.

Division of Human Services – James “Tiger” Morton Catastrophic Illness Fund, Fund 5454, Fiscal Year 2024, Org 0511

- (To add Personal Services and Employee Benefits appropriation.)
- Insert a new item of appropriation: “Personal Services and Employee Benefits” Appropriation 00100 for \$136,984.

Department of Homeland Security

Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority, Fund 6675, Fiscal Year 2024, Org 0608

- (To adjust spending authority to address deferred maintenance issues.)
- Decrease “Debt Service” Appropriation 04000 by \$7,100,000.
 - Insert a new item of appropriation: “Unclassified” Appropriation 09900 for \$100,000.
 - Insert a new item of appropriation: “Repairs and Alterations” Appropriation 06400 for \$5,000,000.
 - Insert a new item of appropriation: “Equipment” Appropriation 07000 for \$2,000,000.

Sec. 6. Appropriations of federal funds.

Executive

Department of Agriculture, Fund 8736, Fiscal Year 2024, Org 1400

- (To increase Federal spending authority for American Rescue Plan [ARPA] funds.)
- Increase “Federal Coronavirus Pandemic” Appropriation 89101 by \$753,762.

Attorney General – Medicaid Fraud Unit, Fund 8882, Fiscal Year 2024, Org 1500

- (To increase spending authority to align amounts received for federal awards.)
- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$87,520.

Department of Homeland Security

Division of Emergency Management, Fund 8727, Fiscal Year 2024, Org 0606

- (To add Federal spending authority for Emergency Management Grant Awards.)
- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$200,000.

West Virginia State Police, Fund 8741, Fiscal Year 2024, Org 0612

- (To add Federal spending authority for Federal Opioid Settlement Award.)
- Increase “Current Expenses” Appropriation 13000 by \$125,000.
 - Increase “Equipment” Appropriation 07000 by \$10,853,750.
 - Increase “Buildings” Appropriation 25800 by \$990,000.

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- Increase "Other Assets" Appropriation 69000 by \$921,250.

Sec. 9. Appropriations from general revenue fund surplus accrued.

Department of Economic Development

Department of Economic Development - Office of the Secretary, Fund 0256, Fiscal Year 2024, Org 0307
(To amend directive language and remove an extra word.)

- On line 3, remove the word "used".

Department of Health and Human Resources

Division of Health - Central Office, Fund 0407, Fiscal Year 2024, Org 0506
(To correct an appropriation.)

- On page 188, line 2, strike and replace "State Aid for Local and Basic Public Health Services - Surplus, Appropriation 18499" with "Current Expenses - Surplus, Appropriation 13099".
- Insert the following language under the appropriation "The above appropriation for Current Expenses - Surplus (fund 0407, appropriation 13099) shall be used for the Hardy County Health Department."

Department of Homeland Security

Division of Corrections and Rehabilitation - Correctional Units, Fund 0450, Fiscal Year 2024, Org 0608
(To correct an error for the Org listed.)

- On page 187, strike and replace Org "0308" with "0608."

Department of Administration

(To provide for startup costs associated with a state-run records management system.)

Insert a new budget item as follows:

409a - Office of Technology

(W.V. Code Chapter 5A)

Fund 0204 FY 2024 Org 0231

Directed Transfer - Surplus.....	70099	\$	500,000
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The above appropriation for Directed Transfer - Surplus (fund 0204, appropriation 70099) shall be transferred to the Department of Administration, Office of Technology - Chief Technology Officer Administration Fund (fund 2531).

Department of Economic Development

(To provide funding to Water Development Authority for critical needs.)

Insert a new budget item as follows:

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409b- Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

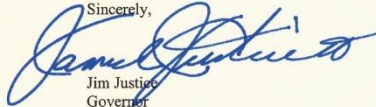
Fund 0256 FY 2024 Org 0307

Directed Transfer - Surplus 70099 \$ 15,000,000

The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to the Water Development Authority (fund 3382).

Thank you for your prompt attention to this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,



Jim Justice
Governor

cc: The Honorable Eric Tarr, Senate Finance Chairman
The Honorable Vernon Criss, House of Delegates Finance Chairman
State Budget Office

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendments to the Budget Bill, which were referred to the Committee on Finance.

Senator Blair (Mr. President) then laid before the Senate the following proclamation from His Excellency, the Governor, extending this current legislative session until and including the twelfth day of March, 2023, which was received and read by the Clerk:

EXECUTIVE DEPARTMENT

Charleston

A PROCLAMATION

By the Governor

WHEREAS, the Constitution of West Virginia sets forth the respective powers, duties, and responsibilities of the three separate branches of government; and

WHEREAS, Article VI, Section 22 of the Constitution of West Virginia provides that the current regular session of the Legislature shall not exceed sixty calendar days computed from and including the second Wednesday of January two thousand twenty-three; and

WHEREAS, pursuant to Article VI, Section 22 of the Constitution of West Virginia, the two thousand twenty-three regular session of the Legislature is scheduled to conclude on the eleventh day of March, two thousand twenty-three; and

WHEREAS, Article VI, Section 51 of the Constitution of West Virginia sets forth the obligations of the Governor and the Legislature relating to the preparation and enactment of the Budget Bill; and

WHEREAS, Subsection D, Article VI, Section 51 of the Constitution of West Virginia requires the Governor to issue a proclamation extending the regular session of the Legislature if the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session; and

WHEREAS, the Budget Bill has not been finally acted upon by the Legislature as of this eighth day of March, two thousand twenty-three;

NOW, THEREFORE, I, JIM JUSTICE, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, extending the two thousand twenty-three regular session of the Legislature for an additional period not to exceed one day, through and including the twelfth day of March, two thousand twenty-three; but no matters other than the Budget Bill shall be considered during this extension of the regular session, except a provision for the cost thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, on this the Eighth Day of March, in the Year of our Lord, Two Thousand Twenty-Three, and in the One Hundred Sixtieth Year of the State.

A handwritten signature in blue ink, appearing to read 'Jim Justice', is written over the printed name of the Governor.

GOVERNOR

A handwritten signature in blue ink, appearing to read 'Mac Warner', is written over the printed name of the Secretary of State.

SECRETARY OF STATE

The Clerk next presented the following communication from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 8, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Five Hundred Ninety-One (591), which was presented to me on March 8, 2023.

You will note that I have approved this bill on March 8, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2008, Requiring local entities to enforce immigration laws.

And has amended same.

And,

Eng. Com. Sub. for House Bill 3190, Amending the definition of "minor".

And has amended same.

Both on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 8, 2023;

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2008 and 3190) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bills were advanced to third reading with the unreported Judiciary committee amendments pending and the right for further amendments to be considered on that reading.

The Senate proceeded to the sixth order of business.

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

Senate Concurrent Resolution 24—Renaming the Mount Olive Correctional Complex and Jail the Mike V. Coleman Maximum Security Complex.

At the request of Senator Clements, 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.

The Senate proceeded to the seventh order of business.

Senate Resolution 48, Designating March 9, 2023, as Recovery Community Day.

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

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

House Concurrent Resolution 15, Requesting That the Joint Committee on Government and Finance send official correspondence to West Virginia's federal delegations stating West Virginia veterans' concerns and objections to the two TRICARE for Life ("TFL") proposals.

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

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.

At the request of Senator Clements, unanimous consent being granted, the Senate consented to consider

House Concurrent Resolution 33, Lt. Col. Mitchell M. Mickel Memorial Bridge.

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

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

On page 3, in the Resolved clause, line 68, by striking out the words "Lt. Col." and inserting in lieu thereof the words "USAF Lt. Col.";

On page 4, in the first Further Resolved clause, line 71, by striking out the words "Lt. Col." And inserting in lieu thereof the words "USAF Lt. Col.";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

House Concurrent Resolution 33—Requesting the Division of Highways name a bridge bearing bridge number 20-N14/80-000.1 () (20A928), (38.36406, -81.69170), locally known as CENTRAL AVENUE OVERPASS, carrying City N14/80 over CSX RR & FIRST AVENUE in Kanawha County, as the "USAF Lt. Col. Mitchell M. Mickel Memorial Bridge".

The question now being on the adoption of the resolution (H. C. R. 33), as amended, 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.

At the request of Senator Clements, unanimous consent being granted, the Senate consented to consider

House Concurrent Resolution 51, U. S. Army SFC Samuel Evans Miller Memorial Bridge.

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

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.

At the request of Senator Clements, unanimous consent being granted, the Senate consented to consider

House Concurrent Resolution 61, U.S. Army Sgt. John Edsel Edens Memorial Road.

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

The following amendments to the resolution, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

By striking out everything after the title and inserting in lieu thereof the following:

Whereas, John Edsel Edens was born to parents John and Josie Canterbury Edens; and

Whereas, John Edsel Edens was a graduate of Elkview High School; and

Whereas, John Edsel Edens enlisted in the United States Army during World War II at Camp Atterbury, Indiana, where he trained at Camp Lee, Virginia; and

Whereas, U.S. Army SGT John Edsel Edens deployed from Camp Kilmer, New Jersey to France, Schwabach, and Nuremberg, Germany; and

Whereas, U.S. Army SGT John Edsel Edens served as a Supply Sergeant in the 53rd Constabulary Squadron, and he served from November 1945 to September 1948; and

Whereas, U.S. Army SGT John Edsel Edens was instrumental in starting the Frame Volunteer Fire Department, where he served 21 years as a firefighter and chief; and

Whereas, U.S. Army SGT John Edsel Edens retired from the U.S. Postal Service after 40 years of service, where he was recognized to have driven a million miles without accident; and

Whereas, Sadly, U.S. Army SGT John Edsel Edens passed away on May 30, 2016, after a long illness; and

Whereas, It is fitting that an enduring memorial be established to commemorate the life of U.S. Army SGT John Edsel Edens and his contributions to his community and the nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name bridge number 020-37-0.02 (5251) (20A324), (38.51292, -81.47953) locally known as Poca Fork Box Beam Bridge, carrying County Route 37 over Poca Fork in Kanawha County, West Virginia, as the "U.S. Army SGT John Edsel Edens Memorial Bridge", and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the " U.S. Army SGT John Edsel Edens Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

House Concurrent Resolution 61—Requesting the Division of Highways name bridge number 020-37-0.02 (5251) (20A324), (38.51292, -81.47953) locally known as Poca Fork Box Beam Bridge, carrying County Route 37 over Poca Fork in Kanawha County, West Virginia, as the "U.S. Army SGT John Edsel Edens Memorial Bridge".

The question now being on the adoption of the resolution (H. C. R. 61), as amended, 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.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2004, Prevent the use of payment card processing systems for surveillance of Second Amendment activity and discriminatory conduct.

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 House Bill 2004 pass?"

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 members 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, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—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. 2004) passed.

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

Eng. Com. Sub. for House Bill 2004—A Bill to amend and reenact §31A-2A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §31A-2B-1, §31A-2B-2, §31A-2B-3, §31A-2B-4, §31A-2B-5, §31A-2B-6, §31A-2B-7, §31A-2B-8, §31A-2B-9, and §31A-2B-10, all relating generally to payment card transactions involving firearm, firearm accessory or component, and ammunition retailers; clarifying that financial records may not be disclosed or compelled to be disclosed in a manner that discriminates against constitutionally protected activities; providing a short title; setting forth legislative findings and intent; defining terms; prohibiting disclosure of protected financial information except in limited circumstances; establishing requirements for written authorization for disclosure of protected financial information; establishing requirements for subpoenas of protected financial information; prohibiting use of protected financial information for discriminatory conduct; providing civil

remedies for violations of new article with liquidated or compensatory damages; providing injunctive relief for violations of new article; providing defendants in a civil action with a right to cure; allowing the aggrieved party in a civil action to recover attorney's fees; establishing a statute of limitations for civil remedies; providing that civil remedies are exclusive for violations of new article; authorizing the Commissioner of Financial Institutions to administer requirements of new article; authorizing the Attorney General to investigate and judicially enforce new article subject to certain limitations; allowing the Attorney General to recover attorney's fees in action for injunctive relief; authorizing the State Treasurer to disqualify financial institutions from certain state contracts if violations of new article have occurred; establishing the scope of new article; and providing a severability clause.

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 2016, Relating to confidential childcare records.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2016) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2016—A Bill to amend and reenact §16-5-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-4-608 of said code; and to amend and reenact §49-5-101 of said code, all relating to releasing information to facilitate care of a child; providing for qualified disclosure of confidential information between certain entities; requiring court notices be sent to child placement agencies in adoption cases; requiring State Registrar to issue copy of vital record to child placement agency; requiring the disclosed records to be maintained in compliance with code; and requiring the department to provide electronic access to certain information.

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 2024, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, March 8, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar.

Eng. Com. Sub. for House Bill 2026, Authorizing municipalities with police or firefighter employees in PERS to elect to become participating employer in Municipal Police Officer and Firefighter Retirement System for a limited time.

On third reading, coming up in regular order, with the right having been granted on March 7, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for House Bill 2218, Distracted Driving Act.

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

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Chapman, Karnes, Maynard, Rucker, Smith, and Taylor—7.

Absent: Jeffries and Phillips—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. 2218) passed.

At the request of Senator Clements, as chair of the Committee on Transportation and Infrastructure, and by unanimous consent, the unreported Transportation and Infrastructure committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 2218—A Bill to amend and reenact §17C-14-15 of the Code of West Virginia, 1931, as amended, relating to distracted driving; modifying the scope of prohibitions on distracted driving by establishing the Electronically Distracted Driving Act; defining terms; providing limitations for the use of wireless telecommunications devices and stand-alone electronic devices; prohibiting certain actions by all drivers;

prohibiting certain actions by school bus drivers and commercial motor vehicle drivers; providing that each violation constitutes a separate offense; providing for penalties for violations, including criminal penalties, fines, driver's license suspension and revocation, and points on the driver's record maintained by the Division of Motor Vehicles; providing exceptions; and providing a name for certain amendments.

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 2346, Declaring a shortage of qualified bus operators and allowing retired bus operators to accept employment.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2346) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2023.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2346) takes effect July 1, 2023.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. Com. Sub. for House Bill 2621, Relating generally to bail bondsman.

On third reading, coming up in regular order, with the unreported Banking and Insurance committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 33. INSURANCE.

ARTICLE 1. DEFINITIONS.

§33-1-10. Kinds of insurance defined.

The following definitions of kinds of insurance are not mutually exclusive and, if reasonably adaptable thereto, a particular coverage may be included under one or more of such definitions:

(a) *Life insurance*. — Life insurance is insurance on human lives including endowment benefits, additional benefits in the event of death or dismemberment by accident or accidental means, additional benefits for disability and annuities.

(b) *Accident and sickness.* — Accident and sickness insurance is insurance against bodily injury, disability or death by accident or accidental means, or the expense thereof, or against disability or expense resulting from sickness and insurance relating thereto. Group credit accident and health insurance may also include loss of income insurance, which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purposes of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout, or termination by employer for other than willful or criminal misconduct. Any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder.

(c) *Fire.* — Fire insurance is insurance on real or personal property of every kind and interest therein, against loss or damage from any or all hazard or cause, and against loss consequential upon such loss or damage, other than noncontractual liability for any such loss or damage. Fire insurance shall also include miscellaneous insurance as defined in paragraph (12), subdivision (e) of this section.

(d) *Marine insurance is insurance:*

(1) Against any and all kinds of loss or damage to vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, chooses in action, evidences of debt, valuable papers, bottomry and respondentia interests and all other kinds of property and interests therein, in respect to, appertaining to or in connection with any and all risks or perils of navigation, transit or transportation, including war risks, on or under any seas or other waters, on land (above or below ground), or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment or while awaiting the same, or during any delays, storage, transshipment, or reshipment incident thereto, including marine builders' risks and all personal property floater risks;

(2) Against any and all kinds of loss or damage to persons or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds nor insurance against loss by reason of bodily injury to the person arising out of the ownership, maintenance or use of automobiles);

(3) Against any and all kinds of loss or damage to precious stones, jewels, jewelry, gold, silver, and other precious metals, whether used in business or trade or otherwise, and whether the same be in course of transportation or otherwise;

(4) Against any and all kinds of loss or damage to bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, or civil commotion, or any or all of them are the only hazards to be covered;

(5) Against any and all kinds of loss or damage to piers, wharves, docks, and ships, excluding the risks of fire, windstorm, sprinkler leakage, hail, explosion, earthquake, riot, and civil commotion and each of them;

(6) Against any and all kinds of loss or damage to other aids to navigation and transportation, including dry docks and marine railways, dams, and appurtenant facilities for control of waterways; and

(7) Marine protection and indemnity insurance, which is insurance against, or against legal liability of the insured for loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft, or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury,

illness, or death, or for loss of or damage to the property of another person.

(e) *Casualty*. — Casualty insurance includes:

(1) Vehicle insurance, which is insurance against loss of or damage to any land vehicle or aircraft, or any draft or riding animal, or to property while contained therein or thereon or being loaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incident to ownership, maintenance, or use of any such vehicle, aircraft or animal; together with insurance against accidental death or accidental injury to individuals, including the named insured, while in, entering, alighting from, adjusting, repairing, or cranking, or caused by being struck by any vehicle, aircraft, or draft or riding animal, if such insurance is issued as a part of insurance on the vehicle, aircraft, or draft or riding animal;

(2) Liability insurance, which is insurance against legal liability for the death, injury, or disability of any human being, or for damage to property; and provisions for medical, hospital, surgical, disability benefits to injured persons, and funeral and death benefits to dependents, beneficiaries, or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance;

(3) Burglary and theft insurance, which is insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal, or concealment, or from any attempt at any of the foregoing, including supplemental coverages for medical, hospital, surgical, and funeral benefits sustained by the named insured or other person as a result of bodily injury during the commission of a burglary, robbery, or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances, or any other valuable papers and documents resulting from any cause;

(4) Personal property floater insurance, which is insurance upon personal effects against loss or damage from any cause;

(5) Glass insurance, which is insurance against loss or damage to glass, including its lettering, ornamentation, and fittings;

(6) Boiler and machinery insurance, which is insurance against any liability and loss or damage to property or interest resulting from accidents to or explosion of boilers, pipes, pressure containers, machinery, or apparatus and to make inspection of and issue certificates of inspection upon boilers, machinery, and apparatus of any kind, whether or not insured;

(7) Leakage and fire extinguishing equipment insurance, which is insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus, water mains, pipes, and containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps, and other fire extinguishing equipment or apparatus;

(8) Credit insurance, which is insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured. Credit insurance shall include loss of income insurance, which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purpose of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout, or termination by employer for other than willful or criminal misconduct; any or all of the above-mentioned perils may be included in an insurance policy, at the discretion of the policyholder;

(9) Malpractice insurance, which is insurance against legal liability of the insured and against loss, damage or expense incidental to a claim of such liability, and including medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured arising out of the death,

injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary, or professional service;

(10) Entertainment insurance, which is insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment or similar production, event, or exhibition against loss from interruption, postponement, or cancellation thereof due to death, accidental injury or sickness of performers, participants, directors, or other principals;

(11) Mine subsidence insurance as provided for in article thirty of this chapter;

(12) Miscellaneous insurance, which is insurance against any other kind of loss, damage, or liability properly a subject of insurance and not within any other kind of insurance as defined in this chapter, if such insurance is not disapproved by the commissioner as being contrary to law or public policy; and

(13) Federal flood insurance, which is insurance provided by the Federal Insurance Administration or by private insurers through the Write Your Own Program within the National Flood Insurance Program, instituted by the Federal Insurance Administration pursuant to the provision of 42 U.S.C. § 4071, on real or personal property of every kind and interest therein, against loss or damage from flood or mudslide and against loss consequential to such loss or damage, other than noncontractual liability for any loss or damage.

(14) Workers' compensation insurance, which is insurance providing all compensation and benefits required by chapter 23 of this code.

(f) *Surety*. — Surety insurance includes:

(1) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust;

(2) Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds,

undertakings, and contracts of ~~surety-ship~~ suretyship: *Provided*, That surety insurance does not include the guaranteeing and executing of bonds ~~by professional bondsmen in criminal cases or~~ by individuals not in the business of becoming a surety for compensation upon bonds;

(3) Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while they are being transported in armored motor vehicles or by messenger, but not including any other risks of transportation or navigation, and also insurance against loss or damage to such an insured's premises or to his or her furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt to commit such crimes; and

(4) Title insurance, which is insurance of owners of property or others having an interest therein, or liens or encumbrances thereon, against loss by encumbrance, defective title, invalidity, or adverse claim to title.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 10. PROFESSIONAL BONDSMEN IN CRIMINAL CASES.

§51-10-1. Definitions.

When used in this article:

"Approved securities" means cash, irrevocable letter of credit, bond issued by an insurance company licensed and in good standing in this state, or qualified power of attorney issued by an insurer pursuant to a producer underwriting agreement, or real estate located in this state that is unencumbered in, at least, the amount of minimum financial responsibility required as set forth by the insurance commissioner: *Provided*, That a pledge of real

estate by a bondsman as an approved security is not permitted after July 1, 2024: *Provided, however,* That a bondsman who is licensed by the commissioner as of July 1, 2024, and has pledged real estate as security to conduct bonding business may continue to pledge real estate to operate as a bondsman until his or her license is voluntarily surrendered or revoked by the commissioner:

(1) "Bonding business" means the business of becoming surety for compensation upon bonds in criminal cases in the State of West Virginia;

(2) "Bondsman" means (A) any person engaged in the bonding business ~~that has satisfied the requirements for, and is duly licensed as, an insurance producer with a property and casualty line of authority as set forth by the Insurance Commissioner and §33-12-1, et seq. of this code;~~ or (B) any person who is approved and licensed under the provisions of this article who pledges cash or approved securities with the commissioner as security for bail bonds written in connection with a judicial proceeding and receives or is promised money or other things of value for the pledge;

(3) "Commissioner" means the Insurance Commissioner of West Virginia, as defined in §33-1-5 of this code; and

(4) "Insurer" means any domestic, foreign, or alien person, including a surety company, which has been qualified generally to transact surety business in the State of West Virginia.

§51-10-8. Qualifications of bondsmen; rules to be prescribed by Insurance Commissioner; bondsman filing requirements; bondsman license renewal requirements; criminal penalty for filing false affidavit; list of bondsmen kept and provided to places of detention by Insurance Commissioner; requiring all bondsman to be licensed by Insurance Commissioner after July 1, 2022.

(a) The commissioner shall ~~promulgate and propose legislative rules for promulgation under~~ propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to carry out the intent, administration, and enforcement of this

article. The commissioner may promulgate ~~any~~ emergency rules ~~under~~ pursuant to the provisions of §29A-3-15 of this code as necessary to carry out the intent, administration, and enforcement of this article. The commissioner shall develop all forms, contracts, or other documents to be used for the purposes outlined in this article.

(b) The rules required by subsection (a) of this section shall specify the qualifications that a person must have when applying to be a bondsman, and the terms and conditions upon which the bonding business may be conducted. The commissioner shall formulate testing requirements for all initial license applicants. The commissioner shall require a biennial fee of \$200 for all bondsman licensed under this article.

(c) The commissioner, in promulgating and proposing rules required by subsection (a) of this section, and in granting a license to a person to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person applying, and a person who has been convicted of any offense involving moral turpitude, or who is not known to be a person of good moral character, shall not be licensed.

(d) The applicant shall provide the commissioner a qualifying power-of-attorney from a licensed insurer or surety company or pledge cash or approved securities with the commissioner as security for bail bonds.

(e) The applicant shall comply with the provisions of §33-12-37 of this code regarding criminal history record checks.

(f) The commissioner shall require every bondsman licensed to engage in the bonding business as a principal to file with the commissioner a list showing the name, age, and residence of each person employed by the bondsman as an agent, clerk, or representative in the bonding business, and require an affidavit from each of the persons stating that the person will abide by the terms and provisions of this article.

(g) ~~(4)~~ The commissioner shall require a person licensed as a bondsman to renew his or her license every two years and to file an affidavit stating that since his or her previous license to engage in the bonding business, he or she has abided by the provisions of this article.

~~(2)~~ A person who files a false affidavit is guilty of false swearing and, upon conviction thereof, shall be punished as provided by law for the offense.

~~(3) A person seeking to renew his or her license to engage in the bonding business shall submit to the property and casualty requirements under section (d) of this section for each renewal, unless he or she has voluntarily terminated his or her license to engage in the bonding business.~~

(h) The commissioner shall keep a list of all bondsmen and, upon the request of a place of detention listed under §51-10-6 of this code, furnish an alphabetical list of all licensed bondsmen to the jail.

~~(j)~~(i) After July 1, 2022, a person ~~shall~~ may not, either as principal, or as agent, clerk, or representative of an agent, engage in the bonding business unless licensed by the commissioner under this section.

Engrossed Committee Substitute for House Bill 2621, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman and Karnes—2.

Absent: Jeffries and Phillips—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. 2621) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2621—A Bill to amend and reenact §33-1-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-10-1 and §51-10-8 of said code, all relating to professional bondsmen in criminal cases; defining terms and setting forth approved securities; modifying requirements for bondsmen; and requiring the Insurance Commissioner to formulate testing requirements for initial license applicants.

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 2814, To create a Hydrogen power task force.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2814) 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 2821, Relating to taxation of gambling and lottery winnings.

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: Barrett, Boley, Caputo, Chapman, Clements, Hamilton, Hunt, Maroney, Martin, Nelson, Oliverio, Plymale, Queen, Rucker, Stover, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Azinger, Deeds, Grady, Karnes, Maynard, Roberts, Smith, Stuart, and Taylor—9.

Absent: Jeffries and Phillips—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. 2821) passed with its title.

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

Eng. Com. Sub. for House Bill 2865, To clarify that the PSC may enter an order requiring corrective measures up to and including an acquisition of a distressed or failing utility.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2865) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2865—A Bill to amend and reenact §24-2H-4, §24-2H-5, §24-2H-6, and §24-2H-8 of the Code of West Virginia, 1931, as amended, all relating to clarifying that the Public Service Commission may enter an order in a distressed or failing utility case requiring corrective measures up to and including an acquisition by an acquiring utility; providing the Commission shall provide the list of potentially unstable water and wastewater utilities to the West Virginia Rural Water Association; providing the Commission staff shall publish annually, by hyperlink, the list of potentially unstable water and wastewater utilities on the commission's homepage; providing that eligibility of a utility to receive state grant funding and federal grant funding in a similar manner as the distressed utility is a factor in determining whether a utility is a capable proximate utility; providing that petitions filed with the commission include factual data supporting the justification for the utility to be considered as a distressed or failing utility; providing that high water loss or unaccounted for water cannot be the sole evidence of a distressed or failing utility; and clarifying that an acquiring utility becomes such only after approval of the necessary operating agreement.

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

Eng. House Bill 2875, Clarifying that Circuit Court Judges have the ability/authority to waive the requirement that a party pass a home study performed by the DHHR.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2875) passed.

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

Eng. House Bill 2875—A Bill to amend and reenact §49-4-114 of the Code of West Virginia, 1931, as amended, relating to giving circuit court judges the authority to waive the requirement that a party pass a home study performed by DHHR or a third-party evaluator before a child can be placed in the home in cases of grandparent adoption.

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 2890, Modifying student discipline.

On third reading, coming up in regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

(a) The teacher shall stand in the place of the parent(s), guardian(s), or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except ~~that~~ where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

(b) Subject to the rules of the state Board of Education, the teacher shall exclude from the school any student known to have, or who is suspected of having, any infectious disease, or any student who has been exposed to any infectious disease and shall immediately notify the proper health officer or medical inspector of the exclusion. Any student so excluded may not be readmitted to the school until he or she has complied with all the requirements of the rules governing those cases or has presented a certificate of health signed by the medical inspector or other proper health officer.

(c) ~~The~~ Any grade six through 12 teacher, excluding an elementary school teacher, may exclude from his or her classroom ~~or school bus~~ any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who behaves in a manner that obstructs the teaching or learning process of others in the classroom; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal

of the school or a designee. The excluded student may be admitted to the classroom ~~or school bus~~ only when the principal, or a designee, provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any, that was taken. If the principal finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the parent(s), guardian(s), or custodian(s). When a student is excluded from a classroom ~~or a school bus~~ two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom ~~or the school bus~~ only after the principal, teacher and, if possible, the parent(s), guardian(s), or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s), or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. The Legislature finds that isolating students or placing them in alternative learning centers may be the best setting for chronically disruptive students. The county board shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct these students' behaviors so they can return to a regular classroom without engaging in further disruptive behavior.

(d) When a grade six through 12 teacher, excluding an elementary school teacher, determines that the behavior of the student is disorderly conduct, is interfering with an orderly educational process, or obstructs the teaching or learning process of others in the classroom:

(1) The student may be excluded from that teacher's classroom and if excluded may not re-enter that teacher's classroom for at least the remainder of the instructional day;

(2) If the student is excluded pursuant to subdivision (1) of this subsection;

(A) The principal shall communicate with the teacher within 24 hours of the student being excluded from the teacher's classroom about the exclusion;

(B) The teacher has 24 hours to create an electronic record and place the report of this action into the West Virginia Education Information System (WVEIS), without any repercussion to the teacher; and

(C) If the student is removed from a classroom a total of three times in one month for one or more of the behaviors set forth in this subsection, the student shall receive as determined by the principal an in-school suspension, an out-of-school suspension, or may be considered for placement in an alternative learning center if one is available within the school district.

~~(d)~~ (e) The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time, or alternative class settings.

~~(e)~~ (f) Corporal punishment of any student by a school employee is prohibited.

~~(f)~~ (g) Each county board is solely responsible for the administration of proper discipline in the public schools of the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions. These policies shall encourage the use of alternatives to ~~corporal punishment discipline practices, providing~~ provide for the training of school personnel in alternatives to ~~corporal punishment discipline practices,~~ and provide for encouraging the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline. To promote a teaching and learning environment free from substantial classroom disturbances, each county board shall ensure that each school implements a tier system policy, with teacher input, to provide a framework for student behaviors and punishments. The policy shall be clear and concise with specific guidelines and

examples. The principal shall support the teacher in the discipline of the students if proper cause and documentation is provided following the schoolwide discipline policy. The teacher may not be reprimanded if their actions are legal and within the structure of the county board's policy for student behavior and punishment. The county board policies shall also include an appeal procedure whereby a teacher may appeal to the county superintendent if a school principal refuses to allow the exclusion of a student from the classroom or if a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom. The county boards shall provide for the immediate incorporation and implementation in ~~the~~ schools of a preventive discipline program which may include the responsible student program and a student involvement program, which may include the peer mediation program, devised by the West Virginia Board of Education. Each county board may modify those programs to meet the particular needs of the county. The county boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The county boards also may establish cooperatives with private entities to provide middle educational programs, which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students, and any other program related to preventive discipline.

~~(g)~~ (h) For the purpose of this section:

(1) "Student" includes any child, youth or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of, or in connection with, any program under public school direction: *Provided*, That, in the case of adults, the student-teacher relationship shall terminate when the student leaves the school or other place of instruction or activity;

(2) "Teacher" means all professional educators as defined in section one, article one of this chapter; and ~~includes the driver of a school bus or other mode of transportation and~~

(3) "Principal" means the principal, assistant principal, vice principal or the administrative head of the school, or a professional personnel designee of the principal or the administrative head of the school.

~~(h)~~ (i) Teachers shall exercise other authority and perform other duties prescribed for them by law or by the rules of the state board not inconsistent with the provisions of this chapter and chapter 18 of this code.

On motion of Senator Grady, the following amendments to the Education committee amendment to the bill (Eng. Com. Sub. for H. B. 2890) were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 1, line 14, by striking out the words "Any grade six through 12" and inserting in lieu thereof the word "The";

On page 1, section 1, line 14, by striking out the words "excluding an elementary school teacher,";

On page 1, section 1, line 15, after the word "classroom" by inserting the words "or school bus";

On page 2, section 1, line 21, after the word "classroom" by inserting the words "or school bus";

On page 2, section 1, line 26, after the word "classroom" by inserting the words "or a school bus";

On page 2, section 1, line 28, after the word "classroom" by inserting the words "or the school bus";

And,

On page 4, section 1, lines 91 and 92, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision (2) to read as follows:

(2) "Teacher" means all professional educators as defined in §18A-1-1 of this code and includes the driver of a school bus or other mode of transportation; and.

The question now being on the adoption of the Education committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2890, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 2890) passed.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 2890—A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to authority of teachers and other school personnel for discipline of students; allowing student that behaves in a manner that obstructs the teaching or learning process of others in the classroom to be excluded; limiting application of certain discipline provisions to grades six through 12 and excluding application to elementary schools; mandating minimum duration of exclusion for certain behaviors; requiring principal to communicate with teacher within 24 hours about exclusion for certain behaviors; establishing time limit for teacher to report exclusion for certain behaviors to the West Virginia Education Information System; providing

consequences for student removed for certain behaviors three times in one month; requiring county board policies to encourage the use of alternatives to discipline practices; requiring each county school board to ensure that each school implements a tier system policy to provide a framework for student behaviors and punishments; requiring principal to support the teacher in discipline of the students under certain conditions; prohibiting teacher from being reprimanded under certain conditions; and requiring procedure for teachers to appeal certain exclusion related actions of principal.

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 2900, Relating to the Deputy Sheriff Retirement System.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 2955, Relating to the establishment and operation of regional water, wastewater and stormwater authorities.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2955) passed with its title.

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

Eng. Com. Sub. for House Bill 3035, Relating generally to high-quality education programs and school operations.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

§18-2E-10. Third Grade Success Act; ~~transformative multi-tiered~~ system of support for early literacy and numeracy in kindergarten through grade three; pre-service and in-service teacher training; notice to parent or guardian; third grade retention policy with exceptions; interventions continuing in fourth grade for students below proficient.

(a) This section shall be known and may be cited as the Third Grade Success Act.

~~(a)~~ (b) The Legislature finds that:

(1) In the early learning years, ensuring that each student masters the content and skills needed for mastery at the next grade level is critically important for student success;

(2) Students who do not demonstrate grade-level proficiency in reading by the end of third grade become increasingly less likely to succeed at each successive grade level and often drop out of school prior to graduation;

(3) State board policy requires every school to establish a process for ensuring the developmental and academic progress of all students. This process is to be coordinated by a school student assistance team that reviews student developmental and academic needs that have persisted despite being addressed through instruction, multi-tiered system of support for intervention, and as applicable, supports for personalized learning. Ensuring the developmental and academic success of all students requires every school to implement, in an equitable manner, programs during and after the instructional day at the appropriate instructional levels that contribute to the success of students; and

(4) To ensure that all students read and perform mathematics proficiently by the end of third grade, a statewide comprehensive approach to early literacy and numeracy is required. This approach shall focus on intensive supports during the early learning years which include schools and engaged communities mobilized to remove barriers, expand opportunities, and assist parents in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

(c) "Science of reading" means evidence-based reading instruction practices that address the acquisition of language, phonological and phonemic awareness, phonics and spelling, fluency, vocabulary, oral language, comprehension, and writing that can be differentiated to meet the needs of individual students.

~~(b)~~ (d) The state board shall, in accordance with ~~the provisions of article three b, chapter twenty nine a~~ §29A-3B-1 et seq. of this code, promulgate legislative rules as necessary to effectuate the provisions of this section. The rules shall provide for at least the following:

(1) Development of a statewide comprehensive, systemic approach to close the reading and mathematics achievement ~~gap~~

gaps by third grade, which targets school readiness, the attendance gap, science of reading instruction (phonics, phonemic awareness, vocabulary, fluency, comprehension, and writing), summer learning loss, the use of screeners and/or benchmark assessments in English language arts and mathematics for students in grades kindergarten through three, and a multi-tiered system of support for students exhibiting a substantial reading or mathematics deficiency; transformative intervention framework for student and learning supports;

(2) Ensuring all West Virginia children have access to high-quality early learning experiences that focus on healthy learners as part of the school readiness model, resulting in increased populations of children on target for healthy development prior to entering first grade;

(3) Closing the attendance gap to certify West Virginia children attend school regularly and limit chronic absenteeism in the early grades;

(4) Providing assistance to county boards with the training and implementation of the science of reading training for all kindergarten through grade three educators, early childhood classroom assistant teachers, aides, and any interventionists that a county board may choose to employ instead of an early childhood classroom assistant teacher or aide pursuant to §18-5-18a(b) of this code;

(5) (4) Assisting county boards in establishing and operating targeted, sustained extended day and extended year reading and mathematics programs to ensure grade level proficiency and battle summer learning loss;

(6) Establishing an approved list of screeners and/or benchmark assessments in English language arts and mathematics for students in grades kindergarten through three for the purpose of identifying students with a significant reading and/or mathematics deficiency. The screener and/or benchmark assessments shall be given in the first 30 days of the school year and repeated at mid-year and at the end of the school year to determine student

progression in reading and mathematics in kindergarten through third grade;

(7) Establishing an approved list of dyslexia screeners to be administered to students no less than twice per year in kindergarten through third grade and any time students with identified deficiencies are not responding to interventions;

(8) Any student in kindergarten or grades one through three who exhibits a deficiency in reading at any time, based upon the screeners and/or benchmark assessments, and/or the comprehensive statewide student assessment, and any fourth-grade student promoted for good cause shall receive an individual reading improvement plan no later than 30 days after the identification of the reading deficiency. The reading improvement plan shall be created by the teacher, principal, other pertinent school personnel, and the parent(s), and shall describe the research-based reading intervention services the student will receive to remedy the reading deficit. Each student shall receive intensive reading intervention until the student no longer has a deficiency in reading. Reading interventions may include evidence-based strategies frequently used to remediate reading deficiencies and includes, but is not limited to, individual instruction, small-group instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities;

(5) (9) Maximizing family engagement to result in the development of a culture of literacy and numeracy, ~~from birth through third grade~~ which shall at least include:

(A) Providing parents or guardians with regular updates to inform them of their child's progress toward proficiency in reading and mathematics;

(B) Ensuring parents or guardians are informed of and have access to resources which they may utilize to improve their child's literacy and numeracy skills;

(C) Ensuring the parent or guardian is informed of the importance of their child being able to demonstrate grade level

reading and mathematics skills by the end of the third grade and the measures that will be employed pursuant to this section to improve the reading and mathematics skills of children who are not meeting the standards; and

(D) The parent or guardian of any student in kindergarten through grade three who exhibits a deficiency in reading or mathematics at any time during the school year must be notified in writing no later than 15 days after the identification of the deficiency, and the written notification must include the following:

(i) That the student has been identified as having a deficiency in reading and/or mathematics;

(ii) A description of the proposed research-based reading and/or mathematics interventions and/or supplemental instructional services and supports that will be provided to the child to address the identified area(s) of deficiency;

(iii) Strategies for the parent or guardian to use at home to help their child succeed in reading and/or mathematics; and

(iv) That if the child's reading deficiency is not corrected by the end of grade three, the child may not be promoted to grade four unless an exemption is met;

~~(6) (10) Supporting high-quality schools and a workforce prepared to address early literacy and numeracy by the provision of professional development for administrators, kindergarten, first, second, and third grade teachers including, but not limited to, the following: identification of interventions, and implementation of a system of intervention for children not reaching grade level proficiency~~

(A) The approved benchmark assessment and/or screener tools to ensure teachers have the knowledge and skill to administer the assessment and/or screener, analyze the data to inform instruction, and identify students exhibiting substantial deficiencies in reading or mathematics;

(B) Comprehensive training on the science of reading and numeracy instruction to ensure all kindergarten through grade three teachers, early childhood classroom assistant teachers, and aides, have the knowledge and skill to teach and/or support all students to read and perform mathematics at grade level. The rules also shall provide that any interventionist a county chooses to employ instead of an early childhood classroom assistant teacher or aid pursuant to §18-5-18a(b) receives this comprehensive training;

(C) Training and materials to inform classroom teachers of the characteristics of dyslexia and dyscalculia in students, components of benchmarks and screeners that may indicate dyslexia or dyscalculia, and strategies for instruction; and

(D) Job-embedded, on-site teacher training on evidence-based reading and mathematics instruction and data-driven decision-making that provides kindergarten through grade three teachers with immediate feedback for improving instruction;

~~(7) (11) Ensuring the employment of qualified teachers and service personnel in accordance with the provisions of section thirty nine, article five of this chapter and section seven e, article four, chapter eighteen a §18-5-39 and §18A-4-7c of this code to provide instruction to students enrolled in early literacy and numeracy support programs including, but not limited to, ensuring that educator preparation programs prepare candidates seeking licensure for elementary education with training and instruction to:~~

(A) Include instruction in state-adopted grade-level content standards, foundational reading and mathematics skills, and how to implement reading instruction using high-quality instructional materials;

(B) Provide effective instruction and intervention for students with reading and math deficiencies, including students with characteristics of dyslexia or dyscalculia; and

(C) Understand and use student data to make instructional decisions;

~~(8)~~ (12) Creating a formula or grant-based program for the distribution of funds appropriated specifically for the purposes of this section or otherwise available for the support of a targeted, multi-tiered system of support intervention ~~comprehensive system of support~~ for early literacy and numeracy;

~~(9)~~ (13) Providing support for transportation and healthy foods for students required to attend after-school and extended year early literacy and numeracy instructional support programs and supervision at the school that accommodates the typical work schedules of parents; and

~~(10)~~ (14) Receiving from county boards any applications and annual reports required by rule of the state board.

~~(e)~~ (e) A student in grades kindergarten through grade three who is recommended by the student assistance team or the student's classroom teacher for additional assistance in one or more of the key standards of English Language Arts including reading, speaking and listening, writing or language may shall be required to attend an extended year early literacy and numeracy instructional support program as a condition for promotion if:

(1) The student has been provided additional academic assistance help through interventions offered during the school day in school or after-school in early literacy and numeracy ~~instructional support program~~ and, prior to the end of the school year, the student assistance team or the student's classroom teacher recommends that further additional academic help is needed for the student to be successful at the next grade level; and

(2) The county board has established an ~~early~~ a literacy and numeracy instructional support program during the extended year for the student's grade level.

~~(d)~~ (f) County boards shall provide high-quality educational facilities, equipment, and services to support ~~early~~ literacy and numeracy instructional support programs established pursuant to this section. Extended year programs may be provided at a central

location for kindergarten through third graders who qualify for the program.

(g) Each county board shall adopt high-quality instructional materials grounded in scientifically-based reading research and aligned to state standards to be used as the core curriculum. The instructional materials shall not include practices that are aligned with the Three-Cueing Systems Model of teaching reading.

(e) (h) This section may not be construed to prohibit a classroom teacher from recommending the grade level retention of a student in any of the grades kindergarten through grade three based upon the student's lack of mastery of the subject matter and preparation for the subject matter at the next grade level. Benchmark and/or screener data shall be used to inform the classroom teacher's recommendation.

(f) (i) This section may not be construed to affect the individualized education plans of exceptional students.

(g) (j) This section may not be construed to limit the authority of the county board to establish an extended year program in accordance with ~~section thirty nine, article five of this chapter §18-5-39~~ of this code. County boards may not charge tuition for enrollment in early literacy and numeracy instructional support programs established pursuant to this section.

(h) (k) Each county board shall ~~prepare to~~ implement the provisions of this section and the provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall at least include planning, ensuring~~ The county board shall establish a process for ensuring the developmental and academic progress of all students through the auspices of student assistance teams as currently required by state board policy and ~~performing~~ perform a needs assessment to determine the potential capacity requirements for the multi-tiered system of support for early learners. Each county board also shall provide in-service training:

(1) For kindergarten through grade three early childhood classroom assistant teachers, and aides, specifically related to

literacy, numeracy, and their responsibilities and appropriate measures for exercising authority and control over students. The county board shall also provide this training to any interventionists it chooses to employ instead of an early childhood classroom assistant teacher or aide pursuant to §18-5-18a(b) of this code; and

(2) For classroom teachers in grades kindergarten through three to help the classroom teachers gain a strong understanding of how to best utilize the early childhood classroom assistant teachers, aides, or interventionists during classroom instruction and during other periods of the day.

~~(i)~~ (l) The state board shall provide a report describing the proposed implementation of the ~~transformative~~ multi-tiered system of support for early literacy and numeracy to the Legislative Oversight Commission on Education Accountability on or before ~~July 1, 2014~~ July 1, 2023.

~~(j)~~ (m) The state board shall provide a comprehensive report regarding the status of the ~~transformative~~ multi-tiered system of support for literacy and numeracy to the Legislative Oversight Commission on Education Accountability, the Joint Committee on Government and Finance, and the Governor on or before November 1, 2014 November 1, 2023, and annually on or before November 1 ~~on~~ of each year thereafter. The report shall address, at a minimum, the progress of the program throughout the state, its effect on student achievement, and the sources of the funding both available to and used by the program.

~~(k)~~ (n) ~~The provisions of this section are subject to the availability of funds from legislative appropriation or other sources specifically designated for the purposes of this section. If a county board determines that adequate funds are not available for full implementation of a transformative system of support for early literacy in the county, the county board may implement its program in phases by first establishing early literacy instructional support programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early literacy instructional support program for the third grade once~~ Legislative appropriations to the State Board of Education – State Department

of Education Elementary Literacy and Numeracy Program shall be used for the implementation of the provisions of this section along with other funds available for providing a high-quality education.

(4) (o) Effective for the school year beginning July 1, 2026, and thereafter, a public school student who generally demonstrates a minimal understanding of, and ability to apply, grade level English language arts knowledge, skills, and abilities, or both, as indicated on the West Virginia General Summative Assessment relative to the West Virginia College and Career Readiness Standards at the end of third grade, shall upon the recommendation of the teacher and the student assistance team, be retained in the third grade for the ensuing school year subject to the following exceptions:

(1) A student with disabilities whose Individual Education Plan indicates participation in the statewide alternate summative assessment;

(2) A student identified as an English language learner who has had less than three years instruction in English as a second language;

(3) A student with disabilities who participates in the statewide summative assessment, has an Individual Education Plan or Section 504 plan that reflects that the student has received intensive intervention for more than two years and still demonstrates a deficiency or who was previously retained in any of the grades kindergarten through grade three;

(4) A student who is in the process of a special education referral or evaluation for placement in special education, has been diagnosed as having a significant impairment, including dyslexia or dyscalculia, or is a child with a disability if the student's individualized education program team and the student's parent or guardian agree that promotion is appropriate based on the student's Individualized Education Plan;

(5) A student who has received intensive intervention for two or more years, still demonstrates a deficiency, and who was previously retained in any of the grades kindergarten through grade

three for a total of two years: *Provided*, That the student shall continue to receive intensive intervention in grade four:

(6) A student who demonstrates an acceptable level of performance on an alternative standardized assessment approved by the state board;

(7) A student who attends an extended year learning program following the third grade and has attained proficiency; and

(8) A student whose parent or guardian has requested a good cause exemption within the time period established by the county board and the superintendent, or his or her designee, determines that the good cause exemption is in the best interests of the child: *Provided*, That a good cause exemption may not prohibit the grade level retention of a student by a classroom teacher based upon the student's lack of mastery of the subject matter and preparation for the subject matter at the next grade level.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-18a. Maximum teacher-pupil ratio.

(a) County boards of education shall provide sufficient personnel, equipment, and facilities as will ensure that each ~~first through sixth grade~~ classroom, or classrooms having two or more grades that include one or more of the ~~first~~ kindergarten through sixth grades shall not have more ~~than 25~~ pupils for each teacher ~~of the grade or grades and shall not have more than 20 pupils for each kindergarten teacher per session~~ as follows, unless the state superintendent has excepted a specific classroom upon application therefor by a county board as provided in this section:

(1) For kindergarten, not more than 20 pupils for each teacher and one early childhood classroom assistant teacher or aide in classrooms with more than 10 pupils;

(2) For first, second, and third grades, not more than 25 pupils for each teacher and one early childhood classroom assistant teacher or aide in classrooms with more than 12 pupils: *Provided*, That the early childhood classroom assistant teacher/aide

requirement for classrooms with more than 12 pupils shall not be effective until July 1, 2023, for first grade classrooms; July 1, 2024, for second grade classrooms; and July 1, 2025, for third grade classrooms; and

(3) For grades four, five, and six, not more than 25 pupils for each teacher.

(b) County boards may satisfy the requirements of subsection (a) of this section by employing a full-time interventionist instead of an early childhood assistant teacher or aide, subject to the following:

(1) If no full-time interventionist is available, a county board may satisfy the requirements of subsection (a) of this section by employing a part-time interventionist; and

(2) County boards are not required to employ an interventionist even if there are an insufficient number of early childhood assistant teachers and aides available to fill all the positions required by subsection (a) of this section.

~~(b)~~ (c) County school boards may not maintain a greater number of classrooms having two or more grades that include one or more of the grade levels referred to in this section than were in existence in said county as of January 1, 1983.

~~(c)~~ (d) The state superintendent is authorized, consistent with sound educational policy, to:

(1) Permit on a statewide basis, in grades four through six, more than 25 pupils per teacher in a classroom for the purposes of instruction in physical education; and

(2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25 pupils per teacher in a specific classroom in grades four through six during a school year in the event of extraordinary circumstances as determined by the state superintendent after application by a county board of education.

~~(d)~~ (e) The state board shall establish guidelines for the exceptions authorized in this section, but in no event shall the superintendent except classrooms having more than three pupils above the pupil-teacher ratio as set forth in this section.

~~(e)~~ (f) The requirement for approval of an exception to exceed the 20 pupils per kindergarten teacher per session limit or the 25 pupils per teacher limit in grades ~~one~~ four through six is waived in schools where the schoolwide pupil-teacher ratio is 25 or less in grades ~~one~~ four through six: *Provided*, That a teacher shall not have more than three pupils above the teacher/pupil ratio as set forth in this section. Any kindergarten teacher who has more than 20 pupils per session and any classroom teacher of grades ~~one~~ four through six who has more than 25 pupils, shall be paid additional compensation based on the affected classroom teacher's average daily salary divided by 20 for kindergarten teachers, or 25 for teachers of grades ~~one~~ four through six, for every day times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All such additional compensation shall be paid from county funds exclusively.

Notwithstanding any other provision of this section to the contrary, commencing with the school year beginning on ~~July 1, 1994~~ July 1, 1996, a teacher in grades one, two, or three, or classrooms having two or more such grade levels, ~~shall not have more than two pupils above the teacher/pupil ratio as set forth in this section: *Provided*, That commencing with the school year beginning on July 1, 1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth in this section: *Provided*, however, That commencing with the school year beginning on July 1, 1996, such teacher shall not have any pupils above the teacher/pupil ratio as set forth in this section.~~

~~(f)~~ (g) No provision of this section is intended to limit the number of pupils per teacher in a classroom for the purpose of instruction in choral, band, or orchestra music.

~~(g)~~ (h) Each school principal shall assign students equitably among the classroom teachers, taking into consideration reasonable differences due to subject areas and/or grade levels.

~~(h)~~ (i) The state board shall collect from each county board of education information on class size and the number of pupils per teacher for all classes in grades seven through 12. The state board shall report such information to the Legislative Oversight Commission on Education Accountability before January 1, of each year.

~~(i) The West Virginia Department of Education shall survey districts to determine those grade levels, content areas, and geographic locations where class overcrowding is impeding student achievement and report to the Legislature by July 1, 2020 a tailored plan for reducing class overcrowding in such areas.~~

The study shall include, but is not limited to, an examination of the following issues:

~~(1) The effect on student learning of limits on the number of pupils per teacher in a classroom in elementary classes and in a middle and high school format in which students have different teachers for different subject matter instruction;~~

~~(2) The effect on the equity among teachers in a middle school in which the number of pupils per teacher in a classroom is limited for some teachers and not for others, including the additional pay for certain teachers in whose classrooms the limits are exceeded; and~~

~~(3) The effect limits on the number of pupils per teacher in a classroom have on the ability of school systems to offer elective courses in secondary school~~

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-5. Foundation allowance for service personnel.

(a) The basic foundation allowance to the county for service personnel shall be the amount of money required to pay the annual state minimum salaries in accordance with the provisions of ~~article four, chapter eighteen~~ a §18A-4-1 et seq. of this code to such service personnel employed, subject to the following:

(1) A county shall receive an allowance for state aid eligible service personnel positions per 1,000 students in net enrollment, as follows:

(A) For each high-density county, ~~forty three and ninety seven one hundredths~~ 43.97 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.39 beginning July 1, 2023; 50.65 beginning July 1, 2024; and 53.79 beginning July 1, 2025;

(B) For each medium-density county, ~~forty four and fifty three one hundredths~~ 44.53 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 47.95 beginning July 1, 2023; 51.21 beginning July 1, 2024; and 54.35 beginning July 1, 2025;

(C) For each low-density county, ~~forty five and one tenth~~ 45.10 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92 beginning July 1, 2025;

(D) For each sparse-density county, ~~forty five and sixty eight one hundredths~~ 45.68 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net enrollment shall increase to 49.10 beginning July 1, 2023; 52.36 beginning July 1, 2024; and 55.50 beginning July 1, 2025; and

(E) For any service personnel positions, or fraction thereof, determined for a county pursuant to subdivision (1) of this subsection that exceed the number employed, the county's allowance for these positions shall be determined using the average state funded minimum salary of service personnel for the county;

(2) The number of and the allowance for personnel paid in part by state and county funds shall be prorated; and

(3) Where two or more counties join together in support of a vocational or comprehensive high school or any other program or service, the service personnel for the school or program may be prorated among the participating counties on the basis of each one's enrollment therein and that the personnel shall be considered within the above-stated limit.

ARTICLE 20. EDUCATION OF EXCEPTIONAL CHILDREN.

§18-20-10. Dyslexia and dyscalculia defined.

(a) The Legislature finds as follows:

(1) Reading difficulties are the most common cause of academic failure and underachievement;

(2) There are many students who demonstrate significant weaknesses with reading, writing and mathematics that are ~~the root causes of~~ influenced by specific learning disabilities, including dyslexia, dyscalculia, and related learning difficulties. Of those who are referred to special education services in public schools, the majority are referred because of problems with language, reading, writing, or a combination of each;

(3) Teaching reading effectively, especially to students experiencing difficulty, requires considerable knowledge and skill. Informed and effective classroom instruction, especially in the early grades, can prevent and relieve the severity of language difficulties, and significantly improve literacy development;

(4) For those students with specific learning disabilities, including dyslexia and dyscalculia, who need specialized instruction, competent intervention can lessen the impact of the disorder and help the student overcome the most debilitating symptoms;

(5) While programs for specific learning disabilities, including dyslexia and dyscalculia, that certify or support teachers, clinicians or specialists differ in their preparation methodologies, teaching approaches and organizational purposes, they should ascribe to a common set of professional standards for the benefit of the students

they serve. Compliance with such standards can assure the public that individuals who serve students with specific learning disabilities in public schools are prepared to implement scientifically based and clinically proven practices;

(6) ~~The American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM 5), and the federal Individuals with Disabilities Education and Improvement Act of 2004 (IDEA) offer~~ The International Dyslexia Association (IDA) offers widely-adopted and consistent standards to guide the preparation, certification, and professional development for teachers of reading and related literacy skills in classroom, remedial and clinical settings; and

(7) The basis of ascribing to common standards to benefit students with specific learning disabilities, including dyslexia and dyscalculia, requires recognizing common characteristics of the disabilities. The Legislature finds that the definitions of dyslexia and dyscalculia prescribed by ~~IDEA and DSM 5~~ the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR) are the appropriate ~~measure~~ measures for recognizing characteristics of dyslexia and dyscalculia in students.

(b) The Legislature recognizes the following regarding dyslexia and dyscalculia:

(1) Dyslexia and dyscalculia are conditions that may be considered under the specific learning disability category, and their definitions are consistent with IDEA and state board policy. State board policy provides that "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

(2) Dyslexia is an alternative term used to refer to a pattern of learning difficulties characterized by problems with accurate or

fluent word recognition, poor decoding, and poor spelling abilities. If dyslexia is used to specify this particular pattern of difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with reading comprehension or math reasoning; and

(3) Dyscalculia is an alternative term used to refer to a pattern of learning difficulties characterized by problems processing numerical information, learning arithmetic facts, and performing accurate or fluent calculations. If dyscalculia is used to specify this particular pattern of mathematic difficulties, it is important also to specify any additional difficulties that are present, such as difficulties with math reasoning or word reasoning accuracy.

~~(c) the state board is responsible for the following:~~

~~(1) Ensuring that all students receive the necessary and appropriate screenings, evaluations and early assessments for specific learning disabilities, including dyslexia and dyscalculia;~~

~~(2) Ensuring that any Individualized Education Program regarding specific learning disabilities, including dyslexia or dyscalculia, which is developed or implemented, is consistent with the provisions of this section; and~~

~~(3) Providing ongoing information and education to parents regarding specific learning disabilities, including dyslexia and dyscalculia, and the services available to students with such disabilities.~~

(c) The state board shall:

(1) Develop a list of appropriate screeners, early assessments, and professional development that address and ensure that all students receive the necessary and appropriate screenings, evaluations, and early assessments for specific learning disabilities, including dyslexia and dyscalculia which contain information related to the following:

(A) Appropriate literacy and numeracy screening tools for identifying students who are at risk for academic difficulty in

reading and/or math, including dyslexia and dyscalculia, and who require tiered intervention;

(B) Appropriate diagnostic assessment components that can be used to help identify and diagnose;

(C) Appropriate evidence-based instruction and intervention strategies for students who are at risk for academic difficulty in reading and/or mathematics, including students who exhibit possible indicators of risk for dyslexia and/or dyscalculia;

(D) Appropriate accommodations for students who exhibit possible indicators of risk for, or who have been diagnosed with, dyslexia, dyscalculia, and/or other specific learning disabilities;

(E) Connecting a multi-tiered system of support framework to specific learning disability identification; and

(F) The use of the terms "dyslexia" and "dyscalculia" in Individualized Education Programs, and in evaluation reports by professionals qualified to render these diagnoses; and

(2) Explore options to assist any LEA with acquiring approved literacy and/or numeracy screening tools: *Provided*, That the local educational agency is unable to acquire its own literacy and/or numeracy screening tools that are consistent with state educational agency recommendations;

(3) Adopt and make publicly available guidelines for including dyslexia diagnostic evaluation components in comprehensive assessments for special education and related services. These guidelines shall:

(A) Recommend at least one person on each multidisciplinary evaluation team be knowledgeable about dyslexia and be able to recognize when a dyslexia diagnostic component should be requested in the evaluation process;

(B) Recommend that a diagnosis of dyslexia be given when the data from the comprehensive evaluation components indicate such a diagnosis is appropriate;

(C) Include recommendations for how to document a dyslexia diagnosis in an IEP; and

(D) Include that a Section 504 Plan be considered if a student has a dyslexia diagnosis but does not qualify for special education services;

(4) Adopt and make publicly available a list of approved diagnostic assessment components that can be used to help identify and diagnose dyslexia during comprehensive multidisciplinary evaluations;

(5) Adopt and make publicly available guidelines and a list of resources for dyslexia intervention practices that are evidence-based, including practices consistent with the Science of Reading and Structured Literacy, that are explicit, direct, sequential, systematic, and multisensory;

(6) Adopt and make publicly available a list of recommended accommodations and instructional practices to be used with students who exhibit signs of dyslexia or have been diagnosed with dyslexia. These shall reflect contemporary research and guidelines of the Science of Reading related to dyslexia. These recommendations shall include, but are not limited to, structured literacy approaches that are explicit, direct, sequential, systematic, and multisensory;

(7) Adopt and make publicly available a list of available professional development resources that support evidence-based intervention for struggling readers, including the Science of Reading and Structured Literacy. This list shall be made publicly available and include resources endorsed or espoused by technical assistance centers, research organizations, and professional associations that support the Science of Reading and Structured Literacy regarding dyslexia, including the International Dyslexia Association; and

(8) Develop and make publicly available informational materials related to dyslexia for parents and guardians that include

information about the multidisciplinary evaluation process, updated regularly.

(d) The local education agency shall:

(1) Develop a system for parents and guardians to annually receive digital and print informational materials related to dyslexia;

(2) Ensure at least one educator at each school is trained to administer, score, and interpret the data from the literacy screening instrument or instruments, and to recognize signs of dyslexia;

(3) Notify parents of the results of these literacy screeners while emphasizing that not all students who perform poorly on these screening instruments have dyslexia. Also, not all students with dyslexia will perform poorly on the screeners;

(4) Provide evidence-based reading intervention to students who exhibit academic risk in future reading performance, including indicators of dyslexia;

(5) Conduct comprehensive assessments to determine eligibility for special education services when a child does not respond or only minimally responds to intervention strategies and/or when there is a suspected disability of dyslexia. If a determination is made through the evaluation process that a student needs assessed for dyslexia, provide assessment and diagnosis as necessary per West Virginia Department of Education guidelines;

(6) Employ appropriate accommodations and instructional practices recommended by the West Virginia Department of Education based upon the students' needs. When those needs are related to dyslexia, these accommodations and instructional techniques or strategies shall also meet the West Virginia Department of Education-approved guidelines for dyslexia accommodations and instructional practices;

(7) Require all elementary educators, special educators, reading interventionists or specialists, and other personnel determined appropriate by the local education agency to receive professional development on the possible signs of dyslexia and the

related classroom accommodations and instructional practices approved by the West Virginia Department of Education;

(8) Administer a literacy screening instrument or instruments to students in grades 3-5 who transfer from a local education agency where literacy screening instruments were not administered. If the literacy screening instrument indicates a deficit in reading, the school will provide intervention according to current policy. If a student does not respond or only minimally responds to intervention, a referral for multidisciplinary evaluation shall be made; and

(9) Require all appropriate personnel, as determined by the local education agency, to annually receive professional development relating to the possible indicators for dyslexia and dyscalculia, accommodations and modifications in the classroom environment, proper instructional practices for educating students who exhibit possible indicators of risk for, or who have been, diagnosed with dyslexia, dyscalculia, and/or other specific learning disabilities. Local education agencies may create more than one module to satisfy the requirements of this subdivision.

(e) The state board shall promulgate a rule pursuant to §29A-3B-1 et seq. of this code to implement this section. In addition to other provisions to implement this section, the rule shall at least include the following:

(1) If a student is reading substantially below grade level according to formal and/or informal assessments, including benchmark assessments, and has never been evaluated for special education, a request may be made by a school, parent, or teacher for the administration of an age- or grade-appropriate West Virginia Department of Education-approved literacy screening instrument or instruments. These points of data may be used to either start intervention and progress monitoring per West Virginia Department of Education guidance, or make a referral for a special education evaluation;

(2) Acknowledgement that each local education agency may have one certified Literacy and Numeracy Specialist in each local

education agency, or another appropriate professional designated by relevant local education agency leadership, to be appropriately trained, or be seeking appropriate training, in intervention, accommodations, and instructional strategies for students with dyslexia or a related disorder. The trained individual(s) shall serve as an advisor and trainer for dyslexia and related disorders for the local education agency. The reading specialist(s) or other designated professional(s) shall have an understanding of the definition of dyslexia and a working knowledge of:

(A) Techniques to help a student on the continuum of skills with dyslexia;

(B) Dyslexia characteristics that may manifest at different ages and levels;

(C) The basic foundation of the keys to reading, including multisensory, explicit, systematic, and structured literacy instruction; and

(D) Appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

(f) *Legislative Oversight Commission on Education Accountability (LOCEA):*

(1) The final draft of the state board's literacy and numeracy rule shall be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) by August 1, 2023.

(2) The following shall be submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) annually:

(A) Disaggregated data concerning literacy and numeracy patterns statewide;

(B) Statewide interventions implemented; and

(C) The statewide professional development plan.

(3) Progress monitoring regarding K-2 screening and 3-8 formative assessments shall be presented to the Legislative Oversight Commission on Education Accountability (LOCEA) after data is collected for the beginning, middle, and end of the school year.

Engrossed Committee Substitute for House Bill 3035, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3035) passed.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 3035—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend and reenact §18-20-10 of said code, all relating to enhancing academic achievement of students including those with learning disabilities; establishing the Third Grade Success Act; replacing transformative system of support for early literacy with multi-tiered system of support for early literacy and numeracy in kindergarten through grade three; revising findings; defining "science of reading"; revising

inclusions in West Virginia Board of Education rules required to effectuate Third Grade Success Act section; requiring each county board to adopt high-quality instructional materials; specifying data to be used to inform the classroom teacher's recommendation on grade level retention; requiring county boards of education to provide in-service training for early childhood classroom assistant teachers, aides, classroom teachers, and in certain instances, interventionists in grades kindergarten through three; updating deadlines for West Virginia Board of Education multi-tiered system of support for early literacy and numeracy reports; modifying provisions pertaining to funding for Third Grade Success Act section; requiring retention in the third grade in certain circumstances; specifying exceptions to third grade retention requirement; adding maximum teacher-pupil ratio for pre-kindergarten; adding maximum early childhood classroom assistant teacher or aide-pupil ratio for kindergarten through grade three; phasing in early childhood classroom assistant teacher/aide requirement for grades one through three; allowing county boards to employ an interventionist instead of an early childhood assistant teacher or aide; removing requirement for survey of districts on class overcrowding and report to the Legislative Oversight Commission on Education Accountability a tailored plan for reducing class overcrowding; phasing in increased ratios of service personnel per 1,000 students for the purpose of determining the basic foundation allowance for service personnel; revising findings pertaining to standards to guide the preparation, certification, and professional development for teachers of reading and related literacy skills and appropriate measures for recognizing characteristics of dyslexia and dyscalculia; replacing responsibilities of the West Virginia Board of Education pertaining to specific learning disabilities, including dyslexia and dyscalculia, with duties of the state board and the local education agencies; requiring state board rule to implement section pertaining to dyslexia and dyscalculia; stating minimum inclusions for rule; and requiring report of certain information to the Legislative Oversight Commission on Education Accountability.

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 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV Act.

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

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

The nays were: Martin—1.

Absent: Jeffries and Phillips—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. 3036) passed with its title.

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

Eng. Com. Sub. for House Bill 3077, Relating to making the use of the multi-state real time tracking system permanent.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3084, Relating to revising provisions related to public charter schools.

On third reading, coming up in regular order, with the unreported Finance committee amendments pending, and with the right having been granted on yesterday, Wednesday, March 8,

2023, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Finance committee amendments pending.

Eng. Com. Sub. for House Bill 3092, Relating to in-state food service permit reciprocity.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3092) passed with its title.

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

Eng. House Bill 3156, Raising the compensation rates of panel attorneys.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

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

On page 6, section 13a, line 134, by striking out the word "\$40" and inserting in lieu thereof the word "\$30".

Engrossed House Bill 3156, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3156) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

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

Eng. House Bill 3156—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, by raising the compensation rates of panel attorneys; and for dismissed or not guilty charge expungement only, providing the panel attorney to continue providing representation after the dismissal to achieve the expungement.

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 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3168) passed with its title.

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

Eng. Com. Sub. for House Bill 3189, The PFAS Protection Act.

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

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3189) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3189—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1, §22-11C-2, §22-11C-3, and §22-11C-4, all relating to identifying the sources of perfluoroalkyl and polyfluoroalkyl substances discharged into source waters used for public drinking water; providing legislative findings; providing state and federal regulation history, status, and future expectations; providing definitions; requiring the Department of Environmental Protection to begin identifying sources of PFAS in water sources and address sources of PFAS for certain public water systems with action plans; requiring facilities using PFAS chemicals to monitor and report their use; setting forth other duties of those facilities; clarifying duties and obligations of public water systems and water treatment systems; providing information disclosure provisions; requiring the Secretary of the Department of Environmental Protection to propose changes to statutes and rules and to update numeric public water supply human health criteria; requiring the Department of Environmental Protection to implement permit modifications to require monitoring; and requiring legislative rule-making.

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 3191, Relating to certain facilities operated by the state government to obtain a license.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3224, Adding West Virginia Junior College to the list of eligible institutions that accept PROMISE scholarship recipients.

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 House Bill 3224 pass?"

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3224) passed with its title.

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

Eng. Com. Sub. for House Bill 3271, Relating to increasing monitoring of special education classrooms.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3271) passed with its title.

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

Eng. Com. Sub. for House Bill 3332, Creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election.

On third reading, coming up in regular order, with the unreported committee amendments pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-17. Election of circuit judges; county and district officers; magistrates.

(a) There shall be elected, at the time of the primary election to be held in 2016, and every eighth year thereafter, one judge of the circuit court of every judicial circuit entitled to one judge, and one judge for each numbered division of the judicial circuit in those judicial circuits entitled to two or more circuit judges; and at the time of the primary election to be held in 2016, and in every fourth year thereafter, the number of magistrates prescribed by law for the county. Beginning with the election held in the year 2016, an election for the purpose of electing judges of the circuit court, or an election for the purpose of electing magistrates, shall be upon a nonpartisan ballot printed for the purpose.

(b) There shall be elected, at the general election to be held in 1992, and every fourth year thereafter, a sheriff, prosecuting attorney, surveyor of lands, and the number of assessors prescribed by law for the county; and at the general election to be held in 1990, and every second year thereafter, a commissioner of the county commission for each county; and at the general election to be held in 1992, and every sixth year thereafter, a clerk of the county commission and a clerk of the circuit court for each county.

(c) Effective with the primary election of 2016, all elections for judge of the circuit courts in the respective circuits and magistrates in each county will be elected on a nonpartisan basis and by division as set forth more fully in article five of this chapter.

(d) Beginning with the judicial election in 2024, and in every judicial election thereafter, if no candidate in a division for judge of a circuit court receives more than 30 percent of the votes cast in the election, there shall be a runoff election at the subsequent general election between the two candidates who received the highest and next-highest number of votes cast in that division.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-2. Number of magistrates.

(a) The number of magistrates to be elected in each county of this state shall be determined in accordance with the provisions of this section.

(b) Beginning on the effective date of this subsection and until December 31, 2024, the number of magistrates in each county of the state shall be as follows:

- (1) Barbour County shall have two magistrates;
- (2) Berkeley County shall have six magistrates;
- (3) Boone County shall have two magistrates;
- (4) Braxton County shall have two magistrates;
- (5) Brooke County shall have two magistrates;
- (6) Cabell County shall have seven magistrates;
- (7) Calhoun County shall have two magistrates;
- (8) Clay County shall have two magistrates;
- (9) Doddridge County shall have two magistrates;
- (10) Fayette County shall have four magistrates;
- (11) Gilmer County shall have two magistrates;
- (12) Grant County shall have two magistrates;
- (13) Greenbrier County shall have three magistrates;
- (14) Hampshire County shall have two magistrates;
- (15) Hancock County shall have three magistrates;
- (16) Hardy County shall have two magistrates;
- (17) Harrison County shall have five magistrates;
- (18) Jackson County shall have two magistrates;
- (19) Jefferson County shall have three magistrates;
- (20) Kanawha County shall have 10 magistrates;

(21) Lewis County shall have two magistrates;

(22) Lincoln County shall have two magistrates;

(23) Logan County shall have three magistrates;

(24) Marion County shall have four magistrates;

(25) Marshall County shall have three magistrates;

(26) Mason County shall have two magistrates;

(27) McDowell County shall have three magistrates;

(28) Mercer County shall have five magistrates;

(29) Mineral County shall have two magistrates;

(30) Mingo County shall have three magistrates;

(31) Monongalia County shall have four magistrates: *Provided*, That effective July 1, 2023, Monongalia County shall have five magistrates, and the initial appointment for the additional magistrate shall be made in accordance with the provisions of §50-1-6 of this code;

(32) Monroe County shall have two magistrates;

(33) Morgan County shall have two magistrates;

(34) Nicholas County shall have three magistrates;

(35) Ohio County shall have four magistrates;

(36) Pendleton County shall have two magistrates;

(37) Pleasants County shall have two magistrates;

(38) Pocahontas County shall have two magistrates;

(39) Preston County shall have three magistrates;

(40) Putnam County shall have three magistrates;

- (41) Raleigh County shall have five magistrates;
- (42) Randolph County shall have three magistrates;
- (43) Ritchie County shall have two magistrates;
- (44) Roane County shall have two magistrates;
- (45) Summers County shall have two magistrates;
- (46) Taylor County shall have two magistrates;
- (47) Tucker County shall have two magistrates;
- (48) Tyler County shall have two magistrates;
- (49) Upshur County shall have two magistrates;
- (50) Wayne County shall have three magistrates;
- (51) Webster County shall have two magistrates;
- (52) Wetzel County shall have two magistrates;
- (53) Wirt County shall have two magistrates;
- (54) Wood County shall have four magistrates; and
- (55) Wyoming County shall have three magistrates.

(c) Beginning on January 1, 2025, the number of magistrates in each county of the state shall be as follows:

(1) Barbour County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(2) Berkeley County shall have seven magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(3) Boone County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(4) Braxton County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(5) Brooke County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(6) Cabell County shall have seven magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(7) Calhoun County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(8) Clay County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(9) Doddridge County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(10) Fayette County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(11) Gilmer County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(12) Grant County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(13) Greenbrier County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(14) Hampshire County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(15) Hancock County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(16) Hardy County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(17) Harrison County shall have five magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(18) Jackson County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(19) Jefferson County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(20) Kanawha County shall have 13 magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(21) Lewis County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(22) Lincoln County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(23) Logan County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(24) Marion County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(25) Marshall County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(26) Mason County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(27) McDowell County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(28) Mercer County shall have five magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(29) Mineral County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(30) Mingo County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(31) Monongalia County shall have six magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(32) Monroe County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(33) Morgan County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(34) Nicholas County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(35) Ohio County shall have four magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(36) Pendleton County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(37) Pleasants County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(38) Pocahontas County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(39) Preston County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(40) Putnam County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(41) Raleigh County shall have six magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(42) Randolph County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(43) Ritchie County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(44) Roane County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(45) Summers County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(46) Taylor County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(47) Tucker County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(48) Tyler County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(49) Upshur County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(50) Wayne County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(51) Webster County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(52) Wetzel County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(53) Wirt County shall have two magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

(54) Wood County shall have six magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter; and

(55) Wyoming County shall have three magistrates, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every fourth year thereafter.

~~(b) (d) In the year 2026, the Supreme Court of Appeals shall conduct or otherwise arrange for a caseload study of the magistrate courts of this state for the purpose of determining how many magistrates are needed in each county. Based upon the results of this study and upon consideration of county population data from the most recent decennial census, the Supreme Court of Appeals shall enter an administrative order on or before January 5, 2023 2027, containing the Supreme Court of Appeal's recommendations as to the number of magistrates who are needed in each of the state's 55 counties for the four-year terms of office to be filled by election in the year 2024 2028. The administrative order shall allocate no more than 170 magistrates for the entire State of West Virginia, nor shall the allocation reduce the number of magistrates in any county below that in effect on the effective date of the amendments to this section enacted during the 2022 regular session of the Legislature. Attested copies of the administrative order shall be provided to the President of the West Virginia Senate, the Clerk of the Senate, the Clerk and the Speaker of the West Virginia House of Delegates, and the West Virginia Secretary of State.~~

~~(e) (e) The West Virginia Legislature may in the regular session of the Legislature, 2023 reject the allocation of magistrates recommended by the Supreme Court of Appeals in its administrative order entered for the judicial elections to be held in 2028, and allocate magistrates for the four-year terms commencing in January of 2025 2029, and serving through December of 2028 2032, as the Legislature may choose by enactment of a bill containing such an allocation.~~

~~(d)~~ (f) If the Legislature does not enact a different allocation of the magistrates to be elected in ~~2024~~ 2028, pursuant to subsection ~~(e)~~ (e) of this section, then the administrative order of the Supreme Court of Appeals required by subsection ~~(b)~~ (d) of this section shall become the certification to the ballot commissioners of each county in this state of the number of magistrates to be elected in each county of this state at the judicial elections to be held concurrently with the primary election ~~in 2024~~.

~~(e)~~ (g) The process set forth in this section shall be repeated every four years in the first and second years immediately preceding the quadrennial election of magistrates.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

(a) In each county having three or more magistrates, the judge of the circuit court or the chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may, by rule, require the duties of the magistrate court clerk to be performed by the clerk of the circuit court, in which event the circuit court clerk is entitled to additional compensation in the amount of \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

(b) Magistrate court clerks shall be paid at least twice per month by the state. ~~Magistrate court clerks serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$39,552 per year and magistrate court clerks serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$44,712 per year. *Provided*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an across the board increase, may also be granted to magistrate court clerks. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate court clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the~~

circuit court, within the limits set forth in this section. The annual salary of all magistrate court clerks is \$52,296. Beginning July 1, 2023, the annual salary of a magistrate court clerk shall be \$54,596. Magistrate court clerks may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, implemented after July 1, 2023.

(c) In addition to other duties that may be imposed by the provisions of this chapter or by the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court clerk to establish and maintain appropriate dockets and records in a centralized system for the magistrate court, to assist in the preparation of the reports required of the court and to carry out on behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative duties of the court.

(d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk of the circuit court, may issue all manner of civil process and require the enforcement of subpoenas and subpoenas duces tecum in magistrate court.

~~(e) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.~~

~~(f) Beginning January 1, 2017, the annual salary of all magistrate court clerks is \$44,720. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase, may also be granted to magistrate court clerks~~

§50-1-9. Magistrate assistants; salary; duties.

(a) In each county there shall be at least one magistrate assistant for each magistrate; however, the Supreme Court of Appeals may authorize additional magistrate assistants if the workload of a county's magistrate court requires extra staff support. Each

magistrate assistant shall be appointed by the magistrate under whose authority and supervision and at whose will and pleasure he or she shall serve. If more than one magistrate assistant per magistrate is approved by the Supreme Court of Appeals, then the chief magistrate, or chief circuit judge if no chief magistrate is designated, shall appoint, supervise, and assign job duties for any additional magistrate assistant as needed for that county. The assistant shall not be a member of the immediate family of any magistrate and shall not have been convicted of a felony or any misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the purpose of this section, "immediate family" means the relationships of mother, father, sister, brother, child, or spouse.

(b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court. In addition to these duties, magistrate assistants shall perform and are accountable to the magistrate court clerks with respect to the following duties:

- (1) The preparation of summons in civil actions;
- (2) The assignment of civil actions to the various magistrates;
- (3) The collection of all costs, fees, fines, forfeitures, and penalties which are payable to the court;
- (4) The submission of moneys, along with an accounting of the moneys, to appropriate authorities as provided by law;
- (5) The daily disposition of closed files which are to be located in the magistrate clerk's office;
- (6) All duties related to the gathering of information and documents necessary for the preparation of administrative reports and documents required by the rules of the Supreme Court of Appeals, or the judge of the circuit court or the chief judge of the circuit court if there is more than one judge of the circuit court;

(7) All duties relating to the notification, certification, and payment of jurors serving pursuant to the terms of this chapter; and

(8) All other duties or responsibilities whereby the magistrate assistant is accountable to the magistrate court clerk as determined by the magistrate.

(c) Magistrate assistants shall be paid at least twice per month by the state. The annual salary of all magistrate assistants is \$46,932. Beginning July 1, 2023, the annual salary of a magistrate assistant shall be \$49,232. Magistrate assistants may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023. Magistrate assistants serving magistrates who serve less than seven thousand three hundred in population shall be paid up to \$36,048 per year and magistrate assistants serving magistrates who serve seven thousand three hundred or more in population shall be paid up to \$39,348 per year. *Provided*, That after the effective date of this section, any general salary increase granted to all state employees, whose salaries are not set by statute, expressed as a percentage increase or an across the board increase, may also be granted to magistrate assistants. For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. The salary of the magistrate assistant shall be established by the magistrate within the limits set forth in this section.

~~(d) Notwithstanding any provision of this code to the contrary, the amendments made to this section during the 2013 first extraordinary session are effective upon passage and are retroactive to January 1, 2013.~~

~~(e) Beginning January 1, 2017, the annual salary of all magistrate assistants is \$39,348. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across the board increase, may also be granted to magistrate assistants~~

§50-1-9a. Magistrate court deputy clerks; duties; salary.

(a) Whenever required by workload and upon the recommendation of the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, the Supreme Court of Appeals may ~~by rule~~ provide by rule for the appointment of magistrate court deputy clerks. ~~not to exceed seventy-two in number~~ The magistrate court deputy clerks shall be appointed by the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, to serve at his or her will and pleasure under the immediate supervision of the magistrate court clerk.

(b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme Court of Appeals, ~~or~~ the judge of the circuit court, or the chief judge of the circuit court, if there is more than one judge of the circuit court. Magistrate court deputy clerks may also exercise the power and perform the duties of the magistrate court clerk as may be delegated or assigned by the magistrate court clerk.

(c) A magistrate court deputy clerk may not be an immediate family member of any magistrate, magistrate court clerk, magistrate assistant, or judge of the circuit court within the same county; may not have been convicted of a felony or any misdemeanor involving moral turpitude; and must reside in this state. For purposes of this subsection, "immediate family member" means a mother, father, sister, brother, child, or spouse.

~~(d) Magistrate court deputy clerks shall be paid an annual salary by the state on the same basis and in the same amounts established for magistrate assistants in each county, as provided in section nine of this article~~ Magistrate court deputy clerks shall be paid at least twice per month by the state. The annual salary of all magistrate court deputy clerks is \$46,932. Beginning July 1, 2023, the annual salary of a magistrate court deputy clerk shall be \$49,232. Magistrate court deputy clerks may receive any general salary increase granted to state employees whose salaries are not

set by statute, expressed as a percentage increase or an across-the-board increase implemented after July 1, 2023.

~~(e) Notwithstanding any provision of this code to the contrary, the amendments made to section nine of this article during the 2013 First Extraordinary Session, and the effects of those amendments on subsection (d) of this section, are effective upon passage and are retroactive to January 1, 2013.~~

~~(f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is \$39,348. After the effective date of this section, a general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across the board increase, may also be granted to magistrate court deputy clerks~~

§50-1-9c. Additional magistrate court support staff; duties; salary.

The Supreme Court of Appeals is authorized to create additional classifications of support staff that it deems necessary to adequately and efficiently staff the magistrate courts of this state, including, but not limited to cashiers, data entry clerks, and deputy magistrate assistants. The Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and assign job duties for these positions pursuant to its own employment rules, policies, and procedures. The annual salary of additional support staff authorized by this section shall not exceed the regular annual salary of a magistrate assistant and shall be paid by the state on the same basis and in the same amounts established for magistrate assistants in each county, as provided in §50-1-9 of this code.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-1. Judicial circuits; terms of office; legislative findings and declarations; elections; terms of court.

(a) Beginning on the effective date of this subsection and until December 31, 2024, the state shall be divided into the following judicial circuits with the following number of judges:

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall have four judges;

(2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall have two judges;

(3) The counties of Doddridge, Pleasants, and Ritchie shall constitute the third circuit and shall have one judge;

(4) The counties of Wood and Wirt shall constitute the fourth circuit and shall have three judges;

(5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit and shall have ~~two~~ three judges ~~Provided, That effective January 1, 2017, said circuit court shall have three judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;~~

(6) The county of Cabell shall constitute the sixth circuit and shall have four judges;

(7) The county of Logan shall constitute the seventh circuit and shall have two judges;

(8) The county of McDowell shall constitute the eighth circuit and shall have two judges;

(9) The county of Mercer shall constitute the ninth circuit and shall have three judges;

(10) The county of Raleigh shall constitute the tenth circuit and shall have ~~three~~ four judges ~~Provided, That effective January 1, 2017, said circuit court shall have four judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;~~

(11) The counties of Greenbrier and Pocahontas shall constitute the eleventh circuit and shall have two judges;

(12) The county of Fayette shall constitute the twelfth circuit and shall have two judges;

(13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven judges;

(14) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the fourteenth circuit and shall have two judges;

(15) The county of Harrison shall constitute the fifteenth circuit and shall have three judges;

(16) The county of Marion shall constitute the sixteenth circuit and shall have two judges;

(17) The county of Monongalia shall constitute the seventeenth circuit and shall have three judges;

(18) The county of Preston shall constitute the eighteenth circuit and shall have one judge;

(19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall have ~~one judge~~ two judges ~~Provided, That effective January 1, 2019, said circuit court shall have two judges; said additional circuit judge to be appointed by the Governor and subsequently elected at the next scheduled primary election to be held in 2020 for the unexpired term pursuant to §3-10-3 of this code: Provided, however, That said additional circuit judge shall thereafter be elected at the regularly scheduled election(s) to be held in the year 2024 and every eighth year thereafter;~~

(20) The county of Randolph shall constitute the twentieth circuit and shall have one judge;

(21) The counties of Grant, Mineral, and Tucker shall constitute the twenty-first circuit and shall have two judges;

(22) The counties of Hampshire, Hardy, and Pendleton shall constitute the twenty-second circuit and shall have two judges;

(23) The counties of Berkeley, Jefferson, and Morgan shall constitute the twenty-third circuit and shall have ~~five~~ six judges; ~~Provided, That effective January 1, 2017, said circuit court shall~~

~~have six judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter~~

(24) The county of Wayne shall constitute the twenty-fourth circuit and shall have two judges;

(25) The counties of Lincoln and Boone shall constitute the twenty-fifth circuit and shall have two judges;

(26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall have ~~one judge~~ two judges ~~Provided, That effective January 1, 2017, said circuit court shall have two judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;~~

(27) The county of Wyoming shall constitute the twenty-seventh circuit and shall have one judge;

(28) The county of Nicholas shall constitute the twenty-eighth circuit and shall have one judge;

(29) The county of Putnam shall constitute the twenty-ninth circuit and shall have two judges;

(30) The county of Mingo shall constitute the thirtieth circuit and shall have one judge; and

(31) The counties of Monroe and Summers shall constitute the thirty-first circuit and shall have one judge.

(b) Effective January 1, 2025, the state shall be divided into the following judicial circuits with the following number of judges who shall be elected by the voters of the entire circuit, but in separate divisions, as required by §3-5-6b of this code.

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge shall be a resident of any county comprising the third circuit; *Provided, however*, That if the highest vote recipients in both divisions are also both residents of the same county, then the candidate with the highest overall number of votes shall be declared the winner of the division in which he or she ran; *Provided, further*, That the candidate who has the highest number of votes in the other division who is not a resident of the same county as the highest overall vote recipient shall be declared the winner of the division in which he or she ran;

(4) The county of Wood shall constitute the fourth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the fifth circuit shall be for a judge who resides in Jackson County at the time of his or her filing and for the duration of his or her service, Division 2 in the fifth circuit shall be for a judge who resides in Mason County at the time of his or her filing and for the duration of his or her service, and Division 3 in the fifth circuit shall be for a judge who resides in either Calhoun County or Roane County at the time of his or her filing and for the duration of his or her service;

(6) The county of Cabell shall constitute the sixth circuit and shall have four judges, who shall be elected at the regularly

scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(7) The county of Putnam shall constitute the seventh circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(9) The counties of Boone and Lincoln shall constitute the ninth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(10) The county of Wayne shall constitute the tenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(11) The counties of Logan and Mingo shall constitute the eleventh circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the eleventh circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Mingo County, Division 2 in the eleventh circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Logan County, and Division 3 in the eleventh circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Logan County;

(12) The counties of McDowell and Wyoming shall constitute the twelfth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the twelfth circuit shall be for a judge who will reside at the time of his

or her filing and during his or her service in McDowell County, and Division 2 in the twelfth circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Wyoming County;

(13) The county of Mercer shall constitute the thirteenth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(14) The county of Raleigh shall constitute the fourteenth circuit and shall have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(15) The county of Fayette shall constitute the fifteenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(16) The county of Nicholas shall constitute the sixteenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge shall be a resident of any county comprising the seventeenth circuit; *Provided, however*, That if the highest vote recipients in both divisions are also both residents of the same county, then the candidate with the highest overall number of votes shall be declared the winner of the division in which he or she ran; *Provided, further*, That the candidate who has the highest number of votes in the other division who is not a resident of the same county as the highest overall vote recipient shall be declared the winner of the division in which he or she ran;

(18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; *Provided*, That Division 1 in the eighteenth circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Upshur County, and Division 2 in the eighteenth circuit shall be for a judge who will reside at the time of his or her filing and during his or her service in Lewis County;

(19) The county of Harrison shall constitute the nineteenth circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(20) The county of Marion shall constitute the twentieth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(21) The county of Monongalia shall constitute the twenty-first circuit and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(22) The counties of Preston and Tucker shall constitute the twenty-second circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(26) The counties of Hampshire, Hardy, and Pendelton shall constitute the twenty-sixth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(27) The counties of Berkley and Morgan shall constitute the twenty-seventh circuit and shall have five judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(28) The county of Jefferson shall constitute the twenty-eighth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(29) The counties of Greenbrier and Pocahontas shall constitute the twenty-ninth circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; and

(30) The counties of Monroe and Summers shall constitute the thirtieth circuit and shall have one judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter.

~~(b)~~ (c) The ~~Kanawha~~ Raleigh County circuit court shall be a court of concurrent jurisdiction with each the remaining single-judge circuit where the sitting judge in the single-judge circuit is unavailable by reason of sickness, vacation, or other reason.

~~(e)~~ (d) Any judge in office on the effective date of the reenactment of this section shall continue as a judge of the circuit as constituted under prior enactments of this section, unless sooner removed or retired as provided by law, until December 31, ~~2016~~ 2024.

~~(d)~~ (e) The term of office of all circuit court judges shall be for eight years. The term of office for all circuit court judges elected during an election conducted in the year ~~2016~~ 2024, shall commence on January 1, ~~2017~~, 2025, and end on December 31, ~~2024~~ 2032.

(e) (f) For election purposes, in every judicial circuit having two or more judges there shall be numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall be elected at large from the entire circuit. In each numbered division of a judicial circuit, the candidates for ~~nomination or~~ election shall be voted upon, and the votes cast for the candidates in each division shall be tallied separately from the votes cast for candidates in other numbered divisions within the circuit. The candidate receiving the highest number of the votes cast within a numbered division shall be ~~nominated or~~ elected, as the case may be except as provided above with respect to the third and seventeenth circuits.

~~(f) Judges serving a judicial circuit comprised of four or more counties with two or more judges shall not be residents of the same county.~~

(g) The Supreme Court of Appeals shall, by rule, establish the terms of court of circuit judges.

ARTICLE 2A. FAMILY COURTS.

§51-2A-3. Number of family court judges; assignment of family court judges by family court circuits.

~~(a) Beginning on January 1, 2009, forty five family court judges shall serve throughout the state, allocated among a total of twenty seven family court circuits as follows:~~

~~(1) The counties of Brooke, Hancock and Ohio shall constitute the first family court circuit and have two family court judges;~~

~~(2) The counties of Marshall, Wetzel and Tyler shall constitute the second family court circuit and have one family court judge;~~

~~(3) The counties of Pleasants and Wood shall constitute the third family court circuit and have two family court judges;~~

~~(4) The counties of Roane, Calhoun, Gilmer and Ritchie shall constitute the fourth family court circuit and have one family court judge;~~

~~(5) The counties of Mason, Jackson and Wirt shall constitute the fifth family court circuit and have two family court judges;~~

~~(6) The county of Cabell shall constitute the sixth family court circuit and have two family court judges;~~

~~(7) The county of Wayne shall constitute the seventh family court circuit and have one family court judge;~~

~~(8) The county of Mingo shall constitute the eighth family court circuit and have one family court judge;~~

~~(9) The county of Logan shall constitute the ninth family court circuit and have two family court judges;~~

~~(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and have two family court judges;~~

~~(11) The county of Kanawha shall constitute the eleventh family court circuit and have five family court judges;~~

~~(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit and have three family court judges;~~

~~(13) The counties of Raleigh, Summers and Wyoming shall constitute the thirteenth family court circuit and have three family court judges;~~

~~(14) The county of Fayette shall constitute the fourteenth family court circuit and have one family court judge;~~

~~(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit and have one family court judge;~~

~~(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and have one family court judge;~~

~~(17) The counties of Braxton, Lewis and Upshur shall constitute the seventeenth family court circuit and have one family court judge;~~

~~(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court circuit and have two family court judges;~~

~~(19) The county of Marion shall constitute the nineteenth family court circuit and have one family court judge;~~

~~(20) The counties of Monongalia and Preston shall constitute the twentieth family court circuit and have two family court judges;~~

~~(21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit and have one family court judge;~~

~~(22) The counties of Tucker and Randolph shall constitute the twenty-second family court circuit and have one family court judge;~~

~~(23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third family court circuit and have one family court judge;~~

~~(24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court circuit and have three family court judges;~~

~~(25) The counties of Hardy, Pendleton and Grant shall constitute the twenty-fifth family court circuit and have one family court judge;~~

~~(26) The county of Putnam shall constitute the twenty-sixth family court circuit and have one family court judge; and~~

~~(27) The counties of Webster and Pocahontas shall constitute the twenty-seventh family court circuit and have one family court judge.~~

~~(b)~~ (a) ~~Beginning on January 1, 2017~~ Beginning on the effective date of this subsection and until December 31, 2024, 47 family court judges shall serve throughout the state, allocated among a total of 27 family court circuits as follows:

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit and have two family court judges;

(2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court circuit and have one family court judge;

(3) The counties of Pleasants and Wood shall constitute the third family court circuit and have two family court judges;

(4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family court circuit and have one family court judge;

(5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit and have two family court judges;

(6) The county of Cabell shall constitute the sixth family court circuit and have three family court judges;

(7) The county of Wayne shall constitute the seventh family court circuit and have one family court judge;

(8) The county of Mingo shall constitute the eighth family court circuit and have one family court judge;

(9) The county of Logan shall constitute the ninth family court circuit and have two family court judges;

(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and have two family court judges;

(11) The county of Kanawha shall constitute the eleventh family court circuit and have five family court judges;

(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit and have three family court judges;

(13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family court circuit and have three family court judges;

(14) The county of Fayette shall constitute the fourteenth family court circuit and have one family court judge;

(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit and have one family court judge;

(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and have one family court judge;

(17) The counties of Braxton, Lewis, and Upshur shall constitute the seventeenth family court circuit and have one family court judge;

(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court circuit and have two family court judges;

(19) The county of Marion shall constitute the nineteenth family court circuit and have one family court judge;

(20) The counties of Monongalia and Preston shall constitute the twentieth family court circuit and have two family court judges;

(21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit and have one family court judge;

(22) The counties of Tucker and Randolph shall constitute the twenty-second family court circuit and have one family court judge;

(23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third family court circuit and have two family court judges;

(24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court circuit and have three family court judges;

(25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family court circuit and have one family court judge;

(26) The county of Putnam shall constitute the twenty-sixth family court circuit and have one family court judge; and

(27) The counties of Webster and Pocahontas shall constitute the twenty-seventh family court circuit and have one family court judge.

(b) Effective January 1, 2025, 48 family court judges shall serve throughout the state, allocated among a total of 27 family court circuits as follows:

(1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(3) The counties of Pleasants and Wood shall constitute the third family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(6) The county of Cabell shall constitute the sixth family court circuit and have three family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(7) The county of Wayne shall constitute the seventh family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(8) The county of Mingo shall constitute the eighth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(9) The county of Logan shall constitute the ninth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(11) The county of Kanawha shall constitute the eleventh family court circuit and have five family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit and have three family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family court circuit and have three family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(14) The county of Fayette shall constitute the fourteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(17) The counties of Lewis and Upshur shall constitute the seventeenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(19) The county of Marion shall constitute the nineteenth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(20) The counties of Monongalia and Preston shall constitute the twentieth family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(22) The counties of Tucker and Randolph shall constitute the twenty-second family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(23) The counties of Mineral, Hampshire, and Morgan shall constitute the twenty-third family court circuit and have two family court judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court circuit and have four family court judges with the additional family court judge to be elected at the regularly scheduled election held in 2024, and every eighth year thereafter;

(25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

(26) The county of Putnam shall constitute the twenty-sixth family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter; and

(27) The counties of Webster, Braxton, and Pocahontas shall constitute the twenty-seventh family court circuit and have one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth year thereafter.

(c) Family court judges taking office January 1, ~~2017~~ 2025, shall be elected at the regularly scheduled election(s) occurring in the year ~~2016~~ 2024, and shall serve for a term of eight years.

(d) The Legislature has the authority and may determine to realign the family court circuits and has the authority and may determine to increase or decrease the number of family court

judges within a family court circuit, from time to time. Any person appointed or elected to the office of family court judge acknowledges the authority of the Legislature to realign family court circuits and the authority of the Legislature to increase or decrease the number of family court judges within a family court circuit.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

(a) A family court judge is entitled to receive as compensation for his or her services an annual salary of \$62,500: Provided, That beginning July 1, 2005, a family court judge is entitled to receive as compensation for his or her services an annual salary of \$82,500: Provided, however, That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: Provided further, That beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950.

(b) The secretary-clerk of the family court judge is appointed by the family court judge and serves at his or her will and pleasure. The secretary-clerk of the family court judge is entitled to receive an annual salary of \$27,036: Provided, That on and after July 1, 2006, the annual salary of the secretary-clerk shall be established by the Administrative Director of the Supreme Court of Appeals, but may not exceed \$39,000. In addition, any person employed as a secretary-clerk to a family court judge on the effective date of the enactment of this section during the sixth extraordinary session of the Legislature in the year 2001 who is receiving an additional \$500 per year up to 10 years of a certain period of prior employment under the provisions of the prior enactment of §51-2A-8 of this code during the second extraordinary session of the Legislature in the year 1999 shall continue to receive such additional amount. Further, the secretary-clerk will receive such percentage or proportional salary increases as may be provided by general law for other public employees and is entitled to receive the annual incremental salary increase as provided in §5-5-1 et seq. of this code The secretary-clerk of the family court shall be paid at least twice per month by the state. The annual salary of all secretary-clerks of the family court is \$42,576. Beginning July 1,

2023, the annual salary of a family court secretary-clerk shall be \$44,876. Family court secretary-clerks may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.

(c) The family court judge may employ not more than one family case coordinator who serves at his or her will and pleasure: Provided, That the Supreme Court of Appeals may authorize additional family case coordinators if the workload of a circuit's family court requires extra staff support. The annual salary of the family case coordinator of the family court judge shall be established by the Administrative Director of the Supreme Court of Appeals but may not exceed \$36,000 \$54,576. Provided, That on and after July 1, 2006, the annual salary of the family case coordinator of the family court judge may not exceed \$51,000. The family case coordinator will receive such percentage or proportional salary increases as may be provided by general law for other public employees and is entitled to receive the annual incremental salary increase as provided in §5-5-1 et seq. of this code Beginning July 1, 2023, the annual salary of a family court case coordinator shall not exceed \$56,876. Family court case coordinators may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023. If more than one family case coordinator is approved by the Supreme Court of Appeals, then the chief family court judge of that circuit shall appoint, supervise, and assign job duties for any additional family case coordinator as needed for that circuit.

(d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a bailiff is available when a family court judge determines the same is necessary for the orderly and efficient conduct of the business of the family court.

(e) Disbursement of salaries for family court judges and members of their staffs are made by or pursuant to the order of the

Director of the Administrative Office of the Supreme Court of Appeals.

(f) Family court judges and members of their staffs are allowed their actual and necessary expenses incurred in the performance of their duties. The expenses and compensation will be determined and paid by the Director of the Administrative Office of the Supreme Court of Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of Appeals.

(g) Notwithstanding any other provision of law, family court judges are not eligible to participate in the retirement system for judges under the provisions of §51-9-1 et seq. of this code

(g) The Supreme Court of Appeals is authorized to create additional classifications of support staff that it deems necessary to adequately and efficiently staff the family courts of this state, including, but not limited to, receptionists, assistant case coordinators, and assistant secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and assign job duties for these positions pursuant to its own employment rules, policies, and procedures. The annual salary of additional support staff authorized by this section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the state on the same basis established for secretary-clerks as provided in this section.

On motion of Senator Trump, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. 3332) was reported by the Clerk and adopted:

On page 8, section 2, line 170, by striking out the word "six" and inserting in lieu thereof the word "five".

The question now being on the adoption of the Finance committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 3332, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3332 pass?"

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

The nays were: Tarr—1.

Absent: Jeffries and Phillips—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. 3332) passed.

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the title of the bill was withdrawn.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 3332—A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; to amend and reenact §50-1-2, §50-1-8, §50-1-9, and §50-1-9a of said code; to amend said code by adding thereto a new section, designated §50-1-9c; to amend and reenact §51-2-1 of said code; and to amend and reenact §51-2A-3 and §51-2A-6 of said code; all relating generally to judicial officers and judicial staff; establishing runoff elections for circuit court judges in certain circumstances; establishing the number of magistrates per county before and after a date certain; establishing magisterial term length and election

dates; setting forth process for Supreme Court of Appeals to undertake magistrate caseload study and submit administrative order regarding magistrate allocation; eliminating limit on maximum number of magistrates; eliminating restriction against reducing number of magistrates; removing payment of magistrates salaries based on population; establishing certain magistrate staff salaries and payment periods; authorizing additional magistrate assistants per magistrate based on workload, subject to certain restrictions; altering the county composition of certain circuit court circuits; establishing the number of circuit court judges per circuit before and after a date certain; providing for concurrent jurisdiction in single judge circuit; altering the county composition of certain family court circuits; establishing the number of family court judges per family court circuit before and after a date certain; establishing salaries of family court judges; establishing certain family court staff salaries and payment periods; permitting Supreme Court of Appeals to increase number of family case coordinators; authorizing the Supreme Court of Appeals to create staff classifications and to appoint additional support staff to family court judges based on workload, subject to certain restrictions; and providing internal effective dates.

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

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 12:54 p.m., the Senate recessed until 1:30 p.m. today.

The Senate reconvened at 1:35 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 3344, To pay certain moral obligations of the state.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3344) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3344) takes effect from passage.

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

Eng. Com. Sub. for House Bill 3369, Creating a School Safety Unit within the Division of Protective Services.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3369) passed with its title.

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

Eng. House Bill 3371, Relating to federal funds for land-grant institutions.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3371) passed with its title.

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

Eng. Com. Sub. for House Bill 3398, Relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism.

On third reading, coming up in regular order, with the unreported Military committee amendment pending, and with the right having been granted on yesterday, Wednesday, March 8, 2023, for further amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 3B. THE WEST VIRGINIA MEMORIAL TO
FALLEN HEROES OF THE GLOBAL WAR ON
TERRORISM.**

§10-3B-1. Legislative findings, purposes, intent, and short title.

(a) In order to preserve the memory of West Virginia servicemembers killed in action in the conflicts in Iraq, Afghanistan, and other locations during the United States War on Terror a monument shall be constructed on the State Capitol grounds to recognize and honor those West Virginians who made the ultimate sacrifice while serving in these conflicts.

(b) This article may be cited as the "West Virginia Memorial to Fallen Heroes of the Global War on Terrorism."

§10-3B-2. Monument construction commission.

(a) A commission shall be established on or before July 1, 2023, to oversee construction of the monument. The commission shall be comprised of:

(1) The Curator of the Department of Arts, Culture, and History, who shall serve as chairperson ex officio;

(2) The Secretary of the Department of Administration;

(3) The Secretary of the Department of Veterans Assistance;

(4) A member of the West Virginia House of Delegates, who shall be appointed by the Speaker of the House of Delegates, with preference given to a member who is a veteran of the Armed Forces; and

(5) A member of the West Virginia Senate, who shall be appointed by the President of the Senate, with preference given to a member who is a veteran of the Armed Forces.

(b) A majority of the members of the commission must be present at a meeting in order to constitute a quorum, and a majority of those members present at a meeting must vote in the affirmative in order to pass a motion. A meeting called by the chair requires at least five days' written notice of the meeting be provided to the members. Additionally, the chair shall call a meeting upon written demand of at least three members.

§10-3B-3. Design, construction, and administration of the monument.

(a) The commission shall choose a design for the monument, to the greatest extent practicable, by December 31, 2023, that:

(1) Is in line with classical themes of veterans memorials throughout the nation while taking into account appropriate historical, religious, and philosophical themes as well as public comments submitted to the commission;

(2) Adheres to the principles described in §10-3B-1 of this code and is reflective of those West Virginians killed during the United State War on Terror;

(3) Is found to be aesthetically pleasing by the commission; and

(4) Is placed on the grounds of the West Virginia State Capitol.

(b) The commission shall solicit bids for construction of the monument and shall adhere to all state purchasing and payment processing laws and regulations in paying its vendors.

(c) The commission shall have a target date for the completion and dedication of the monument, to the greatest extent practicable, of December 31, 2024.

§10-3B-4. Funding for the monument; authority for obtaining additional funds to complete or enhance the monument.

The Division of Labor shall allocate funds in the amount up to \$750,000 toward the completion of the monument from any available funds that are managed or utilized by the Division of Labor. The commission shall have the authority to obtain funding through grants, charitable donations, or other appropriate means for the completion or enhancement of the monument.

§10-3B-5. Memorial inscription or plaque.

There shall be inscribed or engraved upon the monument, or otherwise permanently affixed by means of a plaque the following text:

(1) The names of all West Virginia servicemembers killed in action during the United States War on Terror as described in §10-3B-1 of this code; and

(2) Any other text the commission deems appropriate in accordance with §10-3B-3(a)(1) of this code.

§10-3B-6. Conclusion of the commission's work.

(a) The commission shall be disbanded at such time that the monument has been completed and has been appropriately dedicated in accordance with the provisions of this article; *Provided, however,* If the monument is not completed or dedicated by December 31, 2024, the commission shall be continued until such time that the monument is completed and dedicated.

(b) Upon the commission's termination, ownership of the monument shall be transferred to the Department of Arts, Culture, and History, and any funds remaining in the commission's control at that time shall be granted to the Department of Arts, Culture, and

History for the monument's enhancement and perpetual maintenance.

Engrossed Committee Substitute for House Bill 3398, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Jeffries and Phillips—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. 3398) passed.

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

Eng. Com. Sub. for House Bill 3398—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism; providing for legislative findings, purposes, intent, and short title; establishing a monument construction commission; defining membership and procedural rules of the monument construction commission; charging commission with construction of a monument to Fallen Heroes of the Global War on Terrorism; detailing guidelines for the commission; directing Division of Labor allocate funds for the monument; detailing guidelines for the affixation of an inscription or plaque to the monument; and terminating commission upon completion of the monument.

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

Eng. House Bill 3441, Revising the training requirements for members of the Higher Education Policy Commission, Council for Community and Technical College Education and the institutional governing boards.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3441) passed with its title.

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

Eng. House Bill 3512, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3512) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3512) takes effect from passage.

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

Eng. House Bill 3514, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3514) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3514) takes effect from passage.

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

Eng. House Bill 3516, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – West Virginia Safe Drinking Water Treatment.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3516) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3516) takes effect from passage.

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

Eng. House Bill 3517, Making a supplementary appropriation to the Division of Human Services – Child Care and Development.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3517) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3517) takes effect from passage.

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

Eng. House Bill 3555, Relating to student purchase and refunds of course material.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3555) passed.

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

Eng. House Bill 3555—A Bill to amend and reenact §18B-10-14 of the Code of West Virginia, 1931, as amended, relating to allowing higher education institutions to offer a courseware and book fee at a lump sum or per credit hour amount if an opt out option is offered for students in advance of the start of each academic term; amending provisions pertaining to requirements imposed on institutions when there are new or increased charges for course materials or digital courseware for certain reasons; adding to exclusions from the requirement that the agreement between an institution and an entity under which the institution assesses on the entity's behalf or allows the entity to assess a charge to students enrolled at the institution include a prohibition against the entity engaging in, or authorizing third parties to engage in, the sale, disclosure, licensing, use, retention, or other exploitation of any data collected under the agreement; and removing prohibition against denial of a student access to educational materials for which the student has been, or would otherwise be, automatically charged on the student's refusal or failure to agree to the sale, disclosure, licensing, use, retention, or other exploitation of any data pertaining to the student that would be obtained through the use of the student's educational materials.

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

Eng. House Bill 3557, Making a supplementary appropriation to the Department of Veterans' Assistance.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3557) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3557) takes effect from passage.

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

Eng. House Bill 3559, Relating to defining a newborn safety device.

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, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

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

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3559) passed.

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

Eng. House Bill 3559—A Bill to amend and reenact §49-4-201 of the Code of West Virginia, 1931, as amended, relating to newborn safety devices; authorizing the use of newborn safety devices; describing the installation and location of a newborn safety device; granting anonymity to the person placing a child in a newborn safety device; outlining the monitoring of a newborn safety device; requiring the transportation of a child found in a newborn safety device to a hospital or medical facility; waiving rights of notification and standing by the person placing a child in a newborn safety device; granting immunity to the emergency service medical provider who removes the child from the newborn safety device; and removing the anonymity provision if child abuse or neglect are evident.

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

Senator Takubo announced that in the meeting previously held, the Committee on Rules had returned to the Senate calendar, on second reading, **Engrossed Committee Substitute for House Bill 3311**.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2005, Establishing the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Board of Education.

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

Eng. Com. Sub. for House Bill 2007, Prohibiting certain medical practices.

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 advanced to third reading with the unreported Health and Human Resources committee amendments pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2436, Relating to the implementation of an acuity-based patient classification system.

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 advanced to third reading with the unreported Health and Human Resources committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2862, Relating generally to requirements for shareholder voting by the West Virginia Investment Management Board and the Board of Treasury Investments.

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 advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 2904, Supplementing and amending appropriations to the Department of Commerce, Office of the Secretary.

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

Eng. Com. Sub. for House Bill 2908, Supplementing and amending appropriations to the Department of Commerce, Division of Forestry.

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

Eng. Com. Sub. for House Bill 2911, Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services.

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

Eng. Com. Sub. for House Bill 2914, Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund.

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

Eng. House Bill 2939, Relating to filing of lien by municipalities for collection of refuse fees.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 13. TAXATION AND FINANCE.

§8-13-13. Special charges for municipal services.

(a) Notwithstanding any charter provisions to the contrary, a municipality which furnishes any essential or special municipal service, including, but not limited to, police and fire protection, parking facilities on the streets or otherwise, parks and recreational facilities, street cleaning, street lighting, street maintenance and improvement, sewerage and sewage disposal, and the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter, has plenary power and authority to provide by ordinance for the installation, continuance, maintenance, or improvement of the service, to make reasonable regulations of the service, and to impose by ordinance upon the users of the service reasonable rates, fees, and charges to be collected in the manner specified in the ordinance.

(b) Any sewerage and sewage disposal service and any service incident to the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter is subject to the provisions of Chapter 24 of this code.

(c) A municipality shall not have a lien on any property as security for payments due under subsection (a) of this section except as provided in subsection (d) of this section.

(d) A municipality may enact an ordinance, pursuant to this section, permitting it to file a lien on real property located within the municipal corporate limits for unpaid and delinquent fire, police, ~~or~~ street, or refuse fees. The ordinance must provide an administrative procedure for the municipality's assessment and collection of the fees. The administrative procedure must require that, before any lien is filed, the municipality will give notice to the property owner, by certified mail, return receipt requested, that the municipality will file the lien unless the delinquency is paid by a date stated in the notice, which must be no less than 90 days from

the date the notice is mailed. The administrative procedure must include the right to appeal to the circuit court of the county in which the real property is located. The circuit court shall consider the appeal under its general authority, including but not limited to §51-2-2(f) of this code.

(e) Notwithstanding the provisions of §8-11-4 of this code, any ordinance enacted or substantially amended under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for the publication is the municipality.

(f) In the event 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within 45 days after the expiration of the publication, protest against the ordinance as enacted or amended, the ordinance shall not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting shall not take place until after notice of the submission is given by publication as provided in subsection (e) of this section.

(g) The powers and authority granted to municipalities and to the governing bodies of municipalities in this section are in addition and supplemental to the powers and authority named in any charters of the municipalities.

(h) Notwithstanding any other provisions of this section, if rates, fees, and charges provided in this section are imposed by the governing body of a municipality for the purpose of replacing, and in amounts approximately sufficient to replace in its general fund amounts appropriated to be paid from ad valorem taxes upon property within the municipality, pursuant to an election duly called and held under the Constitution and laws of the state to authorize the issuance and sale of the municipality's general obligation bonds for public improvement purposes, the call for the election shall state that the governing body of the municipality proposes to impose rates, fees, and charges in specified amounts

under this section for the use of one or more of the services specified in subsection (a) of this section, which shall be related to the public improvement proposed to be made with the proceeds of the bonds, no notice, publication of notice, or referendum, or election or other condition or prerequisite to the imposition of the rates, fees, and charges shall be required or necessary other than the legal requirements for issuance and sale of the general obligation bonds.

(i) Payments for rates, fees, and charges due under this section that are postmarked after the due date by which they are owed shall be considered late and may be subject to late fees or penalties: *Provided*, That payments that are received by the municipality after the due date, but that were postmarked on or before the due date shall be considered to be on time and shall not be assessed any late fees or penalties.

Following discussion,

The question being on the adoption of the Judiciary committee amendment to the bill, the same was put and prevailed.

The bill (Eng. H. B. 2939), as amended, was then ordered to third reading.

Eng. House Bill 2967, Expediting License Applications for active military members and veterans, and their spouses.

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 advanced to third reading with the unreported Military committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3040, Supplementing and amending appropriations to the Department of Administration, Office of the Secretary.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the total appropriation for the fiscal year ending June 30, 2023, to fund 0186, fiscal year 2023, organization 0201, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF ADMINISTRATION

18 – Department of Administration –

Office of the Secretary

(WV Code Chapter 5F)

Fund 0186 FY 2023 Org 0201

	Appro- priation	General Revenue Fund
11a Consolidated Public Retirement –		
Surplus.....	82199	\$ 26,000,000

The above appropriation for Consolidated Public Retirement – Surplus (fund 0186, appropriation 82199) shall be transferred by the Secretary of Administration to the respective retirement plans in order to provide bonus payments and raise the benefit floor.

The bill (Eng. Com. Sub. for H. B. 3040), as amended, was then ordered to third reading.

Eng. House Bill 3065, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission.

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

Eng. House Bill 3067, Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit.

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

Eng. Com. Sub. for House Bill 3074, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities.

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

Eng. House Bill 3108, Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority.

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

Eng. Rev. Com. Sub. for House Bill 3110, Relating to funding the Office of Oil and Gas in the Department of Environmental Protection.

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

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

On page 2, section 5a, line 9, after the word "code" by inserting a comma and the following: "not to exceed \$1,200,000,".

The bill (Eng. Rev. Com. Sub. for H. B. 3110), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3130, Creating the Coalfields Energy Research and Economic Development Authority.

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

Eng. Com. Sub. for House Bill 3135, To modify the salaries of the Governor and Constitutional officers beginning January 1, 2025.

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 advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3147, To create the Upper Ohio Valley Trail Network.

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

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 2, lines 16 and 17, after the words "connecting to the" by inserting the word "Upper";

On page 3, section 2, after line 18 by striking out the section caption and substituting thereafter a new section caption to read as follows:

§20-17B-2. Creation of Upper Ohio Valley Trail Network Recreation Authority and establishment of recreation area.;

On page 3, section 2, line 1, by striking out the word "continued" and inserting in lieu thereof the word "created";

And,

On page 4, section 2, line 19, after the word "two" by inserting the word "trail".

The bill (Eng. Com. Sub. for H. B. 3147), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3153, Relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers.

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 advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours.

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

Eng. House Bill 3203, Relating generally to West Virginia Real Estate License Act.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

§30-40-3. License required.

It ~~shall be~~ is unlawful for any person to engage in ~~or carry on~~, directly or indirectly, or to advertise or hold himself or herself out as engaging in or carrying on the business or act in the capacity of a real estate broker, associate broker, or salesperson within this state without first obtaining a license as provided for in this article. Prior to practicing real estate brokerage in this state, a license shall be obtained from the commission even if the person or entity is licensed in another state and is affiliated or otherwise associated with a licensed real estate broker in this state.

§30-40-4. Definitions.

Unless the context used clearly requires a different meaning, as used in this article:

"Applicant" means any person who is making application to the commission for a license.

"Associate broker" means any person who qualifies for a broker's license, but who is employed or engaged by a licensed broker to engage in any activity regulated by this article, in the name of and under the direct supervision of the licensed broker.

"Broker" means any person who for compensation or with the intention or expectation of receiving or collecting compensation:

(1) Lists, sells, purchases, exchanges, options, rents, manages, leases, or auctions any interest in real estate; or

(2) Directs or assists in the procuring of a prospect calculated or intended to result in a real estate transaction; or

(3) Advertises or holds himself or herself out as engaged in, negotiates, or attempts to negotiate, or offers to engage in any activity enumerated in subdivision (1) of this subsection.

"Cancelled" means a license that was not renewed by December 31 of the year in which license expired;

"Commission" means the West Virginia Real Estate Commission as established §30-40-6 of this code.

"Compensation" means fee, commission, salary, or other valuable consideration, in the form of money or otherwise.

"Designated broker" means a person holding a broker's license who has been appointed by a partnership, association, corporation, or other form of business organization engaged in the real estate brokerage business, to be responsible for the acts of the business and to whom the partners, members, or board of directors have delegated full authority to conduct the real estate brokerage activities of the business organization.

"Distance education" means courses of asynchronous instruction in which instruction takes place through media where the teacher and student are separated by ~~distance and sometimes by~~ time.

"Entity" means a business, company, corporation, limited liability company, association, or partnership.

"Expired" means a license that was not renewed by July 1.

"Inactive" means a licensee who is not authorized to conduct any real estate business and is not required to comply with any continuing education requirements.

"License" means a license to act as a broker, associate broker, or salesperson.

"Licensee" means a person holding a license.

"Member" means a commissioner of the Real Estate Commission.

"Principal" means a person or entity that authorizes a licensee to act on his, her, or its behalf.

"Real estate" means any interest or estate in land, and anything permanently affixed to land.

"Salesperson" means a person employed or engaged by or on behalf of a broker to do or deal in any activity included in this article, in the name of and under the direct supervision of a broker, other than an associate broker: *Provided*, That for the purposes of receiving compensation, a salesperson may designate an entity to receive any compensation payable to the salesperson, including, but not limited to, a limited liability corporation or an S-corporation.

"Team" means any group of two or more associate brokers and/or salespersons, and other non-licensed professionals, affiliated with the same broker or company acting as one agent representative for the principal.

§30-40-5. Scope of practice; exceptions.

(a) The practice of real estate brokerage includes acting in the capacity of a broker, associate broker, or salesperson as defined in §30-40-4 of this code.

(b) The practice of real estate brokerage does not include the activities normally performed by an appraiser, mortgage company, lawyer, engineer, contractor, surveyor, home inspector, or other professional who may perform an ancillary service in conjunction with a real estate transaction.

(c) The provisions of this article do not apply to:

(1) Any person acting on his or her own behalf as owner or lessor of real estate.

(2) The regular employees of an owner of real estate, who perform any acts regulated by this article, where the acts are incidental to the management of the real estate: *Provided*, That the employee does not receive additional compensation for the act and does not perform the act as a vocation.

(3) Attorneys-at-law: *Provided*, That attorneys-at-law shall be required to submit to the written examination required under §30-40-12 of this code in order to qualify for a broker's license: *Provided, however*, That an attorney-at-law who is licensed as a

real estate broker prior to July 1, 1980, is exempt from the written examination required under §30-40-12 of this code.

(4) Any person holding, in good faith, a valid power of attorney from the owner or lessor of the real estate.

(5) Any person acting as a receiver, trustee, administrator, executor, guardian, conservator, or under the order of any court or under the authority of a deed of trust or will.

(6) A public officer while performing his or her official duties.

(7) Any person acquiring or disposing of any interest in timber or minerals, or acquiring or disposing of properties for easements and ~~rights of ways~~ rights of way, for pipelines, electric power lines and stations, public utilities, railroads, or roads

(8) Any person employed exclusively to act as the management or rental agent for the real estate of one person, ~~partnership, or corporation or entity~~.

(9) Any person properly licensed pursuant to the provisions of §19-2C-1 *et seq.* of this code when conducting an auction, any portion of which contains any leasehold or estate in real estate, only when the person so licensed is retained to conduct an auction by:

(A) A receiver or trustee in bankruptcy;

(B) A fiduciary acting under the authority of a deed of trust or will; or

(C) A fiduciary of a decedent's estate.

(10) Any person employed by a broker in a noncommissioned secretarial or clerical capacity who may in the normal course of employment, be required to:

(A) Disseminate brokerage preprinted and predetermined real estate sales and rental information;

(B) Accept and process rental reservations or bookings for a period not to exceed 30 consecutive days in a manner and procedure predetermined by the broker;

(C) Collect predetermined rental fees for the rentals which are to be promptly tendered to the broker;

(D) Make appointments on behalf of the broker or licensed salesperson with buyers and sellers of real estate and potential buyers and sellers of real estate; or

(E) Any combination thereof.

§30-40-9. Fees; special revenue account; administrative fines.

(a) All fees and other moneys, except administrative fines, received by the commission shall be deposited into the treasury of the state, ~~at least once each month~~ daily, into a special revenue fund known as the "real estate license fund" which is continued.

(b) Except as may be provided in §30-40-10 of this code, the commission shall retain the amounts in the special revenue fund from year to year and no funds collected under this article may be used by the commission for any purpose other than the administration and enforcement of this article. No compensation or expense incurred under this article is a charge against the General Revenue Fund.

(c) Any amounts received as administrative fines imposed pursuant to this article shall be deposited into the General Revenue Fund of the State Treasury.

§30-40-11. Application for license.

The commission shall only issue an original license to an applicant if he or she:

(a) Submits an application, in writing, ~~in~~ on a form prescribed by the commission which ~~must~~ shall contain, but is not limited to:

(1) The applicant's Social Security number;

~~(2) The recommendation of at least two persons who:~~

~~(A) Are property owners at the time of signing the application;~~

~~(B) Have been property owners for at least twelve months preceding the signing of the application;~~

~~(C) Have known the applicant for at least two years;~~

~~(D) Are not related to the applicant;~~

~~(E) Are not affiliated with the applicant as an employer, partner or associate or with the broker that will employ the applicant;~~

~~(F) Believe the applicant bears a good reputation for honesty, trustworthiness and fair dealing; and~~

~~(G) Believe the applicant is competent to transact the business of a real estate broker, associate broker or salesperson, as the case may be, in a manner that would protect the interest of the public~~

~~(3) (2) A clear record indicating all jurisdictions where the applicant holds or has held any professional license;~~

~~(4) (3) A clear record indicating if the applicant has been convicted of any criminal offense or if there is any criminal charge pending against the applicant, or a member or officer of the brokerage business, at the time of application;~~

(b) Is at least 18 years of age;

(c) Is a high school graduate or the holder of an equivalency diploma;

(d) Is trustworthy, of good moral character, and competent to transact the business of a broker, associate broker, or salesperson;

(e) Has paid the appropriate fee, if any, which ~~must~~ shall accompany all applications for original license or renewal;

(f) Has submitted to a state and national criminal history record check, as set forth in this subsection: *Provided*, That an applicant

for a license who is an attorney at law may submit a letter of good standing from the ~~Clerk of the Supreme Court of Appeals of West Virginia~~ State Bar in lieu of submitting to a state and national criminal history record check;

(1) This requirement is found not to be against public policy.

(2) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(3) The applicant shall meet all requirements necessary to ~~accomplish~~ complete the state and national criminal history record check, including:

(A) Submitting fingerprints for the purposes set forth in this subsection; and

(B) Authorizing the commission, the West Virginia State Police, and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(4) The results of the state and national criminal history record check may not be released to or by a private entity except:

(A) To the individual who is the subject of the criminal history record check;

(B) With the written authorization of the individual who is the subject of the criminal history record check; or

(C) Pursuant to a court order.

(5) The criminal history record check and related records are not public records for the purposes of chapter 29B of this code.

(6) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(7) Before implementing the provisions of this subsection, the commission shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code. The rules shall set forth the requirements and procedures for the criminal history record check and must be consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact as authorized by 42 U. S. C. A. §14611, *et seq.*

§30-40-12. Qualifications for broker's license.

(a) An applicant for a broker's license shall:

(1) ~~Have served an apprenticeship as a licensed salesperson for two years or shall produce evidence satisfactory to the commission, in its sole discretion, of real estate experience equivalent to two years full time experience as a licensed salesperson~~ Submit evidence satisfactory to the commission of either: (i) Real estate experience as a licensed real estate salesperson during the two years prior to the date of application showing the applicant's representation of a buyer or seller in a minimum of 10 closed transactions; if the applicant is engaged solely in the leasing or renting of real estate, representation of the landlord or tenant in a minimum of 10 closed transactions of at least one year in duration; or if the applicant is engaged solely in the management of a real estate brokerage company, active involvement in a minimum of 20 closed transactions; or (ii) regardless of the number of years as a licensed salesperson: a minimum of 20 closed transactions; if the applicant is engaged solely in the leasing or renting of real estate, representation of the landlord or tenant in a minimum of 20 closed transactions of at least one year duration; or if the applicant is engaged solely in the management of a real estate brokerage company, active involvement in a minimum of 30 closed transactions. For the purposes of this section, a "closed transaction" means a transaction that resulted in the real estate being conveyed from seller to buyer in which the applicant represented the seller, buyer, or both, or a transaction that resulted in the consummation of a lease of no less than one year in duration in which the applicant represented either the landlord or tenant of the real estate;

(2) Submit satisfactory evidence of having completed the required education course as provided for in §30-40-14 of this code; and

(3) Successfully pass the examination or examinations provided by the commission.

(b) No broker's license shall be issued in the name of a ~~corporation, association or partnership~~ an entity except through one of its members or officers.

(c) No broker's license ~~shall~~ may be issued in the name of a ~~corporation, association or partnership~~ an entity unless each member or officer who will engage in the real estate business, obtains a license as a real estate salesperson or associate broker.

§30-40-13. Qualifications for salesperson's license.

(a) An applicant for a salesperson's license shall:

(1) Submit satisfactory evidence of having completed the required education course as provided in §30-40-14 of this code; and

(2) Successfully pass the examination or examinations provided by the commission.

(b) No salesperson's license may be issued in the name of an entity except through one of its members or officers.

(c) No salesperson's license may be issued in the name of an entity unless each member or officer, who will engage in the real estate business, obtains a license as a real estate salesperson or associate broker.

§30-40-14. Prelicense education.

(a) Applicants for a broker's license shall provide evidence satisfactory to the commission that he or she has completed at least 180 clock-hours, equivalent to 12 college semester credit hours, in a course or courses approved by the commission: *Provided*, That an applicant for a broker's license who holds a salesperson's license

in this state shall ~~only~~ be required to provide evidence that he or she has completed an additional 90 clock-hours, equivalent to six college semester hours, in a course or courses approved by the commission.

(b) Applicants for a salesperson's license shall provide evidence satisfactory to the commission that he or she has completed 90 clock-hours, equivalent to six college semester credit hours, in a course or courses approved by the commission.

(c) Any course required by subsection (a) or (b) of this section ~~must~~ shall have been completed during the ~~five-year~~ three-year period preceding the date of application in order to be accepted by the commission.

§30-40-15. Licensing ~~nonresidents~~ based on licensure in another jurisdiction.

(a) The commission may recognize a valid license issued by another jurisdiction as satisfactorily qualifying ~~a nonresident person~~ an applicant who is licensed to practice real estate brokerage in another jurisdiction to obtain a comparable license in this state: *Provided,* That the ~~nonresident applicant~~ applicant has qualified for ~~original license in his or her jurisdiction of residence~~ in another jurisdiction by examination and by complying with all the provisions for obtaining ~~an original~~ a license in that jurisdiction and the jurisdiction affords the same privilege to licensees of this state.

(b) In order to obtain a license in this state, ~~a nonresident~~ an applicant under this section ~~must~~ shall:

(1) Submit the ~~appropriate~~ application on a form prescribed by the commission and fee, if any;

(2) ~~Sign a statement that the applicant has read the real estate license law and rules of this state and agrees to abide by those provisions in all brokerage activity conducted in this state~~ Pass the West Virginia state law portion of the licensure examination approved by the commission;

~~(3) Cause the real estate licensing body of the applicant's resident jurisdiction to furnish a certification of licensure which shall contain a clear record of any disciplinary actions~~ Submit a certification of licensure showing that the applicant possesses an active license to practice real estate brokerage in another jurisdiction;

~~(4) Cause the real estate licensing body of any other jurisdiction where the applicant currently holds or has held a real estate license to furnish a certification of licensure which shall contain a clear record of any disciplinary actions~~ Submit record(s) showing all disciplinary actions imposed against the applicant by any jurisdiction in which the applicant holds or held a license, if any; and

~~(5) File with the commission~~ For non-resident applicants, submit an irrevocable written designation that appoints the executive director of the commission to act as the non-resident licensee's agent, upon whom all judicial and other process or legal notices directed to the licensee may be served. The designation ~~must~~ shall stipulate and agree that service upon the executive director is equivalent to personal service upon the licensee. A copy of the designation of appointment, certified by the seal of the commission, may be admitted into evidence with the same force and affect as the original. The executive director shall mail a copy of any process or legal notice immediately upon receipt, by certified mail, to the last known business address of the licensee. No judgment by default may be taken in any action or proceeding until after 30 days of mailing and then only upon certification by the executive director that a copy of the judicial, other process or legal notice was mailed as required. ~~and~~

~~(6) File with the commission, a bond in the penalty of \$2,000 if the applicant wishes to maintain an active license in this state. The bond must be issued by a recognized surety and must be for the benefit of and to indemnify any person in this state who may have a cause of action against the principal~~

§30-40-16. Continuing professional education.

(a) Every licensee shall complete seven hours of continuing professional education for each fiscal year, with each hour equaling

50 minutes of instruction. For brokers and associate brokers, three of the required seven hours shall be from the broker-level education curriculum approved by the commission.

(b) Upon application for the renewal of a real estate license on active status, each licensee ~~must~~ shall furnish satisfactory evidence, as established by the commission, that he or she has completed seven hours of approved continuing professional education during the term of the previous license. ~~Provided, That if the commission issues a license certificate for a period of more than one fiscal year, each licensee must furnish satisfactory evidence that he or she has completed the equivalent of seven hours of continuing professional education for each year covered by the term of the previous license~~

(c) When a licensee in an inactive status makes application to revert to an active status, he or she ~~must~~ shall furnish satisfactory evidence to the commission that he or she has completed the approved continuing professional education that would have been required for active status at the time the license was renewed.

(d) Approval from the commission shall be obtained by each provider and instructor and for any course prior to any advertising or offering of the course.

(e) Real estate-related continuing education courses provided by or approved by the real estate appraiser licensing and certification board, the ~~department of highways~~ Division of Highways, the West Virginia State Bar, or other agency of this state shall be recognized as approved by the commission.

(f) If approved in advance by the commission, distance education courses may be used to satisfy the continuing education requirement.

(g) Any licensee holding a license on July 1, 1969, and continuously thereafter, shall be exempt from the continuing professional education requirement.

§30-40-17. Place of business; branch offices; display of certificates; custody of license certificates; change of address; change of employer by a salesperson or associate broker; license certificates; term of license.

(a) Every person holding a broker's license under the provisions of this article shall:

(1) Have and maintain a definite place of business within this state, which shall be a room or rooms used for the transaction of real estate business and any allied business. The definite place of business shall be designated in the license certificate issued by the commission and the broker may not transact business at any other location, unless such other location is properly licensed by the commission as a branch office; *Provided, That a nonresident broker who maintains a definite place of business in his or her jurisdiction of residence may not be required to maintain an office in this state if said jurisdiction offers the same privilege to licensed brokers of this state;*

~~(2) Conspicuously display his or her broker's license in the main office and the license of each associate broker and salesperson employed by the broker who is primarily working from the main office;~~

~~(3) (2) Conspicuously display his or her branch office license in each branch office; and the license of each associate broker and salesperson employed by the broker who is primarily working from each branch office~~

(4) (3) Make application to the commission before changing the address of any office or within 10 days after any change;

~~(5) (4) Maintain in his or her custody and control the license of each associate broker and salesperson employed by~~ affiliated with him or her; and

~~(6) (5) Promptly return the license of any associate broker or salesperson whose employment~~ affiliation with the broker is terminated.

(b) Every person holding an associate broker's or salesperson's license under the provisions of this article shall:

(1) Conduct real estate brokerage activities only under the direct supervision and control of his or her ~~employing~~ affiliated broker, which shall be designated in the license certificate; and

(2) Promptly make application to the commission of any change of employing broker: *Provided*, That it shall be unlawful to perform any act contained in this article, either directly or indirectly, after ~~employment~~ affiliation has been terminated until the associate broker or salesperson has made application to the commission for a change of ~~employing~~ affiliated broker and the application is approved.

(c) The commission shall issue a license certificate which shall:

(1) Be in such form and size as shall be prescribed by the commission;

(2) ~~Be imprinted with~~ Display the seal of the commission and shall contain such other information as the commission may prescribe: *Provided*, That a salesperson's and an associate broker's license shall show the name of the broker by whom he or she is ~~employed~~ affiliated;

(3) ~~In the case of~~ If an active licensee, be mailed or delivered to the broker's main office address;

(4) ~~In the case of~~ If an inactive licensee, be held in the commission office; and

(5) Be valid for a period that coincides with the fiscal year beginning on July 1 and ending on June 30. ~~and may be issued for a period covering more than one fiscal year at the discretion of the commission: *Provided*, That nothing contained herein shall authorize any person to transact real estate business prior to becoming properly licensed~~

§30-40-18. Trust fund accounts.

(a) Every person licensed as a broker under the provisions of this article who does not immediately deliver all funds received, in

relation to a real estate transaction, to his or her principal or to a neutral escrow depository shall maintain and reconcile one or more trust fund accounts in a recognized financial institution and shall place all funds therein: *Provided*, That nothing contained herein shall require a broker to maintain a trust fund account if the broker does not hold any money in trust for another party.

(b) Funds that ~~must~~ shall be deposited into a trust fund account include, but are not limited to, earnest money deposits, security deposits, rental receipts, auction proceeds, and money held in escrow at closing.

(c) Each trust fund account ~~must~~ shall be established at a financial institution which is insured against loss by an agency of the federal government and the amount deposited therein cannot exceed the amount that is insured against loss.

(d) Each trust fund account ~~must~~ shall provide for the withdrawal of funds without notice.

(e) No trust fund account may earn interest or any other form of income, unless specifically authorized by commission rule.

(f) The broker may not commingle his or her own funds with trust funds and the account may not be pledged as collateral for a loan or otherwise utilized by the broker in a manner that would violate his or her fiduciary obligations in relation to the trust funds: *Provided*, That nothing contained herein prevents the broker from depositing a maximum of \$100 of his or her own money in the trust fund account to maintain a minimum balance in the account.

~~(g) No financial institution, in which a trust fund account is established under the provisions of this article, shall require a minimum balance in excess of the amount authorized in subsection (f) of this section~~

~~(h)~~ (g) The broker shall be the designated trustee of the account and shall maintain complete authority and control over all aspects of each trust fund account, including signature authority: *Provided*, That only one other member or officer of a corporation, association, or partnership, who is licensed under the provisions of

this article, may be authorized to disburse funds from the account: *Provided, however,* That if disbursements from a trust fund account require two signatures, one additional member or officer may be a signatory as provided in this section.

(j) (h) The broker shall, at a minimum, maintain records of all funds deposited into the trust fund account, which shall clearly indicate the date and from whom the money was received, date deposited, date of withdrawal, to whom the money belongs, for whose account the money was received, and other pertinent information concerning the transaction. All records shall be open to inspection by the commission or its duly authorized representative at all times during regular business hours at the broker's place of business.

(j) (i) The broker shall cause the financial institution wherein a trust fund account is maintained to execute a statement, prepared by the commission, which shall include, but is not limited to:

(1) Exact title of the account as registered by the financial institution;

(2) The account number of the trust fund account;

(3) Identification of all persons authorized to make withdrawals from the account;

(4) Name and address of the financial institution;

(5) Title of the person executing the statement on behalf of the financial institution;

(6) Date the statement was executed; and

(7) Certification that the financial institution will notify the Real Estate Commission if any checks drawn against the account are returned for insufficient funds and that the financial institution does not require a minimum balance in excess of the amount authorized in subsection (f) of this section.

~~(k)~~ (j) The broker shall execute a statement authorizing the commission, or its duly authorized representative, to make periodic inspections of the trust fund account and to obtain copies of records from any financial institution wherein a trust fund account is maintained. A copy of any authorization shall be accepted by any financial institution with the same force and effect as the original.

~~(l)~~ (k) The broker shall notify the commission, within 10 days of the establishment of or any change to a trust fund account.

§30-40-19. Refusal, suspension, or revocation of a license.

(a) The commission ~~shall have full power to~~ may refuse a license for reasonable cause or ~~to~~ revoke, suspend, or impose any other sanction against a licensee if the licensee:

(1) Obtains, renews, or attempts to obtain or renew a license, for himself, herself, or another, through the submission of any application or other writing that contains false, fraudulent, or misleading information;

(2) Makes any substantial misrepresentation;

(3) Makes any false promises or representations of a character likely to influence, persuade, or induce a person involved in a real estate transaction;

(4) Pursues a course of misrepresentation or makes false promises or representations through agents or any medium of advertising or otherwise;

(5) Uses misleading or false advertising;

(6) Uses any trade name or insignia of membership in any organization in which the licensee is not a member;

(7) Acts for more than one party in a transaction without the knowledge and written consent of all parties for whom he or she acts;

(8) Fails, within a reasonable time, to account for or to remit moneys or other assets coming into his or her possession, which belong to others;

(9) Commingles moneys belonging to others with his or her own funds;

(10) Advertises or displays a "for sale", "for rent", or other such sign on any property without an agency relationship being established or without the owner's knowledge and written consent;

(11) Advertises any property on terms other than those authorized by the owner;

(12) Fails to disclose, on the notice of agency relationship form promulgated by the commission, whether the licensee represents the seller, buyer, or both;

(13) Fails to voluntarily furnish copies of the notice of agency relationship, listing contract, sale contract, lease contract, or any other contract to each party executing the same;

(14) Pays or receives any rebate, profit, compensation, commission, or other valuable consideration, resulting from a real estate transaction, to or from any person other than the licensee's principal: *Provided*, That this subsection may not be construed to prevent the sharing of compensation or other valuable consideration between licensed brokers;

(15) Induces any person to a contract to break the contract for the purpose of substituting a new contract with a third party;

(16) Accepts compensation as a salesperson or associate broker for any act specified in this article from any person other than his or her ~~employer who must be a broker~~;

(17) Pays compensation to any person for acts or services performed either in violation of this article or the real estate licensure laws of any other jurisdiction;

(18) Pays a compensation to any person knowing that they will pay a portion or all of that which is received, in a manner that would constitute a violation of this article if it were paid directly by a licensee of this state;

(19) Violates any ~~of the provisions~~ provision of this article, any rule, or any order or final decision issued by the commission;

(20) Procures an attorney for any client or customer, or solicits legal business for any attorney-at-law;

(21) Engages in the unlawful or unauthorized practice of law as defined by the Supreme Court of Appeals of West Virginia;

(22) Commits or is a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or other device whereby any other person relies upon the word, representation, or conduct of the licensee;

(23) Continues in the capacity of, or accepts the services of, any broker, associate broker, or salesperson who is not properly licensed;

(24) Fails to disclose any information within his or her knowledge or to produce any document, book, or record in his or her possession for inspection of and copying by the commission or its duly authorized representatives;

(25) Accepts payment other than cash or its equivalent as earnest money or other deposit unless this fact is disclosed in the contract to which the deposit relates;

(26) Accepts, takes, or charges any undisclosed compensation on expenditures made by or on behalf of the licensee's principal;

(27) Discriminates against any person involved in a real estate transaction which is in violation of any federal or state ~~antidiscrimination~~ anti-discrimination law, including any fair housing law;

(28) Fails to preserve for five years following its consummation, records relating to any real estate transaction;

(29) Fails to maintain ~~adequate~~ accurate records on the broker's trust fund account;

(30) ~~In the case of~~ If a broker, fails to ~~adequately~~ supervise all associate brokers and salespersons ~~employed by~~ affiliated with him or her;

(31) Breaches a fiduciary duty owed by a licensee to his or her principal in a real estate transaction;

(32) Directs any party to a real estate transaction in which the licensee is involved, to any lending institution for financing or to any affiliated business with the expectation of receiving a financial incentive, rebate, or other compensation, without first obtaining from his or her principal the signed acknowledgment of and consent to the receipt of the financial incentive, rebate, or other compensation: Provided, That this subsection may not be construed to prevent the sharing of compensation or other valuable consideration between licensed brokers;

(33) Represents to any lending institution, or other interested party either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(34) Fails to disclose to an owner the licensee's true position if he or she directly or indirectly through a third party, purchases for himself or herself or acquires or intends to acquire any interest in or any option to purchase the property;

(35) Lends a broker's license to any person, including a salesperson, or permits a salesperson to operate as a broker;

(36) Has been convicted in a court of competent jurisdiction in this or any other jurisdiction of forgery, embezzlement, obtaining money under false pretense, bribery, larceny, extortion, conspiracy to defraud, any other similar offense, a crime involving moral turpitude, or a felony;

(37) Engages in any act or conduct which constitutes or demonstrates bad faith, incompetency, ~~or~~ untrustworthiness, or dishonest, fraudulent, or improper dealing;

(38) Induces any person to alter, modify, or change another licensee's fee or commission for brokerage services, without that licensee's prior written consent;

(39) Negotiates a real estate transaction directly with any person that is represented exclusively by another broker, unless the conduct is specifically authorized by the other broker;

(40) Obtains, negotiates, or attempts to obtain or negotiate a contract whereby the broker is entitled to a commission only to the extent that the sales price exceeds a given amount, commonly referred to as a net listing;

(41) Fails or refuses, on demand, to furnish copies of a document to a person whose signature is affixed to the document;

(42) In the case of an associate broker or salesperson, represents or attempts to represent a broker other than his or her employing broker;

(43) Fails to reduce a bona fide offer to writing;

(44) Guarantees, or authorizes or permits another licensee to guarantee, future profits which may result from a real estate transaction;

(45) Is disciplined by another jurisdiction if at least one of the grounds for that discipline is the same as or equivalent to one of the grounds for discipline in this article; or

(46) Engages in any other act or omission in violation of professional conduct requirements of licensees established by legislative rule of the commission.

(b) The provisions of this section shall be liberally construed in order to carry out the objectives and purposes of this article.

(c) As used in this section:

(1) The words "convicted in a court of competent jurisdiction" mean a plea of guilty or nolo contendere entered by a person or a verdict of guilt returned against a person at the conclusion of a trial;

(2) A certified copy of a conviction order entered in a court is sufficient evidence to demonstrate a person has been convicted in a court of competent jurisdiction.

(d) Every person licensed by the commission has an affirmative duty to report, in a timely manner, any known or observed violation of this article or the rules, orders, or final decisions of the commission.

(e) The revocation of a broker's license shall automatically suspend the license of every associate broker and salesperson ~~employed by~~ affiliated with the broker: *Provided*, That the commission shall issue a replacement license for any licensee so affected to a new ~~employing~~ broker, without charge, if a proper application is submitted to the commission during the same license term.

§30-40-20. Complaints; investigation.

(a) Upon the initiation of a complaint by the commission or the filing of a complaint by another person. ~~The the~~ commission may ~~upon its own motion and shall upon the filing of a complaint setting forth a cause of action under this article, or the rules promulgated thereunder~~ ascertain the facts and if warranted hold a hearing for the suspension or revocation of a license, or the imposition of sanctions against a licensee: *Provided*, That no disciplinary action may be brought against a licensee upon any complaint that is filed more than two years after the acts or omissions alleged in the complaint or, where the licensee is alleged to have engaged in fraud, deceit, or misrepresentation, more than two years after the date at which the complainant discovered, or through reasonable diligence should have discovered, the alleged unprofessional conduct. Time limits for the filing of a complaint shall be tolled during any period in which material evidence necessary for the commission's evaluation or use is unavailable to the commission due to an ongoing criminal investigation or prosecution.

(b) All complaints ~~must shall~~ be submitted in writing on a form prescribed by the commission, and ~~must shall~~ fully describe the acts or omissions constituting the alleged ~~unprofessional conduct~~ violation(s) of this article or rules promulgated thereunder.

(c) Upon initiation or receipt of the complaint, the commission shall provide a copy of the complaint to the licensee for his or her response to the allegations contained in the complaint. The accused party shall file an answer within 20 days of the date of service. Failure of the licensee to file a timely response may be considered an admission of the allegations in the complaint: *Provided*, That nothing contained herein ~~shall may~~ prohibit the accused party from obtaining an extension of time to file a response, if the commission, its executive director, or other authorized representative permits the extension.

(d) The commission may cause an investigation to be made into the facts and circumstances giving rise to the complaint and any person licensed by the commission has an affirmative duty to assist the commission, or its authorized representative, in the conduct of its investigation.

(e) After receiving the licensee's response and reviewing any information obtained through investigation, the commission shall determine if probable cause exists that the licensee has violated any provision of this article or the rules.

(f) If a determination that probable cause exists for disciplinary action, the commission may hold a hearing in compliance with §30-40-21 of this code or may dispose of the matter informally through a consent agreement or otherwise.

§30-40-21. Hearings; judicial review; cost of proceedings.

(a) Hearings shall be conducted in accordance with the provisions of §29A-5-1 *et seq.* of this code and the commission's rules.

(b) Hearings shall be held at a time and place determined by the commission, but in no event less than 30 days after the notice of hearing is given.

(c) Any member has the authority to administer oaths and to examine any person under oath.

(d) If, after hearing, the commission determines the licensee has violated any provision of this article, or the commission's rules, a formal decision shall be prepared which contains findings of fact, conclusions of law, and specifically lists the disciplinary actions imposed.

(e) The commission may elect to have an administrative law judge or hearing examiner conduct the hearing. If the commission makes this election, the administrative law judge or hearing examiner, at the conclusion of a hearing, shall prepare a proposed order which shall contain findings of fact and conclusions of law. The commission may request that disciplinary actions imposed be a part of the proposed order, or the commission may reserve this obligation for its consideration. The commission may accept, reject, or modify the decision of the administrative law judge or hearing examiner.

(f) Any person adversely affected by any decision or final order made by the commission, after a hearing, is entitled to judicial review ~~by the circuit court of the county where the hearing was held.~~ pursuant to the provisions of §29A-5-4 of this code.

(g) In addition to any other sanction imposed, the commission may require a licensee to pay the costs of the proceeding.

§30-40-22. Criminal Penalties penalties for violations.

(a) ~~Any~~ In addition to the sanctions imposed by the commission pursuant to this article, any person violating a provision of this article or the commission's rules is guilty of a misdemeanor. Any person convicted of a first violation shall be fined not less than \$1,000 nor more than \$2,000, or confined in ~~the county or regional~~ jail not more than 90 days, or both fined and confined;

(b) Any person convicted of a second or subsequent violation shall be fined not less than \$2,000 nor more than \$5,000, or confined in ~~the county or regional~~ jail for a term not to exceed one year, or both fined and confined;

(c) Any corporation, association, or partnership convicted of a first violation of this article or the commission's rules, shall be fined not less than \$2,000 nor more than \$5,000;

(d) Any corporation, association, or partnership convicted of a second or subsequent violation, shall be fined not less than \$5,000 nor more than \$10,000;

(e) Any officer, member, employee, or agent of a corporation, association, or partnership, shall be subject to the penalties herein prescribed for individuals;

(f) Each ~~and every~~ day a violation of this article continues ~~shall constitute~~ constitutes a separate offense;

(g) In addition to the penalties herein provided, if any person receives compensation for acts or services performed in violation of this article, he or she shall also be subject to a penalty of not less than the value of the compensation received nor more than three times the value of the compensation received, as may be determined by a court of competent jurisdiction. Any penalty may be recovered by a person aggrieved as a result of a violation of this article;

(h) The penalties provided in this section do not apply to a violation of the duties or obligations of a financial institution under the certification required by §30-40-18(j)(7) of this code by a financial institution providing trust fund account services to a broker.

§30-40-25. Collection of compensation.

No person may bring or maintain any action in any court of this state for the recovery of compensation for the performance of any act or service for which a broker's license is required, without alleging and proving that he or she was the holder of a valid broker's license at all times during the performance or rendering of any act or service: *Provided*, That an associate broker or salesperson ~~shall have the right to~~ may institute suit in his or her own name for the recovery of compensation from his or her

~~employing affiliated~~ broker for acts or services performed while ~~in the employ of said employing~~ affiliated with the broker.

§30-40-26. Duties of licensees.

Every broker, associate broker, and salesperson owes certain inherent duties to the consumer which are required by virtue of the commission granting a license under this article. The duties include, but are not limited to:

(a) At the time of securing any contract whereby the broker is obligated to represent a principal to a real estate transaction, every licensee shall supply a true legible copy of the contract to each person signing the contract.

(b) Any contract in which a broker is obligated to represent a principal to a real estate transaction shall contain a definite expiration date, and no provision may be included in any contract whereby the principal is required to notify the broker of his or her intention to cancel the contract after the definite expiration date.

(c) No provision may be inserted in any contract for representation that would obligate the person signing the contract to pay a fee, commission, or other valuable consideration to the broker, after the contract's expiration date, if the person subsequently enters into a contract for representation with a different broker.

(d) Every licensee shall disclose in writing, on the notice of agency relationship form promulgated by the commission, whether the licensee represents the seller, the buyer, ~~or both~~ the seller and the buyer, the landlord, the tenant, or the landlord and the tenant. The disclosure shall be made prior to any person signing any contract for representation by a licensee or a contract for the sale or purchase of real estate.

(e) Every licensee shall promptly deliver to his or her principal, every written offer received.

(f) Every licensee shall make certain that all the terms and conditions of a real estate transaction are contained in any contract prepared by the licensee.

(g) At the time of securing the signature of any party to a contract, the licensee shall deliver a true copy of the contract to the person whose signature was obtained.

(h) Upon the final acceptance or ratification of any contract, the licensee shall promptly deliver a true copy to each party that has signed the contract.

§30-40-27. Duration of existing licenses.

[Repealed.]

The bill (Eng. H. B. 3203), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3270, To amend the deliberate intent statute to limit noneconomic damages to \$500,000.

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

Senator Takubo requested unanimous consent that the bill be advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

Which consent was not granted, Senator Woelfel objecting.

Senator Takubo then moved that the bill be advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

The question being on the adoption of Senator Takubo's aforestated motion, and on this question, Senator Woelfel demanded the yeas and nays.

Following a point of inquiry to the President, with resultant response thereto,

On this question, the yeas were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Maroney, Nelson, Oliverio, Queen, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—18.

The nays were: Caputo, Chapman, Hamilton, Hunt, Karnes, Martin, Maynard, Plymale, Roberts, Rucker, Smith, Stover, Taylor, and Woelfel—14.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members present and voting not having voted in the affirmative, the President declared Senator Takubo's aforestated motion had not prevailed.

Thereafter, the following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

On page 6, section 2, line 142, by striking out the word "fraudulently".

On motion of Senator Takubo, the bill (Eng. Com. Sub. for H. B. 3270) was referred to the Committee on Rules, with the Judiciary committee amendment to the bill pending.

Eng. Com. Sub. for House Bill 3303, Clarifying and expanding the powers and duties of the director of the Coalfield Community Development Office.

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

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 4, line 2, by striking out the word "Commerce" and inserting in lieu thereof "Economic Development";

On page 1, section 4, line 7, by striking out "2023" and inserting in lieu thereof "2026";

And,

On page 3, after line 38, by adding thereto a new section, designated section 14, to read as follows:

§5B-2A-14. Sunset.

Unless acted upon by the Legislature, this article will sunset on June 30, 2032, at which time the Office of Coalfield Community Development shall terminate.

The bill (Eng. Com. Sub. for H. B. 3303), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3306, Relating to the organizational structure of the Office of Drug Control Policy.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-13. Hospital services revenue account.

(a) Subject to the provisions set forth in §12-2-2 of this code, there is continued in the State Treasury a separate account which shall be designated the "hospital services revenue account." The secretary shall deposit promptly into the account any fees received by a facility owned and operated by the department from whatever source including the federal government, state government, or other third-party payer or personal payment.

(b) The secretary may spend the moneys deposited in the hospital services revenue account in accordance with federal laws and regulations and with the laws of this state. The secretary may spend the moneys deposited in the hospital services revenue account in the amounts the secretary determines necessary for the purpose of improving the delivery of health and mental health services or for the purpose of maintaining or obtaining certification at a state health or mental health facility: *Provided*, That all disproportionate share hospital funds received into the account shall be transferred by intergovernmental transfer to the medical services trust fund created in §9-4A-2a of this code, except for funds appropriated by the Legislature for other purposes within the annual budget bill: *Provided, however*, That during any fiscal year in which the secretary anticipates spending any money from the account, he or she shall submit to the executive department during the budget preparation period prior to the Legislature convening, before that fiscal year for inclusion in the executive budget document and budget bill, his or her recommended capital investments, recommended priorities and estimated costs, as well as requests of appropriations for the purpose of improving the delivery of health and mental health services or for the purpose of maintaining or obtaining certification at a state health facility in the amounts the secretary determines to be necessary.

(c) The secretary shall make an annual report to the Legislature on the status of the health services revenue account, including the previous year's expenditures and projected expenditures for the next year.

ARTICLE 5T. OFFICE OF DRUG CONTROL POLICY.

§16-5T-2. Office of Drug Control Policy.

(a) The Office of Drug Control Policy is continued within the department. ~~of Health and Human Resources~~ The Director of the Office of Drug Control Policy shall be appointed by the Governor, by and with the advice and consent of the Senate. The director of the office is ~~under the direction and supervision of the secretary~~ administratively housed in the Department of Human Services and directly reports to the Office of the Governor, ~~and with the~~

assistance of and works in cooperation with the State Health Officer, the Bureau of Public Health, and the Bureau for Behavioral Health.

(b) The Office of Drug Control Policy shall create a state drug control policy in coordination with the bureaus of the department and other state agencies. This policy shall include all programs which are related to the prevention, treatment, and reduction of substance abuse use disorder.

(c) The Office of Drug Control Policy shall:

(1) Develop a strategic plan to reduce the prevalence of drug and alcohol abuse and smoking by at least 10 percent; ~~percent by July 1, 2018~~

(2) Monitor, coordinate, and oversee the collection of data and issues related to drug, alcohol, and tobacco access, substance use disorder policies, and smoking cessation and prevention, and their impact on state and local programs;

(3) Make policy recommendations to executive branch agencies that work with alcohol and substance use disorder issues, and smoking cessation and prevention, to ensure the greatest efficiency and consistency in practices will be applied to all efforts undertaken by the administration;

(4) Identify existing resources and prevention activities in each community that advocate or implement emerging best practice and evidence-based programs for the full substance use disorder continuum of drug and alcohol abuse education and prevention, including smoking cessation or prevention, early intervention, treatment, and recovery;

(5) Encourage coordination among public and private, state and local agencies, organizations, and service providers, and monitor related programs;

(6) Act as the referral source of information, using existing information clearinghouse resources within the Department of Health and Human Resources, relating to emerging best practice

and evidence-based substance use disorder prevention, cessation, treatment and recovery programs, and youth tobacco access, smoking cessation and prevention. The Office of Drug Control Policy will identify gaps in information referral sources;

(7) Apply for grant opportunities for existing programs;

(8) Observe programs in other states;

(9) Make recommendations and provide training, technical assistance, and consultation to local service providers;

(10) Review existing research on programs related to substance use disorder prevention and treatment and smoking cessation and prevention, and provide for an examination of the prescribing and treatment history, including court-ordered treatment, or treatment within the criminal justice system, of persons in the state who suffered fatal or nonfatal opiate overdoses;

(11) Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment, and education program based on the strategic plan that could encourage smoking cessation and prevention through efficient, effective, and research-based strategies;

(12) Establish a mechanism to coordinate the distribution of funds to support a local program based on the strategic plan that could encourage substance use prevention, early intervention, treatment, and recovery through efficient, effective and research-based strategies;

(13) Oversee a school-based initiative that links schools with community-based agencies and health departments to implement school-based anti-drug and anti-tobacco programs;

(14) Coordinate media campaigns designed to demonstrate the negative impact of substance use disorder, smoking and the increased risk of tobacco addiction and the development of other diseases;

(15) Review Drug Enforcement Agency and the West Virginia scheduling of controlled substances and recommend changes that should be made based on data analysis;

(16) Develop recommendations to improve communication between health care providers and their patients about the risks and benefits of opioid therapy for acute pain, improve the safety and effectiveness of pain treatment, and reduce the risks associated with long-term opioid therapy, including opioid use disorder and overdose;

(17) Develop and implement a program, in accordance with the provisions of §16-5T-3 of this code, to collect data on fatal and nonfatal drug overdoses caused by abuse and misuse of prescription and illicit drugs, from law enforcement agencies, emergency medical services, health care facilities and the Office of the Chief Medical Examiner;

(18) Develop and implement a program that requires the collection of data on the dispensing and use of an opioid antagonist from law enforcement agencies, emergency medical services, health care facilities, the Office of the Chief Medical Examiner and other entities as required by the office;

(19) Develop a program that provides assessment of persons who have been administered an opioid antagonist; ~~and~~

(20) Create a Sober Living Home/Recovery Residence Taskforce comprised of the following stakeholders:

(A) The Executive Director of the West Virginia Prosecuting Attorney Institute, or designee;

(B) The Secretary of Department of Homeland Security, or designee;

(C) The West Virginia Attorney General, or designee;

(D) The Director of the West Virginia Alliance of Recovery Residences, or designee;

(E) The State Health Officer, or designee;

(F) The Commissioner for the Bureau for Behavioral Health, or designee; and

(G) The West Virginia Inspector General, or designee.

(i) The purpose of the taskforce is to review existing West Virginia law, the laws of other states, and any developed case law regarding sober living homes/recovery residences and make recommendations to the Legislature regarding any revisions needed to West Virginia law regarding sober living homes/recovery residences. At a minimum the following areas shall be examined: insurance fraud, human trafficking, success of programs, and any other relevant issues.

(ii) These recommendations shall be presented to the Legislative Oversight Commission on Health and Human Resources Accountability no later than December 15, 2023. A representative of the Taskforce shall provide the Commission with an update regarding the status of the taskforce, including any preliminary findings by October 1, 2023.

(21) Report semi-annually to the Joint Committee on Health on the status of the Office of Drug Control Policy.

(d) Notwithstanding any other provision of this code to the contrary, and to facilitate the collection of data and issues, the Office of Drug Control Policy may exchange necessary data and information with the bureaus within the department, the Department of Military Affairs and Public Safety, the Department of Administration, the Administrator of Courts, the Poison Control Center, Office of National Drug Control Policy and the Board of Pharmacy. The data and information may include, but is not limited to: data from the Controlled Substance Monitoring Program; ~~the all-payer-claims-database~~ the criminal offender record information database; and the court activity record information;

~~(e) Prior to July 1, 2018, The office shall develop a plan to expand the number of treatment beds in locations throughout the~~

~~state which the office determines to be the highest priority for serving the needs of the citizens of the state.~~

**§16-5T-4. Entities required to report; required information;
Continuation of data dashboard.**

(a) To fulfill the purposes of this article, the following information shall be reported, within ~~72~~ 24 hours after the provider responds to the incident and via an appropriate information technology platform, to the Office of Drug Control Policy:

- (1) The date and time of the overdose;
- (2) The approximate address of where the person was picked up or where the overdose took place;
- (3) Whether an opioid antagonist was administered;
- (4) Whether the overdose was fatal or nonfatal;
- (5) The gender and approximate age of the person receiving attention or treatment; ~~and~~
- (6) The suspected controlled substance involved in the overdose;
- (7) Whether the individual has a history of a prior overdose, if known; and
- (8) The type of drug used in the overdose.

(b) The following entities shall be required to report information contained in §16-5T-4(a) of this code:

- (1) Health care providers;
- (2) Medical examiners;
- (3) Law-enforcement agencies, including, state, county, and local police departments;
- (4) Emergency response providers; and

(5) Hospital emergency rooms.

(c) The data collected by the office pursuant to this subsection shall be made available to law enforcement, local health departments, and emergency medical service agencies in each county.

(d) Entities who are required to report information to or from the office pursuant to this section in good faith are not subject to civil or criminal liability for making the report.

(e) For the purposes of this section:

"Information technology platform" ~~means—the Washington/Baltimore High Intensity Drug Trafficking Overdose Detection Mapping Application Program or other program identified by the department in rule~~ means a dashboard constructed for or by the state to allow input, collection, data analysis, and display of the required data within 24 hours. The dashboard shall be scalable for additional future requirements with minimum engineering and development time. There is a preference that the dashboard be compatible with artificial intelligence to maintain monitoring.

"Overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death believed to be caused by abuse and misuse of prescription or illicit drugs or by substances that a layperson would reasonably believe to be a drug.

"Opioid antagonist" means a federal Food and Drug Administration-approved drug for the treatment of an opiate-related overdose, such as naloxone hydrochloride or other substance that, when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.

(f) Office of Drug Control Policy shall continue to compile the data that is reported, or that it otherwise has access to, in a public facing data dashboard. This dashboard shall also include the following:

(1) Every project that receives state funding, federal funding, opioid settlement funds, and other relevant funding sources for substance use disorder beginning in fiscal year 2024;

(2) Data on the outcomes of funded community-based outreach programs, harm reduction programs, criminal justice substance use disorder programs, harm prevention programs, and other funded program, to evaluate program effectiveness and inform program improvement;

(3) A comparison of program effectiveness by county, region, rural or urban, and demographics to identify best practices and areas for improvement and share these findings with stakeholders to support evidence-based decision making;

(4) Alerts to a rise in fatal and non-fatal overdoses in a given area or region to enable resources to be deployed to the area;

(5) Track and interact with medication assisted treatment providers, including the number of patients in and out of treatment, to support the coordination of care and effective care for individuals with substance use disorder;

(6) Public facing information, including maps, charts, and other visualizations, to increase transparency and engagement with stakeholders

(7) The location of every substance use disorder provider on a statewide basis to provide individuals linkage to care;

(8) Non-fatal overdoses within 24 hours of the incident, with data collected from multiple sources, including hospitals, first responders, and law enforcement agencies;

(9) Fatal overdoses with data collected from multiple sources including hospitals, first responders, and law enforcement agencies;

(10) Identification of trends from the data that has been collected, including but not limited to fatal and non-fatal overdoses, use of opioid antagonist, trends in illicit drugs causing overdoses,

and other relevant data that can be used to inform the allocation of resources in an area;

(11) Emergency department visits and first responder calls for fatal and non-fatal overdoses, and use this data to identify trends and hotspots and inform resource allocation;

(12) Data regarding program effectiveness in both the short-term and long-term with both immediate and long-term outcomes for individuals receiving services and support for ongoing program improvement and refinement; and

(13) The dashboard shall be updated daily to reflect current data, changes in provider location, and any other updates as needed.

§16-5T-7. Enforcement.

(a) The Office of Drug Control Policy may assess a civil penalty for violation of the reporting requirements set forth in §16-5T-4 of this code. If the Office of Drug Control Policy determines that an entity is in violation of the reporting requirements, then a civil penalty of not less than \$500 no more than \$1000 per occurrence may be assessed.

The bill (Eng. Com. Sub. for H. B. 3306), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3311, Relating to wine alcohol by volume as compared to beer.

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 advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3313, Restraining county commissions from imposing rules and regulations on farmers beyond what is already prescribed through state statute.

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 advanced to third reading with the unreported Government Organization committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3315, Relating generally to readiness enhancement and commission bonuses.

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 advanced to third reading with the unreported Military committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3354, To authorize municipalities to combine operations with other municipalities and counties to provide governmental services.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-5. General powers of every municipality and the governing body thereof.

In addition to the powers and authority granted by: (i) The Constitution of this state; (ii) other provisions of this chapter; (iii)

other general law; and (iv) any charter, and to the extent not inconsistent or in conflict with any of the foregoing except special legislative charters, every municipality and the governing body thereof shall have plenary power and authority therein by ordinance or resolution, as the case may require, and by appropriate action based thereon:

(1) To lay off, establish, construct, open, alter, curb, recurb, pave or repave and keep in good repair, or vacate, discontinue and close, streets, avenues, roads, alleys, ways, sidewalks, drains and gutters, for the use of the public, and to improve and light the same, and have them kept free from obstructions on or over them which have not been authorized pursuant to the succeeding provisions of this subdivision; and, subject to such terms and conditions as the governing body shall prescribe, to permit, without in any way limiting the power and authority granted by the provisions of ~~article sixteen of this chapter~~ §12-16-1 et seq. of this code, any person to construct and maintain a passageway, building, or other structure overhanging or crossing the airspace above a public street, avenue, road, alley, way, sidewalk, or crosswalk, but before any permission for any person to construct and maintain a passageway, building, or other structure overhanging or crossing any airspace is granted, a public hearing thereon shall be held by the governing body after publication of a notice of the date, time, place and purpose of the public hearing has been published as a Class I legal advertisement in compliance with the provisions of ~~article three, chapter fifty-nine~~ §59-3-1 et seq. of this code and the publication area for the publication shall be the municipality: *Provided*, That any permit so granted shall automatically cease and terminate in the event of abandonment and nonuse thereof for the purposes intended for a period of ~~ninety~~ 90 days, and all rights therein or thereto shall revert to the municipality for its use and benefit;

(2) To provide for the opening and excavation of streets, avenues, roads, alleys, ways, sidewalks, crosswalks, and public places belonging to the municipality and regulate the conditions under which any such opening may be made;

(3) To prevent by proper penalties the throwing, depositing or permitting to remain on any street, avenue, road, alley, way,

sidewalk, square, or other public place any glass, scrap iron, nails, tacks, wire, other litter, or any offensive matter or anything likely to injure the feet of individuals, animals, or the tires of vehicles;

(4) To regulate the use of streets, avenues, roads, alleys, ways, sidewalks, crosswalks, and public places belonging to the municipality, including the naming or renaming thereof, and to consult with local postal authorities, the Division of Highways, and the directors of county emergency communications centers to assure uniform, nonduplicative addressing on a permanent basis;

(5) To regulate the width of streets, avenues and roads, and, subject to the provisions of article eighteen of this chapter, to order the sidewalks, footways, and crosswalks to be paved, repaved, curbed, or recurbed and kept in good order, free and clean, by the owners or occupants thereof or of the real property next adjacent thereto;

(6) To establish, construct, alter, operate, and maintain, or discontinue, bridges, tunnels, and ferries and approaches thereto;

(7) To provide for the construction and maintenance of water drains, the drainage of swamps or marshlands, and drainage systems;

(8) To provide for the construction, maintenance, and covering over of watercourses;

(9) To control and administer the waterfront and waterways of the municipality and to acquire, establish, construct, operate, and maintain and regulate flood control works, wharves and public landings, warehouses, and all adjuncts and facilities for navigation and commerce and the utilization of the waterfront and waterways and adjacent property;

(10) To prohibit the accumulation and require the disposal of garbage, refuse, debris, wastes, ashes, trash, and other similar accumulations whether on private or public property: *Provided*, That, in the event the municipality annexes an area which has been receiving solid waste collection services from a certificated solid waste motor carrier, the municipality and the solid waste motor

carrier may negotiate an agreement for continuation of the private solid waste motor carrier services for a period of time, not to exceed three years, during which time the certificated solid waste motor carrier may continue to provide exclusive solid waste collection services in the annexed territory;

(11) To construct, establish, acquire, equip, maintain, and operate incinerator plants and equipment and all other facilities for the efficient removal and destruction of garbage, refuse, wastes, ashes, trash, and other similar matters;

(12) To regulate or prohibit the purchase or sale of articles intended for human use or consumption which are unfit for use or consumption, or which may be contaminated or otherwise unsanitary;

(13) To prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome;

(14) To regulate the keeping of gunpowder and other combustibles;

(15) To make regulations guarding against danger or damage by fire;

(16) To arrest, convict, and punish any individual for carrying about his or her person any revolver or other pistol, dirk, bowie knife, razor, slingshot, billy, metallic or other false knuckles, or any other dangerous or other deadly weapon of like kind or character: *Provided*, That with respect to any firearm a municipality may only arrest, convict, and punish someone if they are in violation of an ordinance authorized by ~~subsection five a of this article~~ §8-12-5(a) of this code, a state law proscribing certain conduct with a firearm or applicable federal law;

(17) To arrest, convict, and punish any person for importing, printing, publishing, selling, or distributing any pornographic publications;

(18) To arrest, convict, and punish any person for keeping a house of ill fame, or for letting to another person any house or other

building for the purpose of being used or kept as a house of ill fame, or for knowingly permitting any house owned by him or her or under his or her control to be kept or used as a house of ill fame, or for loafing, boarding, or loitering in a house of ill fame, or frequenting same;

(19) To prevent and suppress conduct and practices which are immoral, disorderly, lewd, obscene, and indecent;

(20) To prevent the illegal sale of intoxicating liquors, drinks, mixtures, and preparations;

(21) To arrest, convict, and punish any individual for driving or operating a motor vehicle while intoxicated or under the influence of liquor, drugs, or narcotics;

(22) To arrest, convict, and punish any person for gambling or keeping any gaming tables, commonly called "A, B, C," or "E, O," table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming table be played with cards, dice, or otherwise, or any person who shall be a partner or concerned in interest, in keeping or exhibiting the table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value;

(23) To provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance;

(24) To license, or for good cause to refuse to license in a particular case, or in its discretion to prohibit in all cases, the operation of pool and billiard rooms and the maintaining for hire of pool and billiard tables notwithstanding the general law as to state licenses for any such business and the provisions of ~~section four, article thirteen of this chapter~~ §8-13-4 of this code; and when the municipality, in the exercise of its discretion, refuses to grant a license to operate a pool or billiard room, mandamus may not lie to compel the municipality to grant the license unless it shall clearly appear that the refusal of the municipality to grant a license is discriminatory or arbitrary; and in the event that the municipality

determines to license any business, the municipality has plenary power and authority and it shall be the duty of its governing body to make and enforce reasonable ordinances regulating the licensing and operation of the businesses;

(25) To protect places of divine worship and to preserve peace and order in and about the premises where held;

(26) To regulate or prohibit the keeping of animals or fowls and to provide for the impounding, sale, or destruction of animals or fowls kept contrary to law or found running at large;

(27) To arrest, convict, and punish any person for cruelly, unnecessarily or needlessly beating, torturing, mutilating, killing, ~~or~~ overloading or overdriving, or willfully depriving of necessary sustenance any domestic animal;

(28) To provide for the regular building of houses or other structures, for the making of division fences by the owners of adjacent premises and for the drainage of lots by proper drains and ditches;

(29) To provide for the protection and conservation of shade or ornamental trees, whether on public or private property, and for the removal of trees or limbs of trees in a dangerous condition;

(30) To prohibit with or without zoning the location of occupied house trailers or mobile homes in certain residential areas;

(31) To regulate the location and placing of signs, billboards, posters, and similar advertising;

(32) To erect, establish, construct, acquire, improve, maintain, and operate a gas system, a waterworks system, an electric system, or sewer system and sewage treatment and disposal system, or any combination of the foregoing (subject to all of the pertinent provisions of ~~articles nineteen and twenty of this chapter~~ §8-19-1 et seq. and §8-20- et seq. of this code and particularly to the limitations or qualifications on the right of eminent domain set forth in ~~articles nineteen and twenty~~ §8-19-1 et seq. and §8-20- et

seq. of this code), within or without the corporate limits of the municipality, except that the municipality may not erect any system partly without the corporate limits of the municipality to serve persons already obtaining service from an existing system of the character proposed and where the system is by the municipality erected, or has heretofore been so erected, partly within and partly without the corporate limits of the municipality, the municipality has the right to lay and collect charges for service rendered to those served within and those served without the corporate limits of the municipality and to prevent injury to the system or the pollution of the water thereof and its maintenance in a healthful condition for public use within the corporate limits of the municipality;

(33) To acquire watersheds, water and riparian rights, plant sites, rights-of-way, and any and all other property and appurtenances necessary, appropriate, useful, convenient, or incidental to any system, waterworks or sewage treatment and disposal works, as aforesaid, subject to all of the pertinent provisions of ~~articles nineteen and twenty of this chapter~~ §8-19-1 et seq. and §8-20- et seq. of this code;

(34) To establish, construct, acquire, maintain, and operate and regulate markets and prescribe the time of holding the same;

(35) To regulate and provide for the weighing of articles sold or for sale;

(36) To establish, construct, acquire, maintain and operate public buildings, municipal buildings or city halls, auditoriums, arenas, jails, juvenile detention centers or homes, motor vehicle parking lots, or any other public works;

(37) To establish, construct, acquire, provide, equip, maintain, and operate recreational parks, playgrounds, and other recreational facilities for public use and in this connection also to proceed in accordance with the provisions of ~~article two, chapter ten~~ §10-2-1 et seq. of this code;

(38) To establish, construct, acquire, maintain, and operate a public library, ~~or~~ museum, or both for public use;

(39) To provide for the appointment and financial support of a library board in accordance with the provisions of ~~article one, chapter ten~~ §10-1-1 et seq. of this code;

(40) To establish and maintain a public health unit in accordance with the provisions of ~~section two, article two, chapter sixteen~~ §16-2-2 of this code, which unit shall exercise its powers and perform its duties subject to the supervision and control of the West Virginia Board of Health and State Bureau for Public Health;

(41) To establish, construct, acquire, maintain, and operate hospitals, sanitariums, and dispensaries;

(42) To acquire, by purchase, condemnation or otherwise, land within or near the corporate limits of the municipality for providing and maintaining proper places for the burial of the dead and to maintain and operate the same and regulate interments therein upon terms and conditions as to price and otherwise as may be determined by the governing body and, in order to carry into effect the authority, the governing body may acquire any cemetery or cemeteries already established;

(43) To exercise general police jurisdiction over any territory without the corporate limits owned by the municipality or over which it has a right-of-way;

(44) To protect and promote the public morals, safety, health, welfare, and good order;

(45) To adopt rules for the transaction of business and the government and regulation of its governing body;

(46) Except as otherwise provided, to require and take bonds from any officers, when considered necessary, payable to the municipality, in its corporate name, with such sureties and in a penalty as the governing body may see fit, conditioned upon the faithful discharge of their duties;

(47) To require and take from the employees and contractors such bonds in a penalty, with such sureties and with such conditions, as the governing body may see fit;

(48) To investigate and inquire into all matters of concern to the municipality or its inhabitants;

(49) To establish, construct, require, maintain, and operate such instrumentalities, other than free public schools, for the instruction, enlightenment, improvement, entertainment, recreation, and welfare of the municipality's inhabitants as the governing body may consider necessary or appropriate for the public interest;

(50) To create, maintain, and operate a system for the enumeration, identification, and registration, or either, of the inhabitants of the municipality and visitors thereto, or the classes thereof as may be considered advisable;

(51) To require owners, residents or occupants of factory-built homes situated in a factory-built rental home community with at least ten factory-built homes, to visibly post the specific numeric portion of the address of each factory-built home on the immediate premises of the factory-built home of sufficient size to be visible from the adjoining street: *Provided*, That in the event no numeric or other specific designation of an address exists for a factory-built home subject to the authorization granted by this subdivision, the municipality has the authority to provide a numeric or other specific designation of an address for the factory-built home and require that it be posted in accordance with the authority otherwise granted by this section.

(52) To appropriate and expend not exceeding ~~twenty-five~~ 25 cents per capita per annum for advertising the municipality and the entertainment of visitors;

(53) To conduct programs to improve community relations and public relations generally and to expend municipal revenue for such purposes;

(54) To reimburse applicants for employment by the municipality for travel and other reasonable and necessary expenses actually incurred by the applicants in traveling to and from the municipality to be interviewed;

(55) To provide revenue for the municipality and appropriate the same to its expenses;

(56) To create and maintain an employee benefits fund which may not exceed one tenth of one percent of the annual payroll budget for general employee benefits and which is set up for the purpose of stimulating and encouraging employees to develop and implement cost-saving ideas and programs and to expend moneys from the fund for these purposes;

(57) To enter into reciprocal agreements with governmental subdivisions or agencies of any state sharing a common border for the protection of people and property from fire and for emergency medical services and for the reciprocal use of equipment and personnel for these purposes;

(58) To provide penalties for the offenses and violations of law mentioned in this section, subject to the provisions of ~~section one, article eleven of this chapter~~ §8-11-1 of this code, and such penalties may not exceed any penalties provided in this chapter and ~~chapter sixty-one~~ §61-1-1 et seq. of this code for like offenses and violations; ~~and~~

(59) To participate in a purchasing card program for local governments authorized and administered by the State Auditor as an alternative payment method; and

(60) To enter into agreements with one or more other municipalities, and with county commissions to combine and share selected governmental services by combining operations, equipment, and employees into a unified government service.

The bill (Eng. Com. Sub. for H. B. 3354), as amended, was then ordered to third reading.

Eng. House Bill 3360, Creating an office of the Inspector General within the Department of Homeland Security.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof, the following:

ARTICLE 13. OFFICE OF THE INSPECTOR GENERAL.

§15A-13-1. Office created; appointment of Inspector General.

(a) There is hereby created the Office of the Inspector General as a separate and independent operating agency within the department.

(b) The Office of the Inspector General shall be headed by the Inspector General.

(c) The Inspector General shall be appointed by the Governor, subject to the advice and consent of the Senate.

(d) The term of the Inspector General is five years.

(e) At the end of a term, an Inspector General shall be eligible for reappointment by the Governor, subject to confirmation as required by the provisions of subsection (c) of this section. The Inspector General may continue to serve until a successor is appointed if he or she is not reappointed.

(f) If a vacancy occurs in the position, an interim Inspector General may be appointed as successor to serve until a successor is appointed.

(g) The Inspector General may be removed by the Governor during his or her term only for:

(1) Malfeasance or gross misfeasance in office;

(2) Persistent failure to perform the duties of the office; or

(3) Conduct prejudicial to the proper administration of justice.

(h) The Inspector General shall be appointed without regard to political affiliation and shall be professionally qualified through experience or education in at least two of the following areas:

(1) The practice of law;

(2) Auditing;

(3) Government operations;

(4) Financial analysis;

(5) Management analysis;

(6) Public administration; or

(7) Fraud investigation.

(i) The Inspector General shall be paid an annual salary not to exceed \$95,000.

(j) The Inspector General:

(1) Shall perform inspections, evaluations, and reviews, and provide quality control for all investigations within the department, and supervise all personnel of the Office of the Inspector General;

(2) Shall investigate fraud, waste, abuse of departmental funds, and behavior in the department that threatens public safety or demonstrates negligence, incompetence, misfeasance, or malfeasance;

(3) Shall cooperate with and coordinate investigative efforts with law enforcement, and where a preliminary investigation establishes a sufficient basis to warrant referral, shall refer such matters to the appropriate prosecuting attorney or the appropriate federal law-enforcement agency; and

(4) May subpoena any person or evidence, administer oaths, take and certify affidavits, and take depositions and other testimony for the purpose of investigating fraud, waste, abuse of departmental

funds, or behavior in the department that threatens public safety or demonstrates negligence, incompetence, or malfeasance.

(A) If a person fails to comply with a lawful order or subpoena issued under this subsection, on petition of the Inspector General or a designated Assistant Inspector General, a court of competent jurisdiction may compel:

(i) Compliance with the order or subpoena; or

(ii) Testimony or the production of evidence.

(k) If the Office of the Inspector General is unable to investigate a complaint or allegation because of a conflict of interest, the Office of the Inspector General shall refer the complaint or allegation to the Attorney General for referral to another investigative entity.

(l) Neither the Governor, the secretary, nor any other person, may impede, interfere, or inhibit the Inspector General from initiating, conducting, or completing any investigation, inspection, evaluation, review, or other activity regarding oversight of any investigation conducted by the Office of the Inspector General.

(m) The position of the Inspector General shall be governed by the classified-exempt service provisions in §29-6-4 of this code; *Provided, That, any employees of the Office of the Inspector General shall be governed by the classified service provisions of §29-6-1 et seq.* of this code and rules promulgated thereunder.

(n) The Inspector General may employ such professional personnel, investigators, and other personnel, including certified law-enforcement officers, necessary for the proper administration of the office.

(o) The Inspector General may delegate duties to other employees or obtain services through contract, but the Inspector General is responsible for all official tasks so delegated.

(p) The Inspector General shall propose legislative and procedural rules in accordance with the provisions of chapter 29A

of this code in order to implement provisions of this section and to carry out the duties prescribed therein. The Inspector General may promulgate emergency rules pursuant to §29A-3-15 of this code to effectuate the purposes of this section.

(q) Reports of investigations are confidential and shall be provided under seal to the Governor, the secretary, and the Joint Committee on Government and Finance on a quarterly basis.

(r) Reports and documents relating to active investigations involving possible criminal conduct are confidential and are not subject to the provisions of 29B-1-1 et seq.

The bill (Eng. H. B. 3360), as amended, was then ordered to third reading.

Eng. House Bill 3432, Relating to statutory construction.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 2. COMMON LAW, STATUTES, LEGAL HOLIDAYS, DEFINITIONS AND LEGAL CAPACITY.

ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF STATUTES; DEFINITIONS.

§2-2-10. Rules for construction of statutes.

~~(a) The following terms are defined for this code: rules shall be observed in the construction of statutes, unless a different intent on the part of the Legislature is apparent from the context:~~

~~(a) A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one~~

~~person or thing as well as to several; and a word importing the masculine gender only may be applied to females as well as males;~~

~~(b) Words purporting to give a joint authority to three or more persons confer the authority upon a majority of them, and not upon any less number;~~

~~(c) The words "written" or "in writing" include any representation of words, letters or figures, whether by printing, engraving, writing or otherwise. But when the signature of any person is required, it must be in his or her own proper handwriting, or his or her mark, attested, proved or acknowledged. *Provided,* That Unless a provision of this code specifically provides otherwise, an electronic signature satisfies this signature requirement if the electronic signature meets the requirements of §39A-1-2 of this code;~~

~~(d) The words "preceding", "succeeding" or "following" used in reference to any section or sections of a chapter or statute, mean next preceding, next succeeding or next following that in which the reference is made, unless a different interpretation be required by the context;~~

~~(e) An officer has qualified when he or she has done all that is required by law to be done before proceeding to exercise the authority and discharge the duties of his or her office;~~

~~(f) The words "the Governor" are equivalent to "the executive of the state" or "the person having the executive power";~~

~~(g) "Justice" or "justices" as used in article one, chapter fifty-one of this code and in other references to a member or members of the Supreme Court of Appeals means and applies to a judge or the judges of that court as provided in the Constitution of West Virginia. The word "justice" in most any other context is equivalent to the word "magistrate", except when used as an historical reference to the words "justice of the peace". The word "notary" is equivalent to "notary public";~~

~~(h) The word "state", when applied to a part of the United States and not restricted by the context, includes the District of Columbia~~

~~and the several territories, and the words "United States" also include the said district and territories;~~

~~(i) The word "person" or "whoever" includes corporations, societies, associations and partnerships, and other similar legal business organizations; authorized by the Legislature, if not restricted by the context;~~

~~(j) The words "personal representative" include the executor of a will, the administrator of the estate of a deceased person, the administrator of such estate with the will annexed, the administrator de bonis non of such estate, whether there be a will or not, the sheriff or other officer lawfully charged with the administration of the estate of a deceased person, and every other curator or committee of a decedent's estate for or against whom suits may be brought for causes of action which accrued to or against such decedent;~~

~~(k) The word "will" embraces a testament, a codicil, an appointment by will or writing in the nature of a will in exercise of a power, also any other testamentary disposition;~~

~~(l) The word "judgment" includes decrees and orders for the payment of money or the conveyance or delivery of land or personal property, or some interest therein, or any undertaking, bond or recognizance which has the legal effect of a judgment;~~

~~(m) The words "under disability" include persons under the age of eighteen years, insane persons and convicts while confined in a correctional facility;~~

~~(n) The words "insane person" include everyone who has mental illness as defined in section two, article one, chapter twenty-seven of this code;~~

~~(o) The word "convict" means a person confined in a penitentiary or correctional facility of this or any other state, or of the United States;~~

~~(p) The word "land" or "lands" and the words "real estate" or "real property" include lands, tenements and hereditaments, all rights thereto and interests therein except chattel interests;~~

~~(q) The words "personal estate" or "personal property" include goods, chattels, real and personal, money, credits, investments and the evidences thereof;~~

~~(r) The word "property" or "estate" embraces both real and personal estate;~~

~~(s) The word "offense" includes every act or omission for which a fine, forfeiture or punishment is imposed by law;~~

~~(t) The expression "laws of the state" includes the Constitution of West Virginia and the Constitution of the United States, and treaties and laws made in pursuance thereof;~~

~~(u) The word "town" includes a city, village or town, and the word "council", any body or board, whether composed of one or more branches, who are authorized to make ordinances for the government of a city, town or village;~~

~~(v) When a council of a town, city or village, or any board, number of persons or corporations, are authorized to make ordinances, bylaws, rules, regulations or orders, the same must be consistent with the laws of this state;~~

~~(w) The words "county court" include any existing tribunal created in lieu of a county commission; the words "commissioner of the county court" and "county commissioner" mean, and have reference to, the commissioners, or one of them, composing a county commission in pursuance of section nine, article IX of the Constitution, as amended, or any existing tribunal created in lieu of a county commission;~~

~~(x) The word "horse" embraces a stallion, a mare and a gelding;~~

~~(y) The words "railroad" and "railway" mean the same thing in law; and, in any proceeding in which a railroad company or a railway company is a party, it is not an error to call a railroad~~

~~company a railway company or vice versa; nor may any demurrer, plea or any other defense be set up to a motion, pleading or indictment in consequence of the misdescription;~~

~~(z) The sectional headings or headlines of the several sections of this code printed in black faced type are intended as mere catchwords to indicate the contents of the section and are not titles of the sections, or any part of the statute, and, unless expressly so provided, they are not part of the statute when the sections, including the headlines, are amended or reenacted;~~

~~(aa) The words "infant" and "minor" mean persons under the age of eighteen years as used in this code or in rules promulgated by the Supreme Court of Appeals~~

(1) "Convict" means a person confined in a penitentiary or correctional facility of this or any other state, or of the United States;

(2) "County court" includes any existing tribunal created in lieu of a county commission; the words "commissioner of the county court" and "county commissioner" mean, and have reference to, the commissioners, or one of them, composing a county commission in pursuance of section nine, article IX of the Constitution, as amended, or any existing tribunal created in lieu of a county commission;

(3) "The Governor" is equivalent to "the executive of the state" or "the person having the executive power";

(4) "Judgment" includes decrees and orders for the payment of money, or the conveyance or delivery of land or personal property, or some interest therein, or any undertaking, bond or recognizance which has the legal effect of a judgment;

(5) "Land" or "lands" and the words "real estate" or "real property" include lands, tenements and hereditaments, all rights thereto and interests therein, except chattel interests;

(6) "Laws of the state" includes the Constitution of the State of West Virginia and the Constitution of the United States, and treaties and laws made in pursuance thereof;

(7) "Minor" mean persons under the age of 18 years;

(8) "Offense" includes every act or omission for which a fine, forfeiture, or punishment is imposed by law;

(9) "Person" or "whoever" includes corporations, societies, associations and partnerships, and other similar legal business organizations;

(10) "Personal estate" or "personal property" includes goods, chattels, real and personal, money, credits, investments, and the evidences thereof;

(11) "Property" or "estate" embraces both real and personal estate;

(12) "Railroad" and "railway" mean the same thing in law; and, in any proceeding in which a railroad company or a railway company is a party, it is not an error to call a railroad company a railway company or vice versa; nor may any demurrer, plea or any other defense be set up to a motion, pleading, or indictment in consequence of the misdescription;

(13) "State", when applied to a part of the United States and not restricted by the context, includes the District of Columbia and the several territories, and the words "United States" also include the said district and territories;

(14) "Town" includes a city, village or town, and the word "council", any body or board, whether composed of one or more branches, which is authorized to make ordinances for the government of a city, town, or village;

(15) "Written" or "in writing" includes any representation of words, letters, or figures, whether by printing, engraving, writing, or otherwise. But when the signature of any person is required, it must be in his or her own proper handwriting, or his or her mark,

attested, proved, or acknowledged. Unless a provision of this code specifically provides otherwise, an electronic signature satisfies this signature requirement if the electronic signature meets the requirements of §39A-1-2 of this code;

(b) The following rules shall be observed in the construction of statutes unless a different intent on the part of the Legislature is expressed:

(1) A word importing the singular number only may be applied to several persons or things, as well as to one person or thing; a word importing the plural number only may be applied to one person or thing as well as to several; and a word importing the masculine gender only may be applied to females as well as males;

(2) Words purporting to give joint authority to three or more persons confers authority upon a majority of them, and not upon any less number;

(3) The sectional headings or headlines of the several sections of this code printed in black-faced type are intended as mere catchwords to indicate the contents of the section and are not titles of the sections, or any part of the statute, and, unless expressly so provided, they are not part of the statute when the sections, including the headlines, are amended or reenacted;

(4) When a council of a town, city, or village, or any board, number of persons, or corporations, are authorized to make ordinances, bylaws, rules, regulations, or orders, the same must be consistent with the laws of this state;

(5) An officer has qualified when he or she has done all that is required by law to be done before proceeding to exercise the authority and discharge the duties of his or her office;

~~(bb)~~ (6) A statute is presumed to be prospective in its operation unless expressly made retrospective;

~~(ee)~~ (7) Unless there is a provision in a section, article, or chapter of this code specifying that its provisions are not severable, the provisions of every section, article, or chapter of this code,

whether enacted before or subsequent to the effective date of this subdivision, are severable so that if any provision of any section, article, or chapter is held to be unconstitutional or void, the remaining provisions of the section, article, or chapter remain valid, unless the court finds the valid provisions are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that the court cannot presume the Legislature would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent. *Provided*, ~~That if any section, article or chapter of this code has its own severability clause, then that severability clause governs and controls with respect to that section, article or chapter in lieu of the provisions of this subdivision~~ The provisions of this subdivision are fully applicable to all future amendments or additions to this code, with like effect as if the provisions of this subdivision were set forth in extenso in every amendment or addition and were reenacted as a part thereof; ~~unless the amendment or addition contains its own severability clause~~

~~(dd)~~ (8) A reference to any section, article, or chapter of this code applies to all reenactments, revisions, or amendments thereof;

~~(ee)~~ (9) If a statute refers to a series of numbers or letters, the first and the last numbers or letters in the series are considered to be included;

~~(ff)~~ The words "board of regents", wherever they appear in the code, mean the Higher Education Policy Commission created in article one b, chapter eighteen b of this code or the West Virginia Council for Community and Technical College Education created in article two b of said chapter unless the term is used in relation to activities conducted solely by an institution or institutions governed by article two a of said chapter in which case it only means the board of governors of the specific institution or institutions; and

~~(gg)~~ (10) No legislative enactment of a regulatory, noncriminal nature may be construed to prohibit a lawful business or business

structure in existence and operating in this state prior to the effective date of the enactment of legislation prohibiting the operation of such business or business structure absent an express legislative declaration in the enactment that the existing business or business structure is prohibited from continuing after the effective date of the enactment.

(11) Statutes are construed to avoid absurd results;

(12) Statutes are to be read as a whole, in context, and, if possible, the court is to give effect to every word of the statute; and

(13) When two or more bills amending the same statute are passed during the same session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall control.

§2-2-12. Headlines, etc., not part of act; notes, etc., attached to bills not to be construed as expressing legislative intent.

Chapter, article, or section headings, headlines or headnotes of any act of the Legislature, whether in the act at the time of passage or inserted by the Clerk of the House of Delegates in editing, compiling and publishing the acts of the Legislature, are ~~hereby declared to be~~ mere catchwords and shall not be deemed or construed to be titles of such chapters, articles, or sections, or as any part thereof, or as indicating or expressing legislative intent or purpose.

Abstracts of bills or of changes proposed in existing statutes, explanatory notes, and declarations of purpose accompanying bills at the time of introduction in the Legislature or appended or attached thereto after introduction, and included with copies of such bills printed or otherwise reproduced by the Legislature or either house thereof, are ~~hereby declared~~ not to be a part of such bills or of reports of committees thereon, and shall not be construed or interpreted as indicating or expressing legislative intent.

CHAPTER 4. THE LEGISLATURE.

**ARTICLE 1. OFFICERS, MEMBERS, AND EMPLOYEES;
APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF
FLAGS; RECORDS; USE OF CAPITOL BUILDING;
PREFILING OF BILLS AND RESOLUTIONS;
STANDING COMMITTEES; INTERIM MEETINGS;
NEXT MEETING OF THE SENATE.**

**§4-1-13. Clerk of house to be keeper of rolls; compensation;
duties as to acts; copies; fees; printing.**

(a) The Clerk of the House of Delegates shall be the keeper of the rolls, and for his or her duties as such, ~~he~~ the clerk shall receive \$300 in addition to his salary as clerk. After a bill or joint resolution has passed both houses, ~~he~~ the clerk shall cause the same to be correctly recorded, in a legible manner, in a well-bound book, to be kept for that purpose exclusively, which recording shall be equivalent to enrollment. ~~He~~ The clerk shall have custody of the acts and joint resolutions of the Legislature and shall make a certified copy of them for any person requiring the same. For a copy of an act or joint resolution, ~~he~~ the clerk may demand of the person at whose request it was made, 50 cents, or, at ~~his~~ the clerk's option, 3 cents for every 30 words contained therein. As soon as possible after the close of each session, ~~he~~ the clerk shall prepare a well-arranged index to the acts and joint resolutions passed at such session, and shall furnish to the printer who has the contract for such printing the manuscript of such acts, resolutions, and index and all matter directed by law to be printed therewith, properly prepared and arranged for publication, and shall superintend the printing thereof.

(b) When two or more bills amending the same statute are passed during the same session of the Legislature, the form of the statute in the enrolled bill passed latest in time shall control.

The bill (Eng. H. B. 3432), as amended, was then ordered to third reading.

Eng. House Bill 3439, To limit the civil liability of child placing agencies that obtain an insurance policy in an amount not less than \$1 million per incident.

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

At the request of Senator Trump, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the bill was withdrawn.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-130. Limitation of liability; mandatory errors and omissions insurance.

(a) Every child welfare agency shall obtain a policy of insurance in an amount not less than \$1 million per incident insuring the person or entity and every employee, against loss from the liability imposed by law for damages arising from any error or omission in the provision of child placement services.

(b) A child welfare agency providing programs or services is not liable for civil damages in excess of \$1,000,000, per incident, unless the damages or injuries are intentionally or maliciously inflicted.

(c) Every person or entity required by this section to obtain a policy of insurance shall furnish proof of the existence of the policy to the department on or before January 1 of each calendar year.

(d) Any person or entity who fails to secure a policy of insurance before providing child placement services is not entitled to the limited liability created by subsection (b) of this section.

The bill (Eng. H. B. 3439), as amended, was then ordered to third reading.

Eng. House Bill 3443, Relating to a development or improvement on land subject to review by the State Historic Preservation Office.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. DIVISION OF CULTURE AND HISTORY.

§29-1-15. Development or improvement on land; State Historic Preservation Office; rules and regulations.

(a) Any review by the State Historical Preservation Office or by any other agency, office, or component of the Department of Arts, Culture, and History that is conducted pursuant to §29-1-8(a) of this code to preserve the prehistorical, historical, archaeological, architectural, or cultural value of a development, improvement on land, disturbance in a right-of-way, construction project, or infrastructure project shall be conducted in the most expedient manner possible. The department shall not add any additional impediment to any such review conducted pursuant to this subsection and to §29-1-8(a) of this code beyond those impediments that are required by applicable Federal laws, rules, and regulations.

(b) The curator shall have the authority to make and promulgate rules and regulations in conformity with this section. Upon the effective date of this legislation, the curator shall modify any active rule that conflicts with the provisions of this section.

The bill (Eng. H. B. 3443), as amended, was then ordered to third reading.

Eng. House Bill 3451, Updating the veteran preference ratings in state code for state employment.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 13. PREFERENCE RATING OF VETERANS ON WRITTEN EXAMINATION ON NONPARTISAN MERIT BASIS.

§6-13-1. ~~Preference rating of veterans on written examinations for positions in state departments filled under nonpartisan merit system~~ Definitions.

~~For positions in any agency as defined in section four, article one, chapter five f of this code or any other political subdivision of this state in which positions are filled under civil service or any job classification system, a preference of five points in addition to the regular numerical score received on examination shall be awarded to all veterans having qualified for appointment by making a minimum passing grade; and to all veterans awarded the purple heart, or having a compensable service connected disability, as established by any proper veterans' bureau or department of the federal government, an additional five points shall be allowed.~~

~~For the purpose of this article, a person is defined as a "veteran" if he or she fulfills the requirements of one of the following subsections:~~

~~(a) Served on active duty anytime between December 7, 1941, and July 1, 1955. However, any person who was a reservist called to active duty between February 1, 1955, and October 14, 1976, must meet condition (b) stated below;~~

~~(b) Served on active duty anytime between July 2, 1955, and October 14, 1976, or a reservist called to active duty between February 1, 1955, and October 14, 1976, and who served for more than one hundred eighty days;~~

~~(c) Entered on active duty between October 15, 1976, and September 7, 1980, or a reservist who entered on active duty between October 15, 1976, and October 13, 1982, and received a campaign badge or expeditionary medal or is a disabled veteran; or~~

~~(d) Enlisted in the Armed Forces after September 7, 1980, or entered active duty other than by enlistment on or after October 14, 1982; and~~

~~(1) Completed twenty four months of continuous active duty or the full period called or ordered to active duty, or was discharged under 10 U.S.C. 1171, or for hardship under 10 U.S.C. 1173, and received or was entitled to receive a campaign badge or expeditionary medal; or~~

~~(2) Is a disabled veteran.~~

~~To receive veteran preference, separation from active duty must have been under honorable conditions. This includes honorable and general discharges. A clemency discharge does not meet the requirements of the Veteran Preference Act. Active duty for training in the military reserve and National Guard programs is not considered active duty for purposes of veteran preference.~~

~~These awards shall be made for the benefit and preference in appointment of all veterans who have heretofore or who shall hereafter take examinations, but shall not operate to the detriment of any person heretofore appointed to a position in a department or agency.~~

(a) "Active duty" or "active-duty service" means full-time duty in the armed forces of the United States, as defined in 10 USC §101(d) or 32 USC §502, §503, or §904.

(b) "Active duty for training" means full-time duty in the armed forces of the United States for a period of more than 90 consecutive days for training purposes performed by members of the National Guard or Military Reserves.

(c) "Armed forces" shall have the same definition as provided in 5 U.S.C. §2101(2) and means the Army, Navy, Air Force, Marine Corps, Coast Guard, and Space Force.

(d) "Certification" means any written document from the armed forces that certifies that a service member is expected to be discharged or released from active-duty service in the armed forces under honorable conditions not later than 120 days after the date the certification is submitted for consideration in the hiring process, at the time and in the manner prescribed by the applicable job opportunity announcement. Prior to appointment, the service member's character of service and qualifying discharge release must be verified through a DD Form 214 or equivalent documentation.

(e) "Disabled veteran" means a person who has been discharged or released from active-duty service under honorable conditions performed at any time, or who has a certification as defined in subsection (c) of this section, and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or a pension because of a statute administered by the Department of Veterans Affairs or by a military department.

(f) "Rule of 3" refers to the rule under which managers are required to select new employees from among the top three available candidates rated and referred to them by an examining office.

(g) "Veteran" means a person who has been discharged or released from active-duty service in the armed forces under honorable conditions, or who has completed active duty for training for a period of more than 90 consecutive days as a member of the National Guard or Military Reserves.

§6-13-2. Preference rating categories for veterans; benefits to be granted on written examinations for positions in state departments filed under nonpartisan merit system; other benefits.

(a) For positions in any agency as defined in §5F-1-4 of this code or any other political subdivision of this state in which

positions are filled under civil service or any job classification system, a 5-Point Preference category or a 10-Point Compensable Disability Preference category shall be applied to qualifying veterans. A veteran who qualifies for either the 5-Point Preference category or the 10-Point Compensable Disability Preference category shall have the corresponding preference points added to his or her regular numerical score on employment examinations or category ratings: *Provided, however;* That the preference points may only be added to a passing score.

(b) If a veteran who qualifies for either the 5-Point Preference category or the 10-Point Compensable Disability Preference category also qualifies for another preference category, the veteran shall only be qualified to receive the benefits that correspond with the highest numerical preference category.

(c) To receive preference under this article, the veteran's separation from active duty must have been under honorable conditions.

(d) The benefits conferred pursuant to this article shall be made for the benefit and preference in appointment of all veterans who have heretofore, or who shall hereafter, take examinations, but shall not operate to the detriment of any person previously appointed to a position in any agency defined in §5F-1-4 of this code or any other political subdivision of this state.

(e) *5-Point Preference category applicability.* — A 5-Point Preference shall be used for veterans who participated in active duty service as set forth in §6-13-1(a) and §6-13-1(b) of this code.

(f) *5-Point Preference benefits.* — Under the 5-Point Preference, a qualifying veteran:

(1) Shall receive an additional five points that shall be added to the regular numerical score or rating of an employment examination: *Provided, however;* These preference points may only be added to a passing score or rating prior;

(2) Shall receive preference points as other eligibles do when the Rule of 3 is applied;

(3) Shall be entitled to be listed ahead of non-preference eligibles with the same score on an examination, or listed ahead of non-preference eligibles in the same quality category when agencies are using category rating;

(4) Shall be entitled to receive the same pass-over rights as other preference eligibles; and

(5) Shall be entitled to credit experience in the armed forces to meet the qualification requirements for employment.

(g) 10-Point Compensable Disability Preference category applicability. — A 10-Point Compensable Disability Preference shall be used for veterans who:

(1) Served on active duty for any period of time and meet the definitional requirement of "disabled veteran" as set forth in §6-13-1(e) of this code; or

(2) Received a Purple Heart medal.

(h) 10-Point Compensable Disability Preference benefits. — Under the 10-Point Compensable Disability Preference, a qualifying veteran:

(1) Shall receive an additional 10 points that shall be added to the regular numerical score or rating of an employment examination: *Provided, however;* These preference points may only be added to a passing score or rating;

(2) Shall receive preference points as other eligibles do when the Rule of 3 is applied;

(3) Shall be entitled to be listed ahead of non-preference eligibles with the same score on an examination, or listed ahead of non-preference eligibles in the same quality category when agencies are using category rating;

(4) Shall be entitled to receive the same pass-over rights as other preference eligibles; and

(5) Shall be entitled to credit experience in the armed forces to meet the qualification requirements for employment.

The bill (Eng. H. B. 3451), as amended, was then ordered to third reading.

Eng. House Bill 3473, Creating a workgroup relating to Dig Once Policy.

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

The following amendment to the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2E. DIG ONCE POLICY.

§17-2E-10. Taskforce on infrastructure deployment clearinghouse; reporting; sunset date.

(a) There is hereby created a taskforce under the leadership of the Commissioner of the Division of Highways, or his or her designee, for the purpose of studying best practices for the creation of a clearinghouse with information on public rights-of-way, including environmental and historic preservation content, that may reduce regulatory hurdles, lower costs, and increase the speed of infrastructure deployment. The purpose of the clearinghouse is to provide information relevant to infrastructure deployment, such as identifying public rights-of-way that may be readily accessed. For purposes of this section, "infrastructure deployment" means the deployment of underground infrastructure in public rights-of-way in West Virginia.

(b) The taskforce shall consist of the following:

(1) The Commissioner of the Division of Highways, or his or her designee;

(2) The Director of the Division of Environmental Protection, or his or her designee;

(3) The director of the historic preservation section of the Department of Arts, Culture, and History, or his or her designee;

(4) Any designee as may be selected by Miss Utility of West Virginia; and

(5) Any designees as may be selected by the Legislative Oversight Commission on Department of Transportation Accountability.

(c) The infrastructure deployment clearinghouse taskforce shall examine and report on the following:

(1) Regulatory hurdles affecting infrastructure deployment;

(2) The availability of information that may reduce regulatory hurdles;

(3) Information available, including environmental factors, historically-significant sites, and previously-disturbed ground as relevant to infrastructure deployment;

(4) Recommendations on ways to create a clearinghouse that contains information relevant to reduce regulatory hurdles, lower costs, and accelerate infrastructure deployment;

(5) Recommendations on restrictions that may be needed concerning access to clearinghouse information; and

(6) Other information and recommendations the taskforce deems important to create the clearinghouse and improve infrastructure deployment.

(d) The taskforce shall report and make recommendations to the Legislative Oversight Commission on Department of Transportation Accountability, including:

(1) Status updates upon request; and

(2) Written recommendations, including any proposed legislation, by December 31, 2023.

(e) The provisions of this section sunset and cease to have effect after March 31, 2024.

The bill (Eng. H. B. 3473), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3482, To create the Coal Fired Grid Stabilization and Security Act of 2023.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Energy, Industry, and Mining, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 20. COAL FIRED GRID STABILIZATION AND SECURITY ACT OF 2023.

§5B-20-1. Short title.

This article shall be known and cited as the "Coal Fired Grid Stabilization and Security Act."

§5B-20-2. Legislative findings; declaration of public policy.

(a) The Legislature finds that:

(1) The advent and advancement of new and existing technologies and mining/drilling practices have created the opportunity for efficient mining of coal in West Virginia, including opportunities for the production of electricity;

(2) Production of electricity utilizing coal produced in West Virginia is now inadequately developed in comparison to nearby states with which West Virginia competes for economically beneficial projects. Coal electric generation projects have been undermined by existing regulatory requirements and related time delays;

(3) In developing regulatory actions and identifying appropriate approaches to encourage development of coal electric generation projects, agencies should attempt to promote coordination, simplification, and harmonization. Agencies should also seek to identify appropriate means to achieve regulatory goals that are designed to promote innovation and enhance West Virginia's competitiveness with surrounding states;

(4) Agencies should review their existing legislative and procedural rules to determine whether any such rules should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives related to coal electric generation projects. Agencies should also evaluate the data that they have to determine what information might be useful to prompt permitting and approval of coal generated electricity; and

(5) The West Virginia Department of Economic Development established in §5B-2-1 *et seq.* of this code is responsible for implementing this Coal Fired Grid Stabilization and Security Act of 2023 and provide as much assistance as possible to grow and sustain the coal electric generation segment of the economy.

(b) The Legislature declares that facilitating the development of business activity directly and indirectly related to coal electric generation development, transportation, storage, and use serves the public interest of the citizens of this state by promoting economic development, by improving economic opportunities for the citizens of this state, and providing additional opportunities to stabilize the price of electricity while increasing its reliability and availability.

§5B-20-3. Identification of suitable sites for coal electric generation projects.

(a) The Department of Economic Development is authorized and directed to identify economically viable sites within the state that are:

(1) Located near a convenient and sufficient supply of coal;

(2) Located near consumers to provide a convenient supply of the generated electricity; and,

(3) Likely to create economically viable coal electric generation projects that provide economic benefits to the local and state governmental units and the citizens of the state.

(b) The Department of Economic Development shall use the following criteria in identifying economically viable sites for coal electric generation projects:

(1) Geographic locations near coal deposits in the state capable of supplying and sustaining one or more coal electric generation facilities for the economic life of the facilities;

(2) Geographic locations near existing electric transmission infrastructure capable of transmitting the generated electricity to wholesale markets of electricity by one or more coal electric generation facilities for the economic life of the facilities;

(3) Geographic locations that fulfill the air quality conditions imposed by the Division of Air Quality of the West Virginia Department of Environmental Protection for one or more coal electric generation facilities; and

(4) Geographic locations that can demonstrate that allowable emission increases from one or more coal electric generation facilities, in conjunction with all other applicable emission increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(A) Any national or West Virginia Ambient Air Quality Standard in any air quality control region; or

(B) Any applicable maximum allowable increase over the baseline concentration in any area.

§5B-20-4. Designation of sites suitable for coal electric generation projects.

(a) Following identification of economically viable sites that may be suitable for coal electric generation projects, the Department of Economic Development shall identify and designate each site it has determined to be suitable for coal electric generation projects as a "Designated Site," and shall communicate the Designated Sites to the West Virginia Department of Environmental Protection's Division of Air Quality and the West Virginia Public Service Commission as sites suitable for the construction and operation of coal electric generation projects.

(b) Any application for a siting certificate pursuant to §24-2-11c of the West Virginia Code filed with the Public Service Commission for development of a coal electric generation project at a Designated Site shall be adjudicated, inclusive of public hearings, and a final order issued by the Public Service Commission, within 270 calendar days after the date of the filing of the application, notwithstanding the requirements of any other provision of this code.

(c) Nothing in this section is intended to preclude, modify, or establish new Public Service Commission jurisdiction over:

(1) Any exercise of powers, duties, and obligations pursuant to the West Virginia Public Energy Authority Act; and

(2) The right of end-user consumers of electricity to develop, invest in, or otherwise contract for on-site electric self-generation or cogeneration facilities, including those utilizing coal as a fuel source.

(3) This section does not alter, modify and/or cancel any existing cogeneration tariffs authorized by the Public Service Commission.

(4) This section does not authorize the sale of electricity to end-users in the state.

(d) Where a designated site has been identified, in accordance with §22-5-11c of this code, as a location where additional data would be helpful for modeling or other evaluation of the potential emission of a coal generation project, the Department of Economic Development shall construct such facilities as are necessary to acquire such data.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 5. AIR POLLUTION CONTROL.

§22-5-11c. Construction and operating permits required for coal electric generation facilities as stationary sources of air pollutants.

(a) This section applies to coal electric generation facilities as identified and communicated to the Secretary by the West Virginia Department of Economic Development as sites that may be suitable for one or more coal electric generation facilities in accordance with §5B-20-1 *et seq.* of this code, or as identified by an applicant for a construction and operating permit for one or more coal electric generation facilities.

(b) The secretary shall take all reasonable steps to expedite consideration of permit applications utilizing sites designated by the Department of Economic Development as a site suitable for use as a coal electric generation facility and communicated to the secretary in accordance with §5B-20-1 *et seq.* of this code. Such steps shall include:

(1) An initial determination of whether the identified site is in compliance with National Ambient Air Quality Standards and the West Virginia State Implementation Plan, whether emissions from a coal electric generation facility would be likely to interfere with

compliance with the same and, if interference is likely, the steps necessary to avoid noncompliance with National Ambient Air Quality Standards and the State Implementation Plan; and

(2) Evaluation of whether there is sufficient data, meteorological and otherwise, that would allow acceptable modeling of the impacts of emissions from a coal electric generation facility, and if not, construction of sampling and measuring devices to acquire such data at the site.

(c) Unless otherwise specifically provided in this article, the secretary shall issue a permit for a coal electric generation facility which is determined to be a major stationary source within a reasonable time, not to exceed 270 calendar days, after the secretary determines that the application is complete. The secretary must determine whether an application is complete within 30 days from the date the permit application is filed with the secretary and communicated to the permit applicant.

CHAPTER 22B. ENVIRONMENTAL BOARDS.

ARTICLE 1. GENERAL POLICY AND PURPOSE.

§22B-1-7. Appeals to Boards.

(a) The provisions of this section are applicable to all appeals to the boards, with the modifications or exceptions set forth in this section.

(b) Any person authorized by statute to seek review of an order, permit, or official action of the chief of air quality, the chief of water resources, the chief of waste management, the chief of mining and reclamation, the chief of oil and gas, or the secretary may appeal to the air quality board, the environmental quality board, or the surface mine board, as appropriate, in accordance with this section. The person so appealing shall be known as the appellant and the appropriate chief or the secretary shall be known as the appellee.

(c) An appeal filed with a board by a person subject to an order, permit, or official action shall be perfected by filing a notice of

appeal with the board within 30 days after the date upon which such order, permit, or official action was received by such person as demonstrated by the date of receipt of registered or certified mail or of personal service. For parties entitled to appeal other than the person subject to such order, permit, or official action, an appeal shall be perfected by filing a notice of appeal with the board within 30 days after the date upon which service was complete. For purposes of this subsection, service is complete upon tendering a copy to the designated agent or to the individual who, based upon reasonable inquiry, appears to be in charge of the facility or activity involved, or to the permittee; or by tendering a copy by registered or certified mail, return receipt requested to the last known address of the person on record with the agency. Service is not incomplete by refusal to accept. Notice of appeal must be filed in a form prescribed by the rule of the board for such purpose. Persons entitled to appeal may also file a notice of appeal related to the failure or refusal of the appropriate chief or the secretary to act within a specified time on an application for a permit; such notice of appeal shall be filed within a reasonable time.

(d) The filing of the notice of appeal does not stay or suspend the effectiveness or execution of the order, permit or official action appealed from, except that the filing of a notice of appeal regarding a notice of intent to suspend, modify, or revoke and reissue a permit, issued pursuant to the provisions of §22-5-5 of this code, does stay the notice of intent from the date of issuance pending a final decision of the board. If it appears to the appropriate chief, the secretary, or the board that an unjust hardship to the appellant will result from the execution or implementation of a chief's or secretary's order, permit, or official action pending determination of the appeal, the appropriate chief, the secretary, or the board, as the case may be, may grant a stay or suspension of the order, permit or official action and fix its terms: *Provided*, That unjust hardship shall not be grounds for granting a stay or suspension of an order, permit or official action for an order issued pursuant to §22-3-1 *et seq.* of this code. A decision shall be made on any request for a stay within five days of the date of receipt of the request for stay. The notice of appeal shall set forth the terms and conditions of the order, permit, or official action complained of and the grounds upon

which the appeal is based. A copy of the notice of appeal shall be filed by the board with the appropriate chief or secretary within seven days after the notice of appeal is filed with the board.

(e) Within 14 days after receipt of a copy of the notice of appeal, the appropriate chief or the secretary ~~as the case may be~~, shall prepare and certify to the board a complete record of the proceedings out of which the appeal arises including all documents and correspondence in the applicable files relating to the matter in question. With the consent of the board and upon such terms and conditions as the board may prescribe, any person affected by the matter pending before the board may, by petition, intervene as a party appellant or appellee. In any appeal brought by a third party, the permittee or regulated entity shall be granted intervenor status as a matter of right where issuance of a permit or permit status is the subject of the appeal. The board shall hear the appeal *de novo*, and evidence may be offered on behalf of the appellant, appellee, and by any intervenors. The board may visit the site of the activity or proposed activity which is the subject of the hearing and take such additional evidence as it considers necessary: *Provided*, That all parties and intervenors are given notice of the visit and are given an opportunity to accompany the board. The appeal hearing shall be held at such location as may be approved by the board including Kanawha County, the county wherein the source, activity, or facility involved is located or such other location as may be agreed to among the parties.

(f) Any such hearing shall be held within 30 days after the date upon which the board received the timely notice of appeal, unless there is a postponement or continuance. The board may postpone or continue any hearing upon its own motion, or upon application of the appellant, the appellee, or any intervenors for good cause shown: *Provided*, That an appeal of any permit pursuant to §22-5-14 of the code shall be heard by the Air Quality Board within 60 days of the filing of the notice of appeal, unless all parties to the appeal consent to a postponement or continuance, and issue its decision on the appeal as promptly as reasonably possible following the hearing, but in no event later than two months after the completion of the hearing. The chief or the secretary, as

appropriate, may be represented by counsel. If so represented, they shall be represented by the Attorney General or with the prior written approval of the Attorney General may employ counsel who shall be a special assistant Attorney General. At any such hearing the appellant and any intervenor may represent themselves or be represented by an attorney-at-law admitted to practice before the Supreme Court of Appeals.

(g) After such hearing and consideration of all the testimony, evidence, and record in the case:

(1) The environmental quality board or the air quality board as the case may be shall make and enter a written order affirming, modifying, or vacating the order, permit, or official action of the chief or secretary, or shall make and enter such order as the chief or secretary should have entered, or shall make and enter an order approving or modifying the terms and conditions of any permit issued; and

(2) The surface mine board shall make and enter a written order affirming the decision appealed from if the board finds that the decision was lawful and reasonable, or if the board finds that the decision was not supported by substantial evidence in the record considered as a whole, it shall make and enter a written order reversing or modifying the decision of the secretary.

(h) In appeals of an order, permit or official action taken pursuant to §22-6-1 *et seq.*, §22-11-1 *et seq.*, §22-12-1 *et seq.*, §22-13-1 *et seq.*, or §22-15-1 *et seq.* of this code, the environmental quality board established in article three of this chapter, shall take into consideration, in determining its course of action in accordance with subsection (g) of this section, not only the factors which the appropriate chief or the secretary was authorized to consider in issuing an order, in granting or denying a permit, in fixing the terms and conditions of any permit, or in taking other official action, but also the economic feasibility of treating, or controlling, or both, the discharge of solid waste, sewage, industrial wastes, or other wastes involved.

(i) An order of a board shall be accompanied by findings of fact and conclusions of law as specified in §29A-5-3 of this code, and a copy of such order and accompanying findings and conclusions shall be served upon the appellant, and any intervenors, and their attorneys of record, if any, and upon the appellee in person or by registered or certified mail.

(j) The board shall also cause a notice to be served with the copy of such order, which notice shall advise the appellant, the appellee, and any intervenors of their right to judicial review, in accordance with the provisions of this chapter. The order of the board shall be final unless vacated or modified upon judicial review thereof in accordance with the provisions of this chapter.

The bill (Eng. Com. Sub. for H. B. 3482), as amended, was then ordered to third reading.

Eng. House Bill 3509, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3513, Making a supplementary appropriation to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3515, Making a supplementary appropriation to the Department of Veterans' Assistance, Veterans' Facilities Support Fund.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3518, Making a supplementary appropriation to the Department of Agriculture.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3524, Making a supplementary appropriation to the Department of Agriculture – West Virginia Spay Neuter Assistance Fund.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3526, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Public Service Commission.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3552, Relating to per diem jail costs.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-16. Funds for operations of jails under the jurisdiction of the commissioner.

(a) Any special revenue funds previously administered by the Regional Jail and Correctional Facility Authority or its executive director are continued, and shall be administered by the commissioner.

(b) Funds that have been transferred by §15A-3-16(a) of this code shall be limited in use to operations of jail functions, and for payment to the Regional Jail and Correctional Facility Authority

Board, for payment of indebtedness. In no case shall a fund be utilized to offset or pay operations of nonjail parts of the facility: Provided, That funds may be utilized on a pro rata basis for shared staff and for operational expenses of facilities being used as both prisons and jails.

(c) Whenever the commissioner determines that the balance in these funds is more than the immediate requirements of this article, he or she may request that the excess be invested until needed. Any excess funds so requested shall be invested in a manner consistent with the investment of temporary state funds. Interest earned on any moneys invested pursuant to this section shall be credited to these funds.

(d) These funds consist of the following:

(1) Moneys collected and deposited in the State Treasury which are specifically designated by Acts of the Legislature for inclusion in these funds;

(2) Contributions, grants, and gifts from any source, both public and private, specifically directed to the operations of jails under the control of the commissioner;

(3) All sums paid pursuant to §15A-3-16(g) of this code; and

(4) All interest earned on investments made by the state from moneys deposited in these funds.

(e) The amounts deposited in these funds shall be accounted for and expended in the following manner:

(1) Amounts deposited shall be pledged first to the debt service on any bonded indebtedness;

(2) After any requirements of debt service have been satisfied, the commissioner shall requisition from these funds the amounts that are necessary to provide for payment of the administrative expenses of this article, as limited by this section;

(3) The commissioner shall requisition from these funds, after any requirements of debt service have been satisfied, the amounts that are necessary for the maintenance and operation of jails under his or her control. These funds shall make an accounting of all amounts received from each county by virtue of any filing fees, court costs, or fines required by law to be deposited in these funds and amounts from the jail improvement funds of the various counties;

(4) Notwithstanding any other provisions of this article, sums paid into these funds by each county pursuant to §15A-3-16(g) of this code for each inmate shall be placed in a separate account and shall be requisitioned from these funds to pay for costs incurred; and

(5) Any amounts deposited in these funds from other sources permitted by this article shall be expended based on particular needs to be determined by the commissioner.

(f)(1) After a jail facility becomes available pursuant to this article for the incarceration of inmates, each county within the region shall incarcerate all persons whom the county would have incarcerated in any jail prior to the availability of the jail facility in the jail facility, except those whose incarceration in a local jail facility used as a local holding facility is specified as appropriate under the previously promulgated, and hereby transferred standards and procedures developed by the Jail Facilities Standards Commission, and whom the sheriff or the circuit court elects to incarcerate therein.

(2) Notwithstanding the provisions of §15A-3-16(f)(1) of this code, circuit and magistrate courts are authorized to:

(A) Detain persons who have been arrested or charged with a crime in a county or municipal jail specified as appropriate under the standards and procedures referenced in §15A-3-16(f)(1) of this code, for a period not to exceed 96 hours; or

(B) Commit persons convicted of a crime in a county or municipal jail, specified as appropriate under the standards and

procedures referenced in §15A-3-16(f)(1) of this code, for a period not to exceed 14 days.

(g) When inmates are placed in a jail facility under the jurisdiction of the commissioner pursuant to §15A-3-16(f) of this code, the county, and municipality if the incarceration is a municipal violation, shall pay into this fund a cost per day for each incarcerated inmate, to be determined ~~by the state Budget Office annually by examining the most recent three fiscal years of costs submitted by the commissioner for the cost of operating the jail facilities and units under his or her jurisdiction, and taking an average per day, per inmate cost of maintaining the operations of the jail facilities or units: Provided, That beginning as set forth in subsection (k) of this section. Beginning July 1, 2018, and continuing through July 1, 2023~~ June 30, 2023, in no case shall any county or municipality be required to pay a rate that exceeds \$48.25 per day, per inmate. ~~Nothing in this section shall be construed to mean that the per diem cannot be decreased or be less than \$48.25 per day per inmate.~~

(h) The per diem costs for incarcerating inmates may not include the cost of construction, acquisition, or renovation of the regional jail facilities: Provided, That each jail facility or unit operating in this state shall keep a record of the date and time that an inmate is incarcerated, and a county may not be charged for a second day of incarceration for an individual inmate until that inmate has remained incarcerated for more than 24 hours. After that, in cases of continuous incarceration, subsequent per diem charges shall be made upon a county only as subsequent intervals of 24 hours pass from the original time of incarceration.

(i) The county is responsible for costs incurred by the division for housing and maintaining inmates in its facilities who are pretrial inmates and convicted misdemeanants. The costs of housing shall be borne by the division on a felony conviction on which an inmate is incarcerated beginning the calendar day following the day of sentencing: Provided, That beginning July 1, 2019, the costs of housing shall be borne by the division on a felony conviction when an inmate is incarcerated beginning the calendar day following the day of conviction. In no case shall the county be responsible for

any costs of housing and maintaining felony convicted inmate populations.

(j) The county is responsible for the costs incurred by the authority for housing and maintaining an inmate who, prior to a felony conviction on which the inmate is incarcerated and is awaiting transportation to a state correctional facility for a 60-day evaluation period as provided in §62-12-7a of this code.

~~(k) On or before July 1, 2020, the commissioner shall prepare a report on the feasibility of phasing out the county and municipal per diem charges required by §15A-3-16(g) of this code. This report shall include information regarding savings realized because of the consolidation of the former Division of Corrections, Division of Juvenile Services, and the operations of the Regional Jail and Correctional Facility Authority, as well as any other recommendations that might ease the burden of paying the per diem inmate costs by the counties or municipalities. On or before January 1, 2019, January 1, 2020, January 1, 2021, and January 1, 2023 the commissioner shall report to the Joint Committee on Government and Finance and the co-chairmen of the Joint Standing Committee on Finance the actual per diem rate as calculated pursuant to §15A-3-16(g) of this code and any amount not assessed to counties if the actual per diem cost is larger than the amount charged to the counties or municipalities pursuant to §15A-3-16(g) between July 1, 2018, and July 1, 2023.~~

(k) (1) Effective July 1, 2023, the cost per day, per inmate for an incarcerated inmate shall be determined as set forth in this subsection. The base rate per day, per inmate rate shall be set at \$54.48. The State Budget Office shall annually examine the most recent three fiscal years of costs submitted by the commissioner for the cost of operating the jail facilities and units under his or her jurisdiction, and taking an average per day, per inmate cost of maintaining the operations of the jail facilities or units shall adjust the per day, per inmate rate annually. Notice of the adjusted per day, per inmate rate shall be provided to each county commission.

(2) Beginning July 1, 2023, the commissioner shall determine the pro rata share of inmate days per county. This figure shall be

calculated by multiplying each counties population as contained in the 2020 United States Census by .52.

(3) (3) Each county shall pay as its annual per diem jail cost:

(A) Eighty percent of the current per diem rate for the first 80 percent of its pro rata share of total billed inmate days;

(B) One hundred percent of the current per diem rate for its inmate days that are greater than 80 percent and up to 100 percent of its pro rata share of total billed inmate days; and

(C) One hundred twenty percent of the current per diem rate for its inmate days that exceed 100 percent of its pro rata share of total billed inmate days.

(4) Beginning July 1, 2031, and every 10 years thereafter the pro rata share of inmate days per county shall be calculated by dividing the number of inmate days from the previous calendar year by the state's population according to the most recent United States Census data and then multiplying that number by each counties population.

(5) The commissioner shall post on the Division of Corrections and Rehabilitations webpage by county:

(i) The pro rata share of inmate days;

(ii) The base number of pro rata days;

(iii) The reduced rate of the per day, per inmate costs;

(iv) The increased per day, per inmate; and

(v) Any other information deemed necessary by the commissioner.

(l) County commissioners may be liable in both their official and individual capacity for the payment of the fees established in this section. County commissioners pursuant to the jurisdiction, powers, and duties placed upon them pursuant to §7-1-1 et seq. of this code and Section 11, Article 9 of the West Virginia

Constitution are responsible for the fiscal affairs of their county. This includes oversight of all financial transaction including compliance with legal requirements for the operation of a county government. The non-payment of the expenses associated with providing housing and maintaining inmates as required by this section is in direct contradiction of their established statutory and constitutional duties as the fiscal officers of a county. This violation of the clearly established statutory and constitutional duty to manage all fiscal matters of a county abrogates any qualified immunity county commissioners may have as a government official: *Provided*, That if a county commission has entered into a payment agreement to pay the amount of arrears for the housing and maintenance of inmates and continues to remain current in the payment of the arrears as set forth in the agreement, that shall stay any personal liability of a county commissioner as set forth in this subsection.

(m) In cases in which the incarcerated inmate was placed in a jail facility by the municipal police of a Class I or Class II municipal corporation as defined in §8-1-3 of this code, or of a Class III municipal corporation as defined in §8-1-3 of this code but with a population in excess of 4,000 according to the most recent census taken under the authority of the United States, and the incarceration is not a municipal violation, the county commission responsible for paying the cost per day pursuant to this subsection may seek reimbursement from the municipal corporation of actual expenditures for one day of per diem costs borne by the county commission by memorandum of understanding.

The bill (Eng. H. B. 3552), as amended, was then ordered to third reading.

Eng. House Bill 3560, Relating to expanding the definitions of land and recreational purposes.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 191, Relating to liability for payment of court costs as condition of pretrial diversion agreement.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS ACT.

§62-11C-9. Use of community corrections programs for those not under court supervision.

(a) Subject to the availability of community corrections programs in the county, a written pretrial diversion agreement, entered into pursuant to the provisions of ~~section twenty-two, article eleven, chapter sixty-one~~ §61-11-22 of this code, may require participation or supervision in a community corrections program as part of the prosecution and resolution of charges. A court ordered deferred adjudication proceeding, pursuant to the provisions of 61-11-22a of this code, may require, through terms and conditions imposed upon a defendant, participation or supervision in a community corrections program

(b) Any pretrial diversion program for a defendant ~~charged with a violation of the provisions of section twenty-eight, article two, chapter sixty-one of this code, subsection (b) or (c), section nine of said article §61-2-9b, §61-2-9c, or §61-2-28 of this code, where the alleged victim is a family or household member, or the provisions of section two, article five, chapter seventeen-c §17C-~~

~~5-2 of this code is to~~ shall require the person charged to appear before the presiding judge or magistrate and either acknowledge his or her understanding of the terms of the agreement ~~or tender a plea of guilty or nolo contendere~~ to the charge or charges. Upon the defendant's motion, the court shall continue the matter for the period of time necessary for the person charged to complete the pretrial diversion program. If the person charged successfully completes the pretrial diversion program, the matter is to be resolved pursuant to the terms of the pretrial diversion agreement. If the person charged fails to successfully complete the pretrial diversion program, the matter, ~~if no plea of guilty or nolo contendere has been tendered,~~ is to shall be returned to the court's docket for resolution. ~~If the person charged has tendered a plea of guilty or nolo contendere and fails to successfully complete the pretrial diversion program, the court shall accept the tendered plea of guilty or nolo contendere and proceed to sentencing.~~

(c) No provision of this article may be construed to limit the prosecutor's discretion to prosecute an individual who has not fulfilled the terms of a written pretrial diversion by not completing the required supervision or participation in a community corrections program.

(d) Notwithstanding any provision of this code to the contrary, any person whose case is disposed of by entering into a pretrial diversion agreement, pursuant to the provisions of ~~section twenty-two, article eleven of this chapter~~ §61-11-22 of this code shall be is liable for any applicable court costs. Payment of the court costs shall be made a condition of the pretrial diversion agreement; Provided, That financial inability to pay court costs may not be a basis for denying a person a pretrial diversion.

(e) Subject to the availability of community corrections programs in the county, a written pretrial diversion agreement, entered into pursuant to the provisions of §61-11-22 of this code, may require participation or supervision in a community corrections program as part of the prosecution and resolution of charges. A court-ordered deferred adjudication proceeding, pursuant to the provisions of §61-11-22a of this code, may require,

through terms and conditions imposed upon a defendant, participation or supervision in a community corrections program

(f) Any deferred adjudication where the alleged victim is a family or household member, or the provisions of §17C-5-2 of this code shall require the person charged to appear before the presiding judge or magistrate and either acknowledge his or her understanding of the terms of the agreement and tender a plea of guilty or nolo contendere to the charge or charges. Upon the defendant's motion, the court shall continue the matter and defer adjudication for the period of time necessary for the person charged to complete the period of deferred adjudication. If the person charged successfully completes the period of deferred adjudication, the matter is to be resolved pursuant to the terms and conditions of the deferred adjudication as outlined by the court. If it is determined by the court that the defendant did not successfully complete the period of deferred adjudication, the court may accept the tendered plea of guilty or nolo contendere and proceed to sentencing or impose such other terms and conditions as the court deems appropriate, pursuant to the provisions of §61-11-22a of this code.

(g) Notwithstanding any provision of this code to the contrary, any person whose case is disposed of by entering into a deferred adjudication, pursuant to the provisions of §61-11-22a of this code is liable for any applicable court costs. Payment of the court costs shall be made a term and condition of the deferred adjudication. Payment of restitution may be made a term and condition of the deferred adjudication: *Provided*, That financial inability to pay court costs and restitution may not be a basis for denying a person deferred adjudication.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 191—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to liability for payment of court costs as a

condition of a pretrial diversion agreement; and declaring that financial inability to pay court costs cannot be a basis for denying a pretrial diversion agreement; correcting a reference to a code section governing deferred prosecution agreements; ; relating to liability for payment of court costs as a condition of deferred adjudication; relating to liability for payment of restitution as a discretionary condition of a deferred adjudication; declaring that deferred adjudications may require participation in community corrections; relating to the procedure of handling deferred adjudications when community corrections are utilized; and declaring that financial inability to pay court costs and restitution cannot be a basis for denying a deferred adjudication.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 191) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 191—A Bill to amend and reenact §62-11C-9 of the Code of West Virginia, 1931, as amended, relating to community corrections generally; making participation in a community corrections program a possible condition of deferred adjudication; clarifying conditions of deferred adjudication; clarifying terms of pretrial diversion agreements; clarifying that no contest pleas may be a part of a pretrial diversion or deferred adjudication agreement; setting forth offenses which require a defendant's actual appearance before a court in deferred adjudication matters; clarifying judicial options where a defendant does not successfully complete his or her program; and providing that inability to pay court costs or and restitution is not a basis for denying a person deferred adjudication.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 191, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 191) passed with its Senate amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 558, Prohibiting law-enforcement agencies from posting booking photographs of certain criminal defendants on social media.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. PRELIMINARY PROCEDURE.

§62-1-6a. Booking photographs of criminal defendants.

(a) Except as authorized by the provisions of this section, a law enforcement agency may not share on social media the booking

photograph of an individual arrested for the alleged commission of a minor offense.

(b) As used in this section, unless context clearly indicates, otherwise:

"Booking photograph" means a photograph or still, non-video image of an individual taken, generated, or otherwise created by a law enforcement agency pursuant to an arrest or while an individual is in the agency's lawful custody.

"Law enforcement agency" means any duly authorized state, county, or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality of the state: *Provided*, That the Division of Corrections and Rehabilitation and its subordinate organizations may not be considered a law enforcement agency for purposes of this section.

"Social media" means a publicly available Internet-based platform that allows a user to produce, post, or curate content and interact with other users via text, images, video, and audio, for the purpose of informing, sharing, promoting, collaborating, or networking.

"Minor offense" means an offense that:

Is a misdemeanor or nonviolent felony eligible for expungement as provided by §61-11-26(a) of this code, and not excepted from eligibility for expungement under §61-11-26(c) of this code: *Provided*, That, for purposes of this section, offenses under §17B-4-3 of this code and misdemeanor offenses under §17C-5-2 of this code, shall be considered minor offenses for purposes of this section.

(c) *Exceptions*.—A law enforcement agency may share on social media the booking photograph of an individual arrested for the alleged commission a minor offense, if:

(1) The individual is convicted of a criminal offense based upon the conduct for which the individual was in custody for at the time the booking photograph was taken;

(2) A law-enforcement agency has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and reasonably believes that releasing or disseminating the suspect's booking photograph will assist in locating or apprehending the suspect or reducing or eliminating that threat; or

(3) A court of competent jurisdiction orders the release or dissemination of the booking photograph based upon a finding that doing so is in furtherance of a legitimate interest.

(d) A law-enforcement agency may not be subject to civil action or be held liable when the publication, release, or dissemination of a booking photograph was made by mistake of fact or error, and that publication, release, or dissemination was done in good faith.

(e) A law-enforcement agency that shares on social media a booking photograph of an individual arrested for the suspected commission of any crime shall remove the booking photograph from its social media page within 14 days upon the request of the individual who is the subject of the social media post, or that individual's authorized representative, if any of the following have occurred:

(1) The criminal charge for which the booking photograph was taken has been dismissed;

(2) A grand jury has declined to return an indictment on the charge for which the booking photograph was taken; or

(3) A circuit court or jury has entered a judgment of acquittal on the charge for which the booking photograph was taken, or a court of competent jurisdiction has issued an order or opinion reversing, vacating, or otherwise nullifying the conviction for which the booking photograph was taken.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 558—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-1-6a, relating to prohibiting law enforcement agencies of the state from posting on social media the booking photographs of individuals alleged to have committed a minor offense; clarifying that the Division of Corrections and Rehabilitation and its subordinate organizations may not be considered a law enforcement agency for purposes of this section; providing exceptions; and requiring removal of booking photographs in certain instances.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 558, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 558) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended, to take effect from passage, and requested the

concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2917, Relating to allowing retired state employees who meet the minimum qualifications necessary, to render post-retirement employment with the Department of Health and Human Resources.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 2917—A Bill to amend and reenact §5-10-48 of the code of West Virginia, 1931, as amended, relating to post-retirement employment by certain retirants; allowing certain retired state employees to render certain post-retirement employment with the Department of Health and Human Resources under certain circumstances; and increasing the amount that may be earned by certain retirants in certain post-retirement employment without requiring suspension of retirement annuity.

On motion of Senator Takubo, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2917, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2917) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2917) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

At the request of Senator Woelfel, unanimous consent being granted, Senator Woelfel addressed the Senate regarding Engrossed Committee Substitute for House Bill 3018 (*Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court*).

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 2:53 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:18 p.m. and, at the request of Senator Maynard, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

Executive Communications

The Clerk then presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Jim Justice
Governor of West Virginia

March 9, 2023

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Senate Bill No. Six Hundred Seventy-Nine (679), which was presented to me on March 8, 2023.

You will note that I have approved this bill on March 9, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia
March 9, 2023

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for House Bill No. Three Thousand Forty-Two (3042), which was presented to me on March 3, 2023.

You will note that I have approved this bill on March 9, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

[CLERK'S NOTE: Enr. House Bill 3340 became law without the Governor's signature on March 8, 2023, under the provisions of Section 14, Article VII of the Constitution of West Virginia.]

The Senate again proceeded to the ninth order of business.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 2024, Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Wednesday, March 6, 2023, for amendments to be received on third reading, was read a third time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

TITLE I – GENERAL PROVISIONS.

Section 1. General policy. – The purpose of this bill is to appropriate money necessary for the economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year 2024.

Sec. 2. Definitions. — For the purpose of this bill:

"Governor" shall mean the Governor of the State of West Virginia.

"Code" shall mean the Code of West Virginia, one thousand nine hundred thirty-one, as amended.

"Spending unit" shall mean the department, bureau, division, office, board, commission, agency, or institution to which an appropriation is made.

The "fiscal year 2024" shall mean the period from July 1, 2023, through June 30, 2024.

"General revenue fund" shall mean the general operating fund of the state and includes all moneys received or collected by the state except as provided in W.V. Code §12-2-2 or as otherwise provided.

"Special revenue funds" shall mean specific revenue sources which by legislative enactments are not required to be accounted for as general revenue, including federal funds.

"From collections" shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collections. If the amount collected exceeds the amount designated "from collections," the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by Article 2, Chapter 11B of the Code.

Sec. 3. Classification of appropriations. — An appropriation for:

"Personal services" shall mean salaries, wages and other compensation paid to full-time, part-time and temporary employees of the spending unit but shall not include fees or contractual payments paid to consultants or to independent contractors engaged by the spending unit. "Personal services" shall include "annual increment" for "eligible employees" and shall be disbursed only in accordance with Article 5, Chapter 5 of the Code.

Unless otherwise specified, appropriations for "personal services" shall include salaries of heads of spending units.

"Employee benefits" shall mean social security matching, workers' compensation, unemployment compensation, pension and retirement contributions, public employees insurance matching, personnel fees or any other benefit normally paid by the employer as a direct cost of employment. Should the appropriation be

insufficient to cover such costs, the remainder of such cost shall be paid by each spending unit from its "unclassified" appropriation, or its "current expenses" appropriation or other appropriate appropriation. Each spending unit is hereby authorized and required to make such payments in accordance with the provisions of Article 2, Chapter 11B of the Code.

Each spending unit shall be responsible for all contributions, payments or other costs related to coverage and claims of its employees for unemployment compensation and workers compensation. Such expenditures shall be considered an employee benefit.

"BRIM Premiums" shall mean the amount charged as consideration for insurance protection and includes the present value of projected losses and administrative expenses. Premiums are assessed for coverages, as defined in the applicable policies, for claims arising from, inter alia, general liability, wrongful acts, property, professional liability, and automobile exposures.

Should the appropriation for "BRIM Premium" be insufficient to cover such cost, the remainder of such costs shall be paid by each spending unit from its "unclassified" appropriation, its "current expenses" appropriation or any other appropriate appropriation to the Board of Risk and Insurance Management. Each spending unit is hereby authorized and required to make such payments. If there is no appropriation for "BRIM Premium" such costs shall be paid by each spending unit from its "current expenses" appropriation, "unclassified" appropriation or other appropriate appropriation.

West Virginia Council for Community and Technical College Education and Higher Education Policy Commission entities operating with special revenue funds and/or federal funds shall pay their proportionate share of the Board of Risk and Insurance Management total insurance premium cost for their respective institutions.

"Current expenses" shall mean operating costs other than personal services and shall not include equipment, repairs and alterations, buildings, or lands. Each spending unit shall be

responsible for and charged monthly for all postage meter service and shall reimburse the appropriate revolving fund monthly for all such amounts. Such expenditures shall be considered a current expense.

"Equipment" shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year.

"Repairs and alterations" shall mean routine maintenance and repairs to structures and minor improvements to property which do not increase the capital assets.

"Buildings" shall include new construction and major alteration of existing structures and the improvement of lands and shall include shelter, support, storage, protection, or the improvement of a natural condition.

"Lands" shall mean the purchase of real property or interest in real property.

"Capital outlay" shall mean and include buildings, lands or buildings and lands, with such category or item of appropriation to remain in effect as provided by W.V. Code §12-3-12.

From appropriations made to the spending units of state government, upon approval of the Governor there may be transferred to a special account an amount sufficient to match federal funds under any federal act.

Appropriations classified in any of the above categories shall be expended only for the purposes as defined above and only for the spending units herein designated: *Provided*, That the secretary of each department shall have the authority to transfer within the department those general revenue funds appropriated to the various agencies of the department: *Provided, however*, That no more than five percent of the general revenue funds appropriated to any one agency or board may be transferred to other agencies or boards within the department: and no funds may be transferred to a "personal services and employee benefits" appropriation unless the source funds are also wholly from a "personal services and

employee benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, Notwithstanding any previous provision no more than ten percent of the general revenue funds appropriated to the following funds xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx and xxxx within the Department of Health and Human Resources may be transferred between the aforementioned funds: and no funds may be transferred to a "personal services and employee benefits" appropriation unless the source funds are also wholly from a "personal services and employee benefits" line, or unless the source funds are from another appropriation that has exclusively funded employment expenses for at least twelve consecutive months prior to the time of transfer and the position(s) supported by the transferred funds are also permanently transferred to the receiving agency or board within the department: *Provided further*, That the secretary of each department and the director, commissioner, executive secretary, superintendent, chairman or any other agency head not governed by a departmental secretary as established by Chapter 5F of the Code shall have the authority to transfer funds appropriated to "personal services and employee benefits," "current expenses," "repairs and alterations," "equipment," "other assets," "land," "buildings" and "contract nursing" to other appropriations within the same account and no funds from other appropriations shall be transferred to the "personal services and employee benefits" or the "unclassified" appropriation except that during Fiscal Year 2024, and upon approval from the State Budget Office, agencies with the appropriation "Salary and Benefits of Cabinet Secretary and Agency Heads" may transfer between this appropriation and the appropriation "Personal Services and Employee Benefits" an amount to cover annualized salaries and employee benefits for the fiscal year ending June 30, 2024, as provided by W.V. Code §6-7-2a: *And provided further*, That no authority exists hereunder to transfer funds into appropriations to which no funds are legislatively appropriated: *And provided further*, That if the Legislature consolidates, reorganizes or terminates agencies,

boards or functions, within any fiscal year the secretary or other appropriate agency head, or in the case of the termination of a spending unit of the state, the Director of the State Budget Office, in the absence of general law providing otherwise, may transfer the funds formerly appropriated to such agency, board or function, allocating items of appropriation as may be necessary if only part of the item may be allocated, in order to implement such consolidation, reorganization or termination. No funds may be transferred from a Special Revenue Account, dedicated account, capital expenditure account or any other account or fund specifically exempted by the Legislature from transfer, except that the use of the appropriations from the State Road Fund for the office of the Secretary of the Department of Transportation is not a use other than the purpose for which such funds were dedicated and is permitted.

Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit the freedom to spend an appropriation for more than one of the above classifications.

Sec. 4. Method of expenditure. — Money appropriated by this bill, unless otherwise specifically directed, shall be appropriated, and expended according to the provisions of Article 3, Chapter 12 of the Code or according to any law detailing a procedure specifically limiting that article.

Sec. 5. Maximum expenditures. — No authority or requirement of law shall be interpreted as requiring or permitting an expenditure in excess of the appropriations set out in this bill.

TITLE II – APPROPRIATIONS.

ORDER OF SECTIONS

- SECTION 1. Appropriations from general revenue.
- SECTION 2. Appropriations from state road fund.
- SECTION 3. Appropriations from other funds.
- SECTION 4. Appropriations from lottery net profits.
- SECTION 5. Appropriations from state excess lottery revenue.
- SECTION 6. Appropriations of federal funds.
- SECTION 7. Appropriations from federal block grants.
- SECTION 8. Awards for claims against the state.
- SECTION 9. Appropriations from general revenue fund surplus accrued.
- SECTION 10. Appropriations from lottery net profits surplus accrued.
- SECTION 11. Appropriations from state excess lottery revenue surplus accrued.
- SECTION 12. Special revenue appropriations.
- SECTION 13. State improvement fund appropriations.
- SECTION 14. Specific funds and collection accounts.
- SECTION 15. Appropriations for refunding erroneous payment.
- SECTION 16. Sinking fund deficiencies.
- SECTION 17. Appropriations for local governments.
- SECTION 18. Total appropriations.
- SECTION 19. General school fund.

Section 1. Appropriations from general revenue. – From the State Fund, General Revenue, there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B the following amounts, as itemized, for expenditure during the fiscal year 2024.

LEGISLATIVE

1 - Senate

Fund 0165 FY 2024 Org 2100

	Appropriation	General Revenue Fund
Compensation of Members (R).....00300	\$	1,010,000
Compensation and Per Diem of Officers and Employees (R)00500		4,011,332
Current Expenses and Contingent Fund (R)02100		321,392
Repairs and Alterations (R)06400		35,000
Technology Repair and Modernization (R) ..29800		80,000
Expenses of Members (R).....39900		450,000
BRIM Premium (R)91300		<u>44,482</u>
Total.....	\$	<u>5,952,206</u>

The appropriations for the Senate for the fiscal year 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances so reappropriated may be transferred and credited to the fiscal year 2023 accounts.

Upon the written request of the Clerk of the Senate, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the Senate, with the approval of the President, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, for supplies and services incurred in preparation for the opening, the conduct of

the business and after adjournment of any regular or extraordinary session, and for the necessary operation of the Senate offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by the Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the President, or the President of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the President of the Senate. The Clerk is hereby authorized to draw his or her requisitions upon the Auditor for the payment of all such staff personnel for such services, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

For duties imposed by law and by the Senate, the Clerk of the Senate shall be paid a monthly salary as provided by the Senate resolution, unless increased between sessions under the authority of the President, payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the Senate.

Included in the above appropriation for Senate (fund 0165, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

2 - House of Delegates

Fund 0170 FY 2024 Org 2200

Compensation of Members (R).....00300	\$	3,000,000
Compensation and Per Diem of Officers and Employees (R)		00500
		575,000

Current Expenses and Contingent Fund (R)....02100	4,399,031
Expenses of Members (R).....39900	1,350,000
Capital Outlay, Repairs and Equipment (R)58900	500,000
BRIM Premium (R)	91300
	<u>80,000</u>
Total.....	\$ 9,904,031

The appropriations for the House of Delegates for the fiscal year 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances so reappropriated may be transferred and credited to the fiscal year 2023 accounts.

Upon the written request of the Clerk of the House of Delegates, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

The Clerk of the House of Delegates, with the approval of the Speaker, is authorized to draw his or her requisitions upon the Auditor, payable out of the Current Expenses and Contingent Fund of the House of Delegates, for any bills for supplies and services that may have been incurred by the House of Delegates and not included in the appropriation bill, for bills for services and supplies incurred in preparation for the opening of the session and after adjournment, and for the necessary operation of the House of Delegates' offices, the requisitions for which are to be accompanied by bills to be filed with the Auditor.

The Speaker of the House of Delegates shall have authority to employ such staff personnel during and between sessions of the Legislature as shall be needed, in addition to personnel designated in the House resolution, and the compensation of all personnel shall be as fixed in such House resolution for the session or fixed by the Speaker during and between sessions of the Legislature, notwithstanding such House resolution. The Clerk of the House of Delegates is hereby authorized to draw requisitions upon the Auditor for such services, payable out of the appropriation for the Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

For duties imposed by law and by the House of Delegates, including salary allowed by law as keeper of the rolls, the Clerk of the House of Delegates shall be paid a monthly salary as provided in the House resolution, unless increased between sessions under the authority of the Speaker and payable out of the appropriation for Compensation and Per Diem of Officers and Employees or Current Expenses and Contingent Fund of the House of Delegates.

Included in the above appropriation for House of Delegates (fund 0170, appropriation 02100), an amount not less than \$5,000 is to be used for the West Virginia Academy of Family Physicians - Doc of the Day Program.

3 - Joint Expenses

(W.V. Code Chapter 4)

Fund 0175 FY 2024 Org 2300

Joint Committee on Government		
and Finance (R).....	10400	\$ 7,725,138
Legislative Printing (R).....	10500	260,000
Legislative Rule-Making		
Review Committee (R).....	10600	147,250
Legislative Computer System (R).....	10700	1,447,500
Legislative Dues and Fees (R).....	10701	600,000
BRIM Premium (R).....	91300	<u>60,569</u>
Total.....		\$ 10,240,457

The appropriations for the Joint Expenses for the fiscal year 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances reappropriated may be transferred and credited to the fiscal year 2023 accounts.

Upon the written request of the Clerk of the Senate, with the approval of the President of the Senate, and the Clerk of the House of Delegates, with the approval of the Speaker of the House of Delegates, and a copy to the Legislative Auditor, the Auditor shall transfer amounts between items of the total appropriation in order to protect or increase the efficiency of the service.

JUDICIAL

4 - Supreme Court –

General Judicial

Fund 0180 FY 2024 Org 2400

Personal Services

and Employee Benefits (R).....00100	\$ 129,136,873
Current Expenses (R).....13000	21,482,914
Repairs and Alterations (R)06400	40,000
Equipment (R).....07000	1,814,000
Military Services Members Court (R)09002	300,000
Judges' Retirement System (R)11000	854,000
Buildings (R).....25800	10,000
Other Assets (R).....69000	80,000
BRIM Premium (R)91300	<u>716,410</u>
Total.....	\$ 154,434,197

The appropriations to the Supreme Court of Appeals for the fiscal years 2021, 2022 and 2023 are to remain in full force and effect and are hereby reappropriated to June 30, 2024. Any balances so reappropriated may be transferred and credited to the fiscal year 2023 accounts.

This fund shall be administered by the Administrative Director of the Supreme Court of Appeals, who shall draw requisitions for warrants in payment in the form of payrolls, making deductions therefrom as required by law for taxes and other items.

The appropriation for the Judges' Retirement System (fund 0180, appropriation 11000) is to be transferred to the Consolidated Public Retirement Board, in accordance with the law relating thereto, upon requisition of the Administrative Director of the Supreme Court of Appeals.

EXECUTIVE

5 - Governor's Office

(W.V. Code Chapter 5)

Fund 0101 FY 2024 Org 0100

Personal Services		
and Employee Benefits	00100	\$ 3,409,542
Current Expenses (R)	13000	799,000
Repairs and Alterations	06400	25,000
Equipment	07000	1,000
National Governors Association	12300	60,700
Herbert Henderson		
Office of Minority Affairs	13400	396,726
Community Food Program	18500	1,000,000
Office of Resiliency (R)	18600	613,421
BRIM Premium	91300	<u>183,645</u>
Total		\$ 6,489,034

Any unexpended balances remaining in the appropriations for Unclassified (fund 0101, appropriation 09900), Current Expenses (fund 0101, appropriation 13000), and Office of Resiliency (fund 0101, appropriation 18600) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Herbert Henderson Office of Minority Affairs (fund 0101, appropriation 13400) shall be transferred to the Minority Affairs Fund (fund 1058).

*6 - Governor's Office –**Custodial Fund*

(W.V. Code Chapter 5)

Fund 0102 FY 2024 Org 0100

Personal Services		
and Employee Benefits	00100	\$ 410,065
Current Expenses (R)	13000	182,158
Repairs and Alterations	06400	5,000
Equipment	07000	<u>1,000</u>
Total		\$ 598,223

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0102, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

Appropriations are to be used for current general expenses, including compensation of employees, household maintenance, cost of official functions, and additional household expenses occasioned by such official functions.

7 - Governor's Office –

Civil Contingent Fund

(W.V. Code Chapter 5)

Fund 0105 FY 2024 Org 0100

Milton Flood Wall (R)	75701	\$	3,500,000
Local Economic			
Development Assistance (R)	81900		<u>5,000,000</u>
Total.....		\$	8,500,000

Any unexpended balances remaining in the appropriations for Business and Economic Development Stimulus – Surplus (fund 0105, appropriation 08400), Civil Contingent Fund – Total (fund 0105, appropriation 11400), 2012 Natural Disasters – Surplus (fund 0105, appropriation 13500), Congressional Earmark Maintenance of Effort – Surplus (fund 0105, appropriation 22599), Civil Contingent Fund – Total – Surplus (fund 0105, appropriation 23800), Civil Contingent Fund – Surplus (fund 0105, appropriation 26300), Local Economic Development Assistance – Surplus (fund 0105, appropriation 26600), Business and Economic Development Stimulus (fund 0105, appropriation 58600), Civil Contingent Fund (fund 0105, appropriation 61400), Milton Flood Wall (fund 0105, appropriation 75701), Milton Flood Wall – Surplus (fund 0105, appropriation 75799), Natural Disasters – Surplus (fund 0105, appropriation 76400), Local Economic Development Assistance (fund 0105, appropriation 81900), and Federal Funds/Grant Match – Surplus (fund 0105, appropriation 85700) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From this fund there may be expended, at the discretion of the Governor, an amount not to exceed \$1,000 as West Virginia's contribution to the Interstate Oil Compact Commission.

The above fund is intended to provide contingency funding for accidental, unanticipated, emergency, or unplanned events which may occur during the fiscal year and is not to be expended for the normal day-to-day operations of the Governor's Office.

8 - Auditor's Office –

General Administration

(W.V. Code Chapter 12)

Fund 0116 FY 2024 Org 1200

Personal Services

and Employee Benefits	00100	\$ 2,546,998
Current Expenses (R)	13000	13,429
BRIM Premium.....	91300	<u>12,077</u>
Total.....		\$ 2,572,504

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0116, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0116, appropriation 00100) is \$95,000 for the Salary of the Auditor.

9 - Treasurer's Office

(W.V. Code Chapter 12)

Fund 0126 FY 2024 Org 1300

Personal Services

and Employee Benefits	00100	\$ 2,711,818
Unclassified.....	09900	31,463
Current Expenses (R)	13000	572,684
Abandoned Property Program.....	11800	41,794

Other Assets	69000	10,000
ABLE Program	69201	150,000
BRIM Premium.....	91300	<u>59,169</u>
Total.....		\$ 3,576,928

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0126, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0126, appropriation 00100) is \$95,000 for the Salary of the Treasurer.

10 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 0131 FY 2024 Org 1400

Personal Services

and Employee Benefits	00100	\$ 6,808,433
Current Expenses (R)	13000	848,115
Animal Identification Program	03900	136,407
State Farm Museum	05500	87,759
Gypsy Moth Program (R)	11900	1,098,069
WV Farmers Market	12801	150,467
Black Fly Control.....	13700	459,453
HEMP Program.....	13701	375,033
Donated Foods Program	36300	45,000
Veterans to Agriculture Program (R).....	36301	268,572
Predator Control (R)	47000	176,400
Bee Research.....	69100	74,662
Microbiology Program.....	78500	105,583
Moorefield Agriculture Center	78600	1,056,879
Chesapeake Bay Watershed	83000	120,911
Livestock Care Standards Board.....	84300	8,820
BRIM Premium.....	91300	138,905
State FFA-FHA		
Camp and Conference Center	94101	778,539

Threat Preparedness	94200	77,869
WV Food Banks.....	96900	426,000
Senior's Farmers' Market		
Nutrition Coupon Program	97000	<u>55,835</u>
Total.....		\$ 13,297,711

Any unexpended balances remaining in the appropriations for Gypsy Moth Program (fund 0131, appropriation 11900), Current Expenses (fund 0131, appropriation 13000), Veterans to Agriculture Program (fund 0131, appropriation 36301), Predator Control (fund 0131, appropriation 47000), and Agricultural Disaster and Mitigation Needs – Surplus (fund 0131, appropriation 85000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0131, appropriation 00100) is \$95,000 for the Salary of the Commissioner.

The above appropriation for Predator Control (fund 0131, appropriation 47000) is to be made available to the United States Department of Agriculture, Wildlife Services to administer the Predator Control Program.

A portion of the Current Expenses appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for marketing and development activities.

From the above appropriation for WV Food Banks (fund 0131, appropriation 96900), \$20,000 is for House of Hope and the remainder of the appropriation shall be allocated to the Huntington Food Bank and the Mountaineer Food Bank in Braxton County.

11 - West Virginia Conservation Agency

(W.V. Code Chapter 19)

Fund 0132 FY 2024 Org 1400

Personal Services		
and Employee Benefits	00100	\$ 869,296

Unclassified.....	09900	77,059
Current Expenses (R).....	13000	317,848
Soil Conservation Projects (R).....	12000	10,107,529
BRIM Premium.....	91300	<u>34,428</u>
Total.....		\$ 11,406,160

Any unexpended balances remaining in the appropriations for Soil Conservation Projects (fund 0132, appropriation 12000) and Current Expenses (fund 0132, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

12 - Department of Agriculture –

Meat Inspection Fund

(W.V. Code Chapter 19)

Fund 0135 FY 2024 Org 1400

Personal Services

and Employee Benefits.....	00100	\$ 1,032,292
Unclassified.....	09900	7,090
Current Expenses	13000	<u>82,605</u>
Total.....		\$ 1,121,987

Any part or all of this appropriation may be transferred to a special revenue fund for the purpose of matching federal funds for the above-named program.

13 - Department of Agriculture –

Agricultural Awards Fund

(W.V. Code Chapter 19)

Fund 0136 FY 2024 Org 1400

Programs and Awards

for 4-H Clubs and FFA/FHA.....	57700	\$ 15,000
Commissioner's Awards and Programs	73700	<u>39,250</u>
Total.....		\$ 54,250

*14 - Department of Agriculture –**West Virginia Agricultural Land Protection Authority*

(W.V. Code Chapter 8A)

Fund 0607 FY 2024 Org 1400

Personal Services		
and Employee Benefits	00100	\$ 105,302
Unclassified.....	09900	950
Total.....		\$ 106,252

15 - Attorney General

(W.V. Code Chapters 5, 14, 46A and 47)

Fund 0150 FY 2024 Org 1500

Personal Services		
and Employee Benefits (R).....	00100	\$ 3,387,827
Unclassified (R)	09900	24,428
Current Expenses (R)	13000	681,295
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	7,500
Criminal Convictions		
and Habeas Corpus Appeals (R).....	26000	988,021
Better Government Bureau	74000	287,469
BRIM Premium.....	91300	120,654
Total.....		\$ 5,498,194

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0150, appropriation 00100), Unclassified (fund 0150, appropriation 09900), Current Expenses (fund 0150, appropriation 13000), Criminal Convictions and Habeas Corpus Appeals (fund 0150, appropriation 26000), and Agency Client Revolving Liquidity Pool (fund 0150, appropriation 36200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0150, appropriation 00100) is \$95,000 for the Salary of the Attorney General.

When legal counsel or secretarial help is appointed by the Attorney General for any state spending unit, this account shall be reimbursed from such spending units specifically appropriated account or from accounts appropriated by general language contained within this bill: *Provided*, That the spending unit shall reimburse at a rate and upon terms agreed to by the state spending unit and the Attorney General: *Provided, however*, That if the spending unit and the Attorney General are unable to agree on the amount and terms of the reimbursement, the spending unit and the Attorney General shall submit their proposed reimbursement rates and terms to the Governor for final determination.

16 - Secretary of State

(W.V. Code Chapters 3, 5, and 59)

Fund 0155 FY 2024 Org 1600

Personal Services		
and Employee Benefits	00100	\$ 118,794
Unclassified (R)	09900	8,352
Current Expenses (R)	13000	781,584
BRIM Premium.....	91300	<u>34,500</u>
Total.....		\$ 943,230

Any unexpended balances remaining in the appropriations for Unclassified (fund 0155, appropriation 09900) and Current Expenses (fund 0155, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Included in the above appropriation to Personal Services and Employee Benefits (fund 0155, appropriation 00100) is \$95,000 for the Salary of the Secretary of State.

17 - State Election Commission

(W.V. Code Chapter 3)

Fund 0160 FY 2024 Org 1601

Personal Services		
and Employee Benefits	00100	\$ 2,477
Unclassified.....	09900	75
Current Expenses	13000	4,956
Total.....		\$ 7,508

DEPARTMENT OF ADMINISTRATION*18 - Department of Administration –**Office of the Secretary*

(W.V. Code Chapter 5F)

Fund 0186 FY 2024 Org 0201

Personal Services		
and Employee Benefits	00100	\$ 479,079
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	153,400
Unclassified.....	09900	9,177
Current Expenses	13000	85,009
Repairs and Alterations.....	06400	100
Equipment.....	07000	1,000
Financial Advisor (R)	30400	27,546
Lease Rental Payments	51600	14,850,000
Design-Build Board	54000	4,000
Other Assets.....	69000	100
BRIM Premium.....	91300	6,736
Total.....		\$ 15,616,147

Any unexpended balance remaining in the appropriation for Financial Advisor (fund 0186, appropriation 30400) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

The appropriation for Lease Rental Payments (fund 0186, appropriation 51600) shall be disbursed as provided by W.V. Code §31-15-6b.

19 - Consolidated Public Retirement Board

(W.V. Code Chapter 5)

Fund 0195 FY 2024 Org 0205

The Division of Highways, Division of Motor Vehicles, Public Service Commission, and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the retirement costs for their respective divisions. When specific appropriations are not made, such payments may be made from the balances in the various special revenue funds in excess of specific appropriations.

20 - Division of Finance

(W.V. Code Chapter 5A)

Fund 0203 FY 2024 Org 0209

Personal Services		
and Employee Benefits	00100	\$ 66,135
Unclassified.....	09900	1,400
Current Expenses	13000	53,563
GAAP Project (R)	12500	650,070
BRIM Premium.....	91300	<u>20,675</u>
Total.....		\$ 791,843

Any unexpended balance remaining in the appropriation for GAAP Project (fund 0203, appropriation 12500) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

21 - Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Personal Services		
and Employee Benefits	00100	\$ 2,985,695
Unclassified.....	09900	20,000
Current Expenses	13000	1,148,349
Repairs and Alterations.....	06400	500
Equipment.....	07000	5,000
Fire Service Fee	12600	14,000
Preservation and Maintenance		
of Statues and Monuments		
on Capitol Grounds.....	37100	68,000
Capital Outlay, Repairs and Equipment (R)	58900	23,660,888
BRIM Premium.....	91300	<u>129,983</u>
Total.....		\$ 28,032,415

Any unexpended balance remaining in the appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) and Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Preservation and Maintenance of Statues and Monuments on Capitol Grounds (fund 0230, appropriation 37100), the Division shall consult the Division of Culture and History and Capitol Building Commission in all aspects of planning, assessment, maintenance, and restoration.

The above appropriation for Capital Outlay, Repairs and Equipment (fund 0230, appropriation 58900) shall be expended for capital improvements, maintenance, repairs, and equipment for state-owned buildings.

22 - Division of Purchasing

(W.V. Code Chapter 5A)

Fund 0210 FY 2024 Org 0213

Personal Services		
and Employee Benefits	00100	\$ 1,105,767
Unclassified.....	09900	144
Current Expenses	13000	1,285

Repairs and Alterations.....	06400	200
BRIM Premium.....	91300	<u>6,922</u>
Total.....		\$ 1,114,318

The Division of Highways shall reimburse Fund 2031 within the Division of Purchasing for all actual expenses incurred pursuant to the provisions of W.V. Code §17-2A-13.

23 - Travel Management

(W.V. Code Chapter 5A)

Fund 0615 FY 2024 Org 0215

Personal Services and Employee Benefits	00100	\$ 842,645
Unclassified.....	09900	12,032
Current Expenses	13000	440,247
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	5,000
Buildings.....	25800	100
Other Assets.....	69000	<u>100</u>
Total.....		\$ 1,301,124

24 - Commission on Uniform State Laws

(W.V. Code Chapter 29)

Fund 0214 FY 2024 Org 0217

Current Expenses	13000	\$ 45,550
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To pay expenses for members of the Commission on Uniform State Laws.

25 - West Virginia Public Employees Grievance Board

(W.V. Code Chapter 6C)

Fund 0220 FY 2024 Org 0219

Personal Services and Employee Benefits	00100	\$ 1,027,173
Unclassified.....	09900	1,000

Current Expenses	13000	145,295
Equipment	07000	50
BRIM Premium	91300	<u>8,740</u>
Total		\$ 1,182,258

26 - Ethics Commission

(W.V. Code Chapter 6B)

Fund 0223 FY 2024 Org 0220

Personal Services		
and Employee Benefits	00100	\$ 640,224
Unclassified	09900	2,200
Current Expenses	13000	105,501
Repairs and Alterations	06400	500
Other Assets	69000	100
BRIM Premium	91300	<u>4,574</u>
Total		\$ 753,099

27 - Public Defender Services

(W.V. Code Chapter 29)

Fund 0226 FY 2024 Org 0221

Personal Services		
and Employee Benefits	00100	\$ 1,921,914
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	119,000
Unclassified	09900	333,300
Current Expenses	13000	12,740
Public Defender Corporations	35200	23,014,199
Appointed Counsel Fees (R)	78800	12,691,113
BRIM Premium	91300	<u>10,575</u>
Total		\$ 38,102,841

Any unexpended balance remaining in the appropriation for Appointed Counsel Fees - Surplus (fund 0226, appropriation 43500) and Appointed Counsel Fees (fund 0226, appropriation

78800) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

The director shall have the authority to transfer funds from the appropriation to Public Defender Corporations (fund 0226, appropriation 35200) to Appointed Counsel Fees (fund 0226, appropriation 78800).

28 - Committee for the Purchase of

Commodities and Services from the Handicapped

(W.V. Code Chapter 5A)

Fund 0233 FY 2024 Org 0224

Personal Services		
and Employee Benefits	00100	\$ 3,187
Current Expenses	13000	<u>868</u>
Total		\$ 4,055

29 - Public Employees Insurance Agency

(W.V. Code Chapter 5)

Fund 0200 FY 2024 Org 0225

PEIA Subsidy	80100	\$ 71,373,750
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The Division of Highways, Division of Motor Vehicles, Public Service Commission, and other departments, bureaus, divisions, or commissions operating from special revenue funds and/or federal funds shall pay their proportionate share of the public employees health insurance cost for their respective divisions.

The above appropriation for PEIA Subsidy (fund 0200, appropriation 80100) may be transferred to a special revenue fund and shall be utilized by the West Virginia Public Employees Insurance Agency for the purposes of offsetting benefit changes to offset the aggregate premium cost-sharing percentage requirements between employers and employees. Such amount shall not be included in the calculation of the plan year aggregate

premium cost-sharing percentages between employers and employees.

30 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 0557 FY 2024 Org 0228

Forensic Medical Examinations (R)	68300	\$	568,607
Federal Funds/Grant Match (R)	74900		<u>112,555</u>
Total		\$	681,162

Any unexpended balances remaining in the appropriations for Forensic Medical Examinations (fund 0557, appropriation 68300) and Federal Funds/Grant Match (fund 0557, appropriation 74900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

31 - Real Estate Division

(W.V. Code Chapter 5A)

Fund 0610 FY 2024 Org 0233

Personal Services			
and Employee Benefits	00100	\$	728,108
Unclassified.....	09900		124
Current Expenses	13000		137,381
Repairs and Alterations.....	06400		100
Equipment.....	07000		2,500
BRIM Premium.....	91300		<u>9,784</u>
Total.....		\$	877,997

DEPARTMENT OF COMMERCE

32 - Division of Forestry

(W.V. Code Chapter 19)

Fund 0250 FY 2024 Org 0305

Personal Services		
and Employee Benefits	00100	\$ 4,987,129
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	111,674
Unclassified.....	09900	21,435
Current Expenses	13000	558,024
Repairs and Alterations	06400	80,000
BRIM Premium.....	91300	<u>98,754</u>
Total.....		\$ 5,857,016

Out of the above appropriations a sum may be used to match federal funds for cooperative studies or other funds for similar purposes.

Any unexpended balances remaining in the appropriations for Current Expenses – Surplus (fund 0250, appropriation 13099) and Equipment – Surplus (fund 0250, appropriation 34100) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

33 - *Geological and Economic Survey*

(W.V. Code Chapter 29)

Fund 0253 FY 2024 Org 0306

Personal Services		
and Employee Benefits	00100	\$ 1,705,320
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	112,753
Unclassified.....	09900	27,678
Current Expenses	13000	51,524
Repairs and Alterations	06400	968
Mineral Mapping System (R)	20700	1,136,567
BRIM Premium.....	91300	<u>24,486</u>
Total.....		\$ 3,059,296

Any unexpended balance remaining in the appropriation for Mineral Mapping System (fund 0253, appropriation 20700) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

The above Unclassified and Current Expenses appropriations include funding to secure federal and other contracts and may be transferred to a special revolving fund (fund 3105) for the purpose of providing advance funding for such contracts.

34 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 0260 FY 2024 Org 0308

Personal Services		
and Employee Benefits	00100	\$ 1,666,653
Current Expenses	13000	227,000
Repairs and Alterations	06400	28,000
Equipment	07000	15,000
BRIM Premium	91300	<u>8,500</u>
Total		\$ 1,945,153

35 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 0265 FY 2024 Org 0310

Personal Services		
and Employee Benefits	00100	\$ 20,400,532
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	113,188
Unclassified	09900	184,711
Current Expenses	13000	529,654
Repairs and Alterations	06400	100
Equipment	07000	100
Buildings (R)	25800	100
Capital Outlay – Parks (R)	28800	6,000,000
Litter Control Conservation Officers	56400	151,662
Upper Mud River Flood Control (R)	65400	175,210
Other Assets	69000	100
Land (R)	73000	100
Law Enforcement	80600	2,628,555
BRIM Premium	91300	<u>45,141</u>
Total		\$ 30,229,153

Any unexpended balances remaining in the appropriations for Equine Enrichment - Surplus (fund 0265, appropriation 22899), Buildings (fund 0265, appropriation 25800), Capital Outlay – Parks (fund 0265, appropriation 28800), Upper Mud River Flood Control (fund 0265, appropriation 65400), Land (fund 0265, appropriation 73000), and State Park Improvements – Surplus (fund 0265, appropriation 76300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Any revenue derived from mineral extraction at any state park shall be deposited in a special revenue account of the Division of Natural Resources, first for bond debt payment purposes and with any remainder to be for park operation and improvement purposes.

36 - Division of Miners' Health, Safety and Training

(W.V. Code Chapter 22A)

Fund 0277 FY 2024 Org 0314

Personal Services		
and Employee Benefits	00100	\$ 9,924,652
Unclassified.....	09900	111,016
Current Expenses	13000	1,396,141
Coal Dust and Rock Dust Sampling	27000	499,261
BRIM Premium.....	91300	<u>80,668</u>
Total.....		\$ 12,011,738

Included in the above appropriation for Current Expenses (fund 0277, appropriation 13000) is \$500,000 to be used for coal mine training activities at an established mine training facility in southern West Virginia.

37 - Board of Coal Mine Health and Safety

(W.V. Code Chapter 22)

Fund 0280 FY 2024 Org 0319

Personal Services		
and Employee Benefits	00100	\$ 245,490
Unclassified.....	09900	3,480

Current Expenses	13000	<u>118,138</u>
Total.....		\$ 367,108

Included in the above appropriation for Current Expenses (fund 0280, appropriation 13000) up to \$29,000 shall be used for the Coal Mine Safety and Technical Review Committee.

38 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 0572 FY 2024 Org 0323

Personal Services		
and Employee Benefits	00100	\$ 51,433
Unclassified.....	09900	584
Current Expenses	13000	<u>6,456</u>
Total.....		\$ 58,473

39 - Department of Commerce –

Office of the Secretary

(W.V. Code Chapter 19)

Fund 0606 FY 2024 Org 0327

Personal Services		
and Employee Benefits	00100	\$ 1,417,755
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	153,750
Unclassified.....	09900	1,490
Current Expenses	13000	<u>353,147</u>
Total.....		\$ 1,926,142

40 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 0310 FY 2024 Org 0932

Personal Services		
and Employee Benefits	00100	\$ 12,317,698
Current Expenses	13000	558,815
Independent Living Services.....	00900	429,418
Workshop Development	16300	1,817,427
Supported Employment		
Extended Services.....	20600	77,960
Ron Yost Personal Assistance Fund	40700	333,828
Employment Attendant Care Program.....	59800	131,575
BRIM Premium.....	91300	<u>77,464</u>
Total.....		\$ 15,744,185

The above appropriation for Workshop Development (fund 0310, appropriation 16300) shall be used exclusively with the private nonprofit community rehabilitation program organizations known as work centers or sheltered workshops. The appropriation shall also be used to continue the support of the program, services, and individuals with disabilities currently in place at those organizations.

DEPARTMENT OF TOURISM

41 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0246 FY 2024 Org 0304

Tourism – Brand Promotion (R)	61803	\$ 3,000,000
Tourism – Public Relations (R)	61804	1,500,000
Tourism – Events and Sponsorships (R).....	61805	500,000
Tourism – Industry Development (R).....	61806	500,000
State Parks and Recreation Advertising (R)	61900	<u>1,500,000</u>
Total.....		\$ 7,000,000

Any unexpended balances remaining in the appropriations for Tourism – Development Opportunity Fund (fund 0246, appropriation 11601), Tourism – Brand Promotion (fund 0246, appropriation 61803), Tourism – Public Relations (fund 0246,

appropriation 61804), Tourism – Events and Sponsorships (fund 0246, appropriation 61805), Tourism – Industry Development (fund 0246, appropriation 61806), and State Parks and Recreation Advertising (fund 0246, appropriation 61900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The Secretary of the Department of Tourism shall have the authority to transfer between the above items of appropriation.

DEPARTMENT OF ECONOMIC DEVELOPMENT

42 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Personal Services		
and Employee Benefits	00100	\$ 4,261,881
Unclassified.....	09900	108,055
Current Expenses	13000	4,738,464
National Youth Science Camp.....	13200	241,570
Local Economic		
Development Partnerships (R).....	13300	1,250,000
ARC Assessment	13600	152,585
Marshall University Research Corporation	xxxxx	500,000
Global Economic		
Development Partnerships (R).....	20201	150,000
Guaranteed Work Force Grant (R).....	24200	988,088
Directed Transfer	70000	15,000,000
Mainstreet Program.....	79400	173,222
BRIM Premium.....	91300	3,157
Hatfield McCoy Recreational Trail.....	96000	<u>198,415</u>
Total.....		\$ 27,765,437

Any unexpended balances remaining in the appropriations for Unclassified – Surplus (fund 0256, appropriation 09700), Partnership Grants (fund 0256, appropriation 13100), Local

Economic Development Partnerships (fund 0256, appropriation 13300), Global Economic Development Partnerships (fund 0256, appropriation 20201), and Guaranteed Work Force Grant (fund 0256, appropriation 24200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Current Expenses (fund 0256, appropriation 13000), \$50,000 shall be used for the Western Potomac Economic Partnership, \$100,000 shall be used for Advantage Valley, \$750,000 shall be used for the Robert C. Byrd Institute, \$548,915 shall be used for West Virginia University, and \$298,915 shall be used for Southern West Virginia Community and Technical College for the Mine Training and Energy Technologies Academy.

The above appropriation to Local Economic Development Partnerships (fund 0256, appropriation 13300) shall be used by the Department of Economic Development for the award of funding assistance to county and regional economic development corporations or authorities participating in the Certified Development Community Program developed under the provisions of W.V. Code §5B-2-14. The Department of Economic Development shall award the funding assistance through a matching grant program, based upon a formula whereby funding assistance may not exceed \$30,000 per county served by an economic development or redevelopment corporation or authority.

The above appropriation for Directed Transfer (fund 0256, appropriation 70000) shall be transferred to the Economic Enhancement Grant Fund (fund 3382).

DEPARTMENT OF EDUCATION

43 - State Board of Education –

School Lunch Program

(W.V. Code Chapters 18 and 18A)

Fund 0303 FY 2024 Org 0402

Personal Services		
and Employee Benefits	00100	\$ 368,331
Current Expenses	13000	<u>2,118,865</u>
Total		\$ 2,487,196

44 - State Board of Education –

State Department of Education

(W.V. Code Chapters 18 and 18A)

Fund 0313 FY 2024 Org 0402

Personal Services		
and Employee Benefits	00100	\$ 4,825,679
Unclassified (R)	09900	420,000
Current Expenses (R)	13000	4,580,000
Teachers' Retirement Savings Realized	09500	37,543,000
Center for Professional Development (R).....	11500	150,000
Increased Enrollment	14000	4,250,000
Safe Schools.....	14300	4,509,127
Attendance Incentive Bonus (R)	15001	2,262,389
National Teacher Certification (R)	16100	300,000
Jobs & Hope –		
Childhood Drug Prevention Education	21901	5,000,000
Technology Repair and Modernization.....	29800	951,003
Hope Scholarship Program	30401	23,970,739
HVAC Technicians	35500	541,248
Early Retirement Notification Incentive	36600	300,000
MATH Program	36800	386,532
Assessment Programs (R)	39600	3,953,638
Benedum Professional		
Development Collaborative (R).....	42700	429,775
Governor's Honors Academy (R).....	47800	1,059,270
21st Century Fellows	50700	274,899
English as a Second Language.....	52800	96,000
Teacher Reimbursement	57300	297,188
Hospitality Training	60000	277,954
Youth in Government	61600	100,000
High Acuity Special Needs (R).....	63400	1,500,000

Foreign Student Education.....	63600	101,445
State Board of Education		
Administrative Costs	68400	285,887
IT Academy (R)	72100	500,000
Early Literacy Program.....	75600	5,717,133
School Based Truancy Prevention (R).....	78101	2,063,740
Communities in Schools (R).....	78103	4,905,755
Mastery Based Education	78104	125,000
Mountain State Digital Literacy Program.....	86401	415,500
21st Century Learners (R).....	88600	1,821,209
BRIM Premium.....	91300	342,859
21st Century Assessment and Professional Development	93100	2,012,157
21st Century Technology Infrastructure		
Network Tools and Support (R)	93300	9,885,992
Special Olympic Games.....	96600	25,000
Educational Program Allowance	99600	<u>516,250</u>
Total.....		\$ 126,696,368

The above appropriations include funding for the State Board of Education and its executive office.

From the above appropriation for Current Expenses (fund 0313, appropriation 13000), \$2,000,000 shall be used for the Department of Education Child Nutrition Program – Non-traditional Child Hunger Solutions.

Any unexpended balances remaining in the appropriations for Unclassified (fund 0313, appropriation 09900), Current Expenses (fund 0313, appropriation 13000), Center for Professional Development (fund 0313, appropriation 11500), Attendance Incentive Bonus (fund 0313, appropriation 15001), National Teacher Certification (fund 0313, appropriation 16100), Hope Scholarship Program (fund 313, appropriation 30401), Assessment Programs (fund 0313, appropriation 39600), Benedum Professional Development Collaborative (fund 0313, appropriation 42700), Governor's Honors Academy (fund 0313, appropriation 47800), High Acuity Special Needs (fund 0313, appropriation 63400), IT Academy (fund 0313, appropriation 72100), School Based Truancy Prevention (fund 0313, appropriation 78101),

Communities in Schools (fund 0313, appropriation 78103), 21st Century Learners (fund 0313, appropriation 88600), and 21st Century Technology Infrastructure Network Tools and Support (fund 0313, appropriation 93300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Teachers' Retirement Savings Realized (fund 0313, appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund (fund 2044).

From the above appropriation for Unclassified (fund 0313, appropriation 09900), \$120,000 shall be for assisting low income students with AP and CLEP exam fees.

From the above appropriation for MATH Program (fund 0313, appropriation 36800), \$50,000 shall be for Math Counts.

The above appropriation for Hospitality Training (fund 0313, appropriation 60000), shall be allocated only to entities that have a plan approved for funding by the Department of Education, at the funding level determined by the State Superintendent of Schools. Plans shall be submitted to the State Superintendent of Schools to be considered for funding.

From the above appropriation for Educational Program Allowance (fund 0313, appropriation 99600), \$100,000 shall be expended for the Morgan County Board of Education for Paw Paw Schools; \$150,000 shall be for the Randolph County Board of Education for Pickens School; \$100,000 shall be for the Preston County Board of Education for the Aurora School; \$100,000 shall be for the Fayette County Board of Education for Meadow Bridge; and \$66,250 is for Project Based Learning in STEM fields.

45 - State Board of Education –

Aid for Exceptional Children

(W.V. Code Chapters 18 and 18A)

Fund 0314 FY 2024 Org 0402

Special Education – Counties	15900	\$ 7,425,757
Special Education – Institutions.....	16000	4,161,325
Education of Juveniles Held in Predispositional Juvenile Detention Centers	30200	702,582
Education of Institutionalized Juveniles and Adults (R).....	47200	<u>21,780,531</u>
Total.....		\$ 34,070,195

Any unexpended balance remaining in the appropriation for Education of Institutionalized Juveniles and Adults (fund 0314, appropriation 47200) at the close of the fiscal year 2023 is hereby appropriated for expenditure during the fiscal year 2024.

From the above appropriations, the Superintendent shall have authority to expend funds for the costs of special education for those children residing in out-of-state placements.

46 - State Board of Education –

State Aid to Schools

(W.V. Code Chapters 18 and 18A)

Fund 0317 FY 2024 Org 0402

Other Current Expenses	02200	\$ 180,202,533
Advanced Placement.....	05300	635,238
Professional Educators.....	15100	940,631,329
Service Personnel.....	15200	350,277,867
Fixed Charges	15300	111,993,457
Transportation	15400	87,405,241
Improved Instructional Programs.....	15600	57,738,239
Professional Student Support Services	65500	64,943,783
21st Century Strategic Technology Learning Growth.....	93600	37,971,242
Teacher and Leader Induction.....	93601	<u>17,006,361</u>
Basic Foundation Allowances.....		1,848,805,290
Less Local Share		(533,898,170)
Adjustments		<u>(1,679,011)</u>
Total Basic State Aid		1,313,228,109

Public Employees' Insurance Matching	01200	218,605,348
Teachers' Retirement System	01900	70,894,634
School Building Authority	45300	0
Retirement Systems – Unfunded Liability	77500	<u>285,469,999</u>
Total		\$1,888,198,090

47 - State Board of Education –

School Building Authority

(W.V. Code Chapters 18 and 18A)

Fund 0318 FY 2024 Org 0404

School Building Authority	45300	\$ 36,000,000
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The above appropriation for School Building Authority (fund 0318, appropriation 45300) shall be transferred to the School Construction Fund (fund 3952).

48 - State Board of Education –

Vocational Division

(W.V. Code Chapters 18 and 18A)

Fund 0390 FY 2024 Org 0402

Personal Services		
and Employee Benefits	00100	\$ 1,409,342
Unclassified	09900	268,800
Current Expenses	13000	883,106
Wood Products –		
Forestry Vocational Program	14600	82,713
Albert Yanni Vocational Program	14700	132,123
Vocational Aid	14800	24,540,570
Adult Basic Education	14900	5,468,396
Jobs & Hope (R)	14902	6,252,729
Program Modernization	30500	884,313
High School Equivalency		
Diploma Testing (R)	72600	812,028
FFA Grant Awards	83900	11,496

Pre-Engineering Academy Program	84000	<u>265,294</u>
Total.....		\$ 41,010,910

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0390, appropriation 14901), Jobs and Hope (fund 0390, appropriation 14902), and High School Equivalency Diploma Testing (fund 0390, appropriation 72600) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

49 - State Board of Education –

West Virginia Schools for the Deaf and the Blind

(W.V. Code Chapters 18 and 18A)

Fund 0320 FY 2024 Org 0403

Personal Services		
and Employee Benefits	00100	\$ 10,875,030
Unclassified (R)	09900	110,000
Current Expenses (R)	13000	2,250,696
Repairs and Alterations	06400	164,675
Equipment	07000	77,000
Buildings (R).....	25800	45,000
Capital Outlay and Maintenance (R)	75500	1,670,000
BRIM Premium.....	91300	<u>130,842</u>
Total.....		\$ 15,323,243

Any unexpended balances remaining in the appropriations for Unclassified (fund 0320, appropriation 09900), Current Expenses (fund 0320, appropriation 13000), Buildings (fund 0320, appropriation 25800) and Capital Outlay and Maintenance (fund 0320, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

50 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2024 Org 0432

Personal Services		
and Employee Benefits	00100	\$ 3,658,720
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	120,106
Unclassified (R)	09900	28,483
Current Expenses	13000	610,843
Repairs and Alterations	06400	1,000
Equipment	07000	1
WV Humanities Council.....	16800	250,000
Buildings	25800	1
Other Assets	69000	1
Educational Enhancements	69500	73,500
Land	73000	1
Culture and History Programming	73200	231,573
Capital Outlay and Maintenance (R)	75500	19,600
Historical Highway Marker Program.....	84400	57,548
BRIM Premium.....	91300	39,337
Total.....		\$ 5,090,714

Any unexpended balances remaining in the appropriations for Unclassified (fund 0293, appropriation 09900), Capital Outlay, Repairs and Equipment (fund 0293, appropriation 58900), Capital Improvements – Surplus (fund 0293, appropriation 66100), Capital Outlay, Repairs and Equipment – Surplus (fund 0293, appropriation 67700), and Capital Outlay and Maintenance (fund 0293, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Educational Enhancements (fund 0293, appropriation 69500) \$73,500 shall be used for the Clay Center.

The Current Expenses appropriation includes funding for the arts funds, department programming funds, grants, fairs and festivals, and Camp Washington Carver; and shall be expended only upon authorization of the Division of Culture and History and in accordance with the provisions of Chapter 5A, Article 3, and Chapter 12 of the WV Code.

51 - Library Commission

(W.V. Code Chapter 10)

Fund 0296 FY 2024 Org 0432

Personal Services		
and Employee Benefits	00100	\$ 1,154,498
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	112,000
Current Expenses	13000	139,624
Repairs and Alterations.....	06400	6,500
Services to Blind & Handicapped.....	18100	161,717
BRIM Premium.....	91300	<u>18,205</u>
Total.....		\$ 1,592,544

52 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 0300 FY 2024 Org 0439

Personal Services		
and Employee Benefits	00100	\$ 3,391,551
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	120,106
Current Expenses	13000	113,844
Mountain Stage	24900	450,000
Capital Outlay and Maintenance (R)	75500	49,250
BRIM Premium.....	91300	<u>47,727</u>
Total.....		\$ 4,172,478

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 0300, appropriation 75500) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

53 - Environmental Quality Board

(W.V. Code Chapter 20)

Fund 0270 FY 2024 Org 0311

Personal Services		
and Employee Benefits	00100	\$ 94,048
Current Expenses	13000	28,453
Repairs and Alterations	06400	800
Equipment	07000	500
Other Assets	69000	400
BRIM Premium	91300	791
Total		\$ 124,992

54 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 0273 FY 2024 Org 0313

Personal Services		
and Employee Benefits	00100	\$ 4,266,202
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	168,000
Current Expenses	13000	85,816
Water Resources Protection		
and Management	06800	585,133
Environmental Response and Cleanups	27101	91,888
Dam Safety	60700	253,074
West Virginia Stream Partners Program	63700	77,396
W.V. Contributions to River Commissions ..	77600	148,485
Office of Water Resources		
Non-Enforcement Activity	85500	1,074,298
Total		\$ 6,750,292

55 - Air Quality Board

(W.V. Code Chapter 16)

Fund 0550 FY 2024 Org 0325

Personal Services		
and Employee Benefits	00100	\$ 60,737
Current Expenses	13000	11,612

Repairs and Alterations.....	06400	800
Equipment.....	07000	400
Other Assets.....	69000	200
BRIM Premium.....	91300	<u>2,304</u>
Total.....		\$ 76,053

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

56 - Department of Health and Human Resources –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0400 FY 2024 Org 0501

Personal Services		
and Employee Benefits.....	00100	\$ 389,301
Unclassified.....	09900	6,459
Current Expenses.....	13000	50,613
Commission for the		
Deaf and Hard of Hearing.....	70400	<u>234,018</u>
Total.....		\$ 680,391

57 - Division of Health –

Central Office

(W.V. Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Personal Services		
and Employee Benefits.....	00100	\$ 13,513,717
Unclassified.....	09900	671,795
Current Expenses.....	13000	5,388,459
Chief Medical Examiner (R).....	04500	10,684,766
State Aid for Local and Basic		
Public Health Services.....	18400	17,285,283
Safe Drinking Water Program (R).....	18700	1,942,818
Women, Infants and Children.....	21000	38,621
Early Intervention.....	22300	8,134,060

Cancer Registry.....	22500	219,600
Office of Drug Control Policy (R).....	35401	567,875
Statewide EMS Program Support (R).....	38300	1,722,828
Office of Medical Cannabis (R).....	42001	1,519,966
Black Lung Clinics	46700	170,885
Vaccine for Children.....	55100	341,261
Tuberculosis Control.....	55300	343,494
Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (R).....	57500	6,242,965
Epidemiology Support	62600	1,568,269
Primary Care Support	62800	1,241,505
Sexual Assault Intervention and Prevention....	72300	2,000,000
Health Right Free Clinics.....	72700	4,250,000
Capital Outlay and Maintenance (R)	75500	70,000
Healthy Lifestyles	77800	902,808
Maternal Mortality Review.....	83400	51,660
Diabetes Education and Prevention	87300	97,125
BRIM Premium.....	91300	169,791
State Trauma and Emergency Care System..	91800	1,950,095
WVU Charleston Poison Control Hotline.....	94400	<u>712,942</u>
Total.....		\$ 81,802,588

Any unexpended balances remaining in the appropriations for Chief Medical Examiner (fund 0407, appropriation 04500), Safe Drinking Water Program (fund 0407, appropriation 18700), Office of Drug Control Policy (fund 0407, appropriation 35401), Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402), Statewide EMS Program Support (fund 0407, appropriation 38300), Office of Medical Cannabis (fund 0407, appropriation 42001), Medical Cannabis-Surplus (fund 0407, appropriation 42099), Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500), Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation xxxxx) the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

From the above appropriation for Current Expenses (fund 0407, appropriation 13000), an amount not less than \$100,000 is for the West Virginia Cancer Coalition; \$50,000 shall be expended for the West Virginia AIDS Coalition; \$100,000 is for Adolescent Immunization Education; \$73,065 is for informal dispute resolution relating to nursing home administrative appeals; and \$1,000,000 shall be used for the administration of the Telestroke program.

From the above appropriation for Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) up to \$400,000 may be transferred to the Breast and Cervical Cancer Diagnostic Treatment Fund (fund 5197) and \$11,000 is for the Marshall County Health Department for dental services.

58 - Consolidated Medical Services Fund

(W.V. Code Chapter 16)

Fund 0525 FY 2024 Org 0506

Personal Services		
and Employee Benefits	00100	\$ 1,744,950
Current Expenses	13000	164,113
Behavioral Health Program (R)	21900	70,868,956
Institutional Facilities Operations (R).....	33500	12,031,796
Substance Abuse Continuum of Care (R).....	35400	1,840,000
Capital Outlay and Maintenance (R)	75500	0
BRIM Premium.....	91300	<u>53,249</u>
Total.....		\$ 86,703,064

Any unexpended balances remaining in the appropriations for Jim's Dream (fund 0525, appropriation 14901), Behavioral Health Program (fund 0525, appropriation 21900), Institutional Facilities Operations (fund 0525, appropriation 33500), Substance Abuse Continuum of Care (fund 0525, appropriation 35400), Institutional Facilities Operations – Surplus (fund 0525, appropriation 63200), and Capital Outlay and Maintenance (fund 0525, appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

Included in the above appropriation for Behavioral Health Program (fund 0525, appropriation 21900) is \$100,000 for the Recovery Point of Huntington.

From the above appropriation for Substance Abuse Continuum of Care (fund 0525, appropriation 35400), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan.

Additional funds have been appropriated in fund 5156, fiscal year 2024, organization 0506, for the operation of the institutional facilities. The secretary of the Department of Health and Human Resources is authorized to utilize up to 10 percent of the funds from the Institutional Facilities Operations appropriation to facilitate cost effective and cost saving services at the community level.

The above appropriation for Institutional Facilities Operations (fund 0525, appropriation 33500) shall be transferred to Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman

Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

59 - Division of Health –

West Virginia Drinking Water Treatment

(W.V. Code Chapter 16)

Fund 0561 FY 2024 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund-Transfer.....68900 \$ 647,500

The above appropriation for Drinking Water Treatment Revolving Fund – Transfer shall be transferred to the West Virginia Drinking Water Treatment Revolving Fund (fund 3386) or appropriate bank depository and the Drinking Water Treatment Revolving – Administrative Expense Fund (fund 3387) as provided by Chapter 16 of the Code.

60 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 0416 FY 2024 Org 0510

Personal Services

and Employee Benefits00100 \$ 1,044,845

Salary and Benefits of Cabinet Secretary

and Agency Heads00201 112,000

Unclassified.....09900 4,024

Current Expenses13000 331,304

BRIM Premium.....91300 10,764

Total..... \$ 1,502,937

61 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 0403 FY 2024 Org 0511

Personal Services		
and Employee Benefits	00100	\$ 56,266,691
Unclassified.....	09900	5,688,944
Current Expenses	13000	12,240,425
Child Care Development.....	14400	3,138,536
Medical Services	18900	267,202,774
Social Services	19500	224,478,972
Family Preservation Program	19600	1,565,000
Family Resource Networks.....	27400	1,762,464
Domestic Violence Legal Services Fund	38400	400,000
James "Tiger" Morton		
Catastrophic Illness Fund	45500	373,424
I/DD Waiver.....	46600	108,541,736
Child Protective Services Case Workers	46800	30,347,953
Title XIX Waiver for Seniors.....	53300	13,593,620
WV Teaching Hospitals		
Tertiary/Safety Net	54700	6,356,000
In-Home Family Education.....	68800	1,000,000
WV Works Separate State Program.....	69800	1,535,000
Child Support Enforcement	70500	6,933,494
Temporary Assistance for Needy Families/ Maintenance of Effort.....	70700	25,819,096
Child Care – Maintenance of Effort Match....	70800	5,693,743
Grants for Licensed Domestic Violence		
Programs and Statewide Prevention	75000	2,500,000
Capital Outlay and Maintenance (R)	75500	11,875
Community Based Services		
and Pilot Programs for Youth	75900	1,000,000
Medical Services Administrative Costs	78900	43,786,785
Traumatic Brain Injury Waiver.....	83500	800,000
Indigent Burials (R)	85100	1,550,000
CHIP Administrative Costs.....	85601	703,452
CHIP Services	85602	10,489,660
BRIM Premium.....	91300	892,642
Rural Hospitals Under 150 Beds.....	94000	2,596,000
Children's Trust Fund – Transfer	95100	220,000
PATH	95400	<u>7,265,970</u>
Total.....		\$844,754,256

From the above appropriation of Current Expenses (fund 0403, appropriation 13000), \$300,000 shall be used for Green Acres Regional Center, Inc.

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0403, appropriation 75500) and Indigent Burials (fund 0403, appropriation 85100) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health and Human Resources shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations shall be transferred to the Personal Services and Employee Benefits appropriation.

The Secretary shall have authority to expend funds for the educational costs of those children residing in out-of-state placements, excluding the costs of special education programs.

Included in the above appropriation for Social Services (fund 0403, appropriation 19500) is funding for continuing education requirements relating to the practice of social work.

The above appropriation for Domestic Violence Legal Services Fund (fund 0403, appropriation 38400) shall be transferred to the Domestic Violence Legal Services Fund (fund 5455).

The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403, appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund (fund 5454) as provided by Article 5Q, Chapter 16 of the WV Code.

The above appropriation for WV Works Separate State Program (fund 0403, appropriation 69800), shall be transferred to the WV Works Separate State College Program Fund (fund 5467), and the WV Works Separate State Two-Parent Program Fund (fund 5468)

as determined by the Secretary of the Department of Health and Human Resources.

From the above appropriation for Child Support Enforcement (fund 0403, appropriation 70500) an amount not to exceed \$300,000 may be transferred to a local banking depository to be utilized to offset funds determined to be uncollectible.

From the above appropriation for the Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), 50 percent of the total shall be divided equally and distributed among the 14 licensed programs and the West Virginia Coalition Against Domestic Violence (WVCADV). The balance remaining in the appropriation for Grants for Licensed Domestic Violence Programs and Statewide Prevention (fund 0403, appropriation 75000), shall be distributed according to the formula established by the Family Protection Services Board.

The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation 95100) shall be transferred to the Children's Trust Fund (fund 5469).

62 - Health Facilities –

Central Office

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services		
and Employee Benefits	00100	\$ 1,535,120
Current Expenses	13000	360,480
BRIM Premium.....	91300	<u>1,242,849</u>
Total.....		\$ 3,138,449

63 - Health Facilities –

Health Facilities Capital Projects Fund

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Capital Outlay and Maintenance75500 \$ 550,000

The Secretary shall have the ability to transfer between appropriations for Capital Outlay and Maintenance within the funds xxxx, xxxx, xxxx, xxxx, xxxx, xxxx, xxxx and xxxx as needed.

64 - Health Facilities –

Hopemont Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services		
and Employee Benefits	00100	\$ 5,809,271
Contract Nursing	xxxxx	2,693,811
Repairs and Alterations	06400	1
Equipment	07000	1
Current Expenses	13000	1,873,082
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	75500	<u>50,000</u>
Total		\$ 10,426,168

65 - Health Facilities –

Lakin Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services		
and Employee Benefits	00100	\$ 7,148,761
Contract Nursing	xxxxx	1,339,262
Repairs and Alterations	06400	1
Equipment	07000	1
Current Expenses	13000	2,363,676

Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	75500	<u>50,000</u>
Total		\$ 10,901,703

66 - Health Facilities –

John Manchin Senior Health Care Center

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$ 3,669,817
Contract Nursing	xxxxx	907,556
Repairs and Alterations	06400	1
Equipment	07000	1
Current Expenses	13000	1,471,878
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	75500	<u>50,000</u>
Total		\$ 6,099,255

67 - Health Facilities –

Jackie Withrow Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services and Employee Benefits	00100	\$ 6,832,977
Contract Nursing	xxxxx	1,625,311
Repairs and Alterations	06400	1
Equipment	07000	1
Current Expenses	13000	2,655,893
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	77550	<u>50,000</u>

Total..... \$ 11,164,185

68 - Health Facilities –

Welch Community Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services		
and Employee Benefits	00100	\$ 14,925,683
Contract Nursing	xxxxx	2,576,401
Repairs and Alterations.....	06400	1
Equipment.....	07000	1
Current Expenses	13000	13,199,285
Buildings	25800	1
Other Assets.....	69000	1
Capital Outlay and Maintenance.....	77550	<u>50,000</u>
Total.....		\$ 30,751,373

69 - Health Facilities –

William R. Sharpe Jr. Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services		
and Employee Benefits	00100	\$ 23,869,659
Contract Nursing	xxxxx	10,469,835
Repairs and Alterations.....	06400	1
Equipment.....	07000	1
Current Expenses	13000	10,280,300
Buildings	25800	1
Other Assets.....	69000	1
Capital Outlay and Maintenance.....	77550	<u>50,000</u>
Total.....		\$ 44,669,798

The above appropriation for Personal Services and Employee Benefits (fund xxxx, appropriation 00100) contains prior year

salary increases due to the Hartley court order in the amount of \$2,202,013.

70 - Health Facilities –

Mildred Mitchell-Bateman Hospital

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services		
and Employee Benefits	00100	\$ 24,011,880
Contract Nursing	xxxxx	6,457,520
Repairs and Alterations	06400	1
Equipment	07000	1
Current Expenses	13000	2,967,683
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance	77550	<u>50,000</u>
Total		\$ 33,487,087

The above appropriation for Personal Services and Employee Benefits (fund xxxx, appropriation 00100) contains prior year salary increases due to the Hartley court order in the amount of \$2,067,984.

71 - Health Facilities –

William R. Sharpe Jr. Hospital -

Transitional Living Facility

(W.V. Code Chapter 16)

Fund xxxx FY 2024 Org xxxx

Personal Services		
and Employee Benefits	00100	\$ 1,488,296
Contract Nursing	xxxxx	10,000
Repairs and Alterations	06400	1
Equipment	07000	1

Current Expenses	13000	171,794
Buildings	25800	1
Other Assets	69000	1
Capital Outlay and Maintenance.....	77550	<u>50,000</u>
Total.....		\$ 1,720,094

DEPARTMENT OF HOMELAND SECURITY

72 - Department of Homeland Security –

Office of the Secretary

(W.V. Code Chapter 5F)

Fund 0430 FY 2024 Org 0601

Personal Services		
and Employee Benefits	00100	\$ 677,939
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	168,000
Unclassified (R)	09900	30,000
Current Expenses	13000	91,636
Repairs and Alterations	06400	500
Equipment	07000	500
Fusion Center (R).....	46900	2,973,178
Other Assets	69000	500
Directed Transfer	70000	32,000
BRIM Premium.....	91300	22,563
WV Fire and EMS Survivor Benefit (R)	93900	<u>200,000</u>
Total.....		\$ 4,196,816

Any unexpended balances remaining in the appropriations for Unclassified (fund 0430, appropriation 09900), Fusion Center (fund 0430, appropriation 46900), Justice Reinvestment Training – Surplus (fund 0430, appropriation 69900), WV Fire and EMS Survivor Benefit (fund 0430, appropriation 93900), and Homeland State Security Administrative Agency (fund 0430, appropriation 95300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Directed Transfer (fund 0430, appropriation 70000) shall be transferred to the Law-Enforcement, Safety and Emergency Worker Funeral Expense Payment Fund (fund 6003).

73 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 0443 FY 2024 Org 0606

Personal Services		
and Employee Benefits	00100	\$ 2,228,903
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	61,250
Unclassified.....	09900	21,022
Current Expenses	13000	51,065
Repairs and Alterations.....	06400	600
Radiological Emergency Preparedness	55400	17,052
SIRN	55401	600,000
Federal Funds/Grant Match (R)	74900	1,488,195
Mine and Industrial Accident Rapid		
Response Call Center.....	78100	504,586
Early Warning Flood System (R)	87700	1,298,686
BRIM Premium.....	91300	<u>96,529</u>
Total.....		\$ 6,367,888

Any unexpended balances remaining in the appropriations for Federal Funds/Grant Match (fund 0443, appropriation 74900), Early Warning Flood System (fund 0443, appropriation 87700), and Disaster Mitigation (fund 0443, appropriation 95200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

74 - Division of Corrections and Rehabilitation –

West Virginia Parole Board

(W.V. Code Chapter 62)

Fund 0440 FY 2024 Org 0608

Personal Services		
and Employee Benefits	00100	\$ 313,598
Unclassified.....	09900	10,000
Current Expenses	13000	334,440
Salaries of Members of West Virginia		
Parole Board	22700	758,847
BRIM Premium.....	91300	<u>6,149</u>
Total.....		\$ 1,423,034

The above appropriation for Salaries of Members of West Virginia Parole Board (fund 0440, appropriation 22700) includes funding for salary, annual increment (as provided for in W.V. Code §5-5-1), and related employee benefits of board members.

75 - Division of Corrections and Rehabilitation –

Central Office

(W.V. Code Chapter 15A)

Fund 0446 FY 2024 Org 0608

Personal Services		
and Employee Benefits	00100	\$ 253,306
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	126,000
Current Expenses	13000	<u>2,400</u>
Total.....		\$ 381,706

76 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 0450 FY 2024 Org 0608

Employee Benefits	01000	\$ 1,258,136
Unclassified.....	09900	1,578,800
Current Expenses (R)	13000	57,690,483
Children's Protection Act (R).....	09000	838,437
Facilities Planning and Administration (R)	38600	1,274,200

Charleston Correctional Center	45600	3,656,034
Beckley Correctional Center.....	49000	2,729,359
Anthony Correctional Center.....	50400	6,447,805
Huttonsville Correctional Center	51400	20,401,425
Northern Correctional Center.....	53400	8,347,868
Inmate Medical Expenses (R).....	53500	62,226,064
Pruntytown Correctional Center	54300	9,309,903
Corrections Academy.....	56900	2,038,045
Information Technology Services.....	59901	2,759,052
Martinsburg Correctional Center	66300	4,604,918
Parole Services.....	68600	6,247,435
Special Services	68700	6,071,838
Investigative Services	71600	3,595,775
Capital Outlay and Maintenance (R)	75500	2,000,000
Salem Correctional Center	77400	12,013,827
McDowell County Correctional Center	79000	2,542,590
Stevens Correctional Center.....	79100	7,863,195
Parkersburg Correctional Center.....	82800	6,669,363
St. Mary's Correctional Center.....	88100	15,556,307
Denmar Correctional Center	88200	5,531,288
Ohio County Correctional Center	88300	2,254,692
Mt. Olive Correctional Complex	88800	23,580,960
Lakin Correctional Center.....	89600	11,523,549
BRIM Premium.....	91300	<u>2,527,657</u>
Total.....		\$293,139,005

Any unexpended balances remaining in the appropriations for Children's Protection Act (fund 0450, appropriation 09000), Unclassified – Surplus (fund 0450, appropriation 09700), Current Expenses (fund 0450, appropriation 13000), Facilities Planning and Administration (fund 0450, appropriation 38600), Inmate Medical Expenses (fund 0450, appropriation 53500), Capital Improvements – Surplus (fund 0450, appropriation 66100), Capital Outlay and Maintenance (fund 0450, appropriation 75500), Security System Improvements – Surplus (fund 0450, appropriation 75501), and Roof Repairs and Mechanical System Upgrades (fund 0450, appropriation 75502) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The Commissioner of Corrections and Rehabilitation shall have the authority to transfer between appropriations.

From the above appropriation to Current Expenses (fund 0450, appropriation 13000), payment shall be made to house Division of Corrections and Rehabilitation inmates in federal, county, and/or regional jails.

Any realized savings from Energy Savings Contract may be transferred to Facilities Planning and Administration (fund 0450, appropriation 38600).

77 - Division of Corrections and Rehabilitation –

Bureau of Juvenile Services

(W.V. Code Chapter 15A)

Fund 0570 FY 2024 Org 0608

Statewide Reporting Centers.....	26200	\$ 7,201,627
Robert L. Shell Juvenile Center	26700	2,761,055
Resident Medical Expenses (R)	53501	3,604,999
Central Office.....	70100	1,839,891
Capital Outlay and Maintenance (R)	75500	250,000
Gene Spadaro Juvenile Center	79300	2,901,456
BRIM Premium.....	91300	115,967
Kenneth Honey Rubenstein		
Juvenile Center (R)	98000	6,116,258
Vicki Douglas Juvenile Center	98100	2,544,867
Northern Regional Juvenile Center.....	98200	2,876,302
Lorrie Yeager Jr. Juvenile Center	98300	2,636,094
Sam Perdue Juvenile Center	98400	2,853,458
Tiger Morton Center	98500	2,863,241
Donald R. Kuhn Juvenile Center	98600	5,508,620
J.M. "Chick" Buckbee Juvenile Center.....	98700	<u>2,708,143</u>
Total.....		\$ 46,781,978

Any unexpended balances remaining in the appropriations for Resident Medical Expenses (fund 0570, appropriation 53501), Capital Outlay and Maintenance (fund 0570, appropriation 75500),

Roof Repairs and Mechanical System Upgrades (fund 0570, appropriation 75502), and Kenneth Honey Rubenstein Juvenile Center (fund 0570, appropriation 98000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The Director of Juvenile Services shall have the authority to transfer between appropriations to the individual juvenile centers above including Statewide Reporting Centers and Central Office and may transfer funds from the individual juvenile centers to Resident Medical Expenses (fund 0570, appropriation 53501).

78 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 0453 FY 2024 Org 0612

Personal Services		
and Employee Benefits	00100	\$ 76,151,187
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	139,300
Children's Protection Act	09000	1,069,244
Current Expenses	13000	10,384,394
Repairs and Alterations	06400	450,523
Trooper Class	52100	3,207,832
Barracks Lease Payments	55600	237,898
Communications and Other Equipment (R)	55800	1,070,968
Trooper Retirement Fund.....	60500	15,519,212
Handgun Administration Expense	74700	83,647
Capital Outlay and Maintenance (R)	75500	250,000
Retirement Systems – Unfunded Liability	77500	9,984,000
Automated Fingerprint		
Identification System	89800	2,243,491
BRIM Premium.....	91300	<u>5,743,921</u>
Total.....		\$126,535,617

Any unexpended balances remaining in the appropriations for Communications and Other Equipment (fund 0453, appropriation 55800) and Capital Outlay and Maintenance (fund 0453,

appropriation 75500) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Personal Services and Employee Benefits (fund 0453, appropriation 00100), an amount not less than \$25,000 shall be expended to offset the costs associated with providing police services for the West Virginia State Fair.

79 - Fire Commission

(W.V. Code Chapter 29)

Fund 0436 FY 2024 Org 0619

Current Expenses 13000 \$ 63,061

80 - Division of Protective Services

(W.V. Code Chapter 5F)

Fund 0585 FY 2024 Org 0622

Personal Services		
and Employee Benefits	00100	\$ 3,315,050
Unclassified (R)	09900	21,991
Current Expenses	13000	422,981
Repairs and Alterations.....	06400	8,500
Equipment (R).....	07000	64,171
BRIM Premium.....	91300	<u>32,602</u>
Total.....		\$ 3,865,295

Any unexpended balances remaining in the appropriations for Equipment (fund 0585, appropriation 07000) and Unclassified (fund 0585, appropriation 09900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

81 - Division of Administrative Services -

Criminal Justice Fund

(W.V. Code Chapter 15A)

Fund 0546 FY 2024 Org 0623

Personal Services		
and Employee Benefits	00100	\$ 609,397
Current Expenses	13000	233,360
Repairs and Alterations	06400	1,804
Child Advocacy Centers (R)	45800	2,211,436
Community Corrections (R)	56100	4,602,566
Statistical Analysis Program	59700	50,395
Sexual Assault Forensic		
Examination Commission (R)	71400	280,977
Qualitative Analysis		
and Training for Youth Services (R)	76200	86,829
Law Enforcement Professional Standards	83800	175,630
Justice Reinvestment Initiative (R)	89501	2,338,707
BRIM Premium	91300	<u>2,123</u>
Total		\$ 10,593,224

Any unexpended balances remaining in the appropriations for Child Advocacy Centers (fund 0546, appropriation 45800), Community Corrections (fund 0546, appropriation 56100), Sexual Assault Forensic Examination Commission (fund 0546 appropriation 71400), Qualitative Analysis and Training for Youth Services (fund 0546, appropriation 76200), Justice Reinvestment Initiative (fund 0546, appropriation 89501) and Victims of Crime Act – Surplus (fund 0546, appropriation xxxxx) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Current Expenses (fund 0546, appropriation 13000), \$100,000 shall be used for Court Appointed Special Advocates.

From the above appropriation for Child Advocacy Centers (fund 0546, appropriation 45800), the Division may retain an amount not to exceed four percent of the appropriation for administrative purposes.

82 - Division of Administrative Services

(W.V. Code Chapter 15A)

Fund 0619 FY 2024 Org 0623

Personal Services		
and Employee Benefits	00100	\$ 5,447,439
Unclassified.....	09900	50,000
Current Expenses	13000	<u>555,000</u>
Total.....		\$ 6,052,439

DEPARTMENT OF REVENUE*83 - Office of the Secretary*

(W.V. Code Chapter 11)

Fund 0465 FY 2024 Org 0701

Personal Services		
and Employee Benefits	00100	\$ 374,950
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	168,000
Unclassified.....	09900	437
Current Expenses	13000	81,594
Repairs and Alterations.....	06400	1,262
Equipment.....	07000	8,000
Other Assets.....	69000	<u>500</u>
Total.....		\$ 634,743

Any unexpended balance remaining in the appropriation for Unclassified – Total (fund 0465, appropriation 09600) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

84 - Tax Division

(W.V. Code Chapter 11)

Fund 0470 FY 2024 Org 0702

Personal Services		
and Employee Benefits (R).....	00100	\$ 19,746,554
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	147,000
Unclassified (R)	09900	174,578
Current Expenses (R)	13000	6,823,635
Repairs and Alterations	06400	10,150
Equipment	07000	54,850
Tax Technology Upgrade	09400	3,700,000
Multi State Tax Commission	65300	77,958
Other Assets	69000	10,000
BRIM Premium.....	91300	<u>15,579</u>
Total.....		\$ 30,760,304

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0470, appropriation 00100), Unclassified (fund 0470, appropriation 09900), Current Expenses (fund 0470, appropriation 13000), and Integrated Tax Assessment System (fund 0470, appropriation 29200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

85 - State Budget Office

(W.V. Code Chapter 11B)

Fund 0595 FY 2024 Org 0703

Personal Services		
and Employee Benefits	00100	\$ 852,844
Unclassified (R)	09900	9,200
Current Expenses (R)	13000	<u>119,449</u>
Total.....		\$ 981,493

Any unexpended balances remaining in the appropriations for Unclassified (fund 0595, appropriation 09900) and Current Expenses (fund 0595, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

86 - West Virginia Office of Tax Appeals

(W.V. Code Chapter 11)

Fund 0593 FY 2024 Org 0709

Personal Services		
and Employee Benefits	00100	\$ 949,360
Unclassified.....	09900	5,255
Current Expenses (R).....	13000	229,374
BRIM Premium.....	91300	<u>3,062</u>
Total.....		\$ 1,187,051

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0593, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

87 - State Athletic Commission

(W.V. Code Chapter 29)

Fund 0523 FY 2024 Org 0933

Personal Services		
and Employee Benefits	00100	\$ 7,200
Current Expenses	13000	<u>29,611</u>
Total.....		\$ 36,811

DEPARTMENT OF TRANSPORTATION*88 - Division of Multimodal Transportation Facilities –**State Rail Authority*

(W.V. Code Chapter 17)

Fund 0506 FY 2024 Org 0810

Personal Services		
and Employee Benefits	00100	\$ 378,891
Current Expenses	13000	287,707
Other Assets (R).....	69000	1,270,019
BRIM Premium.....	91300	<u>201,541</u>

Total..... \$ 2,138,158

Any unexpended balance remaining in the appropriation for Other Assets (fund 0506, appropriation 69000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

89 - Division of Multimodal Transportation Facilities –

Public Transit

(W.V. Code Chapter 17)

Fund 0510 FY 2024 Org 0810

Equipment (R).....	07000	\$	100,000
Current Expenses (R).....	13000		2,242,989
Buildings (R).....	25800		100,000
Other Assets (R).....	69000		<u>50,000</u>
Total.....		\$	2,492,989

Any unexpended balances remaining in the appropriations for Equipment (fund 0510, appropriation 07000), Current Expenses (fund 0510, appropriation 13000), Buildings (fund 0510, appropriation 25800), and Other Assets (fund 0510, appropriation 69000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Current Expenses (fund 0510, appropriation 13000), \$30,000 shall be used to support the Sistersville Ferry.

90 - Division of Multimodal Transportation Facilities –

(W.V. Code Chapter 17)

Fund 0580 FY 2024 Org 0810

Personal Services			
and Employee Benefits (R).....	00100	\$	700,000
Current Expenses (R).....	13000		750,000
BRIM Premium.....	91300		<u>7,500</u>

Total..... \$ 1,457,500

Any unexpended balances remaining in the appropriations for Personal Services and Employee Benefits (fund 0580, appropriation 00100), Current Expenses (fund 0580, appropriation 13000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

91 - Division of Multimodal Transportation Facilities –

Aeronautics Commission

(W.V. Code Chapter 17)

Fund 0582 FY 2024 Org 0810

Personal Services		
and Employee Benefits	00100	\$ 235,249
Current Expenses (R)	13000	591,839
Repairs and Alterations	06400	100
BRIM Premium	91300	<u>4,438</u>
Total		\$ 831,626

Any unexpended balance remaining in the appropriation for Current Expenses (fund 0582, appropriation 13000) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

DEPARTMENT OF VETERANS' ASSISTANCE

92 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 0456 FY 2024 Org 0613

Personal Services		
and Employee Benefits	00100	\$ 2,431,023
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	110,880
Unclassified.....	09900	20,000
Current Expenses	13000	161,450

Repairs and Alterations.....	06400	5,000
Veterans' Field Offices (R)	22800	405,550
Veterans' Nursing Home (R).....	28600	7,989,445
Veterans' Toll Free Assistance Line	32800	2,015
Veterans' Reeducation Assistance (R)	32900	40,000
Veterans' Grant Program (R)	34200	560,000
Veterans' Grave Markers.....	47300	10,000
Directed Transer.....	70000	1,500,000
Veterans' Cemetery (R).....	80800	408,896
BRIM Premium.....	91300	<u>50,000</u>
Total.....		\$ 13,694,259

Any unexpended balances remaining in the appropriations for Veterans' Field Offices (fund 0456, appropriation 22800), Buildings – Surplus (fund 0456, appropriation 25899), Veterans' Nursing Home (fund 0456, appropriation 28600), Veterans' Reeducation Assistance (fund 0456, appropriation 32900), Veterans' Grant Program (fund 0456, appropriation 34200), Veterans' Bonus – Surplus (fund 0456, appropriation 34400), Veterans' Cemetery (fund 0456, appropriation 80800), and Educational Opportunities for Children of Deceased Veterans (fund 0456, appropriation 85400) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Directed Transfer (fund 0456, appropriation 70000) shall be transferred to Veterans' Facilitates Support Fund (fund 6703).

93 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 0460 FY 2024 Org 0618

Personal Services		
and Employee Benefits	00100	\$ 1,439,267
Current Expenses (R)	13000	46,759
Veterans Outreach Programs	61700	<u>206,495</u>

Total..... \$ 1,695,785

Any unexpended balances remaining in the appropriations for Current Expenses (fund 0460, appropriation 13000) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

BUREAU OF SENIOR SERVICES

94 - Bureau of Senior Services

(W.V. Code Chapter 29)

Fund 0420 FY 2024 Org 0508

Transfer to Division of Human Services
for Health Care and Title XIX Waiver
for Senior Citizens53900 \$ 10,839,825

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (fund 0420, appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

The above appropriation is in addition to funding provided in fund 5405 for this program.

WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

95 - West Virginia Council for

Community and Technical College Education –

Control Account

(W.V. Code Chapter 18B)

Fund 0596 FY 2024 Org 0420

West Virginia Council for Community
and Technical Education (R)39200 \$ 751,721

Transit Training Partnership	78300	34,293
Community College		
Workforce Development (R)	87800	2,789,705
College Transition Program	88700	278,222
West Virginia Advance		
Workforce Development (R)	89300	3,123,576
Technical Program Development (R)	89400	1,800,735
WV Invests Grant Program (R)	89401	<u>7,040,309</u>
Total		\$ 15,818,561

Any unexpended balances remaining in the appropriations for West Virginia Council for Community and Technical Education (fund 0596, appropriation 39200), Capital Improvements – Surplus (fund 0596, appropriation 66100), Community College Workforce Development (fund 0596, appropriation 87800), West Virginia Advance Workforce Development (fund 0596, appropriation 89300), Technical Program Development (fund 0596, appropriation 89400), and WV Invests Grant Program (fund 0596, appropriation 89401) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

96 - Mountwest Community and Technical College

(W.V. Code Chapter 18B)

Fund 0599 FY 2024 Org 0444

Mountwest Community and Technical College	48700	\$ 6,903,571
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97 - New River Community and Technical College

(W.V. Code Chapter 18B)

Fund 0600 FY 2024 Org 0445

New River Community and Technical College	35800	\$ 6,302,132
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98 - Pierpont Community and Technical College

(W.V. Code Chapter 18B)

Fund 0597 FY 2024 Org 0446

Pierpont Community
and Technical College93000 \$ 8,370,981

99 - Blue Ridge Community and Technical College

(W.V. Code Chapter 18B)

Fund 0601 FY 2024 Org 0447

Blue Ridge Community
and Technical College88500 \$ 8,416,425

100 - West Virginia University at Parkersburg

(W.V. Code Chapter 18B)

Fund 0351 FY 2024 Org 0464

West Virginia University – Parkersburg47100 \$ 11,193,778

101 - Southern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0380 FY 2024 Org 0487

Southern West Virginia Community
and Technical College44600 \$ 8,849,656

102 - West Virginia Northern Community and Technical College

(W.V. Code Chapter 18B)

Fund 0383 FY 2024 Org 0489

West Virginia Northern Community
and Technical College44700 \$ 7,818,075

103 - Eastern West Virginia Community and Technical College

(W.V. Code Chapter 18B)

Fund 0587 FY 2024 Org 0492

Eastern West Virginia Community
and Technical College41200 \$ 2,349,856

*104 - BridgeValley Community and Technical College**(W.V. Code Chapter 18B)*Fund 0618 FY 2024 Org 0493

BridgeValley Community
and Technical College71700 \$ 8,629,476

HIGHER EDUCATION POLICY COMMISSION*105 - Higher Education Policy Commission –**Administration –**Control Account**(W.V. Code Chapter 18B)*Fund 0589 FY 2024 Org 0441

Personal Services		
and Employee Benefits	00100	\$ 2,845,271
Current Expenses	13000	1,096,902
RHI Program and Site Support –		
RHEP Program Administration (R).....	03700	80,000
Mental Health Provider		
Loan Repayment (R).....	11301	330,000
Higher Education Grant Program	16400	40,619,864
Tuition Contract Program (R)	16500	1,225,676
Underwood-Smith Scholarship		
Program-Student Awards.....	16700	628,349
Facilities Planning and Administration.....	38600	1,760,254
Higher Education System Initiatives.....	48801	1,640,884
PROMISE Scholarship – Transfer	80000	18,500,000
HEAPS Grant Program (R).....	86700	5,020,954
Health Professionals' Student		
Loan Program (R)	86701	547,470

Dual Enrollment Program.....xxxxx	4,200,000
BRIM Premium.....91300	<u>17,817</u>
Total.....	\$ 78,513,441

Any unexpended balances remaining in the appropriations for RHI Program and Site Support – RHEP Program Administration (fund 0589, 03700), Mental Health Provider Loan Repayment (fund 0589, appropriation 11301), Tuition Contract Program (fund 0589, appropriation 16500), HEAPS Grant Program (fund 0589, appropriation 86700), and Health Professionals' Student Loan Program (fund 0589, appropriation 86701) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for Facilities Planning and Administration (fund 0589, appropriation 38600) is for operational expenses of the West Virginia Regional Technology Park between construction and full occupancy.

The above appropriation for Higher Education Grant Program (fund 0589, appropriation 16400) shall be transferred to the Higher Education Grant Fund (fund 4933) established by W.V. Code §18C-5-3.

The above appropriation for Underwood-Smith Scholarship Program - Student Awards (fund 0589, appropriation 16700) shall be transferred to the Underwood-Smith Teaching Scholars Program Fund (4922) established by W.V. Code §18C-4-1.

The above appropriation for PROMISE Scholarship-Transfer (fund 0589, appropriation 80000) shall be transferred to the PROMISE Scholarship Fund (fund 4296) established by W.V. Code §18C-7-7.

The above appropriation for Dual Enrollment Program (fund 0589, appropriation xxxxx) shall be used for the dual enrollment program established by House Bill 2005 during the 2023 Regular Session.

106 - West Virginia University –

*School of Medicine**Medical School Fund*

(W.V. Code Chapter 18B)

Fund 0343 FY 2024 Org 0463

WVU School of Health Science –

Eastern Division.....	05600	\$ 2,332,926
WVU – School of Health Sciences	17400	15,840,755
WVU – School of Health Sciences –		
Charleston Division	17500	2,424,011
Rural Health Outreach Programs (R).....	37700	168,616
West Virginia University School of		
Medicine BRIM Subsidy	46000	<u>1,203,087</u>
Total.....		\$ 21,969,395

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0343, appropriation 37700) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

107 - West Virginia University –

General Administrative Fund

(W.V. Code Chapter 18B)

Fund 0344 FY 2024 Org 0463

West Virginia University	45900	\$ 92,753,136
Jackson's Mill.....	46100	510,382
West Virginia University		
Institute of Technology.....	47900	8,578,613
State Priorities – Brownfield		
Professional Development	53100	816,556
West Virginia University		
Land Grant Match.....	xxxxx	8,549,644
Energy Express	86100	382,935

West Virginia University – Potomac State ...99400	<u>4,880,803</u>
Total.....	\$ 116,472,069

From the above appropriation for Jackson's Mill (fund 0344, appropriation 46100), \$250,000 shall be used for the West Virginia State Fire Training Academy.

108 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 0347 FY 2024 Org 0471

Marshall Medical School	17300	\$ 7,750,340
Rural Health Outreach Programs (R).....	37700	158,970
Forensic Lab (R)	37701	227,415
Center for Rural Health (R)	37702	164,735
Marshall University Medical School		
BRIM Subsidy	44900	<u>872,612</u>
Total.....		\$ 9,174,072

Any unexpended balances remaining in the appropriations for Rural Health Outreach Programs (fund 0347, appropriation 37700), Forensic Lab (fund 0347, appropriation 37701), and Center for Rural Health (fund 0347, appropriation 37702) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

109 - Marshall University –

General Administration Fund

(W.V. Code Chapter 18B)

Fund 0348 FY 2024 Org 0471

Marshall University	44800	\$ 50,873,019
Luke Lee Listening Language		
and Learning Lab (R).....	44801	154,576
VISTA E-Learning (R)	51900	229,019

State Priorities – Brownfield		
Professional Development (R).....	53100	809,606
Marshall University Graduate College		
Writing Project (R)	80700	25,412
Marshall University		
Minority Health Institute	xxxxx	100,000
WV Autism Training Center (R)	93200	<u>1,922,515</u>
Total.....		\$ 54,114,147

Any unexpended balances remaining in the appropriations for Luke Lee Listening Language and Learning Lab (fund 0348, appropriation 44801), VISTA E-Learning (fund 0348, appropriation 51900), State Priorities – Brownfield Professional Development (fund 0348, appropriation 53100), Marshall University Graduate College Writing Project (fund 0348, appropriation 80700), and WV Autism Training Center (fund 0348, appropriation 93200) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

110 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 0336 FY 2024 Org 0476

West Virginia School of		
Osteopathic Medicine	17200	\$ 5,402,148
Rural Health Outreach Programs (R).....	37700	171,672
West Virginia School of Osteopathic		
Medicine BRIM Subsidy	40300	153,405
Rural Health Initiative –		
Medical Schools Support.....	58100	<u>408,713</u>
Total.....		\$ 6,135,938

Any unexpended balance remaining in the appropriation for Rural Health Outreach Programs (fund 0336, appropriation 37700) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

111 - Bluefield State University

(W.V. Code Chapter 18B)

Fund 0354 FY 2024 Org 0482

Bluefield State University.....40800 \$ 6,855,771

112 - Concord University

(W.V. Code Chapter 18B)

Fund 0357 FY 2024 Org 0483

Concord University.....41000 \$ 11,170,362

113 - Fairmont State University

(W.V. Code Chapter 18B)

Fund 0360 FY 2024 Org 0484

Fairmont State University.....41400 \$ 19,961,302

114 - Glenville State University

(W.V. Code Chapter 18B)

Fund 0363 FY 2024 Org 0485

Glenville State University.....42800 \$ 7,071,784

115 - Shepherd University

(W.V. Code Chapter 18B)

Fund 0366 FY 2024 Org 0486

Shepherd University.....43200 \$ 13,374,828

116 - West Liberty University

(W.V. Code Chapter 18B)

Fund 0370 FY 2024 Org 0488

West Liberty University.....43900 \$ 9,964,386

117 - West Virginia State University

(W.V. Code Chapter 18B)

Fund 0373 FY 2024 Org 0490

West Virginia State University44100 \$ 11,700,408

Healthy Grandfamilies (R).....62101 800,000

West Virginia State University

Land Grant Match.....95600 4,350,192

Total..... \$ 16,850,600

Any unexpended balance remaining in the appropriation for Healthy Grandfamilies (fund 0373, appropriation 62101) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

118 - Higher Education Policy Commission –

Administration -

West Virginia Network for Educational Telecomputing (WVNET)

(W.V. Code Chapter 18B)

Fund 0551 FY 2024 Org 0495

WVNET16900 \$ 1,873,368

MISCELLANEOUS BOARDS AND COMMISSIONS

119 - Adjutant General –

State Militia

(W.V. Code Chapter 15)

Fund 0433 FY 2024 Org 0603

Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	\$ 189,000
Unclassified (R)	09900	106,798
College Education Fund.....	23200	4,000,000
Civil Air Patrol.....	23400	249,664
Armory Board Transfer.....	70015	2,317,555
Mountaineer ChalleNGe Academy	70900	3,432,008
Military Authority (R).....	74800	6,415,000
Drug Enforcement and Support	74801	<u>1,558,845</u>
Total.....		\$ 18,268,870

Any unexpended balances remaining in the appropriations for Unclassified (fund 0433, appropriation 09900), Military Authority (fund 0433, appropriation 74800), and Military Authority – Surplus (fund 0433, appropriation 74899) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriations an amount approved by the Adjutant General may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.

The Adjutant General shall have the authority to transfer between appropriations.

From the above appropriation and other state and federal funding, the Adjutant General shall provide an amount not less than \$3,453,019 to the Mountaineer ChalleNGe Academy to meet anticipated program demand.

120 - Adjutant General –

Military Fund

(W.V. Code Chapter 15)

Fund 0605 FY 2024 Org 0603

Personal Services		
and Employee Benefits	00100	\$ 100,000
Current Expenses	13000	<u>57,775</u>

Total.....	\$	157,775
Total TITLE II, Section 1 – General Revenue		
(Including claims against the state).....		<u>\$4,874,575,878</u>

Sec. 2. Appropriations from state road fund. — From the state road fund there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following ,amounts, as itemized, for expenditure during the fiscal year 2024.

DEPARTMENT OF TRANSPORTATION

121 - Division of Motor Vehicles

(W.V. Code Chapters 17, 17A, 17B, 17C, 17D, 20, and 24A)

Fund 9007 FY 2024 Org 0802

	Appropriation	State Road Fund
Personal Services		
and Employee Benefits.....00100	\$ 40,182,297	
Salary and Benefits of Cabinet Secretary		
and Agency Heads.....00201	129,500	
Current Expenses.....13000	22,556,730	
Repairs and Alterations.....06400	144,000	
Equipment.....07000	1,080,000	
Buildings.....25800	10,000	
Other Assets.....69000	2,480,000	
BRIM Premium.....91300	<u>110,000</u>	
Total.....	\$ 66,692,527	

122 - Division of Highways

(W.V. Code Chapters 17 and 17C)

Fund 9017 FY 2024 Org 0803

Salary and Benefits of Cabinet Secretary		
and Agency Heads.....00201	\$	200,000

Debt Service.....	04000	138,000,000
Maintenance.....	23700	553,773,844
Inventory Revolving	27500	4,000,000
Equipment Revolving	27600	51,250,386
General Operations	27700	181,700,457
Interstate Construction.....	27800	200,000,000
Other Federal Aid Programs	27900	350,000,000
Appalachian Programs	28000	150,000,000
Highway Litter Control.....	28200	<u>1,650,000</u>
Total.....		\$1,630,574,687

The above appropriations are to be expended in accordance with the provisions of Chapters 17 and 17C of the code.

The Commissioner of Highways shall have the authority to operate revolving funds within the State Road Fund for the operation and purchase of various types of equipment used directly and indirectly in the construction and maintenance of roads and for the purchase of inventories and materials and supplies.

There is hereby appropriated in addition to the above appropriations, sufficient money for the payment of claims, accrued or arising during this budgetary period, to be paid in accordance with Sections 17 and 18, Article 2, Chapter 14 of the code.

It is the intent of the Legislature to capture and match all federal funds available for expenditure on the Appalachian highway system at the earliest possible time. Therefore, should amounts in excess of those appropriated be required for the purposes of Appalachian programs, funds in excess of the amount appropriated may be made available upon recommendation of the commissioner and approval of the Governor. Further, for the purpose of Appalachian programs, funds appropriated by appropriation may be transferred to other appropriations upon recommendation of the commissioner and approval of the Governor.

Total TITLE II, Section 2 – State Road Fund
 (Including claims against the state) \$1,697,782,874

Sec. 3. Appropriations from other funds. — From the funds designated there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2024.

LEGISLATIVE

123 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 1731 FY 2024 Org 2300

	Appropriation	Other Funds
Personal Services		
and Employee Benefits	00100	\$ 498,020
Current Expenses	13000	133,903
Repairs and Alterations.....	06400	1,000
Economic Loss Claim Payment Fund.....	33400	2,000,000
Other Assets.....	69000	<u>3,700</u>
Total.....		\$ 2,636,623

JUDICIAL

124 - Supreme Court –

Court Advanced Technology Subscription Fund

(W.V. Code Chapter 51)

Fund 1704 FY 2024 Org 2400

Current Expenses	13000	\$ 100,000
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125 - Supreme Court –

Adult Drug Court Participation Fund

(W.V. Code Chapter 62)

Fund 1705 FY 2024 Org 2400

Current Expenses	13000	\$	200,000
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*126 - Supreme Court –**Family Court Fund*

(W.V. Code Chapter 51)

Fund 1763 FY 2024 Org 2400

Current Expenses	13000	\$	1,050,000
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*127 - Supreme Court –**Court Facilities Maintenance Fund*

(W.V. Code Chapter 51)

Fund 1766 FY 2024 Org 2400

Current Expenses	13000	\$	250,000
Repairs and Alterations.....	06400		<u>250,000</u>
Total.....		\$	500,000

EXECUTIVE*128 - Governor's Office –**Minority Affairs Fund*

(W.V. Code Chapter 5)

Fund 1058 FY 2024 Org 0100

Personal Services			
and Employee Benefits	00100	\$	236,517
Current Expenses	13000		453,200
Martin Luther King, Jr.			
Holiday Celebration.....	03100		<u>8,926</u>
Total.....		\$	698,643

*129 - Auditor's Office –**Grant Recovery Fund*

(W.V. Code Chapter 12)

Fund 1205 FY 2024 Org 1200

Repairs and Alterations.....	06400	\$	2,000
Equipment.....	07000		7,000
Current Expenses	13000		<u>191,000</u>
Total.....		\$	200,000

*130 - Auditor's Office –**Land Operating Fund*

(W.V. Code Chapters 11A, 12, and 36)

Fund 1206 FY 2024 Org 1200

Personal Services and Employee Benefits.....	00100	\$	863,144
Unclassified.....	09900		15,139
Current Expenses	13000		715,291
Repairs and Alterations.....	06400		2,600
Equipment.....	07000		426,741
Cost of Delinquent Land Sale	76800		<u>1,841,168</u>
Total.....		\$	3,864,083

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the necessary amount for the expenditure of funds other than Personal Services and Employee Benefits to enable the division to pay the direct expenses relating to land sales as provided in Chapter 11A of the West Virginia Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

131 - Auditor's Office –

Local Government Purchasing Card Expenditure Fund

(W.V. Code Chapter 6)

Fund 1224 FY 2024 Org 1200

Personal Services		
and Employee Benefits	00100	\$ 653,525
Current Expenses	13000	282,030
Repairs and Alterations.....	06400	6,000
Equipment.....	07000	10,805
Other Assets.....	69000	50,000
Statutory Revenue Distribution.....	74100	<u>3,500,000</u>
Total.....		\$ 4,502,360

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer of revenue distribution requirements to provide a proportionate share of rebates back to the general fund of local governments based on utilization of the program in accordance with W.V. Code §6-9-2b.

132 - Auditor's Office –

Securities Regulation Fund

(W.V. Code Chapter 32)

Fund 1225 FY 2024 Org 1200

Personal Services		
and Employee Benefits	00100	\$ 2,906,017
Unclassified.....	09900	31,866
Current Expenses	13000	1,463,830
Repairs and Alterations.....	06400	12,400
Equipment.....	07000	594,700
Other Assets.....	69000	<u>1,200,000</u>
Total.....		\$ 6,208,813

*133 - Auditor's Office –**Technology Support and Acquisition Fund*

(W.V. Code Chapter 12)

Fund 1233 FY 2024 Org 1200

Current Expenses	13000	\$	10,000
Other Assets	69000		<u>5,000</u>
Total		\$	15,000

Fifty percent of the deposits made into this fund shall be transferred to the Treasurer's Office – Technology Support and Acquisition Fund (fund 1329, org 1300) for expenditure for the purposes described in W.V. Code §12-3-10c.

*134 - Auditor's Office –**Purchasing Card Administration Fund*

(W.V. Code Chapter 12)

Fund 1234 FY 2024 Org 1200

Personal Services and Employee Benefits	00100	\$	3,284,440
Current Expenses	13000		2,303,622
Repairs and Alterations	06400		5,500
Equipment	07000		850,000
Other Assets	69000		508,886
Statutory Revenue Distribution	74100		<u>8,000,000</u>
Total		\$	14,952,448

There is hereby appropriated from this fund, in addition to the above appropriations if needed, the amount necessary to meet the transfer and revenue distribution requirements to the Purchasing Improvement Fund (fund 2264), the Entrepreneurship and Innovation Investment Fund (fund 3014), the Hatfield-McCoy Regional Recreation Authority, and the State Park Operating Fund (fund 3265) per W.V. Code §12-3-10d.

*135 - Auditor's Office –**Chief Inspector's Fund*

(W.V. Code Chapter 6)

Fund 1235 FY 2024 Org 1200

Personal Services		
and Employee Benefits	00100	\$ 3,786,468
Current Expenses	13000	765,915
Equipment	07000	<u>50,000</u>
Total		\$ 4,602,383

*136 - Auditor's Office –**Volunteer Fire Department Workers'**Compensation Premium Subsidy Fund*

(W.V. Code Chapters 12 and 33)

Fund 1239 FY 2024 Org 1200

Volunteer Fire Department		
Workers' Compensation Subsidy	83200	\$ 2,500,000

*137 - Department of Agriculture –**Agriculture Fees Fund*

(W.V. Code Chapter 19)

Fund 1401 FY 2024 Org 1400

Personal Services		
and Employee Benefits	00100	\$ 2,634,966
Unclassified	09900	37,425
Current Expenses	13000	1,856,184
Repairs and Alterations	06400	158,500
Equipment	07000	436,209
Other Assets	69000	<u>10,000</u>
Total		\$ 5,133,284

*138 - Department of Agriculture –**West Virginia Rural Rehabilitation Program*

(W.V. Code Chapter 19)

Fund 1408 FY 2024 Org 1400

Personal Services		
and Employee Benefits	00100	\$ 82,884
Unclassified.....	09900	10,476
Current Expenses	13000	<u>2,200,000</u>
Total.....		\$ 2,293,360

*139 - Department of Agriculture –**General John McCausland Memorial Farm Fund*

(W.V. Code Chapter 19)

Fund 1409 FY 2024 Org 1400

Personal Services		
and Employee Benefits	00100	\$ 80,453
Unclassified.....	09900	2,100
Current Expenses	13000	89,500
Repairs and Alterations.....	06400	36,400
Equipment.....	07000	<u>15,000</u>
Total.....		\$ 223,453

The above appropriations shall be expended in accordance with Article 26, Chapter 19 of the Code.

*140 - Department of Agriculture –**Farm Operating Fund*

(W.V. Code Chapter 19)

Fund 1412 FY 2024 Org 1400

Personal Services		
and Employee Benefits	00100	\$ 908,740

Unclassified.....	09900	15,173
Current Expenses	13000	1,367,464
Repairs and Alterations.....	06400	388,722
Equipment.....	07000	399,393
Other Assets.....	69000	<u>20,000</u>
Total.....		\$ 3,099,492

141 - Department of Agriculture –

Capital Improvements Fund

(W.V. Code Chapter 19)

Fund 1413 FY 2024 Org 1400

Unclassified.....	09900	20,000
Current Expenses	13000	510,000
Repairs and Alterations.....	06400	250,000
Equipment.....	07000	350,000
Buildings.....	25800	670,000
Other Assets.....	69000	<u>200,000</u>
Total.....		\$ 2,000,000

142 - Department of Agriculture –

Agriculture Development Fund

(W.V. Code Chapter 19)

Fund 1423 FY 2024 Org 1400

Current Expenses	13000	\$ 100,000
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143 - Department of Agriculture –

Donated Food Fund

(W.V. Code Chapter 19)

Fund 1446 FY 2024 Org 1400

Personal Services and Employee Benefits	00100	\$ 1,113,891
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Unclassified.....	09900	45,807
Current Expenses	13000	3,410,542
Repairs and Alterations.....	06400	128,500
Equipment.....	07000	10,000
Other Assets.....	69000	27,000
Land	73000	<u>250,000</u>
Total.....		\$ 4,985,740

144 - Department of Agriculture –

Integrated Predation Management Fund

(W.V. Code Chapter 7)

Fund 1465 FY 2024 Org 1400

Current Expenses	13000	\$ 112,500
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145 - Department of Agriculture –

West Virginia Spay Neuter Assistance Fund

(W.V. Code Chapter 19)

Fund 1481 FY 2024 Org 1400

Current Expenses	13000	\$ 1,000,000
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146 - Department of Agriculture –

Veterans and Warriors to Agriculture Fund

(W.V. Code Chapter 19)

Fund 1483 FY 2024 Org 1400

Current Expenses	13000	\$ 7,500
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147 - Department of Agriculture –

State FFA-FHA Camp and Conference Center

(W.V. Code Chapters 18 and 18A)

Fund 1484 FY 2024 Org 1400

Personal Services		
and Employee Benefits	00100	\$ 1,251,311
Unclassified.....	09900	17,000
Current Expenses	13000	1,143,306
Repairs and Alterations.....	06400	82,500
Equipment	07000	76,000
Buildings.....	25800	1,000
Other Assets.....	69000	10,000
Land	73000	<u>1,000</u>
Total.....		\$ 2,582,117

148 - Attorney General –

Antitrust Enforcement Fund

(W.V. Code Chapter 47)

Fund 1507 FY 2024 Org 1500

Personal Services		
and Employee Benefits	00100	\$ 363,466
Current Expenses	13000	148,803
Repairs and Alterations.....	06400	1,000
Equipment	07000	<u>1,000</u>
Total.....		\$ 514,269

149 - Attorney General –

Preneed Burial Contract Regulation Fund

(W.V. Code Chapter 47)

Fund 1513 FY 2024 Org 1500

Personal Services		
and Employee Benefits	00100	\$ 234,077
Current Expenses	13000	54,615
Repairs and Alterations.....	06400	1,000
Equipment	07000	<u>1,000</u>
Total.....		\$ 290,692

*150 - Attorney General –**Preneed Funeral Guarantee Fund*

(W.V. Code Chapter 47)

Fund 1514 FY 2024 Org 1500

Current Expenses	13000	\$	901,135
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*151 - Secretary of State –**Service Fees and Collection Account*

(W.V. Code Chapters 3, 5, and 59)

Fund 1612 FY 2024 Org 1600

Personal Services

and Employee Benefits	00100	\$	1,148,695
Unclassified.....	09900		4,524
Current Expenses	13000		<u>8,036</u>
Total.....		\$	1,161,255

*152 - Secretary of State –**General Administrative Fees Account*

(W.V. Code Chapters 3, 5, and 59)

Fund 1617 FY 2024 Org 1600

Personal Services

and Employee Benefits	00100	\$	3,131,478
Unclassified.....	09900		25,529
Current Expenses	13000		1,276,716
Technology Improvements	59900		<u>870,000</u>
Total.....		\$	5,303,723

DEPARTMENT OF ADMINISTRATION

153 - Department of Administration –

Office of the Secretary –

Tobacco Settlement Fund

(W.V. Code Chapter 4)

Fund 2041 FY 2024 Org 0201

Tobacco Settlement Securitization

Trustee Passthru.....65000 \$ 80,000,000

154 - Department of Administration –

Office of the Secretary –

Employee Pension and Health Care Benefit Fund

(W.V. Code Chapter 18)

Fund 2044 FY 2024 Org 0201

Current Expenses13000 \$ 37,543,000

The above appropriation for Current Expenses (fund 2044, appropriation 13000) shall be transferred to the Consolidated Public Retirement Board – Teachers' Accumulation Fund (fund 2600).

155 - Department of Administration –

Division of Finance –

Shared Services Section Fund

(W.V. Code Chapter 5A)

Fund 2020 FY 2024 Org 0209

Personal Services

and Employee Benefits00100 \$ 1,586,318

Current Expenses	13000	<u>500,000</u>
Total.....		\$ 2,086,318

156 - Division of Information Services and Communications

(W.V. Code Chapter 5A)

Fund 2220 FY 2024 Org 0210

Personal Services		
and Employee Benefits	00100	\$ 22,681,040
Unclassified.....	09900	344,119
Current Expenses	13000	14,418,001
Equipment.....	07000	2,050,000
Other Assets	69000	<u>1,045,000</u>
Total.....		\$ 40,538,160

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Division of Information Services and Communications as provided by law.

Each spending unit operating from the General Revenue Fund, from special revenue funds or receiving reimbursement for postage from the federal government shall be charged monthly for all postage meter service and shall reimburse the revolving fund monthly for all such amounts.

157 - Division of Purchasing –

Vendor Fee Fund

(W.V. Code Chapter 5A)

Fund 2263 FY 2024 Org 0213

Personal Services		
and Employee Benefits	00100	\$ 593,486
Current Expenses	13000	9,115
BRIM Premium.....	91300	<u>810</u>
Total.....		\$ 603,411

158 - Division of Purchasing –

Purchasing Improvement Fund

(W.V. Code Chapter 5A)

Fund 2264 FY 2024 Org 0213

Personal Services		
and Employee Benefits	00100	\$ 1,016,493
Unclassified.....	09900	5,562
Current Expenses	13000	492,066
Repairs and Alterations.....	06400	500
Equipment.....	07000	500
Other Assets.....	69000	500
BRIM Premium.....	91300	850
Total.....		<u>\$ 1,516,471</u>

159 - Travel Management –

Aviation Fund

(W.V. Code Chapter 5A)

Fund 2302 FY 2024 Org 0215

Unclassified.....	09900	\$ 1,000
Current Expenses	13000	149,700
Repairs and Alterations.....	06400	1,275,237
Equipment.....	07000	1,000
Buildings.....	25800	100
Other Assets.....	69000	100
Land	73000	100
Total.....		<u>\$ 1,427,237</u>

160 - Fleet Management Division Fund

(W.V. Code Chapter 5A)

Fund 2301 FY 2024 Org 0216

Personal Services		
and Employee Benefits	00100	\$ 808,935

Unclassified.....	09900	4,000
Current Expenses	13000	11,630,614
Repairs and Alterations.....	06400	12,000
Equipment.....	07000	800,000
Other Assets.....	69000	<u>2,000</u>
Total.....		\$ 13,257,549

161 - Division of Personnel

(W.V. Code Chapter 29)

Fund 2440 FY 2024 Org 0222

Personal Services		
and Employee Benefits	00100	\$ 4,896,513
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	122,500
Unclassified.....	09900	51,418
Current Expenses	13000	1,262,813
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	20,000
Other Assets.....	69000	<u>60,000</u>
Total.....		\$ 6,418,244

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Personnel.

162 - West Virginia Prosecuting Attorneys Institute

(W.V. Code Chapter 7)

Fund 2521 FY 2024 Org 0228

Personal Services		
and Employee Benefits	00100	\$ 139,194
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	119,000
Unclassified.....	09900	4,023
Current Expenses	13000	297,528
Repairs and Alterations.....	06400	600

Equipment	07000	500
Other Assets	69000	<u>500</u>
Total		\$ 561,345

163 - Office of Technology –

Chief Technology Officer Administration Fund

(W.V. Code Chapter 5A)

Fund 2531 FY 2024 Org 0231

Personal Services		
and Employee Benefits	00100	\$ 462,599
Unclassified.....	09900	6,949
Current Expenses	13000	2,196,504
Repairs and Alterations.....	06400	1,000
Equipment.....	07000	50,000
Other Assets.....	69000	<u>10,000</u>
Total.....		\$ 2,727,052

From the above fund, the provisions of W.V. Code §11B-2-18 shall not operate to permit expenditures in excess of the funds authorized for expenditure herein.

DEPARTMENT OF COMMERCE

164 - Division of Forestry

(W.V. Code Chapter 19)

Fund 3081 FY 2024 Org 0305

Personal Services		
and Employee Benefits	00100	\$ 224,509
Current Expenses	13000	439,830
Repairs and Alterations.....	06400	53,000
Equipment.....	07000	<u>300,000</u>
Total.....		\$ 1,017,339

*165 - Division of Forestry –**Timbering Operations Enforcement Fund*

(W.V. Code Chapter 19)

Fund 3082 FY 2024 Org 0305

Personal Services		
and Employee Benefits	00100	\$ 253,779
Current Expenses	13000	54,873
Repairs and Alterations.....	06400	<u>11,250</u>
Total.....		\$ 319,902

*166 - Division of Forestry –**Severance Tax Operations*

(W.V. Code Chapter 11)

Fund 3084 FY 2024 Org 0305

Current Expenses	13000	333,757
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*167 - Geological and Economic Survey –**Geological and Analytical Services Fund*

(W.V. Code Chapter 29)

Fund 3100 FY 2024 Org 0306

Personal Services		
and Employee Benefits	00100	\$ 37,966
Unclassified.....	09900	2,182
Current Expenses	13000	141,631
Repairs and Alterations.....	06400	50,000
Equipment.....	07000	20,000
Other Assets.....	69000	<u>10,000</u>
Total.....		\$ 261,779

The above appropriations shall be used in accordance with
W.V. Code §29-2-4.

*168 - Division of Labor –**West Virginia Jobs Act Fund*

(W.V. Code Chapter 21)

Fund 3176 FY 2024 Org 0308

Current Expenses	13000	75,000
Equipment	07000	<u>25,000</u>
Total		\$ 100,000

*169 - Division of Labor –**HVAC Fund*

(W.V. Code Chapter 21)

Fund 3186 FY 2024 Org 0308

Personal Services		
and Employee Benefits	00100	\$ 422,640
Unclassified.....	09900	4,000
Current Expenses	13000	82,000
Repairs and Alterations.....	06400	4,500
Buildings	25800	1,000
BRIM Premium.....	91300	<u>8,500</u>
Total		\$ 522,640

*170 - Division of Labor –**Elevator Safety Fund*

(W.V. Code Chapter 21)

Fund 3188 FY 2024 Org 0308

Personal Services		
and Employee Benefits	00100	\$ 306,835
Salary and Benefits of Cabinet Secretary		
and Agency Heads	00201	111,680
Unclassified.....	09900	2,261

Current Expenses	13000	94,712
Repairs and Alterations	06400	2,000
Buildings	25800	1,000
BRIM Premium.....	91300	<u>8,500</u>
Total.....		\$ 526,988

171 - Division of Labor –

Steam Boiler Fund

(W.V. Code Chapter 21)

Fund 3189 FY 2024 Org 0308

Personal Services		
and Employee Benefits	00100	\$ 83,471
Unclassified.....	09900	1,000
Current Expenses	13000	20,000
Repairs and Alterations	06400	2,000
Buildings	25800	1,000
BRIM Premium.....	91300	<u>1,000</u>
Total.....		\$ 108,471

172 - Division of Labor –

Crane Operator Certification Fund

(W.V. Code Chapter 21)

Fund 3191 FY 2024 Org 0308

Personal Services		
and Employee Benefits	00100	\$ 199,719
Unclassified.....	09900	1,380
Current Expenses	13000	51,265
Repairs and Alterations	06400	1,500
Buildings	25800	1,000
BRIM Premium.....	91300	<u>7,000</u>
Total.....		\$ 261,864

*173 - Division of Labor –**Amusement Rides and Amusement Attraction Safety Fund*

(W.V. Code Chapter 21)

Fund 3192 FY 2024 Org 0308

Personal Services		
and Employee Benefits	00100	\$ 196,626
Unclassified.....	09900	1,281
Current Expenses	13000	44,520
Repairs and Alterations.....	06400	2,000
Buildings	25800	1,000
BRIM Premium.....	91300	<u>8,500</u>
Total.....		\$ 253,927

*174 - Division of Labor –**State Manufactured Housing Administration Fund*

(W.V. Code Chapter 21)

Fund 3195 FY 2024 Org 0308

Personal Services		
and Employee Benefits	00100	\$ 299,557
Unclassified.....	09900	1,847
Current Expenses	13000	43,700
Repairs and Alterations.....	06400	1,000
Buildings	25800	1,000
BRIM Premium.....	91300	<u>3,404</u>
Total.....		\$ 350,508

*175 - Division of Labor –**Weights and Measures Fund*

(W.V. Code Chapter 47)

Fund 3196 FY 2024 Org 0308

Unclassified.....	09900	\$	1,200
Current Expenses	13000		93,000
Repairs and Alterations.....	06400		10,000
Equipment.....	07000		10,000
BRIM Premium.....	91300		<u>7,000</u>
Total.....		\$	121,200

176 - Division of Labor –

Bedding and Upholstery Fund

(W.V. Code Chapter 21)

Fund 3198 FY 2024 Org 0308

Personal Services and Employee Benefits	00100	\$	154,316
Unclassified.....	09900		2,000
Current Expenses	13000		145,400
Repairs and Alterations.....	06400		2,000
Buildings.....	25800		1,000
BRIM Premium.....	91300		<u>8,700</u>
Total.....		\$	313,416

177 - Division of Labor –

Psychophysiological Examiners Fund

(W.V. Code Chapter 21)

Fund 3199 FY 2024 Org 0308

Current Expenses	13000	\$	4,000
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178 - Division of Natural Resources –

License Fund – Wildlife Resources

(W.V. Code Chapter 20)

Fund 3200 FY 2024 Org 0310

Wildlife Resources.....	02300	\$	10,522,336
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Administration	15500	2,410,691
Capital Improvements and Land Purchase (R).....	24800	3,023,480
Law Enforcement.....	80600	<u>9,810,311</u>
Total.....		\$ 25,766,818

The total amount of these appropriations shall be paid from a special revenue fund out of fees collected by the Division of Natural Resources.

Any unexpended balance remaining in the appropriation for Capital Improvements and Land Purchase (fund 3200, appropriation 24800) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

179 - Division of Natural Resources –

Natural Resources Game Fish and Aquatic Life Fund

(W.V. Code Chapter 22)

Fund 3202 FY 2024 Org 0310

Current Expenses	13000	\$ 125,000
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180 - Division of Natural Resources –

Nongame Fund

(W.V. Code Chapter 20)

Fund 3203 FY 2024 Org 0310

Personal Services and Employee Benefits	00100	\$ 699,611
Current Expenses	13000	201,810
Equipment	07000	<u>106,615</u>
Total.....		\$ 1,008,036

181 - Division of Natural Resources –

Planning and Development Division

(W.V. Code Chapter 20)

Fund 3205 FY 2024 Org 0310

Personal Services		
and Employee Benefits	00100	\$ 475,576
Current Expenses	13000	1,056,876
Repairs and Alterations	06400	15,016
Equipment	07000	8,300
Buildings	25800	8,300
Other Assets	69000	1,900,000
Land	73000	<u>31,700</u>
Total		\$ 3,495,768

*182 - Division of Natural Resources –**State Parks and Recreation Endowment Fund*

(W.V. Code Chapter 20)

Fund 3211 FY 2024 Org 0310

Current Expenses	13000	\$ 6,000
Repairs and Alterations	06400	3,000
Equipment	07000	2,000
Buildings	25800	3,000
Other Assets	69000	3,504,000
Land	73000	<u>2,000</u>
Total		\$ 3,520,000

*183 - Division of Natural Resources –**Whitewater Study and Improvement Fund*

(W.V. Code Chapter 20)

Fund 3253 FY 2024 Org 0310

Personal Services		
and Employee Benefits	00100	\$ 73,395
Current Expenses	13000	64,778
Equipment	07000	1,297

Buildings.....	25800	<u>6,969</u>
Total.....		\$ 146,439

184 - Division of Natural Resources –

Whitewater Advertising and Promotion Fund

(W.V. Code Chapter 20)

Fund 3256 FY 2024 Org 0310

Unclassified.....	09900	\$ 200
Current Expenses	13000	<u>19,800</u>
Total.....		\$ 20,000

185 - Division of Miners' Health, Safety and Training –

Special Health, Safety and Training Fund

(W.V. Code Chapter 22A)

Fund 3355 FY 2024 Org 0314

Personal Services and Employee Benefits	00100	\$ 524,542
Unclassified.....	09900	40,985
Current Expenses	13000	1,954,557
W.V. Mining Extension Service	02600	150,000
Buildings.....	25800	2,481,358
Land	73000	<u>1,000,000</u>
Total.....		\$ 6,151,442

186 - Department of Commerce –

Office of the Secretary –

Marketing and Communications Operating Fund

(W.V. Code Chapter 5B)

Fund 3002 FY 2024 Org 0327

Personal Services and Employee Benefits	00100	\$ 2,213,512
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Unclassified.....	09900	30,000
Current Expenses	13000	1,315,078
Equipment.....	07000	<u>36,000</u>
Total.....		\$ 3,594,590

187 - State Board of Rehabilitation –

Division of Rehabilitation Services –

West Virginia Rehabilitation Center Special Account

(W.V. Code Chapter 18)

Fund 8664 FY 2024 Org 0932

Personal Services and Employee Benefits.....	00100	\$ 119,738
Current Expenses	13000	1,180,122
Repairs and Alterations.....	06400	85,500
Equipment.....	07000	220,000
Buildings.....	25800	150,000
Other Assets.....	69000	<u>150,000</u>
Total.....		\$ 1,905,360

DEPARTMENT OF ECONOMIC DEVELOPMENT

188 - Department of Economic Development –

Office of Energy –

Energy Assistance

(W.V. Code Chapter 5B)

Fund 3010 FY 2024 Org 0307

Energy Assistance - Total.....	64700	\$ 7,211
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189 - Department of Economic Development –

Office of the Secretary –

Broadband Enhancement Fund

(W.V. Code Chapter 31G)

Fund 3013 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$	131,682
Current Expenses		<u>1,648,318</u>
Total.....	\$	1,780,000

190 - Department of Economic Development –

Office of the Secretary –

Entrepreneurship and Innovation Investment Fund

(W.V. Code Chapter 5B)

Fund 3014 FY 2024 Org 0307

Entrepreneurship and Innovation

Investment Fund	70301	\$	1,500,000
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191 - Department of Economic Development –

Office of the Secretary –

Broadband Development Fund

(W.V. Code Chapter 31G)

Fund 3034 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$	668,906
Unclassified.....09900		2,000,000
Current Expenses		<u>235,302,925</u>
Total.....	\$	237,971,831

192 - Department of Economic Development –

Office of the Secretary –

Office of Coalfield Community Development

(W.V. Code Chapter 5B)

Fund 3162 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$	438,687
Unclassified.....09900		8,300
Current Expenses13000		<u>399,191</u>
Total.....	\$	846,178

DEPARTMENT OF EDUCATION*193 - State Board of Education –**Strategic Staff Development*

(W.V. Code Chapter 18)

Fund 3937 FY 2024 Org 0402

Personal Services and Employee Benefits00100	\$	35,000
Unclassified.....09900		26,000
Current Expenses13000		<u>2,539,000</u>
Total.....	\$	2,600,000

*194 - School Building Authority –**School Construction Fund*

(W.V. Code Chapters 18 and 18A)

Fund 3952 FY 2024 Org 0404

SBA Construction Grants24000	\$	102,345,818
Directed Transfer70000		<u>1,371,182</u>
Total.....	\$	103,717,000

The above appropriation for Directed Transfer (fund 3952, appropriation 70000) shall be transferred to the School Building Authority Fund (fund 3959) for the administrative expenses of the School Building Authority.

195 - School Building Authority

(W.V. Code Chapter 18)

Fund 3959 FY 2024 Org 0404

Personal Services and Employee Benefits00100	\$	1,198,718
Current Expenses13000		244,195
Repairs and Alterations.....06400		13,150
Equipment07000		<u>26,000</u>
Total.....	\$	1,482,063

DEPARTMENT OF ARTS, CULTURE, AND HISTORY*196 - Division of Culture and History –**Public Records and Preservation Revenue Account*

(W.V. Code Chapter 5A)

Fund 3542 FY 2024 Org 0432

Personal Services and Employee Benefits00100	\$	244,348
Current Expenses13000		862,241
Equipment07000		75,000
Buildings25800		1,000
Other Assets69000		52,328
Land73000		<u>1,000</u>
Total.....	\$	1,235,917

DEPARTMENT OF ENVIRONMENTAL PROTECTION*197 - Solid Waste Management Board*

(W.V. Code Chapter 22C)

Fund 3288 FY 2024 Org 0312

Personal Services and Employee Benefits00100	\$	891,366
Current Expenses13000		2,059,457
Repairs and Alterations.....06400		1,000
Equipment07000		5,000
Other Assets69000		<u>4,403</u>
Total.....	\$	2,961,226

*198 - Division of Environmental Protection –
Hazardous Waste Management Fund*

(W.V. Code Chapter 22)

Fund 3023 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	819,765
Unclassified.....09900		8,072
Current Expenses13000		155,969
Repairs and Alterations.....06400		500
Equipment.....07000		1,505
Other Assets.....69000		2,000
Total.....	\$	987,811

*199 - Division of Environmental Protection –
Air Pollution Education and Environment Fund*

(W.V. Code Chapter 22)

Fund 3024 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	814,372
Unclassified.....09900		14,647
Current Expenses13000		876,863
Repairs and Alterations.....06400		13,000
Equipment.....07000		53,105
Other Assets.....69000		20,000
Total.....	\$	1,791,987

*200 - Division of Environmental Protection –
Special Reclamation Fund*

(W.V. Code Chapter 22)

Fund 3321 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	1,721,232
Current Expenses13000		16,185,006

Repairs and Alterations.....	06400	79,950
Equipment.....	07000	130,192
Other Assets.....	69000	<u>32,000</u>
Total.....		\$ 18,148,380

201 - Division of Environmental Protection –

Oil and Gas Reclamation Fund

(W.V. Code Chapter 22)

Fund 3322 FY 2024 Org 0313

Personal Services and Employee Benefits....	00100	\$ 555,414
Current Expenses	13000	<u>1,956,094</u>
Total.....		\$ 2,511,508

202 - Division of Environmental Protection –

Oil and Gas Operating Permit and Processing Fund

(W.V. Code Chapter 22)

Fund 3323 FY 2024 Org 0313

Personal Services and Employee Benefits....	00100	\$ 2,240,459
Unclassified.....	09900	15,700
Current Expenses	13000	932,300
Repairs and Alterations.....	06400	9,500
Equipment.....	07000	500
Other Assets.....	69000	<u>500</u>
Total.....		\$ 3,198,959

203 - Division of Environmental Protection –

Mining and Reclamation Operations Fund

(W.V. Code Chapter 22)

Fund 3324 FY 2024 Org 0313

Personal Services and Employee Benefits....	00100	\$ 3,684,989
Unclassified.....	09900	920

Current Expenses	13000	2,202,231
Repairs and Alterations	06400	60,260
Equipment	07000	83,000
Other Assets	69000	<u>57,500</u>
Total		\$ 6,088,900

204 - Division of Environmental Protection –

Underground Storage Tank

Administrative Fund

(W.V. Code Chapter 22)

Fund 3325 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	492,391
Unclassified.....09900		7,520
Current Expenses	13000	318,420
Repairs and Alterations.....06400		5,350
Equipment.....07000		3,610
Other Assets.....69000		<u>3,500</u>
Total.....	\$	830,791

205 - Division of Environmental Protection –

Hazardous Waste Emergency Response Fund

(W.V. Code Chapter 22)

Fund 3331 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	627,683
Unclassified.....09900		10,616
Current Expenses	13000	767,905
Repairs and Alterations.....06400		7,014
Equipment.....07000		9,000
Other Assets.....69000		<u>3,500</u>
Total.....	\$	1,425,718

*206 - Division of Environmental Protection –**Solid Waste Reclamation and**Environmental Response Fund*

(W.V. Code Chapter 22)

Fund 3332 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	873,713
Unclassified.....09900		22,900
Current Expenses13000		3,604,737
Repairs and Alterations.....06400		25,000
Equipment.....07000		31,500
Buildings.....25800		500
Other Assets.....69000		<u>1,000</u>
Total.....	\$	4,559,350

*207 - Division of Environmental Protection –**Solid Waste Enforcement Fund*

(W.V. Code Chapter 22)

Fund 3333 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	3,442,454
Unclassified.....09900		31,145
Current Expenses13000		940,229
Repairs and Alterations.....06400		30,930
Equipment.....07000		23,356
Other Assets.....69000		<u>25,554</u>
Total.....	\$	4,493,668

*208 - Division of Environmental Protection –**Air Pollution Control Fund*

(W.V. Code Chapter 22)

Fund 3336 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	6,263,887
Unclassified.....09900		70,572
Current Expenses13000		1,469,467
Repairs and Alterations.....06400		84,045
Equipment07000		103,601
Other Assets69000		<u>52,951</u>
Total.....	\$	8,044,523

209 - Division of Environmental Protection –

Environmental Laboratory

Certification Fund

(W.V. Code Chapter 22)

Fund 3340 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	375,851
Unclassified.....09900		1,120
Current Expenses13000		201,146
Repairs and Alterations.....06400		1,000
Other Assets69000		<u>163,000</u>
Total.....	\$	742,117

210 - Division of Environmental Protection –

Stream Restoration Fund

(W.V. Code Chapter 22)

Fund 3349 FY 2024 Org 0313

Current Expenses13000	\$	5,182,076
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211 - Division of Environmental Protection –

Litter Control Fund

(W.V. Code Chapter 22)

Fund 3486 FY 2024 Org 0313

Current Expenses13000 \$ 60,000

212 - Division of Environmental Protection –

Recycling Assistance Fund

(W.V. Code Chapter 22)

Fund 3487 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	695,250
Unclassified.....09900		400
Current Expenses13000		2,754,258
Repairs and Alterations.....06400		800
Equipment07000		500
Other Assets69000		<u>2,500</u>
Total.....	\$	3,453,708

213 - Division of Environmental Protection –

Mountaintop Removal Fund

(W.V. Code Chapter 22)

Fund 3490 FY 2024 Org 0313

Personal Services and Employee Benefits00100	\$	1,145,549
Unclassified.....09900		1,180
Current Expenses13000		589,834
Repairs and Alterations.....06400		27,612
Equipment07000		23,500
Other Assets69000		<u>11,520</u>
Total.....	\$	1,799,195

214 - Oil and Gas Conservation Commission –

Special Oil and Gas Conservation Fund

(W.V. Code Chapter 22C)

Fund 3371 FY 2024 Org 0315

Personal Services and Employee Benefits00100 \$ 167,915

Current Expenses	13000	161,225
Repairs and Alterations	06400	1,000
Equipment	07000	9,481
Other Assets	69000	<u>1,500</u>
Total		\$ 341,121

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

215 - Division of Health –

Ryan Brown Addiction Prevention and Recovery Fund

(W.V. Code Chapter 19)

Fund 5111 FY 2024 Org 0506

Current Expenses	13000	\$ 10,667,392
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216 - Division of Health –

The Vital Statistics Account

(W.V. Code Chapter 16)

Fund 5144 FY 2024 Org 0506

Personal Services and Employee Benefits	00100	\$ 1,144,311
Unclassified.....	09900	15,500
Current Expenses	13000	<u>3,557,788</u>
Total.....		\$ 4,717,599

217 - Division of Health –

Hospital Services Revenue Account

Special Fund

Capital Improvement, Renovation and Operations

(W.V. Code Chapter 16)

Fund 5156 FY 2024 Org 0506

Institutional Facilities Operations	33500	\$ 59,195,646
Medical Services Trust Fund – Transfer	51200	<u>27,800,000</u>
Total		\$ 86,995,646

The total amount of these appropriations shall be paid from the Hospital Services Revenue Account Special Fund created by W.V. Code §16-1-13, and shall be used for operating expenses and for improvements in connection with existing facilities.

Additional funds have been appropriated in fund 0525, fiscal year 2024, organization 0506, for the operation of the institutional facilities. The Secretary of the Department of Health and Human Resources is authorized to utilize up to 10 percent of the funds from the appropriation for Institutional Facilities Operations to facilitate cost effective and cost saving services at the community level.

Necessary funds from the above appropriation for Institutional Facilities Operations may be used for medical facilities operations, either in connection with this fund or in connection with the appropriations designated for Hopemont Hospital, Lakin Hospital, John Manchin Senior Health Care Center, Jackie Withrow Hospital, Welch Community Hospital, William R. Sharpe Jr. Hospital, Mildred Mitchell-Bateman Hospital, and William R. Sharpe Jr. Hospital – Transitional Living Facility.

218 - Division of Health –

Laboratory Services Fund

(W.V. Code Chapter 16)

Fund 5163 FY 2024 Org 0506

Personal Services and Employee Benefits	00100	\$ 1,028,784
Unclassified.....	09900	18,114
Current Expenses	13000	<u>2,209,105</u>
Total		\$ 3,256,003

219 - Division of Health –

The Health Facility Licensing Account

(W.V. Code Chapter 16)

Fund 5172 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	688,753
Unclassified.....09900		7,113
Current Expenses13000		<u>98,247</u>
Total.....	\$	794,113

220 - Division of Health –

Hepatitis B Vaccine

(W.V. Code Chapter 16)

Fund 5183 FY 2024 Org 0506

Current Expenses13000	\$	9,740
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221 - Division of Health –

Lead Abatement Account

(W.V. Code Chapter 16)

Fund 5204 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	19,100
Unclassified.....09900		373
Current Expenses13000		<u>17,875</u>
Total.....	\$	37,348

222 - Division of Health –

West Virginia Birth-to-Three Fund

(W.V. Code Chapter 16)

Fund 5214 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	738,310
Unclassified.....09900		223,999
Current Expenses13000		<u>33,372,684</u>

Total..... \$ 34,334,993

223 - Division of Health –

Tobacco Control Special Fund

(W.V. Code Chapter 16)

Fund 5218 FY 2024 Org 0506

Current Expenses 13000 \$ 7,579

224 - Division of Health –

Medical Cannabis Program Fund

(W.V. Code Chapter 16A)

Fund 5420 FY 2024 Org 0506

Personal Services and Employee Benefits00100 \$ 509,658

Current Expenses 13000 2,046,040

Total..... \$ 2,555,698

225 - Division of Health –

Emergency Medical Service Workers Salary Enhancement Fund

(W.V. Code Chapter 16A)

Fund xxxx FY 2024 Org 0506

Current Expenses 13000 \$ 10,000,000

226 - West Virginia Health Care Authority –

Health Care Cost Review Fund

(W.V. Code Chapter 16)

Fund 5375 FY 2024 Org 0507

Personal Services and Employee Benefits00100 \$ 556,513

Unclassified.....09900 13,500

Current Expenses	13000	<u>785,445</u>
Total.....		\$ 1,355,458

The above appropriation is to be expended in accordance with and pursuant to the provisions of W.V. Code §16-29B and from the special revolving fund designated Health Care Cost Review Fund.

227 - West Virginia Health Care Authority –

Certificate of Need Program Fund

(W.V. Code Chapter 16)

Fund 5377 FY 2024 Org 0507

Personal Services and Employee Benefits	00100	\$ 555,842
Current Expenses	13000	<u>392,267</u>
Total.....		\$ 948,109

228 - Division of Human Services –

Health Care Provider Tax –

Medicaid State Share Fund

(W.V. Code Chapter 11)

Fund 5090 FY 2024 Org 0511

Medical Services	18900	\$ 393,594,315
Medical Services Administrative Costs	78900	<u>259,746</u>
Total.....		\$ 393,854,061

The above appropriation for Medical Services Administrative Costs (fund 5090, appropriation 78900) shall be transferred to a special revenue account in the treasury for use by the Department of Health and Human Resources for administrative purposes. The remainder of all moneys deposited in the fund shall be transferred to the Medical Services Program Fund (fund 5084).

229 - Division of Human Services –

Child Support Enforcement Fund

(W.V. Code Chapter 48A)

Fund 5094 FY 2024 Org 0511

Personal Services and Employee Benefits00100	\$ 24,809,509
Unclassified.....09900	380,000
Current Expenses13000	<u>12,810,491</u>
Total.....	\$ 38,000,000

230 - *Division of Human Services* –

Medical Services Trust Fund

(W.V. Code Chapter 9)

Fund 5185 FY 2024 Org 0511

Medical Services.....18900	\$ 55,000,000
Medical Services Administrative Costs78900	<u>686,674</u>
Total.....	\$ 55,686,674

The above appropriation to Medical Services shall be used to provide state match of Medicaid expenditures as defined and authorized in subsection (c) of W.V. Code §9-4A-2a. Expenditures from the fund are limited to the following: payment of backlogged billings, funding for services to future federally mandated population groups and payment of the required state match for Medicaid disproportionate share payments. The remainder of all moneys deposited in the fund shall be transferred to the Division of Human Services accounts.

231 - *Division of Human Services* –

James "Tiger" Morton Catastrophic Illness Fund

(W.V. Code Chapter 16)

Fund 5454 FY 2024 Org 0511

Personal Services and Employee Benefits00100	\$ 136,984
Unclassified.....09900	4,000
Current Expenses13000	<u>396,000</u>

Total..... \$ 536,984

*232 - Division of Human Services –
Domestic Violence Legal Services Fund
(W.V. Code Chapter 48)
Fund 5455 FY 2024 Org 0511*

Current Expenses 13000 \$ 900,000

*233 - Division of Human Services –
West Virginia Works Separate State College Program Fund
(W.V. Code Chapter 9)
Fund 5467 FY 2024 Org 0511*

Current Expenses 13000 \$ 500,000

*234 - Division of Human Services –
West Virginia Works Separate State Two-Parent Program Fund
(W.V. Code Chapter 9)
Fund 5468 FY 2024 Org 0511*

Current Expenses 13000 \$ 1,500,000

*235 - Division of Human Services –
Marriage Education Fund
(W.V. Code Chapter 9)
Fund 5490 FY 2024 Org 0511*

Personal Services and Employee Benefits00100 \$ 10,000

Current Expenses 13000 25,000

Total..... \$ 35,000

DEPARTMENT OF HOMELAND SECURITY

236 - Department of Homeland Security –

Office of the Secretary –

Law-Enforcement, Safety and Emergency Worker

Funeral Expense Payment Fund

(W.V. Code Chapter 15)

Fund 6003 FY 2024 Org 0601

Current Expenses13000 \$ 32,000

237 - Division of Emergency Management –

Statewide Interoperable Radio Network Account

(W.V. Code Chapter 15)

Fund 6208 FY 2024 Org 0606

Current Expenses13000 \$ 80,000

238 - Division of Emergency Management –

West Virginia Interoperable Radio Project

(W.V. Code Chapter 24)

Fund 6295 FY 2024 Org 0606

Unclassified.....09900	\$	20,000
Current Expenses13000		3,980,000
Repairs and Alterations.....06400		250,000
Equipment.....07000		<u>250,000</u>
Total.....	\$	4,500,000

239 - Division of Corrections and Rehabilitation –

Parolee Supervision Fees

(W.V. Code Chapter 15A)

Fund 6362 FY 2024 Org 0608

Personal Services and Employee Benefits00100	\$	1,199,557
Unclassified.....09900		9,804
Current Expenses13000		758,480
Equipment.....07000		30,000
Other Assets.....69000		40,129
Total.....	\$	2,037,970

*240 - Division of Corrections and Rehabilitation –**Regional Jail and Correctional Facility Authority*

(W.V. Code Chapter 15A)

Fund 6675 FY 2024 Org 0608

Personal Services and Employee Benefits00100	\$	2,027,746
Debt Service.....04000		1,900,000
Repairs and Alterations.....06400		5,000,000
Equipment.....07000		2,000,000
Unclassified.....09900		100,000
Current Expenses13000		245,472
Total.....	\$	11,273,218

*241 - West Virginia State Police –**Motor Vehicle Inspection Fund*

(W.V. Code Chapter 17C)

Fund 6501 FY 2024 Org 0612

Personal Services and Employee Benefits00100	\$	2,019,791
Current Expenses13000		1,488,211
Repairs and Alterations.....06400		204,500
Equipment.....07000		3,770,751
Buildings25800		534,000
Other Assets.....69000		5,000
BRIM Premium.....91300		302,432

Total..... \$ 8,324,685

The total amount of these appropriations shall be paid from the special revenue fund out of fees collected for inspection stickers as provided by law.

242 - West Virginia State Police –

Forensic Laboratory Fund

(W.V. Code Chapter 15)

Fund 6511 FY 2024 Org 0612

Personal Services and Employee Benefits00100	\$ 1,623,315
Current Expenses13000	90,000
Repairs and Alterations.....06400	5,000
Equipment.....07000	<u>545,000</u>
Total.....	\$ 2,263,315

243 - West Virginia State Police –

Drunk Driving Prevention Fund

(W.V. Code Chapter 15)

Fund 6513 FY 2024 Org 0612

Current Expenses13000	\$ 1,327,000
Equipment.....07000	3,491,895
BRIM Premium.....91300	<u>154,452</u>
Total.....	\$ 4,973,347

The total amount of these appropriations shall be paid from the special revenue fund out of receipts collected pursuant to W.V. Code §11-15-9a and 16 and paid into a revolving fund account in the State Treasury.

244 - West Virginia State Police –

Surplus Real Property Proceeds Fund

(W.V. Code Chapter 15)

Fund 6516 FY 2024 Org 0612

Buildings	25800	\$ 1,022,778
Land	73000	1,000
BRIM Premium.....	91300	<u>77,222</u>
Total.....		\$ 1,101,000

*245 - West Virginia State Police –**Surplus Transfer Account*

(W.V. Code Chapter 15)

Fund 6519 FY 2024 Org 0612

Current Expenses	13000	\$ 225,000
Repairs and Alterations.....	06400	20,000
Equipment.....	07000	250,000
Buildings	25800	40,000
Other Assets.....	69000	45,000
BRIM Premium.....	91300	<u>5,000</u>
Total.....		\$ 585,000

*246 - West Virginia State Police –**Central Abuse Registry Fund*

(W.V. Code Chapter 15)

Fund 6527 FY 2024 Org 0612

Personal Services and Employee Benefits	00100	\$ 279,648
Current Expenses	13000	376,443
Repairs and Alterations.....	06400	500
Equipment.....	07000	300,500
Other Assets.....	69000	300,500
BRIM Premium.....	91300	<u>18,524</u>
Total.....		\$ 1,276,115

*247 - West Virginia State Police –**Bail Bond Enforcer Account*

(W.V. Code Chapter 15)

Fund 6532 FY 2024 Org 0612

Current Expenses 13000 \$ 8,300

248 - West Virginia State Police –

State Police Academy Post Exchange

(W.V. Code Chapter 15)

Fund 6544 FY 2024 Org 0612

Current Expenses 13000 \$ 160,000

Repairs and Alterations 06400 40,000

Total \$ 200,000

249 - Fire Commission –

Fire Marshal Fees

(W.V. Code Chapter 29)

Fund 6152 FY 2024 Org 0619

Personal Services and Employee Benefits00100 \$ 3,742,215

Unclassified.....09900 3,800

Current Expenses 13000 1,646,550

Repairs and Alterations06400 58,500

Equipment07000 140,800

BRIM Premium.....91300 65,000

Total \$ 5,656,865

250 - Division of Administrative Services –

W.V. Community Corrections Fund

(W.V. Code Chapter 62)

Fund 6386 FY 2024 Org 0623

Personal Services and Employee Benefits00100 \$ 171,789

Unclassified.....	09900	750
Current Expenses	13000	1,846,250
Repairs and Alterations.....	06400	<u>1,000</u>
Total.....		\$ 2,019,789

251 - Division of Administrative Services –

Court Security Fund

(W.V. Code Chapter 51)

Fund 6804 FY 2024 Org 0623

Personal Services and Employee Benefits....	00100	\$ 25,430
Current Expenses	13000	<u>1,478,135</u>
Total.....		\$ 1,503,565

252 - Division of Administrative Services –

Second Chance Driver's License Program Account

(W.V. Code Chapter 17B)

Fund 6810 FY 2024 Org 0623

Current Expenses	13000	\$ 125,000
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DEPARTMENT OF REVENUE

253 - Division of Financial Institutions

(W.V. Code Chapter 31A)

Fund 3041 FY 2024 Org 0303

Personal Services and Employee Benefits....	00100	\$ 2,720,504
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	119,000
Current Expenses	13000	650,475
Equipment.....	07000	<u>8,500</u>
Total.....		\$ 3,498,479

*254 - Office of the Secretary –**State Debt Reduction Fund*

(W.V. Code Chapter 29)

Fund 7007 FY 2024 Org 0701

Retirement Systems – Unfunded Liability....77500 \$ 20,000,000

The above appropriation for Retirement Systems – Unfunded Liability (fund 7007, appropriation 77500) shall be transferred to the School Aid Formula Funds Holding Account Fund (fund 2606).

255 - Home Rule Board Operations

(W.V. Code Chapter 8)

Fund 7010 FY 2024 Org 0701

Personal Services and Employee Benefits00100	\$	25,000
Unclassified.....09900		680
Current Expenses13000		42,000
Repairs and Alterations.....06400		120
Equipment.....07000		<u>200</u>
Total.....	\$	68,000

*256 - Tax Division –**Reduced Cigarette Ignition Propensity**Standard and Fire Prevention Act Fund*

(W.V. Code Chapter 47)

Fund 7092 FY 2024 Org 0702

Current Expenses13000	\$	35,000
Equipment.....07000		<u>15,000</u>
Total.....	\$	50,000

*257 - State Budget Office –**Public Employees Insurance Reserve Fund*

(W.V. Code Chapter 11B)

Fund 7400 FY 2024 Org 0703

Public Employees Insurance Reserve Fund –

Transfer.....90300 \$ 6,800,000

The above appropriation for Public Employees Insurance Reserve Fund – Transfer shall be transferred to the Medical Services Trust Fund (fund 5185).

*258 - Insurance Commissioner –**Examination Revolving Fund*

(W.V. Code Chapter 33)

Fund 7150 FY 2024 Org 0704

Personal Services and Employee Benefits00100	\$	771,781
Current Expenses	13000	1,357,201
Repairs and Alterations.....	06400	3,000
Equipment.....	07000	81,374
Buildings.....	25800	8,289
Other Assets.....	69000	11,426
Total.....	\$	2,233,071

*259 - Insurance Commissioner –**Consumer Advocate*

(W.V. Code Chapter 33)

Fund 7151 FY 2024 Org 0704

Personal Services and Employee Benefits00100	\$	592,264
Current Expenses	13000	202,152
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	34,225
Buildings.....	25800	4,865
Other Assets.....	69000	19,460
Total.....	\$	857,966

260 - Insurance Commissioner –

Insurance Commission Fund

(W.V. Code Chapter 33)

Fund 7152 FY 2024 Org 0704

Personal Services and Employee Benefits00100	\$ 25,074,593
Salary and Benefits of Cabinet Secretary and Agency Heads00201	136,500
Current Expenses13000	8,797,758
Repairs and Alterations06400	68,614
Equipment07000	1,728,240
Buildings25800	25,000
Other Assets69000	<u>340,661</u>
Total.....	\$ 36,171,366

261 - Insurance Commissioner –

Insurance Fraud Prevention Fund

(W.V. Code Chapter 33)

Fund 7153 FY 2024 Org 0704

Current Expenses13000	\$ 15,000
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262 - Insurance Commissioner –

Workers' Compensation Old Fund

(W.V. Code Chapter 23)

Fund 7162 FY 2024 Org 0704

Employee Benefits01000	\$ 50,000
Current Expenses13000	<u>250,500,000</u>
Total.....	\$ 250,550,000

263 - Insurance Commissioner –

Workers' Compensation Uninsured Employers' Fund

(W.V. Code Chapter 23)

Fund 7163 FY 2024 Org 0704

Current Expenses13000 \$ 15,000,000

264 - Insurance Commissioner –

Self-Insured Employer Guaranty Risk Pool

(W.V. Code Chapter 23)

Fund 7164 FY 2023 Org 0704

Current Expenses13000 \$ 9,000,000

265 - Insurance Commissioner –

Self-Insured Employer Security Risk Pool

(W.V. Code Chapter 23)

Fund 7165 FY 2024 Org 0704

Current Expenses13000 \$ 14,000,000

266 - Municipal Bond Commission

(W.V. Code Chapter 13)

Fund 7253 FY 2024 Org 0706

Personal Services and Employee Benefits00100 \$ 373,348

Current Expenses13000 154,344

Equipment07000 100

Total..... \$ 527,792

267 - Racing Commission –

Relief Fund

(W.V. Code Chapter 19)

Fund 7300 FY 2024 Org 0707

Medical Expenses – Total.....24500 \$ 154,000

The total amount of this appropriation shall be paid from the special revenue fund out of collections of license fees and fines as provided by law.

No expenditures shall be made from this fund except for hospitalization, medical care, and/or funeral expenses for persons contributing to this fund.

268 - Racing Commission –

Administration and Promotion Account

(W.V. Code Chapter 19)

Fund 7304 FY 2024 Org 0707

Personal Services and Employee Benefits00100	\$	279,525
Current Expenses	13000	85,433
Other Assets	69000	<u>5,000</u>
Total	\$	369,958

269 - Racing Commission –

General Administration

(W.V. Code Chapter 19)

Fund 7305 FY 2024 Org 0707

Personal Services and Employee Benefits00100	\$	2,450,028
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	48,443
Current Expenses	13000	497,284
Repairs and Alterations.....	06400	5,000
Other Assets	69000	<u>40,000</u>
Total	\$	3,040,755

*270 - Racing Commission –**Administration, Promotion, Education, Capital Improvement**and Greyhound Adoption Programs**to include Spaying and Neutering Account*

(W.V. Code Chapter 19)

Fund 7307 FY 2024 Org 0707

Personal Services and Employee Benefits00100	\$	930,289
Current Expenses	13000	160,099
Other Assets	69000	<u>200,000</u>
Total	\$	1,290,388

*271 - Alcohol Beverage Control Administration –**Wine License Special Fund*

(W.V. Code Chapter 60)

Fund 7351 FY 2024 Org 0708

Personal Services and Employee Benefits00100	\$	152,670
Current Expenses	13000	54,186
Repairs and Alterations	06400	7,263
Equipment	07000	10,000
Buildings	25800	100,000
Transfer Liquor Profits and Taxes	42500	30,750
Other Assets	69000	<u>100</u>
Total	\$	354,969

To the extent permitted by law, four classified exempt positions shall be provided from Personal Services and Employee Benefits appropriation for field auditors.

272 - Alcohol Beverage Control Administration

(W.V. Code Chapter 60)

Fund 7352 FY 2024 Org 0708

Personal Services and Employee Benefits00100	\$	6,016,074
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	122,500
Current Expenses	13000	2,890,577
Repairs and Alterations.....	06400	91,000
Equipment.....	07000	108,000
Buildings.....	25800	375,100
Purchase of Supplies for Resale.....	41900	100,000,000
Transfer Liquor Profits and Taxes	42500	30,000,000
Other Assets	69000	125,100
Land	73000	<u>100</u>
Total.....		\$ 139,728,451

The total amount of these appropriations shall be paid from a special revenue fund out of liquor revenues and any other revenues available.

The above appropriations include the salary of the commissioner and the salaries, expenses, and equipment of administrative offices, warehouses, and inspectors.

The above appropriations include funding for the Tobacco/Alcohol Education Program.

There is hereby appropriated from liquor revenues, in addition to the above appropriations as needed, the necessary amount for the purchase of liquor as provided by law and the remittance of profits and taxes to the General Revenue Fund.

273 - State Athletic Commission Fund

(W.V. Code Chapter 29)

Fund 7009 FY 2024 Org 0933

Personal Services and Employee Benefits00100	\$	17,500
Current Expenses	13000	<u>28,000</u>
Total.....	\$	45,500

DEPARTMENT OF TRANSPORTATION

274 - Division of Motor Vehicles –

Dealer Recovery Fund

(W.V. Code Chapter 17)

Fund 8220 FY 2024 Org 0802

Current Expenses 13000 \$ 189,000

275 - Division of Motor Vehicles –

Motor Vehicle Fees Fund

(W.V. Code Chapter 17B)

Fund 8223 FY 2024 Org 0802

Personal Services and Employee Benefits00100 \$ 4,109,846

Current Expenses 13000 4,337,712

Repairs and Alterations06400 16,000

Equipment07000 75,000

Other Assets69000 10,000

BRIM Premium91300 110,000

Total \$ 8,658,558

276 - Division of Highways –

A. James Manchin Fund

(W.V. Code Chapter 22)

Fund 8319 FY 2024 Org 0803

Current Expenses 13000 \$ 2,500,000

277 - WV Division of Multimodal Transportation Facilities -

State Rail Authority -

West Virginia Commuter Rail Access Fund

(W.V. Code Chapter 29)

Fund 8402 FY 2024 Org 0810

Current Expenses	13000	\$	600,000
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DEPARTMENT OF VETERANS' ASSISTANCE*278 - Veterans' Facilities Support Fund*

(W.V. Code Chapter 9A)

Fund 6703 FY 2024 Org 0613

Current Expenses	13000	\$	1,654,234
Other Assets	69000		<u>10,000</u>
Total		\$	1,664,234

*279 - Department of Veterans' Assistance –**W.V. Veterans' Home –**Special Revenue Operating Fund*

(W.V. Code Chapter 9A)

Fund 6754 FY 2024 Org 0618

Current Expenses	13000	\$	289,400
Repairs and Alterations	06400		<u>10,600</u>
Total		\$	300,000

BUREAU OF SENIOR SERVICES*280 - Bureau of Senior Services –**Community Based Service Fund*

(W.V. Code Chapter 29)

Fund 5409 FY 2024 Org 0508

Personal Services and Employee Benefits00100	\$	144,813
Salary and Benefits of Cabinet Secretary and Agency Heads		<u>25,795</u>

Current Expenses	13000	<u>10,348,710</u>
Total.....		\$ 10,519,318

The total amount of these appropriations are funded from annual table game license fees to enable the aged and disabled citizens of West Virginia to stay in their homes through the provision of home and community-based services.

HIGHER EDUCATION POLICY COMMISSION

281 - Higher Education Policy Commission –

System –

Tuition Fee Capital Improvement Fund

(Capital Improvement and Bond Retirement Fund)

Control Account

(W.V. Code Chapters 18 and 18B)

Fund 4903 FY 2024 Org 0442

Debt Service.....	04000	\$ 27,411,984
General Capital Expenditures	30600	5,000,000
Facilities Planning and Administration.....	38600	<u>467,154</u>
Total.....		\$ 32,879,138

The total amount of these appropriations shall be paid from the Special Capital Improvement Fund created in W.V. Code §18B-10-8. Projects are to be paid on a cash basis and made available on July 1.

The above appropriations, except for Debt Service, may be transferred to special revenue funds for capital improvement projects at the institutions.

282 - Tuition Fee Revenue Bond Construction Fund

(W.V. Code Chapters 18 and 18B)

Fund 4906 FY 2024 Org 0442

Any unexpended balance remaining in the appropriation for Capital Outlay (fund 4906, appropriation 51100) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

The appropriation shall be paid from available unexpended cash balances and interest earnings accruing to the fund. The appropriation shall be expended at the discretion of the Higher Education Policy Commission and the funds may be allocated to any institution within the system.

The total amount of this appropriation shall be paid from the unexpended proceeds of revenue bonds previously issued pursuant to W.V. Code §18-12B-8, which have since been refunded.

283 - West Virginia University –

West Virginia University Health Sciences Center

(W.V. Code Chapters 18 and 18B)

Fund 4179 FY 2024 Org 0463

Personal Services and Employee Benefits00100	\$ 11,425,515
Current Expenses13000	4,524,300
Repairs and Alterations06400	425,000
Equipment07000	512,000
Buildings25800	150,000
Other Assets69000	<u>50,000</u>
Total.....	\$ 17,086,815

284 - Marshall University –

School of Medicine

(W.V. Code Chapter 18B)

Fund 4271 FY 2024 Org 0471

Marshall Medical School	17300	\$ 5,500,000
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285 - West Virginia School of Osteopathic Medicine

(W.V. Code Chapter 18B)

Fund 4272 FY 2024 Org 0476

West Virginia School of

Osteopathic Medicine17200 \$ 3,996,878

MISCELLANEOUS BOARDS AND COMMISSIONS*286 - Board of Barbers and Cosmetologists –**Barbers and Beauticians Special Fund*

(W.V. Code Chapters 16 and 30)

Fund 5425 FY 2024 Org 0505

Personal Services and Employee Benefits00100	\$	587,300
Current Expenses13000		234,969
Repairs and Alterations.....06400		<u>5,000</u>
Total.....	\$	827,269

The total amount of these appropriations shall be paid from a special revenue fund out of collections made by the Board of Barbers and Cosmetologists as provided by law.

*287 - Hospital Finance Authority –**Hospital Finance Authority Fund*

(W.V. Code Chapter 16)

Fund 5475 FY 2024 Org 0509

Personal Services and Employee Benefits ...00100	\$	10,000
Salary and Benefits of Cabinet Secretary and Agency Heads00201		93,339
Unclassified.....09900		1,501
Current Expenses13000		<u>55,268</u>
Total.....	\$	160,108

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by Article 29A, Chapter 16 of the Code.

288 - State Armory Board –

General Armory Fund

(W.V. Code Chapter 15)

Fund 6057 FY 2024 Org 0603

Personal Services and Employee Benefits00100	\$	1,688,662
Current Expenses13000		650,000
Repairs and Alterations06400		385,652
Equipment07000		250,000
Buildings25800		520,820
Other Assets69000		350,000
Land73000		<u>200,000</u>
Total.....	\$	4,045,134

From the above appropriations, the Adjutant General may receive and expend funds to conduct operations and activities to include functions of the Military Authority. The Adjutant General may transfer funds between appropriations, except no funds may be transferred to Personal Services and Employee Benefits (fund 6057, appropriation 00100).

289 - W.V. State Board of Examiners for Licensed Practical Nurses

–

Licensed Practical Nurses

(W.V. Code Chapter 30)

Fund 8517 FY 2024 Org 0906

Personal Services and Employee Benefits00100	\$	988,523
Current Expenses13000		<u>253,007</u>
Total.....	\$	1,241,530

290 - *W.V. Board of Examiners for Registered Professional Nurses –**Registered Professional Nurses*

(W.V. Code Chapter 30)

Fund 8520 FY 2024 Org 0907

Personal Services and Employee Benefits00100	\$ 1,381,175
Current Expenses13000	312,655
Repairs and Alterations.....06400	3,000
Equipment.....07000	25,000
Other Assets.....69000	<u>4,500</u>
Total.....	\$ 1,726,330

291 - *Public Service Commission*

(W.V. Code Chapter 24)

Fund 8623 FY 2024 Org 0926

Personal Services and Employee Benefits00100	\$ 12,882,976
Salary and Benefits of Cabinet Secretary and Agency Heads00201	318,640
Unclassified.....09900	147,643
Current Expenses13000	2,507,202
Repairs and Alterations.....06400	270,000
Equipment.....07000	160,000
Buildings.....25800	10
PSC Weight Enforcement.....34500	4,870,957
Debt Payment/Capital Outlay52000	350,000
Land73000	10
BRIM Premium.....91300	<u>172,216</u>
Total.....	\$ 21,679,654

The total amount of these appropriations shall be paid from a special revenue fund out of collections for special license fees from public service corporations as provided by law.

The Public Service Commission is authorized to transfer up to \$500,000 from this fund to meet the expected deficiencies in the

Motor Carrier Division (fund 8625, org 0926) due to the amendment and reenactment of W.V. Code §24A-3-1 by Enrolled House Bill Number 2715, Regular Session, 1997.

292 - Public Service Commission –

Gas Pipeline Division –

Public Service Commission Pipeline Safety Fund

(W.V. Code Chapter 24B)

Fund 8624 FY 2024 Org 0926

Personal Services and Employee Benefits00100	\$	294,103
Salary and Benefits of Cabinet Secretary and Agency Heads00201		11,949
Unclassified.....09900		3,851
Current Expenses13000		93,115
Repairs and Alterations.....06400		<u>4,000</u>
Total.....	\$	407,018

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over pipeline companies as provided by law.

293 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8625 FY 2024 Org 0926

Personal Services and Employee Benefits00100	\$	2,420,468
Salary and Benefits of Cabinet Secretary and Agency Heads00201		67,711
Unclassified.....09900		29,233
Current Expenses13000		577,557
Repairs and Alterations.....06400		23,000
Equipment.....07000		<u>50,000</u>

Total..... \$ 3,167,969

The total amount of these appropriations shall be paid from a special revenue fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as provided by law.

294 - Public Service Commission –

Consumer Advocate Fund

(W.V. Code Chapter 24)

Fund 8627 FY 2024 Org 0926

Personal Services and Employee Benefits00100	\$	978,337
Current Expenses13000		536,472
Equipment.....07000		9,872
BRIM Premium.....91300		<u>4,660</u>
Total.....	\$	1,529,341

The total amount of these appropriations shall be supported by cash from a special revenue fund out of collections made by the Public Service Commission.

295 - Real Estate Commission –

Real Estate License Fund

(W.V. Code Chapter 30)

Fund 8635 FY 2024 Org 0927

Personal Services and Employee Benefits00100	\$	644,650
Current Expenses13000		293,122
Repairs and Alterations.....06400		2,500
Equipment.....07000		<u>5,000</u>
Total.....	\$	945,272

The total amount of these appropriations shall be paid out of collections of license fees as provided by law.

296 - *W.V. Board of Examiners for Speech-Language*

Pathology and Audiology –

Speech-Language Pathology and Audiology Operating Fund

(W.V. Code Chapter 30)

Fund 8646 FY 2024 Org 0930

Personal Services and Employee Benefits00100	\$	100,292
Current Expenses 13000		<u>63,499</u>
Total.....	\$	163,791

297 - *W.V. Board of Respiratory Care –*

Board of Respiratory Care Fund

(W.V. Code Chapter 30)

Fund 8676 FY 2024 Org 0935

Personal Services and Employee Benefits00100	\$	91,632
Current Expenses 13000		<u>62,709</u>
Total.....	\$	154,341

298 - *W.V. Board of Licensed Dietitians –*

Dietitians Licensure Board Fund

(W.V. Code Chapter 30)

Fund 8680 FY 2024 Org 0936

Personal Services and Employee Benefits00100	\$	20,219
Current Expenses 13000		<u>20,250</u>
Total.....	\$	40,469

299 - *Massage Therapy Licensure Board –*

Massage Therapist Board Fund

(W.V. Code Chapter 30)

Fund 8671 FY 2024 Org 0938

Personal Services and Employee Benefits00100	\$	118,869
Current Expenses13000		<u>47,388</u>
Total.....	\$	166,257

*300 - Board of Medicine –**Medical Licensing Board Fund*

(W.V. Code Chapter 30)

Fund 9070 FY 2024 Org 0945

Personal Services and Employee Benefits00100	\$	1,623,608
Current Expenses13000		1,108,789
Repairs and Alterations.....06400		<u>8,000</u>
Total.....	\$	2,740,397

*301 - West Virginia Enterprise Resource Planning Board –**Enterprise Resource Planning System Fund*

(W.V. Code Chapter 12)

Fund 9080 FY 2024 Org 0947

Personal Services and Employee Benefits00100	\$	5,577,966
Unclassified.....09900		132,000
Current Expenses13000		19,214,993
Repairs and Alterations.....06400		300
Equipment.....07000		502,000
Buildings25800		2,000
Other Assets69000		<u>2,004,500</u>
Total.....	\$	27,433,759

*302 - Board of Treasury Investments –**Board of Treasury Investments Fee Fund*

(W.V. Code Chapter 12)

Fund 9152 FY 2024 Org 0950

Personal Services and Employee Benefits00100	\$	857,714
Unclassified.....09900		14,850
Current Expenses	13000	580,889
BRIM Premium.....91300		31,547
Fees of Custodians, Fund Advisors and Fund Managers.....93800		<u>3,500,000</u>
Total.....	\$	4,985,000

There is hereby appropriated from this fund, in addition to the above appropriation if needed, an amount of funds necessary for the Board of Treasury Investments to pay the fees and expenses of custodians, fund advisors and fund managers for the consolidated fund of the State as provided in Article 6C, Chapter 12 of the Code.

The total amount of these appropriations shall be paid from the special revenue fund out of fees and collections as provided by law.

303 - Contractor Licensing Board Fund

(W.V. Code Chapter 21)

Fund 3187 FY 2024 Org 0951

Personal Services and Employee Benefits00100	\$	2,559,000
Repairs and Alterations.....06400		10,000
Unclassified.....09900		21,000
Current Expenses	13000	500,000
BRIM Premium.....91300		<u>8,500</u>
Total.....	\$	3,098,500

Total TITLE II, Section 3 – Other Funds

(Including claims against the state) \$2,071,416,872

Sec. 4. Appropriations from lottery net profits. — Net profits of the lottery are to be deposited by the Director of the Lottery to the following accounts in the amounts indicated. The Director of the Lottery shall prorate each deposit of net profits in the proportion the appropriation for each account bears to the total of the appropriations for all accounts.

After first satisfying the requirements for Fund 2252, Fund 3963, and Fund 4908 pursuant to W.V. Code §29-22-18, the Director of the Lottery shall make available from the remaining net profits of the lottery any amounts needed to pay debt service for which an appropriation is made for Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 and is authorized to transfer any such amounts to Fund 9065, Fund 4297, Fund 3390, Fund 3514, Fund 9067, and Fund 9068 for that purpose. Upon receipt of reimbursement of amounts so transferred, the Director of the Lottery shall deposit the reimbursement amounts to the following accounts as required by this section.

304 - Education, Arts, Sciences and Tourism –

Debt Service Fund

(W.V. Code Chapter 5)

Fund 2252 FY 2024 Org 0211

	Appropriation	Lottery Funds
Debt Service – Total	31000	\$ 10,000,000

305 - Department of Tourism –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 3067 FY 2024 Org 0304

Tourism – Telemarketing Center	46300	\$ 82,080
Tourism – Advertising (R).....	61800	2,422,407
Tourism – Operations (R).....	66200	<u>4,451,771</u>
Total.....		\$ 6,956,258

Any unexpended balances remaining in the appropriations for Tourism – Advertising (fund 3067, appropriation 61800) and Tourism – Operations (fund 3067, appropriation 66200) at the

close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

306 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 3267 FY 2024 Org 0310

Personal Services and Employee Benefits00100	\$	2,667,436
Current Expenses13000		26,900
Pricketts Fort State Park.....32400		106,560
Non-Game Wildlife (R)52700		483,485
State Parks		
and Recreation Advertising (R)61900		<u>494,578</u>
Total.....	\$	<u>3,778,959</u>

Any unexpended balances remaining in the appropriations for Capital Outlay – Parks (fund 3267, appropriation 28800), Non-Game Wildlife (fund 3267, appropriation 52700), and State Parks and Recreation Advertising (fund 3267, appropriation 61900) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

307 - State Board of Education

(W.V. Code Chapters 18 and 18A)

Fund 3951 FY 2024 Org 0402

FBI Checks.....37200	\$	122,303
Vocational Education		
Equipment Replacement39300		800,000
Assessment Program (R).....39600		490,439
Literacy Project.....89900		350,000
21st Century Technology Infrastructure		
Network Tools and Support (R)93300		<u>12,622,796</u>
Total.....	\$	<u>14,385,538</u>

Any unexpended balances remaining in the appropriations for Assessment Program (fund 3951, appropriation 39600), and 21st

Century Technology Infrastructure Network Tools and Support (fund 3951, appropriation 93300) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

308 - State Department of Education –

School Building Authority –

Debt Service Fund

(W.V. Code Chapter 18)

Fund 3963 FY 2024 Org 0404

Debt Service – Total	31000	\$ 15,239,213
Directed Transfer	70000	<u>2,760,787</u>
Total.....		\$ 18,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.V. Code §29-22-18.

The above appropriation for Directed Transfer (fund 3963, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects.

309 - Division of Culture and History –

Lottery Education Fund

(W.V. Code Chapter 29)

Fund 3534 FY 2024 Org 0432

Huntington Symphony	02700	\$ 59,058
Preservation West Virginia (R).....	09200	491,921
Fairs and Festivals (R)	12200	1,346,814
Commission for National and Community Service (R)	19300	387,916

Archeological Curation/Capital

Improvements (R).....	24600	40,593
Historic Preservation Grants (R).....	31100	417,933
West Virginia Public Theater.....	31200	120,019
Greenbrier Valley Theater	42300	115,000
Theater Arts of West Virginia.....	46400	90,000
Marshall Artists Series	51800	36,005
Grants for Competitive Arts Program (R).....	62400	811,500
West Virginia State Fair.....	65700	31,241
Save the Music	68000	40,000
Contemporary American Theater Festival....	81100	57,281
Independence Hall	81200	27,277
Mountain State Forest Festival	86400	38,187
WV Symphony.....	90700	59,058
Wheeling Symphony.....	90800	59,058
Appalachian Childrens' Chorus.....	91600	<u>54,554</u>
Total.....		\$ 4,283,415

Any unexpended balances remaining in the appropriations for Preservation West Virginia (fund 3534, appropriation 09200), Fairs and Festivals (fund 3534, appropriation 12200), Commission for National and Community Service (fund 3534, appropriation 19300), Archeological Curation/Capital Improvements (fund 3534, appropriation 24600), Historic Preservation Grants (fund 3534, appropriation 31100), and Grants for Competitive Arts Program (fund 3534, appropriation 62400) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

From the above appropriation for Preservation West Virginia (fund 3534, appropriation 09200) funding shall be provided to the African-American Heritage Family Tree Museum (Fayette) \$2,673, Aracoma Story (Logan) \$20,000, Arts Monongahela (Monongalia) \$11,881, Barbour County Arts and Humanities Council \$891, Beckley Main Street (Raleigh) \$2,970, Buffalo Creek Memorial (Logan) \$2,970, Carnegie Hall (Greenbrier) \$46,899, Ceredo Historical Society (Wayne) \$1,188, Ceredo Kenova Railroad Museum (Wayne) \$1,188, Ceredo Museum (Wayne) \$720, Children's Theatre of Charleston (Kanawha)

\$3,500, Chuck Mathena Center (Mercer) \$62,532, Country Music Hall of Fame and Museum (Marion) \$4,159, First Stage Children's Theater Company (Cabell) \$1,188, Flannigan Murrell House (Summers) \$3,781, Fort Ashby Fort (Mineral) \$891, Fort New Salem (Harrison) \$2,198, Fort Randolph (Mason) \$2,970, General Adam Stephen Memorial Foundation (Berkeley) \$11,006, Grafton Mother's Day Shrine Committee (Taylor) \$9,029, Hardy County Tour and Crafts Association (Hardy) \$11,881, Heartwood in the Hills (Calhoun) \$5,040, Henderson Hall (Wood) \$20,000, Heritage Farm Museum & Village (Cabell) \$29,703, Historic Fayette Theater (Fayette) \$3,267, Historic Middleway Conservancy (Jefferson) \$594, Jefferson County Black History Preservation Society (Jefferson) \$2,970, Jefferson County Historical Landmark Commission (Jefferson) \$4,753, Maddie Carroll House (Cabell) \$4,455, Marshall County Historical Society (Marshall) \$5,049, McCoy Theater (Hardy) \$11,881, Memorial Day Patriotic Exercise (Taylor) \$20,000, Morgantown Theater Company (Monongalia) \$11,881, Mountaineer Boys' State (Lewis) \$5,941, Nicholas Old Main Foundation (Nicholas) \$1,188, Norman Dillon Farm Museum (Berkeley) \$5,941, Oil and Gas Museum (Wood) \$20,000, Old Opera House Theater Company (Jefferson) \$8,911, Parkersburg Arts Center (Wood) \$11,881, Pocahontas Historic Opera House (Pocahontas) \$3,564, Raleigh County All Wars Museum (Raleigh) \$5,941, Rhododendron Girl's State (Ohio) \$5,941, Roane County 4-H and FFA Youth Livestock Program (Roane) \$2,970, Society for the Preservation of McGrew House (Preston) \$2,079, Southern West Virginia Veterans' Museum (Raleigh) \$3,393, Summers County Historic Landmark Commission (Summers) \$2,970, Those Who Served War Museum (Mercer) \$2,376, Three Rivers Avian Center (Summers) \$5,311, Veterans Committee for Civic Improvement of Huntington (Wayne) \$2,970, West Virginia Museum of Glass (Lewis) \$2,970, West Virginia Music Hall of Fame (Kanawha) \$20,792, YMCA Camp Horseshoe (Tucker) \$59,406, Youth Museum of Southern West Virginia (Raleigh) \$7,129, Z.D. Ramsdell House (Wayne) \$720

From the above appropriation for Fairs and Festivals (fund 3534, appropriation 12200) funding shall be provided to A

Princeton 4th (Mercer) \$1,800, African-American Cultural Heritage Festival (Jefferson) \$2,970, Allegheny Echo (Pocahontas) \$4,456, Alpine Festival/Leaf Peepers Festival (Tucker) \$6,683, American Civil War (Grant) \$3,127, American Legion Post 8 Veterans Day Parade (McDowell) \$1,250, Angus Beef and Cattle Show (Lewis) \$891, Annual Don Redman Heritage Concert & Awards (Jefferson) \$938, Antique Market Fair (Lewis) \$1,188, Apple Butter Festival (Morgan) \$3,564, Armed Forces Day-South Charleston (Kanawha) \$2,000, Arthurdale Heritage New Deal Festival (Preston) \$2,970, Athens Town Fair (Mercer) \$1,188, Augusta Fair (Randolph) \$2,970, Autumn Harvest Fest (Monroe) \$2,448, Back Home Festival (Wetzel) \$5,000, Barbour County Fair (Barbour) \$14,851, Barboursville Octoberfest (Cabell) \$2,970, Battelle District Fair (Monongalia) \$3,340, Battle of Dry Creek (Greenbrier) \$891, Battle of Point Pleasant Memorial Committee (Mason) \$2,970, Belle Town Fair (Kanawha) \$3,000, Belleville Homecoming (Wood) \$11,881, Berkeley County Youth Fair (Berkeley) \$10,990, Black Heritage Festival (Harrison) \$3,564, Black Walnut Festival (Roane) \$5,940, Blast from the Past (Upshur) \$1,440, Blue-Gray Reunion (Barbour) \$2,079, Boone County Labor Day Celebration (Boone) \$2,376, Boone Day (Kanawha) \$1,000, Bradshaw Fall Festival (McDowell) \$1,188, Bramwell Labor Day (Mercer) \$5,000, Brandonville Heritage Day (Preston) \$1,048, Braxton County Fair (Braxton) \$6,832, Braxton County Monster Fest / West Virginia Autumn Festival (Braxton) \$1,485, Brooke County Fair (Brooke) \$2,079, Buckwheat Festival (Preston) \$5,050, Buffalo October Fest (Putnam) \$3,240, Burlington Apple Harvest Auxiliary (Mineral) \$13,821, Burlington Pumpkin Harvest Festival (Raleigh) \$2,970, Burlington Volunteer Fire and Rescue Carnival (Mineral) \$4,000, Burnsville Freedom Festival (Braxton) \$1,407, Calhoun County Wood Festival (Calhoun) \$1,188, Cameron 4th of July (Marshall) \$500, Cameron VFD Fireman's Festival (Marshall) \$2,500, Campbell's Creek Community Fair (Kanawha) \$2,000, Cape Coalwood Festival Association (McDowell) \$1,485, Cacapon River Fest (Hampshire) \$2,500, Capon Bridge Founders Day Festival (Hampshire) \$1,188, Capon Springs Ruritan 4th of July (Hampshire) \$684, Cass Homecoming (Pocahontas) \$1,188, Celebration of America (Monongalia) \$3,564, Chapmanville Apple Butter Festival

(Logan) \$684, Chapmanville Fire Department 4th of July (Logan) \$1,782, Charles Town Christmas Festival (Jefferson) \$2,970, Charles Town Heritage Festival (Jefferson) \$2,970, Cherry River Festival (Nicholas) \$3,861, Chester Fireworks (Hancock) \$891, Chester 4th of July Festivities (Hancock) \$2,970, Chilifest West Virginia State Chili Championship (Cabell) \$1,563, Chillin' on the Elk (Kanawha) \$1,000, Christmas In Our Town (Marion) \$3,127, Christmas in Shepherdstown (Jefferson) \$2,376, Christmas in the Park (Brooke) \$2,970, Christmas in the Park (Logan) \$14,851, Christmas on Main Street (Hancock) \$11,881, City of Dunbar Critter Dinner (Kanawha) \$5,000, Clay County Golden Delicious Apple Festival (Clay) \$4,158, Clay District Fair (Monongalia) \$3,341, Coal Field Jamboree (Logan) \$20,792, Coalton Days Fair (Randolph) \$4,158, Country Roads Festival (Wetzel) \$3,200, Covered Bridge Festival (Marion) \$3,000, Craigsville Fall Festival (Nicholas) \$2,079, Cruise into Princeton (Mercer) \$2,160, Culturefest World Music & Arts Festival (Mercer) \$4,690, Delbarton Homecoming (Mingo) \$2,079, Doddridge County Fair (Doddridge) \$4,158, Durbin Days (Pocahontas) \$2,970, Elbert/Filbert Reunion Festival (McDowell) \$891, Fairview 4th of July Celebration (Marion) \$684, Farmer's Day Festival (Monroe) \$2,330, Fenwick Mountain Old Time Community Festival (Nicholas) \$2,880, FestivALL Charleston (Kanawha) \$12,000, Fly in Festival (Cabell) \$5,000, Follansbee Community Days (Brooke) \$4,900, Fort Gay Mountain Heritage Days (Wayne) \$2,970, Fort Henry Days (Ohio) \$3,148, Fort Henry Living History (Ohio) \$1,563, Fort New Salem Spirit of Christmas Festival (Harrison) \$2,432, Frankford Autumnfest (Greenbrier) \$2,970, Franklin Fishing Derby (Pendleton) \$10,709, Freedom Festival (Wood) \$8,000, Freshwater Folk Festival (Greenbrier) \$2,970, Friends Auxiliary of W.R. Sharpe Hospital (Lewis) \$2,970, Fund for the Arts-Wine & All that Jazz Festival (Kanawha) \$1,500, Gassaway Days Celebration (Braxton) \$2,970, Gilmer County Farm Show (Gilmer) \$2,376, Grant County Arts Council (Grant) \$1,188, Great Greenbrier River Race (Pocahontas) \$5,940, Guyandotte Civil War Days (Cabell) \$5,941, Hamlin 4th of July Celebration (Lincoln) \$2,970, Hampshire Civil War Celebration Days (Hampshire) \$684, Hampshire County 4th of July Celebration (Hampshire) \$11,881, Hampshire County Fair (Hampshire) \$5,002, Hampshire

Highlands Art & Music Festival (Hampshire) \$4,252, Hancock County Oldtime Fair (Hancock) \$2,970, Hardy County Commission - 4th of July (Hardy) \$5,940, Hatfield McCoy Matewan Reunion Festival (Mingo) \$12,330, Hatfield McCoy Trail National ATV and Dirt Bike Weekend (Wyoming) \$2,970, Head for the Hills Festival (Ritchie) \$3,000, Head of the Dragon (McDowell) \$1,500, Heritage Craft Festival (Monroe) \$1,044, Hilltop Festival (Cabell) \$684, Hinton Railroad Days (Summers) \$4,347, Holly River Festival (Webster) \$891, Hometown Mountain Heritage Festival (Fayette) \$2,432, Hometown Trail Days (McDowell) \$1,188, Hundred 4th of July (Wetzel) \$4,307, Huntersville Traditions Day (Pocahontas) \$4,000, Iaeger Town Fair (McDowell) \$891, Irish Heritage Festival of West Virginia (Raleigh) \$2,970, Irish Spring Festival (Lewis) \$684, Italian Heritage Festival-Clarksburg (Harrison) \$17,821, Jackson County Fair (Jackson) \$2,970, Jamboree (Pocahontas) \$2,970, Jefferson County Fair Association (Jefferson) \$14,851, Jersey Mountain Ruritan Pioneer Days (Hampshire) \$684, John Henry Days Festival (Monroe) \$4,698, Johnnie Johnson Blues and Jazz Festival (Marion) \$2,970, Johnstown Community Fair (Harrison) \$1,485, Junior Heifer Preview Show (Lewis) \$1,188, Kenova Autumn Festival (Wayne) \$4,377, Kermit Fall Festival (Mingo) \$1,782, King Coal Festival (Mingo) \$2,970, Kingwood Downtown Street Fair and Heritage Days (Preston) \$1,188, Knights of Columbus Irish Road Bowling (Marshall County) \$3,000, L.Z. Rainelle West Virginia Veterans Reunion (Greenbrier) \$2,970, Larry Joe Harless Center Octoberfest Hatfield McCoy Trail (Mingo) \$5,940, Larry Joe Harless Community Center Spring Middle School Event (Mingo) \$2,970, Last Blast of Summer (McDowell) \$2,970, Lewis County Fair (Lewis) \$3,000, Lewisburg Shanghai (Greenbrier) \$1,188, Lincoln County Fall Festival (Lincoln) \$4,752, Lincoln County Winterfest (Lincoln) \$2,970, Lindsie Veterans' Day Parade (Monroe) \$720, Little Levels Heritage Festival (Pocahontas) \$1,188, Lost Creek Community Festival (Harrison) \$4,158, Main Street Arts Festival (Upshur) \$3,127, Main Street Martinsburg Chocolate Fest and Book Fair (Berkeley) \$2,813, Main Street Martinsburg Food Truck Fest (Berkeley) \$4,700, Malden Salt Fest (Kanawha) \$3,000, Mannington District Fair (Marion) \$3,564, Marmet Labor Day Celebration (Kanawha)

\$3,500, Marshall County Antique Power Show (Marshall) \$1,485, Marshall County Fair (Marshall) \$5,000, Mason County Fair (Mason) \$2,970, Mategwan Massacre Reenactment (Mingo) \$5,004, Mategwan-Magnolia Fair (Mingo) \$15,932, McARTS-McDowell County (McDowell) \$11,881, McGrew House History Day (Preston) \$1,188, McNeill's Rangers (Mineral) \$4,752, Meadow Bridge Hometown Festival (Fayette) \$743, Meadow River Days Festival (Greenbrier) \$1,782, Mercer County Fair (Mercer) \$1,188, Mercer County Heritage Festival (Mercer) \$3,474, Milton Christmas in the Park (Cabell) \$1,485, Milton Old Timey Days (Cabell) \$1,485, Mineral County Veterans Day Parade (Mineral) \$891, Molasses Festival (Calhoun) \$1,188, Monongahfest (Marion) \$3,752, Monongalia County Fair (Monongalia) \$7,250, Moon Over Mountwood Fishing Festival (Wood) \$1,782, Morgan County Fair-History Wagon (Morgan) \$891, Moundsville Bass Festival (Marshall) \$2,376, Moundsville July 4th Celebration (Marshall) \$2,970, Mount Liberty Fall Festival (Barbour) \$1,485, Mountain Festival (Mercer) \$2,747, Mountain Heritage Arts and Crafts Festival (Jefferson) \$2,970, Mountain Music Festival (McDowell) \$1,485, Mountain Roots Community Theater (Kanawha) \$5,000, Mountain State Apple Harvest Festival (Berkeley) \$4,456, Mountain State Arts & Crafts Fair Cedar Lakes (Jackson) \$26,732, Mullens Dogwood Festival (Wyoming) \$4,158, Multi-Cultural Festival of West Virginia (Kanawha) \$11,988, New Cumberland Christmas Parade (Hancock) \$1,782, New Cumberland 4th of July (Hancock) \$2,970, New Martinsville Regatta (Wetzel) \$9,000, New Martinsville Vintage Regatta (Wetzel) \$5,000, New River Bridge Day Festival (Fayette) \$23,762, Nicholas County Potato Festival (Nicholas) \$2,079, Oak Leaf Festival (Fayette) \$6,253, Oceana Heritage Festival (Wyoming) \$4,000, Oglebay City Park - Festival of Lights (Ohio) \$47,524, Oglebay Festival (Ohio) \$5,940, Ohio County Country Fair (Ohio) \$5,346, Ohio River Fest (Jackson) \$4,320, Old Brick Playhouse (Randolph) \$7,000, Old Central City Fair (Cabell) \$2,970, Old Tyme Christmas (Jefferson) \$1,425, Osage Street Fair (Monongalia) \$2,188, Paden City Labor Day Festival (Wetzel) \$3,861, Parkersburg Homecoming (Wood) \$8,754, Paw Paw District Fair (Marion) \$2,079, Pax Reunion Committee (Fayette) \$2,970, Pendleton County 4-H Weekend

(Pendleton) \$1,188, Petersburg 4th of July Celebration (Grant) \$11,881, Piedmont-Annual Back Street Festival (Mineral) \$2,376, Pinch Reunion (Kanawha) \$2,000, Pine Bluff Fall Festival (Harrison) \$2,376, Pine Grove 4th of July Festival (Wetzel) \$4,158, Pineville Festival (Wyoming) \$3,564, Pleasants County Agriculture Youth Fair (Pleasants) \$2,970, Pocahontas County Pioneer Days (Pocahontas) \$4,159, Pratt Fall Festival (Kanawha) \$2,500, Princeton Autumnfest (Mercer) \$1,563, Princeton Street Fair (Mercer) \$2,970, Putnam County Fair (Putnam) \$2,970, Quartets on Parade (Hardy) \$2,376, Rainelle Fall Festival (Greenbrier) \$3,127, Rand Community Center Festival (Kanawha) \$2,500, Randolph County Community Arts Council (Randolph) \$1,782, Randolph County Fair (Randolph) \$4,158, Randolph County Ramps and Rails (Randolph) \$2,188, Ranson Christmas Festival (Jefferson) \$2,970, Ranson Festival (Jefferson) \$2,970, Renick Liberty Festival (Greenbrier) \$684, Ripley 4th of July (Jackson) \$8,910, Ritchie County Fair and Exposition (Ritchie) \$2,970, Ritchie County Pioneer Days (Ritchie) \$684, River City Festival (Preston) \$684, Roane County Agriculture Field Day (Roane) \$1,782, Rock the Park (Kanawha) \$3,000, Rocket Boys Festival (Raleigh) \$1,710, Rowlesburg Labor Day Festival (Preston) \$684, Rupert Country Fling (Greenbrier) \$1,876, Saint Spyridon Greek Festival (Harrison) \$1,485, Salem Apple Butter Festival (Harrison) \$2,376, Sistersville 4th of July (Tyler) \$3,267, Skirmish on the River (Mingo) \$1,250, Smoke on the Water (Wetzel) \$1,782, South Charleston Summerfest (Kanawha) \$7,500, Southern Wayne County Fall Festival (Wayne) \$684, Spirit of Grafton Celebration (Taylor) \$6,240, Spring Mountain Festival (Grant) \$2,500, St. Albans City of Lights - December (Kanawha) \$4,000, St. Albans Train Fest (Kanawha) \$7,000, Sternwheel Festival (Wood) \$1,782, Stonewall Jackson Heritage Arts & Crafts Jubilee (Lewis) \$6,534, Stonewall Jackson's Roundhouse Raid (Berkeley) \$7,200, Strawberry Festival (Upshur) \$17,821, Sylvester Big Coal River Festival (Boone) \$1,944, Tacy Fair (Barbour) \$684, Taste of Parkersburg (Wood) \$2,970, Taylor County Fair (Taylor) \$3,567, Three Rivers Coal Festival (Marion) \$4,604, Thunder on the Tygart - Mothers' Day Celebration (Taylor) \$7,300, Town of Delbarton 4th of July Celebration (Mingo) \$1,782, Town of Fayetteville Heritage Festival (Fayette) \$4,456,

Town of Rivesville 4th of July Festival (Marion) \$3,127, Town of Winfield - Putnam County Homecoming (Putnam) \$3,240, Treasure Mountain Festival (Pendleton) \$18,000, Tri-County Fair (Grant) \$22,548, Tucker County Arts Festival and Celebration (Tucker) \$10,692, Tucker County Fair (Tucker) \$2,821, Tucker County Health Fair (Tucker) \$1,188, Turkey Festival (Hardy) \$1,782, Tyler County Fireworks Celebration (Tyler) \$2,000, Upper Kanawha Valley Oktoberfest (Kanawha) \$2,000, Upper Ohio Valley Italian Festival (Ohio) \$7,128, Valley District Fair (Preston) \$2,079, Veterans Welcome Home Celebration (Cabell) \$938, Vietnam Veterans of America # 949 Christmas Party (Cabell) \$684, Volcano Days at Mountwood Park (Wood) \$2,970, War Homecoming Fall Festival (McDowell) \$891, Wardensville Fall Festival (Hardy) \$2,970, Wayne County Fair (Wayne) \$2,970, Wayne County Fall Festival (Wayne) \$2,970, Webster County Fair (Webster) \$3,600, Webster County Wood Chopping Festival (Webster) \$8,910, Webster Wild Water Weekend (Webster) \$1,188, Welcome Home Family Day (Wayne) \$1,900, Wellsburg 4th of July Celebration (Brooke) \$4,456, Wellsburg Apple Festival of Brooke County (Brooke) \$2,970, West Virginia Chestnut Festival (Preston) \$684, West Virginia Coal Festival (Boone) \$5,940, West Virginia Coal Show (Mercer) \$1,563, West Virginia Dairy Cattle Show (Lewis) \$5,940, West Virginia Dandelion Festival (Greenbrier) \$2,970, West Virginia Day at the Railroad Museum (Mercer) \$1,800, West Virginia Fair and Exposition (Wood) \$4,812, West Virginia Freedom Festival (Logan) \$4,456, West Virginia Oil and Gas Festival (Tyler) \$6,534, West Virginia Peach Festival (Hampshire) \$5,166, West Virginia Pumpkin Festival (Cabell) \$5,940, West Virginia Rivers and Rails Festival (Pleasants) \$1,099, West Virginia State Folk Festival (Gilmer) \$2,970, Wetzel County Autumnfest (Wetzel) \$3,267, Wetzel County Town and Country Days (Wetzel) \$10,098, Wheeling City of Lights (Ohio) \$4,752, Wheeling Vintage Raceboat Regatta (Ohio) \$11,881, Whipple Community Action (Fayette) \$1,485, Winfield Watersports Weekend (Putnam) \$3,240, Wirt County Fair (Wirt) \$1,485, Wirt County Pioneer Days (Wirt) \$1,188, Youth Stockman Beef Expo (Lewis) \$1,188.

Any Fairs and Festivals awards shall be funded in addition to, and not in lieu of, individual grant allocations derived from the Arts Council and Cultural Grant Program allocations.

310 - Division of Culture and History –

Library Commission -

Lottery Education Fund

(W.V. Code Chapter 10)

Fund 3559 FY 2024 Org 0432

Books and Films	17900	\$	360,784
Services to Libraries	18000		550,000
Grants to Public Libraries	18200		9,439,571
Digital Resources	30900		219,992
Infomine Network.....	88400		<u>943,353</u>
Total.....		\$	11,513,700

311 - Educational Broadcasting Authority

(W.V. Code Chapter 10)

Fund 3587 FY 2024 Org 0439

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 3587, appropriation 75500) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

312 - Higher Education Policy Commission –

Lottery Education –

Higher Education Policy Commission –

Control Account

(W.V. Code Chapters 18B and 18C)

Fund 4925 FY 2024 Org 0441

RHI Program and Site Support (R).....03600	\$	1,918,886
RHI Program and Site Support – RHEP Program Administration03700		146,653
RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (R)03800		90,192
Minority Doctoral Fellowship (R)16600		129,604
Health Sciences Scholarship (R).....17600		226,251
Vice Chancellor for Health Sciences – Rural Health Residency Program (R)60100		62,725
WV Engineering, Science, and Technology Scholarship Program.....86800		<u>452,831</u>
Total.....	\$	<u>3,027,142</u>

Any unexpended balances remaining in the appropriations for RHI Program and Site Support (fund 4925, appropriation 03600), RHI Program and Site Support – Grad Med Ed and Fiscal Oversight (fund 4925, appropriation 03800), Minority Doctoral Fellowship (fund 4925, appropriation 16600), Health Sciences Scholarship (fund 4925, appropriation 17600), and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4925, appropriation 60100) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

The above appropriation for WV Engineering, Science, and Technology Scholarship Program (fund 4925, appropriation 86800) shall be transferred to the West Virginia Engineering, Science and Technology Scholarship Fund (fund 4928, org 0441) established by W.V. Code §18C-6-1.

313 - Community and Technical College –

Capital Improvement Fund

(W.V. Code Chapter 18B)

Fund 4908 FY 2024 Org 0442

Debt Service – Total	31000	\$	5,000,000
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Any unexpended balance remaining in the appropriation for Capital Outlay and Improvements – Total (fund 4908, appropriation 84700) and Capital Improvements - Total (fund 4908, appropriation 95800) at the close of fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

The total amount of this appropriation shall be paid from the sale of the Series 2017 Community and Technical Colleges Capital Improvement Refunding Revenue Bonds and anticipated interest earnings.

314 - Higher Education Policy Commission –

Lottery Education –

West Virginia University – School of Medicine

(W.V. Code Chapter 18B)

Fund 4185 FY 2024 Org 0463

WVU Health Sciences –

RHI Program and Site Support (R).....03500	\$ 1,223,320
MA Public Health Program and Health Science Technology (R).....62300	52,445
Health Sciences Career Opportunities Program (R).....86900	336,987
HSTA Program (R)87000	1,847,803
Center for Excellence in Disabilities (R)96700	<u>321,875</u>
Total.....	\$ 3,782,430

Any unexpended balances remaining in the appropriations for WVU Health Sciences – RHI Program and Site Support (fund 4185, appropriation 03500), MA Public Health Program and Health Science Technology (fund 4185, appropriation 62300), Health Sciences Career Opportunities Program (fund 4185, appropriation 86900), HSTA Program (fund 4185, appropriation 87000), and Center for Excellence in Disabilities (fund 4185, appropriation 96700) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

*315 - Higher Education Policy Commission –**Lottery Education –**Marshall University – School of Medicine*

(W.V. Code Chapter 18B)

Fund 4896 FY 2024 Org 0471

Marshall Medical School –

RHI Program and Site Support (R).....03300	\$	444,614
Vice Chancellor for Health Sciences –		
Rural Health Residency Program (R)60100		<u>176,614</u>
Total.....	\$	621,228

Any unexpended balances remaining in the appropriations for Marshall Medical School – RHI Program and Site Support (fund 4896, appropriation 03300) and Vice Chancellor for Health Sciences – Rural Health Residency Program (fund 4896, appropriation 60100) at the close of fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

*316 - Bureau of Senior Services –**Lottery Senior Citizens Fund*

(W.V. Code Chapter 29)

Fund 5405 FY 2024 Org 0508

Personal Services and Employee Benefits00100	\$	145,914
Salary and Benefits of Cabinet Secretary and Agency Heads		00201 70,720
Current Expenses		13000 332,284
Repairs and Alterations		06400 1,000
Local Programs Service Delivery Costs		20000 2,435,250
Silver Haired Legislature		20200 18,500
Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens		53900 23,726,633
Roger Tompkins Alzheimers Respite Care		64300 2,306,333

WV Alzheimers Hotline	72400	45,000
Regional Aged and Disabled		
Resource Center.....	76700	425,000
Senior Services Medicaid Transfer	87100	16,400,070
Legislative Initiatives for the Elderly.....	90400	9,671,239
Long Term Care Ombudsmen.....	90500	297,226
BRIM Premium.....	91300	7,718
In-Home Services and Nutrition		
for Senior Citizens (R).....	91700	<u>6,845,941</u>
Total.....		\$ 62,728,828

Any unexpended balances remaining in the appropriation for Senior Citizen Centers and Programs (fund 5405, appropriation 46200) and In-Home Services and Nutrition for Senior Citizens (fund 5405, appropriation 91700) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

Included in the above appropriation for Current Expenses (fund 5405, appropriation 13000), is funding to support an in-home direct care workforce registry.

The above appropriation for Transfer to Division of Human Services for Health Care and Title XIX Waiver for Senior Citizens (appropriation 53900) along with the federal moneys generated thereby shall be used for reimbursement for services provided under the program.

Total TITLE II, Section 4 –

Lottery Revenue.....	<u>\$ 144,077,498</u>
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Sec. 5. Appropriations from state excess lottery revenue fund. — In accordance with W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b, the following appropriations shall be deposited and disbursed by the Director of the Lottery to the following accounts in this section in the amounts indicated.

After first funding the appropriations required by W.V. Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-

25-22b, the Director of the Lottery shall provide funding from the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are sufficient to meet all the appropriations required made pursuant to this section, then the Director of the Lottery shall then provide the funds available for fund 5365, appropriation 18900.

317 - Governor's Office

(W.V. Code Chapter 5)

Fund 1046 FY 2024 Org 0100

Any unexpended balance remaining in the appropriation for Publication of Papers and Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

318 - Office of Technology

(W.V. Code Chapter 5A)

Fund 2532 FY 2024 Org 0231

Any unexpended balances remaining in the appropriations for Cyber Security (fund 2532, appropriation 99001), Enterprise Data Center (fund 2532, appropriation 99002), and Enterprise Telephony Modernization (fund 2532, appropriation 99003) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

319 - Department of Economic Development –

Office of the Secretary –

West Virginia Development Office

(W.V. Code Chapter 5B)

Fund 3170 FY 2024 Org 0307

Any unexpended balance remaining in the appropriation for Recreational Grants or Economic Development Loans (fund 3170, appropriation 25300) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

320 - Division of Natural Resources –

State Park Improvement Fund

Fund 3277 FY 2024 Org 0310

	Appro- Priaion	Excess Lottery Funds
Current Expenses (R)	13000	\$ 23,300
Repairs and Alterations (R)	06400	161,200
Equipment (R).....	07000	200,000
Buildings (R).....	25800	100,000
Other Assets (R).....	69000	<u>1,020,500</u>
Total.....		\$ 1,505,000

Any unexpended balances remaining in the appropriations for Repairs and Alterations (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total (fund 3277, appropriation 09600), Current Expenses (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets (fund 3277, appropriation 69000) at the close of the fiscal year 2023 are hereby reappropriated for expenditure during the fiscal year 2024.

321 - West Virginia Infrastructure Council –

West Virginia Infrastructure Transfer Fund

Fund 3390 FY 2024 Org 0316

Directed Transfer	70000	\$ 46,000,000
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The above appropriation shall be allocated pursuant to W.V. Code §29-22-18d and §31-15-9.

322 - Department of Education –

School Building Authority

Fund 3514 FY 2024 Org 0404

Debt Service - Total	31000	\$ 18,948,000
Directed Transfer	70000	<u>52,000</u>
Total.....		\$ 19,000,000

The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.V. Code §29-22-18a.

The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund (fund 3952, organization 0404) to be used for school construction and maintenance projects.

323 - Higher Education Policy Commission –

Education Improvement Fund

Fund 4295 FY 2024 Org 0441

PROMISE Scholarship – Transfer.....	80000	\$ 29,000,000
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The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296, org 0441) established by W.V. Code §18C-7-7.

The Legislature has explicitly set a finite amount of available appropriations and directed the administrators of the Program to provide for the award of scholarships within the limits of available appropriations.

324 - Higher Education Policy Commission –

Higher Education Improvement Fund

Fund 4297 FY 2024 Org 0441

Directed Transfer70000 \$ 15,000,000

The above appropriation for Directed Transfer shall be transferred to Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (fund 4903, org 0442) as authorized by Senate Concurrent Resolution No. 41.

325 - Higher Education Policy Commission –

Administration –

Control Account

Fund 4932 FY 2024 Org 0441

Any unexpended balance remaining in the appropriation for Advanced Technology Centers (fund 4932, appropriation 02800) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

326 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 5365 FY 2024 Org 0511

Medical Services.....18900 \$ 60,716,750

327 - Division of Corrections and Rehabilitation –

Correctional Units

(W.V. Code Chapter 15A)

Fund 6283 FY 2024 Org 0608

Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance (fund 6283, appropriation 75500) at the close of the fiscal year 2023 is hereby reappropriated for expenditure during the fiscal year 2024.

328 - Lottery Commission –

General Purpose Account

Fund 7206 FY 2024 Org 0705

General Revenue Fund – Transfer70011 \$ 65,000,000

The above appropriation shall be transferred to the General Revenue Fund as determined by the Director of the Lottery in accordance with W.V. Code §29-22-18a.

*329 - Lottery Commission –**Refundable Credit*Fund 7207 FY 2024 Org 0705

Directed Transfer70000 \$ 10,000,000

The above appropriation shall be transferred to the General Revenue Fund to provide reimbursement for the refundable credit allowable under W.V. Code §11-21-21. The amount of the required transfer shall be determined solely by the State Tax Commissioner and shall be completed by the Director of the Lottery upon the commissioner's request.

*330 - Lottery Commission –**Distributions to Statutory Funds and Purposes*Fund 7213 FY 2024 Org 0705

Parking Garage Fund – Transfer.....	70001	\$	500,000
2004 Capitol Complex Parking Garage			
Fund – Transfer.....	70002		216,478
Capitol Dome and Improvements Fund –			
Transfer.....	70003		1,796,256
Capitol Renovation and Improvement			
Fund – Transfer.....	70004		2,381,252
Economic Development Promotion and			
Closing Fund - Transfer.....	70005		1,298,864
Research Challenge Fund – Transfer	70006		1,731,820
Tourism Promotion Fund – Transfer	70007		4,808,142
Cultural Facilities and Capital Resources			
Matching Grant Program Fund – Transfer...	70008		1,250,535

State Debt Reduction Fund – Transfer.....	70010	20,000,000
General Revenue Fund – Transfer	70011	1,167,799
West Virginia Racing Commission		
Racetrack Video Lottery Account	70012	3,463,637
Historic Resort Hotel Fund	70013	24,010
Licensed Racetrack Regular Purse Fund	70014	<u>22,383,247</u>
Total.....		\$ 61,022,040

331 - Racing Commission

Fund 7308 FY 2024 Org 0707

Special Breeders Compensation
(W.V. Code §29-22-18a, subsection (I))21800 \$ 2,000,000

332 - Economic Development Authority –

Economic Development Project Fund

Fund 9065 FY 2024 Org 0944

Debt Service – Total31000 \$ 19,000,000

Pursuant to W.V. Code §29-22-18a, subsection (f), excess lottery revenues are authorized to be transferred to the lottery fund as reimbursement of amounts transferred to the economic development project fund pursuant to section four of this title and W.V. Code §29-22-18, subsection (f).

333 - Economic Development Authority –

Cacapon and Beech Fork State Parks –

Lottery Revenue Debt Service

Fund 9067 FY 2024 Org 0944

Debt Service.....04000 \$ 2,032,000

334 - Economic Development Authority –

State Parks Lottery Revenue Debt Service Fund

Fund 9068 FY 2024 Org 0944

Debt Service.....	04000	\$	4,395,000
Total TITLE II, Section 5 –			
Excess Lottery Funds.....		\$	<u>334,670,790</u>

Sec. 6. Appropriations of federal funds. — In accordance with Article 11, Chapter 4 of the Code from federal funds there are hereby appropriated conditionally upon the fulfillment of the provisions set forth in Article 2, Chapter 11B of the Code the following amounts, as itemized, for expenditure during the fiscal year 2024.

LEGISLATIVE

335 - Crime Victims Compensation Fund

(W.V. Code Chapter 14)

Fund 8738 FY 2024 Org 2300

		Appropriation	Federal Funds
Economic Loss Claim Payment Fund.....	33400	\$	900,000

JUDICIAL

336 - Supreme Court

Fund 8867 FY 2024 Org 2400

Personal Services and Employee Benefits	00100	\$	1,813,000
Current Expenses	13000		1,557,000
Repairs and Alterations.....	06400		100,000
Equipment.....	07000		250,000
Other Assets.....	69000		<u>280,000</u>
Total.....		\$	4,000,000

EXECUTIVE

337 - Governor's Office –

Coronavirus State Fiscal Recovery Fund

(W.V. Code Chapter 4)

Fund 8823 FY 2024 Org 0100

Personal Services and Employee Benefits00100	\$ 941,932,089
Unclassified.....09900	13,554,899
Current Expenses13000	400,000,000
Repairs and Alterations.....06400	1,000
Equipment.....07000	1,000
Other Assets.....69000	<u>1,000</u>
Total.....	\$1,355,489,988

338 - Department of Agriculture

(W.V. Code Chapter 19)

Fund 8736 FY 2024 Org 1400

Personal Services and Employee Benefits00100	\$ 2,754,576
Unclassified.....09900	50,534
Current Expenses13000	6,828,661
Repairs and Alterations.....06400	650,000
Equipment.....07000	910,500
Buildings25800	1,000,000
Other Assets.....69000	550,000
Land73000	500,000
Federal Coronavirus Pandemic89101	<u>4,721,430</u>
Total.....	\$ 17,965,701

*339 - Department of Agriculture –**Meat Inspection Fund*

(W.V. Code Chapter 19)

Fund 8737 FY 2024 Org 1400

Personal Services and Employee Benefits00100	\$ 710,478
Unclassified.....09900	8,755
Current Expenses13000	136,012
Repairs and Alterations.....06400	5,500
Equipment.....07000	<u>114,478</u>
Total.....	\$ 975,223

*340 - Department of Agriculture –**State Conservation Committee*

(W.V. Code Chapter 19)

Fund 8783 FY 2024 Org 1400

Personal Services and Employee Benefits00100	\$	99,978
Current Expenses 13000		<u>15,599,974</u>
Total.....	\$	15,699,952

*341 - Department of Agriculture –**Land Protection Authority*Fund 8896 FY 2024 Org 1400

Personal Services and Employee Benefits00100	\$	46,526
Unclassified.....09900		5,004
Current Expenses 13000		<u>448,920</u>
Total.....	\$	500,450

*342 - Attorney General –**Medicaid Fraud Unit*Fund 8882 FY 2024 Org 1500

Personal Services and Employee Benefits00100	\$	1,708,686
Unclassified.....09900		15,336
Current Expenses 13000		599,513
Repairs and Alterations.....06400		4,313
Equipment.....07000		7,500
Other Assets.....69000		<u>11,336</u>
Total.....	\$	2,346,684

*343 - Secretary of State –**State Election Fund*

(W.V. Code Chapter 3)

Fund 8854 FY 2024 Org 1600

Personal Services and Employee Benefits00100	\$	210,240
Unclassified.....09900		7,484
Current Expenses13000		415,727
Repairs and Alterations.....06400		15,000
Other Assets.....69000		<u>100,000</u>
Total.....	\$	748,451

DEPARTMENT OF COMMERCE*344 - Division of Forestry*

(W.V. Code Chapter 19)

Fund 8703 FY 2024 Org 0305

Personal Services and Employee Benefits00100	\$	623,959
Unclassified.....09900		51,050
Current Expenses13000		3,962,013
Repairs and Alterations.....06400		155,795
Equipment.....07000		100,000
Other Assets.....69000		<u>3,078,847</u>
Total.....	\$	7,971,664

345 - Geological and Economic Survey

(W.V. Code Chapter 29)

Fund 8704 FY 2024 Org 0306

Personal Services and Employee Benefits00100	\$	54,432
Unclassified.....09900		2,803
Current Expenses13000		195,639
Repairs and Alterations.....06400		5,000
Equipment.....07000		7,500
Other Assets.....69000		<u>15,000</u>
Total.....	\$	280,374

346 - Division of Labor

(W.V. Code Chapters 21 and 47)

Fund 8706 FY 2024 Org 0308

Personal Services and Employee Benefits00100	\$	441,444
Unclassified.....09900		5,572
Current Expenses13000		167,098
Repairs and Alterations.....06400		<u>500</u>
Total.....	\$	614,614

347 - Division of Natural Resources

(W.V. Code Chapter 20)

Fund 8707 FY 2024 Org 0310

Personal Services and Employee Benefits00100	\$	11,177,236
Unclassified.....09900		107,693
Current Expenses13000		7,887,660
Repairs and Alterations.....06400		566,250
Equipment.....07000		2,126,141
Administration15500		50,325
Buildings.....25800		951,000
Other Assets.....69000		4,768,670
Land.....73000		<u>2,893,920</u>
Total.....	\$	30,528,895

*348 - Division of Miners' Health,**Safety and Training*

(W.V. Code Chapter 22)

Fund 8709 FY 2024 Org 0314

Personal Services and Employee Benefits00100	\$	680,944
Current Expenses13000		<u>150,000</u>
Total.....	\$	830,944

349 - WorkForce West Virginia

(W.V. Code Chapter 23)

Fund 8835 FY 2024 Org 0323

Unclassified.....	09900	\$	5,127
Current Expenses	13000		667,530
Reed Act 2002 –			
Unemployment Compensation	62200		4,446,737
Reed Act 2002 – Employment Services	63000		<u>3,246,737</u>
Total.....		\$	8,366,131

Pursuant to the requirements of 42 U.S.C. 1103, Section 903 of the Social Security Act, as amended, and the provisions of W.V. Code §21A-9-9, the above appropriation to Unclassified and Current Expenses shall be used by WorkForce West Virginia for the specific purpose of administration of the state's unemployment insurance program or job service activities, subject to each and every restriction, limitation or obligation imposed on the use of the funds by those federal and state statutes.

350 - State Board of Rehabilitation –

Division of Rehabilitation Services

(W.V. Code Chapter 18)

Fund 8734 FY 2024 Org 0932

Personal Services and Employee Benefits	00100	\$	12,295,366
Salary and Benefits of Cabinet Secretary			
and Agency Heads	00201		153,000
Current Expenses	13000		68,440,940
Repairs and Alterations.....	06400		350,400
Equipment.....	07000		<u>1,275,870</u>
Total.....		\$	82,515,576

351 - State Board of Rehabilitation –

Division of Rehabilitation Services –

Disability Determination Services

(W.V. Code Chapter 18)

Fund 8890 FY 2024 Org 0932

Personal Services and Employee Benefits00100	\$ 13,359,886
Current Expenses13000	13,383,206
Repairs and Alterations.....06400	1,100
Equipment.....07000	<u>83,350</u>
Total.....	\$ 26,827,542

DEPARTMENT OF TOURISM

352 - Department of Tourism –

Tourism Workforce Development Fund

(W.V. Code Chapter 5B)

Fund 8903 FY 2024 Org 0304

Federal Coronavirus Pandemic	89101	\$ 5,148,017
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DEPARTMENT OF ECONOMIC DEVELOPMENT

353 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 8705 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$ 1,641,850
Unclassified.....09900	50,000
Current Expenses13000	<u>21,304,019</u>
Total.....	\$ 22,995,869

354 - Department of Economic Development –

Office of Energy

(W.V. Code Chapter 5B)

Fund 8892 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$ 993,648
Unclassified.....09900	7,350

Current Expenses	13000	<u>8,266,076</u>
Total.....		\$ 9,267,074

355 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity

(W.V. Code Chapter 5)

Fund 8901 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$	854,189
Repairs and Alterations.....06400		250
Equipment.....07000		6,000
Unclassified.....09900		106,795
Current Expenses		<u>20,303,081</u>
Total.....	\$	21,270,315

DEPARTMENT OF EDUCATION

356 - State Board of Education –

State Department of Education

(W.V. Code Chapters 18 and 18A)

Fund 8712 FY 2024 Org 0402

Personal Services and Employee Benefits00100	\$	6,006,039
Unclassified.....09900		2,000,000
Current Expenses		1,434,146,008
Repairs and Alterations.....06400		10,000
Equipment.....07000		10,000
Other Assets.....69000		10,000
Federal Coronavirus Pandemic89101		<u>4,990,123</u>
Total.....	\$	1,447,172,170

357 - State Board of Education –

School Lunch Program

(W.V. Code Chapters 18 and 18A)

Fund 8713 FY 2024 Org 0402

Personal Services and Employee Benefits00100	\$	1,962,329
Unclassified.....09900		1,150,500
Current Expenses13000		258,781,265
Repairs and Alterations.....06400		20,000
Equipment.....07000		100,000
Other Assets.....69000		25,000
Federal Coronavirus Pandemic89101		<u>743,436</u>
Total.....	\$	262,782,530

*358 - State Board of Education –**Vocational Division*

(W.V. Code Chapters 18 and 18A)

Fund 8714 FY 2024 Org 0402

Personal Services and Employee Benefits00100	\$	1,976,812
Unclassified.....09900		155,000
Current Expenses13000		20,820,081
Repairs and Alterations.....06400		10,000
Equipment.....07000		10,000
Other Assets.....69000		<u>10,000</u>
Total.....	\$	22,981,893

*359 - State Board of Education –**Aid for Exceptional Children*

(W.V. Code Chapters 18 and 18A)

Fund 8715 FY 2024 Org 0402

Personal Services and Employee Benefits00100	\$	3,595,092
Unclassified.....09900		1,000,000
Current Expenses13000		133,346,390
Repairs and Alterations.....06400		10,000
Equipment.....07000		10,000

Other Assets	69000	10,000
Federal Coronavirus Pandemic	89101	<u>17,336,635</u>
Total		\$ 155,308,117

DEPARTMENT OF ARTS, CULTURE, AND HISTORY

360 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 8718 FY 2024 Org 0432

Personal Services and Employee Benefits00100	\$	882,376
Current Expenses	13000	1,947,372
Repairs and Alterations	06400	1,000
Equipment	07000	1,000
Buildings	25800	1,000
Other Assets	69000	1,000
Land	73000	360
Federal Coronavirus Pandemic	89101	<u>765,400</u>
Total	\$	3,599,508

361 - Library Commission

(W.V. Code Chapter 10)

Fund 8720 FY 2024 Org 0432

Personal Services and Employee Benefits00100	\$	376,710
Current Expenses	13000	1,076,162
Equipment	07000	543,406
Federal Coronavirus Pandemic	89101	<u>2,388,880</u>
Total	\$	4,385,158

362 - Commission for National and Community Service

(W.V. Code Chapter 5F)

Fund 8841 FY 2024 Org 0432

Personal Services and Employee Benefits00100	\$	458,335
Current Expenses	13000	5,587,325

Repairs and Alterations.....	06400	1,000
Federal Coronavirus Pandemic	89101	<u>1,960,558</u>
Total.....		\$ 8,007,218

363 - National Coal Heritage Area Authority

(W.V. Code Chapter 29)

Fund 8869 FY 2024 Org 0432

Personal Services and Employee Benefits	00100	\$ 198,501
Current Expenses	13000	328,008
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	3,000
Other Assets.....	69000	<u>2,000</u>
Total.....		\$ 536,509

DEPARTMENT OF ENVIRONMENTAL PROTECTION

364 - Division of Environmental Protection

(W.V. Code Chapter 22)

Fund 8708 FY 2024 Org 0313

Personal Services and Employee Benefits	00100	\$ 36,118,029
Unclassified.....	09900	1,923,580
Current Expenses	13000	347,447,019
Repairs and Alterations.....	06400	739,783
Equipment.....	07000	1,712,238
Other Assets.....	69000	2,177,261
Land	73000	<u>80,000</u>
Total.....		\$ 390,197,910

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

365 - Division of Health –

Consolidated Medical Service Fund

(W.V. Code Chapter 16)

Fund 8723 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	1,701,896
Unclassified.....09900		73,307
Current Expenses13000		92,583,302
Federal Coronavirus Pandemic89101		<u>4,886,344</u>
Total.....	\$	99,244,849

366 - Division of Health –

Central Office

(W.V. Code Chapter 16)

Fund 8802 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	20,144,404
Unclassified.....09900		856,614
Current Expenses13000		152,758,622
Equipment07000		456,972
Buildings25800		155,000
Other Assets69000		380,000
Federal Coronavirus Pandemic89101		<u>195,982,333</u>
Total.....	\$	370,733,945

367 - Division of Health –

West Virginia Safe Drinking Water Treatment

(W.V. Code Chapter 16)

Fund 8824 FY 2024 Org 0506

West Virginia Drinking Water Treatment

Revolving Fund – Transfer.....68900	\$	80,753,300
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368 - Human Rights Commission

(W.V. Code Chapter 5)

Fund 8725 FY 2024 Org 0510

Personal Services and Employee Benefits00100	\$	466,840
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Unclassified.....	09900	5,050
Current Expenses	13000	<u>64,950</u>
Total.....		\$ 536,840

369 - Division of Human Services

(W.V. Code Chapters 9, 48, and 49)

Fund 8722 FY 2024 Org 0511

Personal Services and Employee Benefits	00100	\$ 83,474,243
Unclassified.....	09900	22,855,833
Current Expenses	13000	162,181,984
Medical Services	18900	4,151,432,776
Medical Services Administrative Costs	78900	133,070,682
CHIP Administrative Costs.....	85601	4,559,061
CHIP Services	85602	54,410,807
Federal Economic Stimulus	89100	2,456
Federal Coronavirus Pandemic	89101	<u>51,642,105</u>
Total.....		\$4,663,629,947

DEPARTMENT OF HOMELAND SECURITY

370 - Division of Emergency Management

(W.V. Code Chapter 15)

Fund 8727 FY 2024 Org 0606

Personal Services and Employee Benefits	00100	\$ 1,658,977
Salary and Benefits of Cabinet Secretary and Agency Heads	00201	61,250
Current Expenses	13000	20,429,281
Repairs and Alterations.....	06400	5,000
Equipment.....	07000	<u>100,000</u>
Total.....		\$ 22,254,508

371 - Division of Corrections and Rehabilitation

(W.V. Code Chapters 15A)

Fund 8836 FY 2024 Org 0608

Unclassified.....	09900	\$	1,100
Current Expenses	13000		<u>108,900</u>
Total.....		\$	110,000

372 - West Virginia State Police

(W.V. Code Chapter 15)

Fund 8741 FY 2024 Org 0612

Personal Services and Employee Benefits	00100	\$	2,512,971
Current Expenses	13000		2,250,971
Repairs and Alterations.....	06400		42,000
Equipment.....	07000		13,356,035
Buildings	25800		1,740,500
Other Assets	69000		1,065,750
Land	73000		<u>500</u>
Total.....		\$	20,968,727

373 - Fire Commission

(W.V. Code Chapter 29)

Fund 8819 FY 2024 Org 0619

Current Expenses	13000	\$	80,000
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374 - Division of Administrative Services

(W.V. Code Chapter 15)

Fund 8803 FY 2024 Org 0623

Personal Services and Employee Benefits	00100	\$	1,310,150
Unclassified.....	09900		25,185
Current Expenses	13000		75,381,973
Repairs and Alterations.....	06400		<u>1,750</u>
Total.....		\$	76,719,058

DEPARTMENT OF REVENUE

375 - Insurance Commissioner

(W.V. Code Chapter 33)

Fund 8883 FY 2024 Org 0704

Personal Services and Employee Benefits00100	\$	145,000
Current Expenses	13000	2,825,000
Equipment	07000	<u>30,000</u>
Total	\$	3,000,000

DEPARTMENT OF TRANSPORTATION*376 - Division of Motor Vehicles*

(W.V. Code Chapter 17B)

Fund 8787 FY 2024 Org 0802

Personal Services and Employee Benefits00100	\$	551,394
Current Expenses	13000	5,448,106
Repairs and Alterations	06400	<u>500</u>
Total	\$	6,000,000

*377 - Division of Multimodal Transportation Facilities -**Public Transit*

(W.V. Code Chapter 17)

Fund 8745 FY 2024 Org 0810

Personal Services and Employee Benefits00100	\$	1,062,407
Current Expenses	13000	19,863,149
Repairs and Alterations	06400	2,500
Equipment	07000	3,501,714
Buildings	25800	2,450,000
Other Assets	69000	<u>250,000</u>
Total	\$	27,129,770

*378 - Division of Multimodal Transportation Facilities -**Aeronautics Commission*

(W.V. Code Chapter 29)

Fund 8831 FY 2024 Org 0810

Current Expenses	13000	\$	400,000
Other Assets	69000		100
Total		\$	400,100

DEPARTMENT OF VETERANS' ASSISTANCE

379 - Department of Veterans' Assistance

(W.V. Code Chapter 9A)

Fund 8858 FY 2024 Org 0613

Personal Services and Employee Benefits00100		\$	3,130,016
Salary and Benefits of Cabinet Secretary and Agency Heads	00201		57,120
Current Expenses	13000		2,840,300
Repairs and Alterations	06400		20,000
Equipment	07000		25,000
Buildings	25800		22,750,000
Land	73000		500
Veterans' Cemetery	80800		175,000
Federal Coronavirus Pandemic	89101		1,900,000
Total		\$	30,897,936

380 - Department of Veterans' Assistance –

Veterans' Home

(W.V. Code Chapter 9A)

Fund 8728 FY 2024 Org 0618

Personal Services and Employee Benefits00100		\$	995,321
Current Expenses	13000		595,700
Repairs and Alterations	06400		60,500
Equipment	07000		10,500
Buildings	25800		500
Other Assets	69000		6,500
Land	73000		100
Federal Coronavirus Pandemic	89101		1,600,000
Total		\$	3,269,121

BUREAU OF SENIOR SERVICES*381 - Bureau of Senior Services*

(W.V. Code Chapter 29)

Fund 8724 FY 2024 Org 0508

Personal Services and Employee Benefits00100	\$	804,860
Salary and Benefits of Cabinet Secretary and Agency Heads		00201 8,840
Current Expenses		13000 13,811,853
Repairs and Alterations.....		06400 <u>3,000</u>
Total.....	\$	<u>14,628,553</u>

MISCELLANEOUS BOARDS AND COMMISSIONS*382 - Adjutant General –**State Militia*

(W.V. Code Chapter 15)

Fund 8726 FY 2024 Org 0603

Unclassified.....	\$	09900 982,705
Mountaineer ChalleNGe Academy.....		70900 11,896,281
Martinsburg Starbase		74200 566,904
Charleston Starbase.....		74300 533,211
Military Authority.....		74800 <u>88,956,147</u>
Total.....	\$	<u>102,935,248</u>

The Adjutant General shall have the authority to transfer between appropriations.

*383 - Adjutant General –**West Virginia National Guard Counterdrug Forfeiture Fund*

(W.V. Code Chapter 15)

Fund 8785 FY 2024 Org 0603

Personal Services and Employee Benefits00100	\$	1,350,000
Current Expenses	13000	150,000
Repairs and Alterations	06400	50,000
Equipment	07000	200,000
Buildings	25800	100,000
Other Assets	69000	100,000
Land	73000	50,000
Total	\$	2,000,000

384 - Public Service Commission –

Motor Carrier Division

(W.V. Code Chapter 24A)

Fund 8743 FY 2024 Org 0926

Personal Services and Employee Benefits00100	\$	1,460,622
Current Expenses	13000	368,953
Repairs and Alterations	06400	39,000
Equipment	07000	1,000
Total	\$	1,869,575

385 - Public Service Commission –

Gas Pipeline Division

(W.V. Code Chapter 24B)

Fund 8744 FY 2024 Org 0926

Personal Services and Employee Benefits00100	\$	655,854
Unclassified.....	09900	4,072
Current Expenses	13000	124,628
Equipment	07000	3,000
Total	\$	787,554

386 - Economic Development Authority

(W.V. Code Chapter 31)

Fund 8893 FY 2024 Org 0944

Current Expenses	13000	5,000,000
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Total TITLE II, Section 6 –

Federal Funds.....		<u>\$9,443,163,508</u>
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Sec. 7. Appropriations from federal block grants. — The following items are hereby appropriated from federal block grants to be available for expenditure during the fiscal year 2024.

387 - Department of Economic Development –

Office of the Secretary –

Community Development

Fund 8746 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$	10,662,609
Unclassified.....09900		2,375,000
Current Expenses	13000	<u>224,476,883</u>
Total.....	\$	237,514,492

388 - Department of Economic Development –

Office of the Secretary –

Office of Economic Opportunity –

Community Services

Fund 8902 FY 2024 Org 0307

Personal Services and Employee Benefits00100	\$	771,289
Unclassified.....09900		125,000
Current Expenses	13000	17,781,811
Repairs and Alterations.....06400		1,500
Equipment.....07000		<u>9,000</u>
Total.....	\$	18,688,600

389 - WorkForce West Virginia –

Workforce Investment Act

Fund 8749 FY 2024 Org 0323

Personal Services and Employee Benefits00100	\$	2,981,825
Salary and Benefits of Cabinet Secretary and Agency Heads00201		124,018
Unclassified.....09900		23,023
Current Expenses13000		63,381,511
Repairs and Alterations.....06400		1,600
Equipment.....07000		500
Buildings25800		<u>1,100</u>
Total.....	\$	66,513,577

*390 - Division of Health –**Maternal and Child Health*Fund 8750 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	2,412,071
Unclassified.....09900		81,439
Current Expenses13000		<u>5,794,267</u>
Total.....	\$	8,287,777

*391 - Division of Health –**Preventive Health*Fund 8753 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	278,481
Unclassified.....09900		22,457
Current Expenses13000		1,895,366
Equipment.....07000		<u>165,642</u>
Total.....	\$	2,361,946

*392 - Division of Health –**Substance Abuse Prevention and Treatment*Fund 8793 FY 2024 Org 0506

Personal Services and Employee Benefits00100	\$	705,630
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Unclassified.....	09900	115,924
Current Expenses	13000	10,853,740
Federal Coronavirus Pandemic	89101	<u>14,973,256</u>
Total.....		\$ 26,648,550

393 - Division of Health –

Community Mental Health Services

Fund 8794 FY 2024 Org 0506

Personal Services and Employee Benefits	00100	\$ 590,137
Unclassified.....	09900	33,533
Current Expenses	13000	4,883,307
Federal Coronavirus Pandemic	89101	<u>12,483,247</u>
Total.....		\$ 17,990,224

394 - Division of Human Services –

Energy Assistance

Fund 8755 FY 2024 Org 0511

Personal Services and Employee Benefits	00100	\$ 2,572,965
Unclassified.....	09900	350,000
Current Expenses	13000	44,952,003
Federal Coronavirus Pandemic	89101	<u>22,832,540</u>
Total.....		\$ 70,707,508

395 - Division of Human Services –

Social Services

Fund 8757 FY 2024 Org 0511

Personal Services and Employee Benefits	00100	\$ 9,381,007
Unclassified.....	09900	171,982
Current Expenses	13000	<u>8,870,508</u>
Total.....		\$ 18,423,497

396 - *Division of Human Services* –

Temporary Assistance for Needy Families

Fund 8816 FY 2024 Org 0511

Personal Services and Employee Benefits00100	\$ 21,939,537
Unclassified.....09900	1,250,000
Current Expenses13000	105,871,588
Federal Coronavirus Pandemic89101	<u>4,617,546</u>
Total.....	\$ 133,678,671

397 - *Division of Human Services* –

Child Care and Development

Fund 8817 FY 2024 Org 0511

Personal Services and Employee Benefits00100	\$ 3,584,890
Unclassified.....09900	350,000
Current Expenses13000	57,150,000
Federal Coronavirus Pandemic89101	<u>170,000,000</u>
Total.....	\$ 231,084,890

Total TITLE II, Section 7 –

Federal Block Grants \$ 831,899,732

Sec. 8. Awards for claims against the state. — There are hereby appropriated for fiscal year 2024, from the fund as designated, in the amounts as specified, general revenue funds in the amount of \$709,597, special revenue funds in the amount of \$397,169 and state road funds in the amount of \$515,660 for payment of claims against the state.

Sec. 9. Appropriations from general revenue fund surplus accrued. — The following items are hereby appropriated from the state fund, general revenue, and are to be available for expenditure during the fiscal year 2024 out of surplus funds only, accrued from the fiscal year ending June 30, 2023, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus as of July 31, 2023 from the fiscal year ending June 30, 2023, only after first meeting requirements of W.Va. Code §11B-2-20(b).

In the event that surplus revenues available on July 31, 2023, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available as of the date mandated to meet the appropriations in this section and shall be allocated first to provide the necessary funds to meet the first appropriation of this section and each subsequent appropriation in the order listed in this section.

398 - Division of Natural Resources

(WV Code Chapter 20)

Fund 0265 FY 2024 Org 0310

Capital Outlay, Repairs and Equipment –

Surplus	67700	\$ 52,000,000
Current Expenses – Surplus	13099	<u>900,000</u>
Total		\$ 52,900,000

399 - Department of Transportation

Division of Highways

(WV Code Chapter 17 and 17C)

Fund 0620 FY 2024 Org 0803

Directed Transfer - Surplus.....70099 \$ 10,000,000

The above appropriation for Directed Transfer – Surplus (fund 0620, appropriation 70099) shall be transferred to Division of Highways (fund 9017, appropriation 23700).

400 - Department of Tourism –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0246 FY 2024 Org 0304

Tourism – Brand Promotion - Surplus.....61893	\$ 7,000,000
Tourism – Industry Development – Surplus.....61896	<u>8,000,000</u>
Total.....	\$ 15,000,000

401 - Governor's Office –

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2024 Org 0100

Federal Funds/Grant Match - Surplus.....85700	\$ 282,000,000
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The funds shall be used for the purpose of grants to address deferred maintenance issues at the State's Colleges, Universities and Community and Technical Schools, and for deferred maintenance at the State's correctional units. They may also be used for federal grant and match programs that may become available to the State.

402 - Division of Culture and History

(WV Code Chapter 29)

Fund 0293 FY 2024 Org 0432

Current Expenses - Surplus.....13099	\$ 2,200,000
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403 - State Board of Education –

School Building Authority

(W.V. Code Chapters 18 and 18A)

Fund 0318 FY 2024 Org 0404

School Building Authority - Surplus	XXXXXX \$ 40,000,000
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The above appropriation for School Building Authority – Surplus (fund 0318, appropriation XXXXX), shall be transferred to the School Construction Fund (3952).

404 - Higher Education Policy Commission -

Administration -

Control Account

(WV Code Chapter 18B)

Fund 0589 FY 2024 Org 0441

Nursing Program Expansion Support –

Surplus XXXXX \$ 20,000,000

405 - State Board of Education –

Vocational Division

(WV Code Chapters 18 and 18A)

Fund 0390 FY 2024 Org 0402

Jobs & Hope - Surplus XXXXX \$ 1,600,000

406 - West Virginia Conservation Agency

(WV Code Chapter 19)

Fund 0132 FY 2024 Org 1400

Soil Conservation Projects - Surplus26900 \$ 21,060,000

407 - Department of Economic Development -

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Directed Transfer– Surplus70099 \$ 38,000,000

The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to Water Development Authority (fund 3382).

408 - Department of Administration –

Division of General Services

(W.V. Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Capital Outlay, Repairs and Equipment –

Surplus67700 \$ 5,000,000

The above appropriation for Capital Outlay, Repairs and Equipment – Surplus (fund 0230, appropriation 67700) shall be expended for the Holly Grove Mansion.

409 - Department of Economic Development –

Office of the Secretary

(WV Code Chapter 5B)

Fund 0256 FY 2024 Org 0307

Current Expenses - Surplus..... 13099 \$ 500,000

WV Land Stewardship Corporation –

Surplusxxxxx 1,500,000

Directed Transfer – Surplus 70099 35,000,000

Back Roads to Appalachia - Surplus.....xxxxx 200,000

Total..... \$ 37,200,000

The above appropriation for Directed Transfer – Surplus (fund 0256, appropriation 70099) shall be transferred to the WVEDA Credit Insurance Fund (fund 9063)

410 - Governor's Office -

Civil Contingent Fund

(WV Code Chapter 5)

Fund 0105 FY 2024 Org 0100

Civil Contingent Fund – Surplus	26300	\$	500,000
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*411 - Department of Homeland Security -**Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2024 Org 0601

Current Expenses – Surplus	13099	\$	800,000
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*412 - Adjutant General –**State Militia*

(WV Code Chapter 15)

Fund 0433 FY 2024 Org 0603

Armory Board Transfer - Surplus	70299	\$	3,318,000
Civil Air Patrol – Surplus	23499		<u>1,400,000</u>
Total		\$	4,718,000

*413 - Division of Health -**Central Office*

(WV Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Directed Transfer - Surplus.....	70099	\$	10,000,000
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The above appropriation for Directed Transfer – Surplus (fund 0407, appropriation 70099) shall be transferred to the Emergency Medical Services Salary Enhancement Fund, Current Expenses (fund xxxx, appropriation 13000).

*414 - Department of Commerce –**Office of the Secretary*

(W.V. Code Chapter 19)

Fund 0606 FY 2024 Org 0327

Jobs for WV Graduates - Surplusxxxxx \$ 1,000,000

415 - Division of Multimodal Transportation Facilities -

Aeronautics Commission

(WV Code Chapter 29)

Fund 0582 FY 2024 Org 0810

Current Expenses - Surplus.....13099 \$ 1,000,000

416 - Division of Health -

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2024 Org 0506

Current Expenses - Surplus.....13099 \$ 2,000,000

The above appropriation for Current Expenses – Surplus (fund 0407, appropriation 13099) shall be used for the Hardy County Health Department.

417 - Department of Administration -

Office of the Secretary

(WV Code Chapters 5F)

Fund 0186 FY 2024 Org 0201

Directed Transfer - Surplus.....70099 \$ 500,000

The above appropriation for Directed Transfer – Surplus (fund 0204, appropriation 70099) shall be transferred to the Department of Administration, Office of Technology – Chief Officer Administration Fund (fund 2531).

418 - State Board of Education -

West Virginia Schools for the Deaf and the Blind

(WV Code Chapters 18 and 18A)

Fund 0320 FY 2024 Org 0403

Fire Protection - Surplus XXXXX \$ 500,000

419 - Department of Revenue -

Office of the Secretary

(WV Code Chapter 11)

Fund 0465 FY 2024 Org 0701

Directed Transfer - Surplus.....70099 \$400,000,000

The above appropriation for Directed Transfer – Surplus (fund 0465, appropriation 70099), shall be transferred to the Personal Income Tax Reserve Fund (fund 1313).

420 - Division of General Services

(WV Code Chapter 5A)

Fund 0230 FY 2024 Org 0211

Consolidated State Laboratory - Surplus.... XXXXX \$125,000,000

The above appropriation shall only be used for the construction of a consolidated laboratory facility to be used by the West Virginia State Police, Department of Agriculture and the Department of Health and Human Resources.

421 - West Virginia School of Osteopathic Medicine

(WV Code Chapter 18B)

Fund 0336 FY 2024 Org 0476

West Virginia School of
Osteopathic Medicine - Surplus.....17299 \$ 29,000,000

422 - West Virginia University –

General Administrative Fund

(WV Code Chapter 18B)

Fund 0344 FY 2024 Org 0463

National Cancer Institute - Surplus.....xxxxx \$ 50,000,000

423 - Division of Culture and History

(W.V. Code Chapter 29)

Fund 0293 FY 2024 Org 0432

Educational Enhancements - Surplus.....92700 \$ 500,000

The above appropriation for Educational Enhancements – Surplus (fund 0293, appropriation 92700) shall be used for Save the Children.

424 - Governor's Office –

(WV Code Chapter 5)

Fund 0101 FY 2024 Org 0100

Posey Perry Emergency Food Bank Fund –

Surplus XXXXX \$ 10,000,000

425 - State Board of Education –

State Department of Education

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2024 Org 0402

Communities in Schools - Surplus..... XXXXX \$ 5,000,000

Total TITLE II, Section 9 –

General Revenue Surplus Accrued..... \$1,165,478,000

Sec. 10. Appropriations from lottery net profits surplus accrued. — The following items are hereby appropriated from the lottery net profits, and are to be available for expenditure during the fiscal year 2024 out of surplus funds only, as determined by the director of lottery, accrued from the fiscal year ending June 30, 2023, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2023.

In the event that surplus revenues available from the fiscal year ending June 30, 2023, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

426 - Bureau of Senior Services –

Lottery Senior Citizens Fund

(WV Code Chapter 29)

Fund 5405 FY 2024 Org 0508

Senior Services Medicaid Transfer –

Lottery Surplus	68199	\$ 14,750,000
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In-Home Services and Nutrition

for Senior Citizens – Surplus	76699	<u>2,000,000</u>
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Total		<u>16,750,000</u>
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Total TITLE II, Section 10 –

Surplus Accrued.....		<u>\$ 16,750,000</u>
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Sec. 11. Appropriations from state excess lottery revenue surplus accrued. — The following items are hereby appropriated from the state excess lottery revenue fund, and are to be available for expenditure during the fiscal year 2024 out of surplus funds only, as determined by the Director of Lottery, accrued from the fiscal year ending June 30, 2023, subject to the terms and conditions set forth in this section.

It is the intent and mandate of the Legislature that the following appropriations be payable only from surplus accrued from the fiscal year ending June 30, 2023.

In the event that surplus revenues available from the fiscal year ending June 30, 2023, are not sufficient to meet the appropriations made pursuant to this section, then the appropriations shall be made to the extent that surplus funds are available.

427 - Racing Commission –

General Administration

(WV Code Chapter 19)

Fund 7308 FY 2024 Org 0707

Directed Transfer70000 \$ 800,000

The above appropriation for Directed Transfer (fund 7308, appropriation 70000), \$800,000 shall be transferred to the Racing Commission – General Administration (Fund 7305).

428 - Division of Human Services

(WV Code Chapters 9, 48, and 49)

Fund 5365 FY 2023 Org 0511

Medical Services – Lottery Surplus68100 \$ 17,000,000

Total TITLE II, Section 11 –

Surplus Accrued..... \$ 17,800,000

Sec. 12. Special revenue appropriations. — There are hereby appropriated for expenditure during the fiscal year 2024 special revenues collected pursuant to general law enactment of the Legislature which are not paid into the state fund as general revenue under the provisions of W.V. Code §12-2-2 and are not expressly appropriated under this act: Provided, That none of the money so appropriated by this section shall be available for expenditure except in compliance with the provisions of W.V.

Code §12-2-1 et seq., W.V. Code §12-3-1 et seq., and W.V. Code §11B-2-1 et seq., unless the spending unit has filed with the Director of the Budget and the Legislative Auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund; and

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended: *Provided, however*, That federal funds received by the state may be expended only in accordance with Sections (6) or (7) of this Title and with W.V. Code §4-11-1, *et seq.* *Provided further*, That federal funds that become available to a spending unit for expenditure while the Legislature is not in session and the availability of such funds could not reasonably have been anticipated and included in this act may be only be expended in the limited circumstances provided by W. Va. Code §4-11-5(d): *And provided further*, That no provision of this act may be construed to authorize the expenditure of federal funds except as provided in this section.

Sec. 13. State improvement fund appropriations. — Bequests or donations of nonpublic funds, received by the Governor on behalf of the state during the fiscal year 2024, for the purpose of making studies and recommendations relative to improvements of the administration and management of spending units in the executive branch of state government, shall be deposited in the state treasury in a separate account therein designated state improvement fund.

There are hereby appropriated all moneys so deposited during the fiscal year 2024 to be expended as authorized by the Governor, for such studies and recommendations which may encompass any problems of organization, procedures, systems, functions, powers or duties of a state spending unit in the executive branch, or the betterment of the economic, social, educational, health and general welfare of the state or its citizens.

Sec. 14. Specific funds and collection accounts. — A fund or collection account which by law is dedicated to a specific use is

hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account and shall be expended according to the provisions of Article 3, Chapter 12 of the Code.

Sec. 15. Appropriations for refunding erroneous payment.

— Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid, for refund to the proper person.

When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he or she shall issue his or her requisition upon the Auditor for the refunding of the proper amount. The Auditor shall issue his or her warrant to the Treasurer and the Treasurer shall pay the warrant out of the fund into which the amount was originally paid.

Sec. 16. Sinking fund deficiencies. — There is hereby appropriated to the Governor a sufficient amount to meet any deficiencies that may arise in the mortgage finance bond insurance fund of the West Virginia Housing Development Fund which is under the supervision and control of the Municipal Bond Commission as provided by W.V. Code §31-18-20b, or in the funds of the municipal bond commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The Governor is authorized to transfer from time to time such amounts to the Municipal Bond Commission as may be necessary for these purposes.

The Municipal Bond Commission shall reimburse the State of West Virginia through the Governor from the first remittance collected from the West Virginia Housing Development Fund or from any state agency or local taxing district for which the Governor advanced funds, with interest at the rate carried by the bonds for security or payment of which the advance was made.

Sec. 17. Appropriations for local governments. — There are hereby appropriated for payment to counties, districts, and municipal corporations such amounts as will be necessary to pay

taxes due counties, districts, and municipal corporations and which have been paid into the treasury:

- (a) For redemption of lands;
- (b) By public service corporations;
- (c) For tax forfeitures.

Sec. 18. Total appropriations. — Where only a total sum is appropriated to a spending unit, the total sum shall include personal services and employee benefits, annual increment, current expenses, repairs and alterations, buildings, equipment, other assets, land, and capital outlay, where not otherwise specifically provided and except as otherwise provided in TITLE I – GENERAL PROVISIONS, Sec. 3.

Sec. 19. General school fund. — The balance of the proceeds of the general school fund remaining after the payment of the appropriations made by this act is appropriated for expenditure in accordance with W.V. Code §18-9A-16.

TITLE III – ADMINISTRATION

Sec. 1. Appropriations conditional. — The expenditure of the appropriations made by this act, except those appropriations made to the legislative and judicial branches of the state government, are conditioned upon the compliance by the spending unit with the requirements of Article 2, Chapter 11B of the Code.

Where spending units or parts of spending units have been absorbed by or combined with other spending units, it is the intent of this act that appropriations and reappropriations shall be to the succeeding or later spending unit created, unless otherwise indicated.

Sec. 2. Constitutionality. — If any part of this act is declared unconstitutional by a court of competent jurisdiction, its decision shall not affect any portion of this act which remains, but the remaining portion shall be in full force and effect as if the portion declared unconstitutional had never been a part of the act.

Following discussion,

Senators Trump, Takubo, and Plymale, respectively requested a ruling 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, Takubo, and Plymale would be as members of a class of persons and that they would be required to vote.

The question being on the adoption of Senator Tarr's amendment to the bill, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2024, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2024 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2024) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo,

Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Jeffries and Phillips—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2024) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned 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

Eng. Com. Sub. for House Bill 3270, To amend the deliberate intent statute to limit noneconomic damages to \$500,000.

With an amendment from the Committee on the Judiciary pending.

Now on second reading, having been read a second time and referred to the Committee on Rules in earlier proceedings today;

And reports the same back with the recommendation that it do pass as amended by the Committee on the Judiciary to which the bill was first referred.

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3270) contained in the

preceding report from the Committee on Rules was taken up for immediate consideration.

The question being on the adoption of the Judiciary committee amendment to the bill (*shown in the Senate Journal of today, page 2183*).

Following discussion,

The question being on the adoption of the Judiciary committee amendment to the bill, and on this question, Senator Chapman demanded the yeas and nays.

The roll being taken, the yeas were: Caputo, Chapman, Hunt, Karnes, Martin, Maynard, Rucker, Smith, Stover, Taylor, and Woelfel—11.

The nays were: Azinger, Barrett, Boley, Clements, Deeds, Grady, Hamilton, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Stuart, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

Absent: Jeffries and Phillips—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared the Judiciary committee amendment to the bill rejected.

The bill (Eng. Com. Sub. for H. B. 3270) was then ordered to third reading.

The Senate again proceeded to the sixth order of business, which agenda includes the making of main motions.

Senator Trump moved that, pursuant to Rule 34 of the Rules of the Senate, the Senate Committee on the Judiciary be discharged from further consideration of **Engrossed Committee Substitute for House Bill 3018** (*Establishing that 18 is the age of consent and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court*), and that the bill be taken up for immediate consideration and read a second time.

Senator Takubo moved the previous question.

The question being on the adoption of Senator Takubo's motion for the previous question, and on this question, Senator Woelfel demanded the yeas and nays.

Following points of inquiry to the President, with resultant responses thereto,

The roll being taken, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Maroney, Nelson, Oliverio, Plymale, Queen, Roberts, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—21.

The nays were: Azinger, Chapman, Hunt, Karnes, Martin, Maynard, Rucker, Smith, Stover, Stuart, and Taylor—11.

Absent: Jeffries and Phillips—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's motion for the previous question had prevailed.

The previous question having been ordered, that being on the adoption of Senator Trump's motion that the Senate Committee on the Judiciary be discharged from further consideration of Engrossed Committee Substitute for House Bill 3018, and that the bill be taken up for immediate consideration and read a second time, the same was put and prevailed.

Whereupon, Engrossed Committee Substitute for House Bill 3018 was read a second time.

At the request of Senator Trump, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Stuart, and Tarr.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 9, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

S. B. 142, Modifying procedures to settle estates of decedents;

S. B. 237, Relating to Public Employees Retirement System and State Teachers Retirement System;

Com. Sub. for S. B. 335, Authorizing Department of Homeland Security to promulgate legislative rules;

Com. Sub. for S. B. 439, Establishing design-build program for DEP;

S. B. 449, Updating terms for Natural Resources Police Officers Retirement System and retirement systems for charter schools;

Com. Sub. for S. B. 450, Defining medical examination for disability purposes in retirement plans administered by Consolidated Public Retirement Board;

Com. Sub. for S. B. 453, Ensuring retirement contributions and delinquency charges of charter school employees be paid upon school closure or by successor;

Com. Sub. for S. B. 455, Modifying certain used car restrictions;

S. B. 458, Setting rate of interest on delinquent retirement contribution submissions;

Com. Sub. for S. B. 475, Modifying examinations for disability pensions;

S. B. 529, Allowing businesses to register as limited liability limited partnerships;

And,

S. B. 605, Requiring state medical examiner to enter into contracts with procurement organization.

These bills are presented to you on this day, March 9, 2023.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates

**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

March 9, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, 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, have been examined and found truly enrolled:

H. B. 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023;

H. B. 2597, Amending performance evaluations of professional personnel;

Com. Sub. for H. B. 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules;

Com. Sub. for H. B. 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage;

H. B. 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act;

H. B. 3215, Relating to land use;

Com. Sub. for H. B. 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds;

And,

H. B. 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals.

These bills are presented to you on this day, March 9, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve 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 senator was added as a co-sponsor to the following resolution on March 6, 2023:

Senate Resolution 48: Senator Rucker.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 6:04 p.m., the Senate adjourned until tomorrow, Friday, March 10, 2023, at 11 a.m.

FRIDAY, MARCH 10, 2023

The Senate met at 11:23 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Honorable Patrick S. Martin, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rupie Phillips, a senator from the seventh district.

Pending the reading of the Journal of Thursday, March 9, 2023,

At the request of Senator Weld, 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 amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 146, Modifying regulations of peer-to-peer car sharing program.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

By striking everything after the enacting clause and inserting the provisions of the strike and insert amendment:

ARTICLE 6F. PEER-TO-PEER CAR SHARING PROGRAMS.

§17A-6F-1. Scope.

This article is intended to govern the intersection of peer-to-peer car services, the state-regulated business of insurance, and state and local taxation of the business transaction; and the airport and airport authorities authority to regulate peer-to-peer car services provided to airport customers This article does not void, abrogate, restrict, or affect any requirements of §17A-6D-1 *et seq.* of this code relating to daily passenger rental car business or §17A-6A-1 *et seq.* of this code relating to motor vehicle dealers, distributors, wholesalers, and manufacturers.

§17A-6F-2. Definitions.

As used in this article:

"Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program. "Peer-to-peer car sharing" is not a "daily passenger rental car business" as licensed by the provisions of §17A-6D-1 *et seq.* of this code.

"Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. "Peer-to-peer car sharing program" does not mean a service provider who is solely providing hardware or software as a service to a person or entity that is not

effectuating payment of financial consideration for use of a shared vehicle. For purposes of this section, "hardware" does not mean a motor vehicle as defined by the provisions of §17A-1-1(b). "Peer-to-peer car sharing program" does not mean a "daily passenger rental car business" as licensed by the provisions of §17A-6D-1 *et seq.* of this code. "Peer-to-peer car sharing program" does not include a program provided to a business's own employees.

"Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program. "Car sharing program agreement" does not mean "master rental agreement" or "rental agreement" as used in §17A-6D-1 *et seq.* of this code.

"Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program. "Shared vehicle" does not mean a rental car or a rental vehicle as used in a "daily passenger rental car business" licensed by the provisions of §17A-6D-1 *et seq.* of this code.

"Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement.

"Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program.

"Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.

"Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, that commences with the car sharing start time, and in either case ends at the car sharing termination time.

"Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.

"Car sharing termination time" means the earliest of the following events:

The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;

When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program, and which alternatively agreed upon location shall be incorporated into the car sharing program agreement; or

When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.

§17A-6F-3. Insurance coverage during car sharing period.

(a) A peer-to-peer car sharing program shall assume liability, except as provided in subsection (b) of this section, of a shared vehicle owner for bodily injury or property damage to third parties and uninsured and underinsured motorist ~~and personal injury protection~~ losses during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement which amounts may not be less than ~~\$750,000—\$300,000.~~ the minimum of applicable limits required by state law as set forth in § 17D-4-2 and § 33-6-31 of this Code.

(b) Notwithstanding the definition of "car sharing termination time" as defined in this article, the assumption of liability under subsection (a) of this section does not apply to any shared vehicle owner when:

(1) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or

(2) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.

(c) Notwithstanding the definition of "car sharing termination time" as defined in this article, the assumption of liability under subsection (a) of this section would apply to bodily injury, property damage, uninsured and underinsured motorist, ~~or personal injury protection~~ losses by damaged third parties in the same manner required by §17D-4-2 and §33-6-31 of this code.

(d) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage which amounts may not be less than the amounts set forth in ~~subsection (a) §17D-4-2 and §33-6-31 of this code~~ and either:

(1) Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or

(2) Does not exclude use of a shared vehicle by a shared vehicle driver.

(e) The insurance described under subsection (d) of this section may be satisfied by motor vehicle liability insurance maintained by:

(1) A shared vehicle owner;

(2) A shared vehicle driver;

(3) A peer-to-peer car sharing program; or

(4) A combination of a shared vehicle owner, a shared vehicle driver, and a peer-to-peer car sharing program.

(f) The insurance described in subsection (e) of this section that is satisfying the insurance requirement of subsection (d) of this section shall be the primary insurance during each car sharing period. If a claim occurs during the car sharing period in another state with minimum financial responsibility limits higher than required by §17D-4-2 of this code, the coverage maintained under subsection (e) of this section shall satisfy the minimum financial responsibility limits of such other state, up to the applicable policy limits that may exceed the minimum financial responsibility limits.

(g) The insurer, insurers, or peer-to-peer car sharing program providing coverage under shall assume primary liability for a claim when it is, in whole or in part, providing the insurance required under subsections (d) and (e) of this section and shall assume primary liability for a claim when:

(1) A dispute exists as to who was in control of the shared motor vehicle at the time of the loss, ~~and (2) The~~ and the peer-to-peer car sharing program does not have available, did not retain, or fails to provide the information required by ~~this article~~ §17A-6F-6 of this code; or

(2) A dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location as required by the definition of car sharing termination time as defined in §17A-6F-2 of this code.

~~(3)~~ (h) The insurer, insurers, or A peer-to-peer car sharing program providing coverage under subsection (g) of this section may seek indemnity from a shared vehicle owner if the shared vehicle owner is determined to have been the operator of the shared vehicle at the time of the loss.

~~(h)~~(i) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (e) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection (d) of this section

beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in this section.

(i) (j) Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.

(j) (k) Nothing in this article may be interpreted as either limiting or restricting:

(1) The liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or

(2) The ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.

~~(k) If a dispute arises as to whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has transpired, or if a car return calls into question whether the car sharing termination time has occurred, the peer to peer car sharing program shall extend primary coverage for the loss. If during the investigation of the claim it becomes apparent that one of the parties to the car sharing program agreement was negligent, engaged in misrepresentation, or is otherwise responsible for the loss, the car sharing program may seek recovery from one or both parties directly through subrogation~~

§17A-6F-5. Exclusions for personal vehicle liability insurance policy.

(a) A motor vehicle insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared

vehicle owner's motor vehicle liability insurance policy, including, but not limited to:

- (1) Liability coverage for bodily injury and property damage;
- ~~(2) Personal injury protection coverage~~
- ~~(3)~~ (2) Uninsured and underinsured motorist coverage;
- ~~(4)~~ (3) Medical payments coverage;
- ~~(5)~~ (4) Comprehensive physical damage coverage; and
- ~~(6)~~ (5) Collision physical damage coverage.

(b) Nothing in this article ~~shall~~ may be construed as invalidating or limiting an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use.

(c) Nothing in this article may be interpreted as either limiting or restricting an insurer's ability to exclude insurance coverage from any insurance policy or an insurer's ability to underwrite any insurance policy pursuant to § 33-6A-1 *et seq.* of this code.

§17A-6F-7. Exemption; vicarious liability.

A peer-to-peer car sharing program and a shared vehicle owner are exempt from vicarious liability ~~in accordance~~ consistent with 49 U.S.C. §30106 and under any state or local law that imposes liability solely based on vehicle ownership.

§17A-6F-13. Registration, notification, and automobile safety recalls.

(a) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:

(1) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

(2) Notify the shared vehicle owner of the requirements of subsection (b) of this section; and

(3) Notify the shared vehicle owner that the shared vehicle owner's personal insurance may exclude peer-to-peer car sharing activity.

(b)(1) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner may not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.

(2) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(3) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 146, as amended by the House of Delegates, was then put upon its passage.

Following a point of inquiry to the President, with resultant response thereto,

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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: None.

Absent: Jeffries—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 146) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 149, Exempting certain organizations from property taxation.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 151, Levying tax on pass-through entity's income.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 4, section 3a, line 44, by striking "W.Va. Code"; and

On page 4, section 3a, line 52, by striking "W.Va. Code"; and

On page 4, section 3a, line 60, by striking subsection (p) in its entirety and inserting in lieu thereof the following;

"(p) The Tax Commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to administer the tax levied pursuant to the provisions of this section. These rules must include a description of how the adjustments to income and the credit authorized by this section apply to direct or indirect owners of an electing pass-through entity based upon various ownership structures."

On page 6, section 20, line 29, by striking "article" and inserting "code"; and

On page 6, section 20, line 34, by striking "article" and inserting "code";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 151—A Bill to amend and reenact §11-21-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-21-3a; and to amend and reenact §11-21-20 of said code, all relating to West Virginia income tax paid by pass-through entities; authorizing certain entities to elect to pay West Virginia income tax; defining terms; imposing a tax on pass-through entities which elect to pay West Virginia income tax at the entity level; authorizing an income tax credit for an owner for such tax paid; providing rulemaking authority; providing for a tax credit for income tax paid to another state; and providing effective dates.

Senator Takubo moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Takubo's aforesated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 151, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: Chapman—1.

Absent: Jeffries—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 151) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 244, Making rosters of individuals who obtain professional, occupational, and trade licenses, registrations, and certificates available to public.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 294, Clarifying amount of deputy sheriff annual salary increase.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 345, Authorizing Department of Revenue to promulgate legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 2, section 2, subsection (a), line 3, by striking the period and inserting in lieu thereof the following:

"with the amendment set forth below:

On page 1, section 2, by striking out the words "Nothing in this rule shall be construed to create or imply a private cause of action for a violation of this rule or to subject a producer to civil liability under the best interest standard of care outline in Section 5 of this rule or under standards governing the conduct of a fiduciary or a fiduciary relationship.";

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 345, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: Chapman—1.

Absent: Jeffries—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 345) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: Chapman—1.

Absent: Jeffries—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 345) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 465, Increasing limit on moneys placed in county's rainy day fund.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 478, Relating to Jumpstart Savings Program.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page two, section twelve-m, line twenty, following "§18-30A-3(a)(11)(D)", by striking out the period and inserting the words "of this code", followed by a period;

On page three, section twelve-m, line twenty-five, following the words "as defined in", by striking out "§18-30A-11" and inserting in lieu thereof "§18-30A-3(a)(11)(D)";

On page five, section twenty-five, line twenty-nine, following the words "income tax purposes", by striking out the words "or a sole proprietorship" and the comma;

And,

On page fourteen, following line twenty five, by striking out the section heading for §18-30A-11 and inserting in lieu thereof the following: "**§18-30A-11. Distributions.**".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 478, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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: None.

Absent: Jeffries—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 478) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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: None.

Absent: Jeffries—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 478) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 559, Relating to spousal privilege.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. COMPETENCY OF WITNESSES.

§57-3-3. Testimony of husband and wife in criminal cases.

(a) In criminal cases a husband and or wife validly married for purposes of the provisions of §48-1-101 et seq. of this code shall be allowed, and, subject to the rules of evidence governing other witnesses, may be compelled to testify in on behalf of ~~each other~~ their husband or wife, but neither shall be compelled, nor, without the consent of ~~the other~~ their husband or wife, allowed to be called as a witness against ~~the other~~ their husband or wife except ~~in the~~

~~ease of a prosecution for an offense committed by one against the other, or against the child, father, mother, sister or brother of either of them.;~~

(1) In the case of a prosecution for an offense committed by one against the other, or against the child, father, mother, sister or brother of either of them;

(2) In any case where either is charged with forgery of the name of the other or uttering or attempting to utter a writing bearing the allegedly forged signature of the other;

(3) In any case in which the court determines that each conspired or acted jointly in the commission of the crime charged;

(4) In any proceeding relating to a violation of the laws pertaining to §61-8B-1 *et seq.* of this code, §61-8C-1 *et seq.* of this code, §61-8D-1 *et seq.* of this code, or any violation of §61-2-1 *et seq.* where the victim is an infant or minor as that term is defined in §2-2-10 of this code; or

(5) In the case of a prosecution for an offense in which the victim is incompetent due to a mental disease or defect or other disability.

(b) The failure of either a husband or wife to testify, however, shall create no presumption against the accused, nor be the subject of any comment before the court or jury by anyone.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 559—A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to spousal privilege; clarifying what constitutes a valid marriage for purposes of the provisions of §48-1-101 *et seq.* for purposes of spousal privilege; clarifying the exceptions to spousal privilege to exclude therefrom cases where an offense is committed by one spouse against another spouse, or against the child, father, mother, sister

or brother of either of them; expanding the exceptions to spousal privilege to exclude therefrom cases where either spouse is charged with forgery of the name of the other or uttering, or attempting to utter a writing bearing the allegedly forged signature of the other; expanding the exceptions to spousal privilege to exclude therefrom cases where a court determines that each conspired or acted jointly in the commission of the crime charged; expanding the exceptions to spousal privilege to exclude therefrom proceedings relating to a violation of the laws pertaining to §61-8B-1, *et seq.* of this code, §61-8C-1 *et seq.* of this code, §61-8D-1 *et seq.* of this code, or any violation of §61-2-1 *et seq.* where the victim is an infant or minor as that term is defined in §2-2-10 of this code; expanding the exceptions to spousal privilege to exclude therefrom cases where the victim is incompetent due to a mental disease or defect or other disability.

On motion of Senator Takubo, the Senate refused to concur in the foregoing House amendments to the bill (Eng. S. B. 559) and requested the House of Delegates to recede therefrom.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced the amendment by that body to the title of the bill, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 613, Relating generally to certificates of need.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the title of the bill was reported by the Clerk:

Eng. Com. Sub. for Senate Bill 613—A Bill to amend and reenact §16-2D-2, §16-2D-8, §16-2D-10, and §16-2D-11 of the Code of West Virginia 1931, as amended, all relating to certificate

of need; defining terms; removing reviewable services; providing a physician office practice that meets specified criteria may acquire imaging technology; providing for data verification; providing that hospitals performing hospital services are exempt from certificate of need requirements; providing that birthing centers are exempt from certificate of need review; deeming certain hospitals as trauma centers; and removing exemptions.

Senator Takubo moved that the Senate concur in the House of Delegates amendment to the title of the bill.

Senator Takubo requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Takubo would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of Senator Takubo's aforesated motion to concur in the House of Delegates amendment to the title of the bill, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 613, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: Caputo—1.

Absent: Jeffries—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: Caputo—1.

Absent: Jeffries—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 649, Authorizing Berkeley County Council to change its name to Berkeley County Commission.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 4, US Navy S1 Ira "Noon" Copley and Marie Copley Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Senate Concurrent Resolution 8, US Army PV 2 Harold Richard Plumley Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 10, US Army Air Corps PVT Albert J Sutphin Memorial Highway.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 13, Wyant Brothers WWII Veterans Memorial Road.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

Com. Sub. for Senate Concurrent Resolution 16, US Army 1SG James Arnold Browning Memorial Bridge.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 2002, Relating to providing support for families.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2221, Relating to bankruptcy.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2509, Creating the Uniform Premarital Agreement Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2515, Require agencies to develop and maintain an inventory of available services for single

parents wanting to obtain degrees, secure training or reenter the workforce.

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. House Bill 2927—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2023, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred 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. House Bill 3109—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt,

Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman, Karnes, and Martin—3.

Absent: Jeffries—1.

The bill was read a second time and ordered to third reading.

Engrossed House Bill 3109 was then read a third time and put upon its passage.

Senator Karnes demanded that, pursuant to Article VI, Section 29 of the Constitution of West Virginia, the bill be read a third time fully and distinctly.

The President then stated that the Senate previously adopted a motion to suspend the constitutional rule for Engrossed House Bill 3109 and the bill had already been read a third time.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3109) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3109) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Following a point of inquiry to the President, with resultant response thereto,

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. House Bill 3146, Establishing in West Virginia Code, the contents of the Uniform Public Meetings During Emergencies Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for House Bill 3233, Relating generally to uniform and equipment allowances for the National Guard.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 3286, Relating to an additional modification decreasing federal taxable income.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 3479, Creating requirements for use of unmanned aerial vehicles.

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. House Bill 3542—A Bill expiring funds to the Department of Administration, Board of Risk and Insurance Management, Public Entity Insurance Trust Fund, fund 2363, fiscal year 2023, organization 0218, in the amount of \$50,000,000, from the Department of Administration, Board of Risk and Insurance Management, Mine Subsidence Insurance Fund, fund 2361, fiscal year 2023, organization 0218.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, 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)—31.

The nays were: Chapman and Karnes—2.

Absent: Jeffries—1.

The bill was read a second time and ordered to third reading.

Engrossed House Bill 3542 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, 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)—31.

The nays were: Chapman and Karnes—2.

Absent: Jeffries—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3542) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, 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)—31.

The nays were: Chapman and Karnes—2.

Absent: Jeffries—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3542) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

On motion of Senator Takubo, at 11:58 a.m., the Senate recessed.

The Senate reconvened at 12:19 p.m.

Senator Boley requested that pursuant to the powers granted to the presiding officer by Senate Rule 51 which states, "No Senator

shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the matter is examined by the Committee on Rules and reported to the Senate, unless by order of the presiding officer", that the Sergeant at Arms be ordered to remove Senator Karnes from the chamber.

The President then stated that the point was well taken and the Sergeant at Arms was ordered to remove Senator Karnes from the chamber for disorderly behavior.

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. House Bill 3553—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Central Office, fund 0407, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Senator Takubo requested unanimous consent that reference of the bill to a committee be dispensed with, and that it be taken up for immediate consideration and read a first time.

Which consent was not granted, Senator Chapman objecting.

On motion of Senator Takubo, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr,

Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman—1.

Absent: Jeffries, Karnes, and Smith—3.

The bill was read a second time and ordered to third reading.

Engrossed House Bill 3553 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman—1.

Absent: Jeffries, Karnes, and Smith—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3553) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman—1.

Absent: Jeffries, Karnes, and Smith—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3553) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

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. House Bill 3563—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2023, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Senator Takubo requested unanimous consent that reference of the bill to a committee be dispensed with, and it that it be taken up for immediate consideration and read a first time.

Which consent was not granted, Senator Chapman objecting.

On motion of Senator Takubo, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman—1.

Absent: Jeffries, Karnes, and Smith—3.

The bill was read a second time and ordered to third reading.

Engrossed House Bill 3563 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman—1.

Absent: Jeffries, Karnes, and Smith—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3563) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman—1.

Absent: Jeffries, Karnes, and Smith—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3563) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Executive Communications

Senator Blair (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:



Jim Justice
Governor of West Virginia

March 10, 2023

Senate Executive Message No. 4
Regular Session 2023

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Pierpont Community and Technical College Board of Governors, Thomas F. Cole, Fairmont, Marion County, for the term ending June 30, 2026.
2. For Member, Pierpont Community and Technical College Board of Governors, James H. Myers III, Morgantown, Monongalia County, for the term ending June 30, 2024.
3. For Member, West Virginia Massage Therapy Licensure Board, Adam Lanning, Charleston, Kanawha County, for the term ending June 30, 2024.
4. For Member, School Building Authority, Sandra Hamilton, Martinsburg, Berkeley County, for the term ending July 31, 2025.
5. For Member, School Building Authority, Don Bower, Scott Depot, Putnam County, for the term ending July 31, 2024.
6. For Member, School Building Authority, Gregory F. Wooten, Logan, Logan County, for the term ending July 31, 2024.
7. For Member, New River Community and Technical College Board of Governors, Ronald N. Magruder, Caldwell, Greenbrier County, for the term ending June 30, 2026.

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8. For Member, West Virginia Board of Osteopathic Medicine, Tiffany Kitts Thymius, Daniels, Raleigh County, for the term ending June 30, 2027.
9. For Member, West Virginia Board of Osteopathic Medicine, Terry V. Cox, Hurricane, Putnam County, for the term ending June 30, 2027.
10. For Member, West Virginia Board of Osteopathic Medicine, Lynnetta F. Payne, Daniels, Raleigh County, for the term ending June 30, 2027.
11. For Member, West Virginia Board of Physical Therapy, Stephen M. Young, Summersville, Nicholas County, for the term ending June 30, 2026.
12. For Member, West Virginia Board of Veterinary Medicine, Jo Allen Sibold Long, Frankford, Greenbrier County, for the term ending June 30, 2027.
13. For Member, West Virginia Board of Veterinary Medicine, Jesse Fallon, Morgantown, Monongalia County, for the term ending June 30, 2027.
14. For Member, Natural Resources Commission, Jeffrey S. Bowers, Sugar Grove, Pendleton County, for the term ending June 30, 2023.
15. For Member, Natural Resources Commission, Tennis F. Cook, Rock View, Wyoming County, for the term ending June 30, 2025.
16. For Executive Director, Jobs Investment Trust, Andrew Zulauf, Scott Depot, Putnam County, to serve at the will and pleasure of the Governor.
17. For Member, West Virginia Outdoor Heritage Conservation Fund, Barbara Breshock, Arnett, Raleigh County, for the term ending June 30, 2024.
18. For Member, West Virginia Outdoor Heritage Conservation Fund, Edward C. Armbrecht, Jr., Charleston, Kanawha County, for the term ending June 30, 2024.
19. For Member, West Virginia Outdoor Heritage Conservation Fund, Todd E. Miller, Elkins, Randolph County, for the term ending June 30, 2023.
20. For Member, West Virginia Outdoor Heritage Conservation Fund, Thomas K. Pauley, South Charleston, Kanawha County, for the term ending June 30, 2023.
21. For Member, Concord University Board of Governors, The Honorable Kenny W. Mann, Greenville, Monroe County, for the term ending June 30, 2024.
22. For Member, School Building Authority, Thomas R. Minturn, Charleston, Kanawha County, for the term ending July 31, 2025.

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23. For Member, Public Employees Insurance Agency Finance Board, Jared Robertson, Grassy Meadows, Greenbrier County, for the term ending June 30, 2026.
24. For Member, Public Employees Insurance Agency Finance Board, Douglas M. Coffman, Shinnston, Harrison County, for the term ending June 30, 2026.
25. For Member, Public Employees Insurance Agency Finance Board, Hugh C. Murray, Milton, Cabell County, for the term ending June 30, 2026.
26. For Member, Veterans' Council, Kevin F. Gregory, Ireland, Braxton County, for the term ending June 30, 2026.
27. For Member, Veterans' Council, Jan Unger, Martinsburg, Berkeley County, for the term ending June 30, 2028.
28. For Member, Fire Commission, Virgil C. White, South Charleston, Kanawha County, for the term ending June 30, 2027.
29. For Member, Fire Commission, Carl Eastham, Huntington, Cabell County, for the term ending June 30, 2025.
30. For Member, State Conservation Committee, Rocky A. Peck, Parkersburg, Wood County, for the term ending September 6, 2026.
31. For Member, Board of Control for Southern Regional Education, The Honorable Robert H. Plymale, Huntington, Wayne County, for the term ending June 30, 2026.
32. For Member, Board of Control for Southern Regional Education, The Honorable Paul Hardesty, Holden, Logan County, for the term ending June 30, 2025.
33. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Owen Bryant, St. Albans, Kanawha County, for the term ending June 30, 2025.
34. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Nancy Mullins-Gillispie, Sumerco, Lincoln County, for the term ending June 30, 2025.
35. For Member, West Virginia University Board of Governors, Charles L. Capito, Jr., Charleston, Kanawha County, for the term ending June 30, 2026.
36. For Member, Board of Pharmacy, David G. Bowyer, Ripley, Jackson County, for the term ending June 30, 2027.
37. For Member, Workers' Compensation Board of Review, G. Nicholas Casey, Jr., Charleston, Kanawha County, for the term ending December 31, 2028.

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38. For Director, Office of Miners' Health, Safety and Training, Frank G. Foster, Lizemores, Clay County, to serve at the will and pleasure of the Governor.
39. For Member, West Virginia State University Board of Governors, Lateef Y. Saffore, Richmond Heights, Ohio, for the term ending June 30, 2026.
40. For Member, West Virginia State University Board of Governors, W. Lee Greenhowe, Jr., Pikesville, Maryland, for the term ending June 30, 2026.
41. For Member, West Virginia Board of Medicine, Victoria L. Takubo, Charleston, Kanawha County, for the term ending September 30, 2027.
42. For Member, West Virginia Board of Medicine, Janet M. Harman, Charleston, Kanawha County, for the term ending September 30, 2027.
43. For Member, West Virginia Board of Medicine, Russell O. Wooton, Beckley, Raleigh County, for the term ending September 30, 2027.
44. For Member, West Virginia Board of Medicine, Christopher Tipton, Kistler, Logan County, for the term ending September 30, 2027.
45. For Member, West Virginia Board of Medicine, Kiran Devaraj, Charleston, Kanawha County, for the term ending September 30, 2026.
46. For Member, West Virginia Board of Medicine, Douglas S. Dockery, Charleston, Kanawha County, for the term ending September 30, 2027.
47. For Member, Livestock Care Standards Board, Philip L. Gregg, Masontown, Preston County, for the term ending June 30, 2023.
48. For Member, Livestock Care Standards Board, John W. Moss, Glenville, Gilmer County, for the term ending June 30, 2027.
49. For Secretary, Department of Commerce, James M. Bailey, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
50. For Member, Board of Risk and Insurance Management, Janet Leah Cooper, Hurricane, Putnam County, for the term ending June 30, 2025.
51. For Member, Board of Risk and Insurance Management, J. Thomas Clark, Charleston, Kanawha County, for the term ending June 30, 2026.
52. For Member, Pierpont Community and Technical College Board of Governors, Joanne M. Seasholtz, Morgantown, Monongalia County, for the term ending June 30, 2026.

OFFICE OF THE GOVERNOR

53. For Member, Pierpont Community and Technical College Board of Governors, Christine Miller, Fairmont, Marion County, for the term ending June 30, 2024.
54. For Member, Commission to Advance NG911 in West Virginia, Lance Wheeler, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.
55. For Member, Fire Commission, Ted A. Shriver, Elkview, Kanawha County, for the term ending June 30, 2027.
56. For Member, West Virginia Board of Education, Nancy J. White, Bridgeport, Harrison County, for the term ending November 4, 2031.
57. For Member, Veterans' Council, Kenneth D. Boggs, Charleston, Kanawha County, for the term ending June 30, 2028.
58. For Member, Veterans' Council, Megan Ilnick, Charles Town, Jefferson County, for the term ending June 30, 2024.
59. For Executive Director, School Building Authority, Andy Neptune, Barrackville, Marion County, to serve at the will and pleasure of the Governor.
60. For Member, Economic Development Authority, S. Douglas Ritchie, Ravenswood, Jackson County, for the term ending June 30, 2026.
61. For Member, Economic Development Authority, Roberta Robinson Olejasz, Wheeling, Ohio County, for the term ending June 30, 2026.
62. For Member, Workforce Development Board, Joshua D. Sword, South Charleston, Kanawha County, for the term ending June 30, 2024.
63. For Member, Workforce Development Board, Jeff Rowe, Huntington, Cabell County, for the term ending June 30, 2025.
64. For Member, Workforce Development Board, Sean J. Sawyer, Independence, Preston County, for the term ending June 30, 2025.
65. For Member, Workforce Development Board, Cassandra Hensley, Culloden, Cabell County, for the term ending June 30, 2025.
66. For Member, Workforce Development Board, Lorrie A. Smith, Gassaway, Braxton County, for the term ending June 30, 2025.
67. For Member, Workforce Development Board, Tara Martinez, Charleston, Kanawha County, for the term ending June 30, 2024.

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68. For Member, Workforce Development Board, Jason Wilburn, Pittsburg, Pennsylvania, for the term ending June 30, 2025.
69. For Member, Workforce Development Board, Jennifer Griggs, Elkins, Randolph County, for the term ending June 30, 2024.
70. For Member, Workforce Development Board, Kelly M. Thompson, Hurricane, Putnam County, for the term ending June 30, 2023.
71. For Member, Workforce Development Board, Christopher Treadway, Charleston, Kanawha County, for the term ending June 30, 2025.
72. For Member, Workforce Development Board, H. Julian Woods, Morgantown, Monongalia County, for the term ending June 30, 2025.
73. For Commissioner, West Virginia Division of Corrections and Rehabilitation, William K. Marshall III, Mineral Wells, Wood County, to serve at the will and pleasure of the Governor.
74. For Member, West Virginia Emergency Medical Services Advisory Council, Marsha Knight, Lesage, Cabell County, for the term ending June 30, 2025.
75. For Member, West Virginia Emergency Medical Services Advisory Council, Robert Craig Horn, Harpers Ferry, Jefferson County, for the term ending June 30, 2025.
76. For Member, West Virginia Emergency Medical Services Advisory Council, Ray Bryant, Logan, Logan County, for the term ending June 30, 2024.
77. For Member, West Virginia Emergency Medical Services Advisory Council, Brandon Martin, Clarksburg, Harrison County, for the term ending June 30, 2024.
78. For Member, New River Community and Technical College Board of Governors, Christopher R. Vaught, Beckley, Raleigh County, for the term ending June 30, 2024.
79. For Member, Oil and Gas Conservation Commission, Joe W. Casto, Ripley, Jackson County, for the term ending July 27, 2028.
80. For Member, West Virginia Board of Licensed Dietitians, Diane Keegan, Dellslow, Monongalia County, for the term ending June 30, 2024.
81. For Member, West Virginia Board of Chiropractic, Karl Boone, Buckhannon, Upshur County, for the term ending June 30, 2025.
82. For Member, West Virginia Board of Chiropractic, Holly L. Harvey, Union, Monroe County, for the term ending June 30, 2025.

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83. For Member, Shepherd University Board of Governors, Henry M. Kayes, Jr., Martinsburg, Berkeley County, for the term ending June 30, 2026.
84. For Member, Shepherd University Board of Governors, Austin J. Slater, Jr., Shepherdstown, Jefferson County, for the term ending June 30, 2026.
85. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Courtney Company, Middletown, Maryland, for the term ending June 30, 2026.
86. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Terry L. Jones, Mabie, Randolph County, for the term ending June 30, 2024.
87. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, F. Mark Schiavone, Harpers Ferry, Jefferson County, for the term ending June 30, 2024.
88. For Member, West Virginia Outdoor Heritage Conservation Fund Board of Trustees, Danny Twilley, Morgantown, Monongalia County, for the term ending June 30, 2026.
89. For Member, West Virginia Investment Management Board of Trustees, Jack Rossi, Charleston, Kanawha County, for the term ending January 31, 2029.
90. For Member, West Virginia Investment Management Board of Trustees, Randall E. Snider, Parkersburg, Wood County, for the term ending January 31, 2029.
91. For Member, West Virginia Board of Respiratory Care, Rodney B. Vest, Morgantown, Monongalia County, for the term ending June 30, 2026.
92. For Member, West Virginia Board of Respiratory Care, Barbara H. Folden, Mullens, Wyoming County, for the term ending June 30, 2026.
93. For Executive Director, Real Estate Division, Arlie O. Hubbard III, Huntington, Cabell County, to serve at the will and pleasure of the Governor.
94. For Member, Southern West Virginia Community and Technical College Board of Governors, George R. Nisbet, Jr., Logan, Logan County, for the term ending June 30, 2026.
95. For Member, Shepherd University Board of Governors, James M. Cherry, Frederick, Maryland, for the term ending June 30, 2026.
96. For Member, West Virginia Northern Community College Board of Governors, Dennis J. McGlaughlin II, Wheeling, Ohio County, for the term ending June 30, 2024.

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97. For Member, Nursing Home Administrators Licensing Board, Nathan Hanshew, Frankford, Greenbrier County, for the term ending June 30, 2027.
98. For Member, Design-Build Board, Chad Riley, Bridgeport, Harrison County, for the term ending July 7, 2023.
99. For Member, Design-Build Board, David G. Hammond, Lewisburg, Greenbrier County, for the term ending July 7, 2023.
100. For Member, Design-Build Board, Lynn Flink, Morgantown, Monongalia County, for the term ending July 7, 2025.
101. For Member, Design-Build Board, Michael Gianni, Weirton, Brooke County, for the term ending July 7, 2023.
102. For Member, Design-Build Board, Justin Williams, Charleston, Kanawha County, for the term ending July 7, 2025.
103. For Member, Design-Build Board, Phoebe Patton Randolph, Barboursville, Cabell County, for the term ending July 7, 2023.
104. For Member, Coalfield Community Grant Facilitation Commission, Roscoe Adkins II, Verdunville, Logan County, for the term ending December 31, 2023.
105. For Member, Coalfield Community Grant Facilitation Commission, Stephanie Tyree, Edmond, Fayette County, for the term ending December 31, 2023.
106. For Member, Coalfield Community Grant Facilitation Commission, David L. Lemmon II, Chapmanville, Logan County, for the term ending December 31, 2023.
107. For Member, Coalfield Community Grant Facilitation Commission, H. Toney Stroud, Ona, Cabell County, for the term ending December 31, 2023.
108. For Member, Coalfield Community Grant Facilitation Commission, James Harless, Logan, Logan County, for the term ending December 31, 2024.
109. For Member, Fire Commission, Douglas W. Estep, Morrisvale, Boone County, for the term ending June 30, 2027.
110. For Member, Design-Build Board, John H. Jarrett, Nitro, Kanawha County, for the term ending July 7, 2025.
111. For Member, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, Tuanya A. Layton, Charleston, Kanawha County, for the term ending June 30, 2025.

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112. For Member, Bridge Valley Community and Technical College Board of Governors, Meghan Moses, Charleston, Kanawha County, for the term ending June 30, 2025.
113. For Member, Tourism Advisory Council, Kara D. Dense, Lewisburg, Greenbrier County, for the term ending May 1, 2026.
114. For Member, Tourism Advisory Council, Thomas Price, Davis, Tucker County, for the term ending May 1, 2026.
115. For Member, Tourism Advisory Council, Jeffrey T. Lusk, South Charleston, Kanawha County, for the term ending May 1, 2026.
116. For Member, Tourism Advisory Council, Audy M. Perry, Huntington, Wayne County, for the term ending May 1, 2026.
117. For Member, Tourism Advisory Council, John Klemish, White Sulphur Springs, Greenbrier County, for the term ending May 1, 2025.
118. For Member, Tourism Advisory Council, Susan M. Riddle, Morgantown, Monongalia County, for the term ending May 1, 2025.
119. For Member, Tourism Advisory Council, Lisa Strader, Beckley, Raleigh County, for the term ending May 1, 2025.
120. For Member, Tourism Advisory Council, Sydney Weber, Parkersburg, Wood County, for the term ending May 1, 2025.
121. For Member, Tourism Advisory Council, Brian Helmick, Charleston, Kanawha County, for the term ending May 1, 2024.
122. For Member, Tourism Advisory Council, Dominique N. Ranieri, Charleston, Kanawha County, for the term ending May 1, 2024.
123. For Member, Tourism Advisory Council, Laurel Ziemianski, Harpers Ferry, Jefferson County, for the term ending May 1, 2024.
124. For Member, Tourism Advisory Council, Robert Peckenpaugh, Wheeling, Ohio County, for the term ending May 1, 2024.
125. For Member, West Virginia Motorcycle Safety Awareness Board, Steven Ratz, Wilkinson, Logan County, for the term ending June 30, 2025.
126. For Member, Workforce Development Board, Jennifer Smith, Martinsburg, Berkeley County, for the term ending June 30, 2025.

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127. For Member, Workforce Development Board, Jason L. Asbury, Red House, Putnam County, for the term ending June 30, 2024.
128. For Member, Workforce Development Board, Pedro A. Machado, Mason, Ohio County, for the term ending June 30, 2025.
129. For Member, Workforce Development Board, Phillip R. Cantrell, Hurricane, Putnam County, for the term ending June 30, 2025.
130. For Member, Workforce Development Board, Michael J. Chirico, Huntington, Cabell County, for the term ending June 30, 2025.
131. For Member, Workforce Development Board, Jennifer E. Tenney, Morgantown, Monongalia County, for the term ending June 30, 2024.
132. For Member, Workforce Development Board, Jay Powell, St. Marys, Pleasants County, for the term ending June 30, 2024.
133. For Member, West Virginia University Board of Governors, Elmer F. Coppoolse, White Sulphur Springs, Greenbrier County, for the term ending June 30, 2026.
134. For Member, Property Valuation Training and Procedures Commission, William Scott Lemley, Hundred, Wetzel County, for the term ending June 30, 2024.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,



Jim Justice
Governor

JCJ: mmp

cc: Clerk of the Senate
Senate Confirmations Chair

Which communication was received.

At the request of Senator Boley, and by unanimous consent, the nominations hereinbefore reported were taken up for immediate consideration.

Thereupon, Senator Blair (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 4, dated March 10, 2023 (*shown in the Senate Journal of today, immediately hereinbefore reported*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in Senate Executive Message 4, except the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education (being nomination number 31 in Executive Message 4) and the nomination of Victoria L. Takubo to the West Virginia Board of Medicine (being nomination number 41 in Executive Message 4).

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Karnes, and Smith—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in Senate Executive Message 4, except the nomination of the Honorable Robert H. Plymale to the Board of Control for

Southern Regional Education (being nomination number 31 in Executive Message 4) and the nomination of Victoria L. Takubo to the West Virginia Board of Medicine (being nomination number 41 in Executive Message 4) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education (being nomination number 31 in Executive Message 4).

Prior to the call of the roll, Senator Plymale moved to be excused from voting under Rule 43 of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Jeffries, Karnes, and Smith—3.

Excused from voting: Plymale—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of the Honorable Robert H. Plymale to the Board of Control for Southern Regional Education had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of Victoria L. Takubo to the West Virginia Board of Medicine (being nomination number 41 in Executive Message 4).

Prior to the call of the roll, Senator Takubo moved to be excused from voting under Rule 43 of the Rules of the Senate, which motion prevailed.

The roll was then taken; and

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stover, Stuart, Swope, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Chapman—1.

Absent: Jeffries, Karnes, and Smith—3.

Excused from voting: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Victoria L. Takubo to the West Virginia Board of Medicine had been confirmed.

Consideration of executive nominations having been concluded,

The Senate proceeded to the sixth order of business.

Senators Rucker, Azinger, Boley, Chapman, Deeds, Hunt, Karnes, Martin, Maynard, Roberts, Smith, Stuart, Swope, Taylor, and Weld offered the following resolution:

Senate Concurrent Resolution 25—Requesting the Joint Committee on Government and Finance study the effects of the Uniform Common Interest Ownership Act on investment opportunities for condominium, planned community, and real estate cooperative development projects in the State of West Virginia.

Which, under the rules, lies over one day.

Senators Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

Senate Resolution 49—Memorializing the life of John Edward Eckhart, Jr., husband, father, grandfather, Fiscal Officer for the West Virginia Senate, and dedicated public servant.

Which, under the rules, lies over one day.

Senator Takubo announced that in the meeting previously held, the Committee on Rules, in accordance with Rule 17 of the Rules of the Senate, had placed consideration of **Engrossed House Bill 2904, Engrossed Committee Substitute for House Bill 2908, Engrossed Committee Substitute for House Bill 2911, Engrossed Committee Substitute for House Bill 2914, Engrossed Committee Substitute for House Bill 3040, Engrossed House Bill 3065, Engrossed House Bill 3067, Engrossed Committee Substitute for House Bill 3074, Engrossed House Bill 3108, Engrossed House Bill 3509, Engrossed House Bill 3513, Engrossed House Bill 3515, Engrossed House Bill 3518, Engrossed House Bill 3524, Engrossed House Bill 3526, and Engrossed House Bill 3552** preceding consideration of all other bills on today's third reading calendar.

The Senate proceeded to the eighth order of business.

Eng. House Bill 2904, Supplementing and amending appropriations to the Department of Commerce, Office of the Secretary.

On third reading, coming up out of 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, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen,

Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman and Martin—2.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2904) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Chapman and Martin—2.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2904) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2908, Supplementing and amending appropriations to the Department of Commerce, Division of Forestry.

On third reading, coming up out of 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, Clements, Deeds, Grady, Hamilton, Hunt, 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)—31.

The nays were: Chapman—1.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2908) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, 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)—31.

The nays were: Chapman—1.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2908) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2911, Supplementing and amending appropriations to the Department of Homeland Security, Division of Administrative Services.

On third reading, coming up out of 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, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2911) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2911) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2914, Supplementing and amending appropriations to the Governor's Office - Civil Contingent Fund.

On third reading, coming up out of 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, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2914) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2914) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3040, Supplementing and amending appropriations to the Department of Administration, Office of the Secretary.

On third reading, coming up out of regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3040 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3040) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3040) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3065, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - Aeronautics Commission.

On third reading, coming up out of 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, 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)—31.

The nays were: Caputo—1.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3065) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—31.

The nays were: Caputo—1.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3065) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3067, Supplementing and amending appropriations to Department of Transportation, Division of Multimodal Transportation Facilities - Public Transit.

On third reading, coming up out of 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, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3067) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3067) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3074, Supplementing appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities.

On third reading, coming up out of 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, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3074) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, 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)—32.

The nays were: None.

Absent: Jeffries and Karnes—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3074) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3108, Supplementing and amending appropriations to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority.

On third reading, coming up out of regular order, was read a third time and put upon its passage.