

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
NINTH DAY

Charleston, West Virginia, Thursday, January 18, 2024

The Senate met at 11:04 a.m.

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

Prayer was offered by the Honorable Randy E. Smith, a senator from the fourteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patrick S. Martin, a senator from the twelfth district.

Pending the reading of the Journal of Wednesday, January 17, 2024,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Environmental Protection, Department of (Office of Oil and Gas Waiver Report) (§22-6A-2)

Motor Vehicles, Division of (Interlock Program) (§17C-5A-3a)

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

Senate Bill 267, Adding grievance and appellate procedures for individuals participating in DMV safety and treatment program.

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

Com. Sub. for Senate Bill 267 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended, all relating generally to the Division of Motor Vehicle Safety and Treatment Program and Alcohol and Drug Test and Lock Program, adding grievance and appellate procedures, and judicial review for individuals participating in, or who have participated in, the program; authorizing the Commissioner to promulgate an emergency rule; prohibiting minimum driving time, minimum mileage, and driving frequency requirements of Motor Vehicle Alcohol and Drug Test and Lock Program system, and further prohibiting removal of program participant for failure to meet such requirements; and directing the Commissioner to reinstate former program participants for failing to meet such requirements, at no cost to the program participant, upon participants meeting specified criteria.

And,

Senate Bill 335, Modifying witness fee and mileage rate paid by state to match federal court system.

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

Com. Sub. for Senate Bill 335 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §59-1-16 of the Code of West Virginia, 1931, as amended, relating to increasing the daily fee and mileage rate paid to witnesses in the State of West Virginia.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bills (Com. Sub. for S. B. 267 and 335), under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Economic Development has had under consideration:

Senate Bill 354, Relating to the WV Advanced Energy and Economic Corridor Authority.

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

Com. Sub. for Senate Bill 354 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-11-1, §5B-11-2, §5B-11-3, and §5B-11-4, all relating to creating the West Virginia Advanced Energy and Economic Corridor Authority; providing for legislative findings; appointing authority members; providing for terms of membership; providing for certain membership and meeting requirements; providing that members are not compensated; providing for certain powers and duties; and requiring annual reporting to the Joint Committee on Government and Finance.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 399, Creating crime of assault on a police dog.

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

Com. Sub. for Senate Bill 399 (originating in the Committee on the Judiciary)—A Bill to repeal §19-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3-27a, relating to police dogs and other public safety animals; creating offenses related to willfully causing physical injury, serious physical injury, or death to public safety animals; providing an exemption; defining terms; and establishing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Economic Development has had under consideration:

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

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

Com. Sub. for Senate Bill 400 (originating in the Committee on Economic Development)—A Bill to amend and reenact §24-2-11 of the Code of West Virginia, 1931, as amended, relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

With the recommendation that the committee substitute 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

Senate Bill 426, WV Recreational Trails Development Act.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Pensions has had under consideration

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

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,

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 reference of the bill contained in the foregoing report from the Committee on Pensions.

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

Your Committee on Finance has had under consideration

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

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 483, Amending Corporation Net Income Tax Act .

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

Respectfully submitted,

Eric J. Tarr,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Chapman:

Senate Bill 486—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §33-15-4x; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3pp; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7y; to amend said code by adding thereto a new section, designated §33-25-8v; and to amend said code by adding thereto a new section, designated §33-25A-8y, all relating to insurance coverage for annual breast cancer screening.

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

By Senators Rucker, Grady, and Stover:

Senate Bill 487—A Bill to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended, relating to providing for periodic reviews of required professional development for teachers and education staff.

Referred to the Committee on Education.

By Senators Karnes, Azinger, Chapman, Clements, Hunt, Martin, Maynard, Rucker, Smith, Stover, Stuart, and Taylor:

Senate Bill 488—A Bill to amend and reenact §5-3-2 of the Code of West Virginia, 1931, as amended, relating to providing investigatory powers and non-exclusive prosecutorial authority over public integrity cases to the Attorney General.

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

By Senator Maynard:

Senate Bill 489—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to clarifying that there is no restriction on the lawful carrying of a deadly weapon, firearm, or pepper spray specifically on sidewalks and streets directly bordering and surrounding the State Capitol Complex grounds.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 490—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business

activity occurs in more than one location; defining terms to reflect the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations.

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

By Senator Woelfel:

Senate Bill 491—A Bill to amend and reenact §16-59-1 and §16-59-2 of the Code of West Virginia, 1931, as amended, all relating to certification of recovery residences; providing for recovery residence certification and compliance; amending the definition of "recovery residence"; adding a new definition for "recovery support services"; and requiring that the Department of Health contract with certifying agencies for a voluntary certification program for drug-free and alcohol-free recovery residences based upon standards determined by the West Virginia Alliance for Recovery Residences, the National Alliance for Recovery Residences, or a similar entity recognized and approved by the department.

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

By Senator Takubo:

Senate Bill 492—A Bill to amend and reenact §16-3-4a of the Code of West Virginia, 1931, as amended, relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis based upon recommendations of the Center for Disease Control.

Referred to the Committee on Health and Human Resources.

By Senator Chapman:

Senate Bill 493—A Bill to amend and reenact §21-1-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-1-24 of said code, all relating generally to the use of criminal records as disqualification from authorization to practice a profession or occupation by a board, authority, or other agency authorized to issue licenses, certifications, registrations, or other authorizations to engage in a particular profession or occupation.

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

By Senators Oliverio and Trump:

Senate Bill 494—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-3A-1, §36-3A-2, §36-3A-3, §36-3A-4, §36-3A-5, §36-3A-6, §36-3A-7, §36-3A-8, and §36-3A-9, all relating to creating the Uniform Unlawful Restriction in Land Records Act.

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

Senators Smith and Taylor offered the following resolution:

Senate Concurrent Resolution 18—Requesting the Division of Highways name bridge number 16-020/01-000.18 (16A044), (38.87673, -78.86634) locally known as Stanley See Bridge, carrying CR 20/01 over Lost River in Hardy County, the Stanley W. and Evelyn C. See Memorial Bridge.

Which, under the rules, lies over one day.

Senators Nelson and Takubo offered the following resolution:

Senate Concurrent Resolution 19—Requesting the Division of Highways name bridge number 20-057/00-024.17 (20A137), (38.44920, -81.45593) locally known as Blue Creek Bridge, carrying CR 57 over Elk River in Kanawha County the U. S. Army PFC Henry W. Baldwin Memorial Bridge.

Which, under the rules, lies over one day.

The Senate proceeded to the ninth order of business.

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

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.

Senate Bill 219, Relating to Uniform Controlled Substances Act.

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

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 17, Department of Health rule relating to public water systems operators.

Com. Sub. for Senate Bill 31, Department of Human Services rule relating to collection and exchange of data related to overdoses.

Com. Sub. for Senate Bill 152, Displaying official US motto in public schools.

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

Senate Bill 240, Increasing fees charged by sheriff.

Senate Bill 264, Reducing rates for legal advertising.

Com. Sub. for Senate Bill 269, Excluding test strips from definition of drug paraphernalia.

Com. Sub. for Senate Bill 280, Allowing teachers in public schools to discuss scientific theories.

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

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

And,

Senate Bill 438, Modifying roster requirements of authorizing entities.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Nelson.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:19 a.m., the Senate recessed until 2:30 p.m. today.

The Senate reconvened at 3:08 p.m.

(Senator Weld in the Chair.)

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 4274—A Bill to the amend and reenact §4-10-8 of the Code of West Virginia, 1931, to amend and reenact §5-1E-1 and §5-1E-2 of said code; to repeal §5-5-4 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-10C-3 of said code; to amended and reenact §5-14-3 and §5-14-5 of said code; to amend and reenact §5-16-2 and §5-16-18 of said code; to amend and reenact §5-16B-1, §5-16B-2, §5-16B-4 and §5-16B-10 of said code; to amend and reenact §5-26-1 of said code; to amend and reenact §5-29-2 of said code; to amend and reenact §5A-1A-2 of said code; to repeal §5A-2-34 of said code; to amend and reenact §5A-3-1a and §5A-3-3b of said code; to amend and reenact §5B-2-15, to amend and reenact §5F-1-2; to amend and reenact §6-7-2a of said code; to amend and reenact §7-1-3a of said code; to amend and reenact §7-4-4 of said code; to amend and reenact §7-10-2, to amend and reenact §8-19-21 of said code; to amend and reenact §8A-1-2 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-6a, §9-2-10 and §9-2-13 of said code; to repeal §9-2-9 of said code; to amend and reenact §9-3-4, §9-3-5 and §9-3-6 of said code; to amend and reenact §9-4A-2, §9-4A-2a, §9-4A-2b and §9-4A-4 of said code; to amend and reenact §9-4B-1 and §9-4B-4 of said code; to amend and reenact §9-4C-1, §9-4C-7 and §9-4C-8 of said code; to amend and reenact §9-4D-2 and §9-4D-9 of said code; to amend and reenact §9-5-5, §9-5-8b, §9-5-9, §9-5-11, §9-5-11a, §9-5-11b, §9-5-11c, §9-5-12a, §9-5-15, §9-5-16a, §9-5-19, §9-5-26, §9-5-27, §9-5-29 and §9-5-30 of said code; to repeal §9-5-25 of said code; to amend and reenact §9-6-1, §9-6-2, §9-6-9, §9-6-11 and §9-6-16 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-6a and §9-7-8 of said code; to amend and reenact §9-8-1 of said code; to amend and reenact §9-9-3, §9-9-16 and §9-9-21 of said code; to amend and reenact §9-10-1, §9-10-2 and §9-10-3 of said code; to repeal §9-10-6 of said code; to amend and reenact §11-10-5u of said code; to amend and reenact §11-13I-3 of said code; to amend and reenact §11-27-3 and §11-27-30 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §12-3-10e of said code; to amend and reenact §12-3A-4 and §12-3A-5 of said code; to amend and reenact §15-1E-76b of said code; to amend and reenact §15-1I-2 of said code; to amend and reenact §15-2-55 of said code; to amend and reenact §15-2C-1, §15-2C-2, §15-2C-4 and §15-2C-7 of said code; to amend and reenact §15-3D-3 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §15-13-2 and §15-13-5 of said code; to amend and reenact §15-14-5, §15-14-7 and §15-14-9 of said code; to amend and reenact §15A-4-11 and

§15A-4-12 of said code; to amend and reenact §16-1-2 and §16-1-20 of said code; to amend and reenact §16-1A-1, §16-1A-2, §16-1A-3 and §16-1A-4 of said code; to amend and reenact §16-1C-1 and §16-1C-4 of said code; to amend and reenact §16-2-2 of said code; to amend and reenact §16-2B-1, §16-2B-2 and §16-2B-3 of said code; to amend and reenact §16-2D-2 and §16-2D-11 of said code; to amend and reenact §16-2H-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-4-1 of said code; to amend and reenact §16-4C-3, §16-4C-4 and §16-4C-24 of said code; to amend and reenact §16-4D-2 of said code; to amend and reenact §16-4E-2, §16-4E-4 and §16-4E-6 of said code; to amend and reenact §16-4F-1 and §16-4F-5 of said code; to amend and reenact §16-5-1 and §16-5-3 of said code; to amend and reenact §16-5A-5 of said code; to amend and reenact §16-5K-2, §16-5K-3, §16-5K-4 and §16-5K-6 of said code; to amend and reenact §16-5L-5, §16-5L-10, §16-5L-14 and §16-5L-15 of said code; to amend and reenact §16-5P-7 of said code; to amend and reenact §16-5Q-2 and §16-5Q-4 of said code; to amend and reenact §16-5R-3 and §16-5R-4 of said code; to amend and reenact §16-5S-5 of said code; to amend and reenact §16-5T-2 and §16-5T-5 of said code; to amend and reenact §16-5CC-1 and §16-5CC-2 of said code; to amend and reenact §16-7-3 and §16-7-8 of said code; to amend and reenact §16-8-2 of said code; to amend and reenact §16-9A-7 of said code; to amend and reenact §16-22A-3 and §16-22A-4 of said code; to amend and reenact §16-22B-2 of said code; to amend and reenact §16-29B-2, §16-29B-3, §16-29B-5, §16-29B-12 and §16-29B-25 of said code; to amend and reenact §16-29D-3, §16-29D-7 and §16-29D-8 of said code; to amend and reenact §16-29G-1a, and §16-29G-2 of said code; to amend and reenact §16-30-8 and §16-30-25 of said code; to amend and reenact §16-30C-13 of said code; to amend and reenact §16-32-2 of said code; to amend and reenact §16-33-2 of said code; to amend and reenact §16-34-2, §16-34-3, §16-34-5, §16-34-6, §16-34-9 and §16-34-13 of said code; to amend and reenact §16-37-2 and §16-37-4 of said code; to amend and reenact §16-38-3 of said code; to amend and reenact §16-42-1 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-48-5 and §16-48-6 of said code; to amend and reenact §16-50-1, to amend and reenact §16-53-1, §16-53-2 and §16-53-3 of said code; to amend and reenact §16-57-3 and §16-57-4 of said code; to amend and reenact §16-59-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-15-6 of said code; to amend and reenact §17-2C-4 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-28-10 of said code; to amend and reenact §17C-15-26 of said code; to amend and reenact §18-2-5b, §18-2-9 and §18-2-13h of said code; to amend and reenact §18-2K-2 of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-5-42 and §18-5-44 of said code; to amend and reenact §18-5D-4 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-10K-1 of said code; to amend and reenact §18-10M-6 of said code; to amend and reenact §18-20-11 of said code; to amend and reenact §18-21-1, §18-21-2, §18-21-3 and §18-21-4 of said code; to amend and reenact §18A-2-8 of said code; to amend and reenact §18A-4-17 of said code; to amend and reenact §18B-10-7b of said code; to amend and reenact §18B-16-3 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-1-7 of said code; to amend and reenact §19-11E-1 and §19-11E-17 of said code; to amend and reenact §19-12A-1a, §19-12A-2, §19-12A-5 and §19-12A-6 of said code; to amend and reenact §19-29-1 and §19-29-3 of said code; to amend and reenact §19-30-2 of said code; to amend and reenact §19-34-5 of said code; to amend and reenact §20-5J-2, §20-5J-3 and §20-5J-5 of said code; to amend and reenact §20-5K-2, §20-5K-3 of said code; to amend and reenact §21A-6-16 and §21A-6-17 of said code; to amend and reenact §22-5-9 of said code; to amend and reenact §22-15A-10 of said code; to amend and reenact §22-18-6 and §22-18-7 of said code; to amend and reenact §22-30-21 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §24-2A-5 of said code; to amend and reenact §24-2C-4 of said code; to amend and reenact §27-1-7 of said code; to amend and reenact §27-1A-4, §27-1A-6 and §27-1A-12 of said code; to amend and reenact §27-2-1 of said code; to amend and reenact §27-2A-1

of said code; to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-4, §27-5-9 and §27-5-11 of said code; to amend and reenact §27-6A-1 and §27-6A-12 of said code; to amend and reenact §29-12-5 of said code; to amend and reenact §29-15-1, §29-15-5 and §29-15-6 of said code; to amend and reenact §29-20-1, §29-20-2, §29-20-3, §29-20-4 and §29-20-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §29-30-8, §29-30-9 and §29-30-11 of said code; to amend and reenact §29-31-2 of said code; to amend and reenact §29-34-3 of said code; to amend and reenact §29-35-3 of said code; to amend and reenact §30-3-7 of said code; to amend and reenact §30-4-3 of said code; to amend and reenact §30-7B-4 of said code; to amend and reenact §30-30-16 and §30-30-30 of said code; to amend and reenact §31-15A-7 of said code; to amend and reenact §31A-2A-4 of said code; to amend and reenact §33-15B-3 of said code; to amend and reenact §33-25A-7b, §33-25A-9, §33-25A-17, §33-25A-18, §33-25A-27 and §33-25A-36 of said code; to amend and reenact §33-25B-6 of said code; to amend and reenact §33-25D-18, §33-25D-20 and §33-25D-29 of said code; to amend and reenact §33-46-18 of said code; to amend and reenact §33-54-2 of said code; to amend and reenact §33-55-1 of said code; to amend and reenact §33-56-1 of said code; to amend and reenact §33-59-1 of said code; to amend and reenact §44-16-3 of said code; to amend and reenact §44A-1-8, §44A-1-9 and §44A-1-15 of said code; to amend and reenact §44A-2-2 of said code; to amend and reenact §44A-3-11 of said code; to amend and reenact §46A-6L-102 of said code; to amend and reenact §48-1-104, §48-1-206 and §48-1-236 of said code; to amend and reenact §48-2-701 and §48-2-702 of said code; to amend and reenact §48-9-209 of said code; to amend and reenact §48-11-105 of said code; to amend and reenact §48-14-102, §48-14-407, §48-14-413 and §48-14-414 of said code; to amend and reenact §48-17-101 and §48-17-102 of said code; to amend and reenact §48-18-101, §48-18-118 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-501, §48-26-502 and §48-26-801 of said code; to amend and reenact §48-27-206 of said code; to amend and reenact §49-1-104, §49-1-106, §49-1-202, §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-106, §49-2-110a, §49-2-111a, §49-2-125, §49-2-301, §49-2-302, §49-2-303, §49-2-401, §49-2-502, §49-2-503, §49-2-504, §49-2-604, §49-2-605, §49-2-701, §49-2-708, §49-2-802, §49-2-803, §49-2-804, §49-2-813, §49-2-814, §49-2-901, §49-2-903, §49-2-906, §49-2-913, §49-2-1001, §49-2-1002, §49-2-1003, §49-2-1004, §49-2-1005 and §49-2-1006 of said code; to amend and reenact §49-4-104, §49-4-108, §49-4-112, §49-4-114, §49-4-202, §49-4-203, §49-4-401, §49-4-402, §49-4-403, §49-4-408, §49-4-501, §49-4-704, §49-4-705, §49-4-706, §49-4-711, §49-4-726, §49-4-801 and §49-4-803 of said code; to amend and reenact §49-5-101 and §49-5-106 of said code; to amend and reenact §49-6-103, §49-6-105, §49-6-110, §49-6-113 and §49-6-116 of said code; to amend and reenact §49-7-102, §49-7-201, §49-7-202 and §49-7-204 of said code; to amend and reenact §49-8-1 of said code; to amend and reenact §51-2A-21 of said code; to amend and reenact §53-8-17 of said code; to amend and reenact §55-7B-9c of said code; to amend and reenact §55-19-3 of said code; to amend and reenact §60A-9-5 and §60A-9-8 of said code; to amend and reenact §60A-11-1, §60A-11-2 and §60A-11-3 of said code; to amend and reenact §61-2-14a, §61-2-14h and §61-2-29b of said code; to amend and reenact §61-7A-3 and §61-7A-4 of said code; to amend and reenact §61-8D-3 and §61-8D-4 of said code; to amend and reenact §61-11-26a of said code; to amend and reenact §61-11A-6 of said code; to amend and reenact §61-12-12 of said code; to amend and reenact §61-14-7 of said code; to amend and reenact §62-1D-2 of said code; to amend and reenact §62-12-2 of said code; to amend and reenact §62-15B-1; all relating to renaming the Department of Health and Human Resources.

At the request of Senator Takubo, unanimous consent being granted, 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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, and Woodrum—25.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Plymale, Queen, Stover, Tarr, Woelfel, and Blair (Mr. President)—9.

The bill (Eng. H. B. 4274) was read a second time.

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

On page 66, by removing the provisions of §9-2-13 in its entirety;

On page 90, by removing the provisions of §9-5-5 in its entirety;

On page 90, by removing the provisions of §9-5-8b in its entirety;

On page 111, line 16, by striking the words "health and";

On page 145, by striking the provisions of §12-3-10e, and inserting a new §12-3-10e to read as follows:

§12-3-10e. Purchasing Card Advisory Committee created; purpose; membership; expenses.

There is created a Purchasing Card Advisory Committee to enhance the development and implementation of the purchasing card program. The committee shall solicit input from state agencies and make recommendations to improve the performance of the Purchasing Card Program. The committee consists of fourteen members to be appointed as follows:

(1) The Auditor shall serve as chairperson of the committee and shall appoint four members from the state College System of West Virginia and the University System of West Virginia, one member from the Department of ~~Health and Human Resources Services~~ Services one member from the Division of Highways and two additional members at large from any state agency;

(2) The Secretary of the Department of Administration shall appoint one member from the Information Services and Communications Division, one member from the Financial Accounting and Reporting Section and one member from the Purchasing Division;

(3) The Secretary of the Department of Revenue shall appoint one member from the Department of Revenue; and

(4) The State Treasurer shall appoint one member from that office. Committee members shall be appointed for a term of one year, commencing on July 1, 1998. Committee members shall

receive reimbursement for expenses actually incurred in the performance of their duties on the committee.;

On page 175, line 8, striking the word, "division" and inserting the word, "department";

On page 198, line 14, by striking the period and inserting the words, "of their general plan of operation of such programs.";

On page 316, by removing the provisions §17-2C-4 in its entirety;

On page 490, by striking out all of §29-34-3 in its entirety;

On page 491, by striking out all of §29-35-3 in its entirety;

On page 531, by striking §33-59-1 in its entirety and inserting a new §33-59-1 to read as follows:

§ 33-59-1. Cost sharing in prescription insulin drugs.

(a) Findings. —

(1) It is estimated that over 240,000 West Virginians are diagnosed and living with type 1 or type 2 diabetes and another 65,000 are undiagnosed;

(2) Every West Virginian with type 1 diabetes and many with type 2 diabetes rely on daily doses of insulin to survive;

(3) The annual medical cost related to diabetes in West Virginia is estimated at \$2.5 billion annually;

(4) Persons diagnosed with diabetes will incur medical costs approximately 2.3 times higher than persons without diabetes;

(5) The cost of insulin has increased astronomically, especially the cost of insurance copayments, which can exceed \$600 per month. Similar increases in the cost of diabetic equipment and supplies, and insurance premiums have resulted in out-of-pocket costs for many West Virginia diabetics in excess of \$1,000 per month;

(6) National reports indicate as many as one in four type 1 diabetics underuse, or ration, insulin due to these increased costs. Rationing insulin has resulted in nerve damage, diabetic comas, amputation, kidney damage, and even death; and

(7) It is important to enact policies to reduce the costs for West Virginians with diabetes to obtain life-saving and life-sustaining insulin.

(b) As used in this section:

"Cost-sharing payment" means the total amount a covered person is required to pay at the point of sale in order to receive a prescription drug that is covered under the covered person's health plan.

"Covered person" means a policyholder, subscriber, participant, or other individual covered by a health plan.

"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;

"Health plan" means any health benefit plan, as defined in §33-16-1a(h) of this code, that provides coverage for a prescription insulin drug.

"Pharmacy benefits manager" means an entity that engages in the administration or management of prescription drug benefits provided by an insurer for the benefit of its covered persons.

"Prescription insulin drug" means a prescription drug that contains insulin and is used to treat diabetes.

(c) Each health plan shall cover at least one type of insulin in all 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.

(d) Notwithstanding the provisions of §33-1-1 *et seq.* of this code, an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after January 1, 2023, shall provide coverage for prescription insulin drugs and equipment pursuant to this section.

(e) 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.

(f) Nothing in this section prevents an insurer from reducing a covered person's cost sharing to an amount less than the amount specified in subsection (e) of this section.

(g) No contract between an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code or its pharmacy benefits manager and a pharmacy or its contracting agent may contain a provision: (i) Authorizing the insurer'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 insurer pursuant to subsection (e) of this section.

(h) An insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of this code shall provide coverage for the following equipment and supplies for the treatment and/or management of diabetes for both insulin-dependent and non-insulin-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.

(i) An insurer subject to §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of this code shall include 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.

(j) All health care plans must offer an appeals process for persons who are not able to take one or more of the offered prescription insulin drugs noted in subsection (c) of this section. The appeals process shall be provided to covered persons in writing and afford covered persons and their health care providers a meaningful opportunity to participate with covered persons health care providers.

(k) Diabetes self-management education shall be provided by a health care practitioner who has been appropriately trained. The Secretary of the Department of Health and Human Resources shall promulgate legislative rules to implement training requirements and procedures necessary to fulfill provisions of this subsection: *Provided*, That any rules promulgated by the secretary shall be done after consultation with the Coalition for Diabetes Management, as established in §16-5Z-1 et seq. of this code.

(l) 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 may not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted.

(m) A prescription is not required to obtain a blood testing kit for ketones.";

On page 596, line 39, by striking paragraph (C) in its entirety and moving it to line 30 after paragraph (B);

On page 597, by striking §49-2-111a in its entirety and inserting a new §49-2-111a to read as follows:

§ 49-2-111a. Performance based contracting for child placing agencies.

(a) For purposes of this section:

(1) "Child" means:

(A) A person of less than 18 years of age; or

(B) A person 18 to 21 years of age who is eligible to receive the extended foster care services.

(2) "Child-placing agency" means an agency licensed by the department to place a child in a foster care home.

(3) "Department" means the Department of ~~Health and Human Resources~~ Services.

(4) "Evidence-based" means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(5) "Performance-based contracting" means structuring all aspects of the service contract around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(6) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(7) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(b) No later than July 1, 2021, the department shall enter into performance-based contracts with child placing agencies.

(c) The department shall actively consult with other state agencies and other entities with expertise in performance-based contracting with child placing agencies to develop the requirements of the performance-based contract.

(d) The performance-based contract shall be developed and implemented in a manner that complies with applicable provisions of this code. Contracts for child placing agencies are exempt from §5A-3-1 of this code.

(e) The resulting contracts shall include, but are not limited to, the following:

(1) Adequate capacity to meet the anticipated service needs in the contracted service area of the child placing agency;

(2) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(3) Child placing agency data reporting, including data on performance and service outcomes, including, but not limited to:

(A) Safety outcomes;

(B) Permanency outcomes;

(C) Well-being outcomes;

(D) Incentives earned;

- (E) Placement of older children;
- (F) Placement of children with special needs; and
- (G) Recruitment and retention of foster parents; and
- (4) A hold harmless period to determine a baseline for evaluation.

(f) Performance-based payment methodologies must be used in child placing agency contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the first year of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to the child placing agency only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the child placing agency will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the child placing agency shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(g) The department shall actively monitor the child placing agency's compliance with the terms of contracts executed under this section.

(h) The use of performance-based contracts under this section shall be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(i) The department shall pay child placing agencies contracted to provide adoption services to foster families a minimum of \$1,000 per child for each adoption finalized.

(j) The rate of payment to foster parents and child placing agencies shall be reviewed by the department, at a minimum of every two years, to determine whether the level of foster care payments facilitates or hinders the efficient placement of foster children with West Virginia families. The department shall remit payments to foster parents on the same week each month to facilitate foster parents' ability to budget and appropriately expend payments for the benefit of the children in their custody.

(k) The department shall report the performance of the child placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability by December 31, annually.";

On page 609, line 76, by striking the words "Department of Health and Human Resources" and inserting in lieu thereof, "Department of Human Services";

On page 673, line 3, by striking the word, "division" and inserting the word, "Department";

And,

On page 675, by striking §49-8-1 in its entirety and inserting a new §49-8-1 to read as follows:

§ 49-8-1. Legislative findings; statement of legislative purpose.

(a) In certain circumstances where a parent, or legal custodian of a child is temporarily unable to care for the child due to a crisis or other circumstances, a less intrusive the Legislature finds that alternative to guardianship or the Department of ~~Health and Human Resources~~ Services taking custody of the child should be available. In such circumstances, a parent, or legal custodian may benefit from the assistance of charitable organizations in their community that assist families by providing safe, temporary care for children and support for families during difficult times.

(b) Accordingly, the Legislature finds that a parent, or legal guardian shall have the right to provide for the temporary care of their child with the assistance of qualified charitable organizations as outlined in this code.

The bill, as amended, was then ordered to third reading.

Engrossed House Bill 4274 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, and Woodrum—26.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Plymale, Stover, Tarr, Woelfel, and Blair (Mr. President)—8.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4274) passed.

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

Eng. House Bill 4274—A Bill to the amend and reenact §4-10-8 of the Code of West Virginia, 1931, to amend and reenact §5-1E-1 and §5-1E-2 of said code; to repeal §5-5-4 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-10C-3 of said code; to amended and reenact §5-14-3 and §5-14-5 of said code; to amend and reenact §5-16-2 and §5-16-18 of said code; to amend and reenact §5-16B-1, §5-16B-2, §5-16B-4 and §5-16B-10 of said code; to amend and reenact §5-26-1 of said code; to amend and reenact §5-29-2 of said code; to amend and reenact §5A-1A-2 of said code; to repeal §5A-2-34 of said code; to amend and reenact §5A-3-1a and §5A-3-3b of said code; to amend and reenact §5B-2-15, to amend and reenact §5F-1-2; to amend and reenact §6-7-2a of said code; to amend and reenact §7-1-3a of said code; to amend and reenact §7-4-4 of said code; to amend and reenact §7-10-2, to amend and reenact §8-19-21 of said code; to amend and reenact §8A-1-2 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-6a, and §9-2-10 of said code; to repeal §9-2-9 of said code; to amend and reenact §9-3-4, §9-3-5 and §9-3-6 of said code; to amend and reenact §9-4A-2, §9-4A-2a, §9-4A-2b and §9-4A-4 of said code; to amend and reenact §9-4B-1 and §9-4B-4 of said code; to amend and reenact §9-4C-1, §9-4C-7 and §9-4C-8 of said code; to amend and reenact §9-4D-2 and §9-4D-9 of said code; to amend and reenact §9-5-9, §9-5-11, §9-5-11a, §9-5-11b, §9-5-11c, §9-5-12a, §9-5-15, §9-5-16a, §9-5-19, §9-5-26, §9-5-27, §9-5-29 and §9-5-30

of said code; to repeal §9-5-25 of said code; to amend and reenact §9-6-1, §9-6-2, §9-6-9, §9-6-11 and §9-6-16 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-6a and §9-7-8 of said code; to amend and reenact §9-8-1 of said code; to amend and reenact §9-9-3, §9-9-16 and §9-9-21 of said code; to amend and reenact §9-10-1, §9-10-2 and §9-10-3 of said code; to repeal §9-10-6 of said code; to amend and reenact §11-10-5u of said code; to amend and reenact §11-13l-3 of said code; to amend and reenact §11-27-3 and §11-27-30 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §12-3-10e of said code; to amend and reenact §12-3A-4 and §12-3A-5 of said code; to amend and reenact §15-1E-76b of said code; to amend and reenact §15-1l-2 of said code; to amend and reenact §15-2-55 of said code; to amend and reenact §15-2C-1, §15-2C-2, §15-2C-4 and §15-2C-7 of said code; to amend and reenact §15-3D-3 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §15-13-2 and §15-13-5 of said code; to amend and reenact §15-14-5, §15-14-7 and §15-14-9 of said code; to amend and reenact §15A-4-11 and §15A-4-12 of said code; to amend and reenact §16-1-2 and §16-1-20 of said code; to amend and reenact §16-1A-1, §16-1A-2, §16-1A-3 and §16-1A-4 of said code; to amend and reenact §16-1C-1 and §16-1C-4 of said code; to amend and reenact §16-2-2 of said code; to amend and reenact §16-2B-1, §16-2B-2 and §16-2B-3 of said code; to amend and reenact §16-2D-2 and §16-2D-11 of said code; to amend and reenact §16-2H-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-4-1 of said code; to amend and reenact §16-4C-3, §16-4C-4 and §16-4C-24 of said code; to amend and reenact §16-4D-2 of said code; to amend and reenact §16-4E-2, §16-4E-4 and §16-4E-6 of said code; to amend and reenact §16-4F-1 and §16-4F-5 of said code; to amend and reenact §16-5-1 and §16-5-3 of said code; to amend and reenact §16-5A-5 of said code; to amend and reenact §16-5K-2, §16-5K-3, §16-5K-4 and §16-5K-6 of said code; to amend and reenact §16-5L-5, §16-5L-10, §16-5L-14 and §16-5L-15 of said code; to amend and reenact §16-5P-7 of said code; to amend and reenact §16-5Q-2 and §16-5Q-4 of said code; to amend and reenact §16-5R-3 and §16-5R-4 of said code; to amend and reenact §16-5S-5 of said code; to amend and reenact §16-5T-2 and §16-5T-5 of said code; to amend and reenact §16-5CC-1 and §16-5CC-2 of said code; to amend and reenact §16-7-3 and §16-7-8 of said code; to amend and reenact §16-8-2 of said code; to amend and reenact §16-9A-7 of said code; to amend and reenact §16-22A-3 and §16-22A-4 of said code; to amend and reenact §16-22B-2 of said code; to amend and reenact §16-29B-2, §16-29B-3, §16-29B-5, §16-29B-12 and §16-29B-25 of said code; to amend and reenact §16-29D-3, §16-29D-7 and §16-29D-8 of said code; to amend and reenact §16-29G-1a, and §16-29G-2 of said code; to amend and reenact §16-30-8 and §16-30-25 of said code; to amend and reenact §16-30C-13 of said code; to amend and reenact §16-32-2 of said code; to amend and reenact §16-33-2 of said code; to amend and reenact §16-34-2, §16-34-3, §16-34-5, §16-34-6, §16-34-9 and §16-34-13 of said code; to amend and reenact §16-37-2 and §16-37-4 of said code; to amend and reenact §16-38-3 of said code; to amend and reenact §16-42-1 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-48-5 and §16-48-6 of said code; to amend and reenact §16-50-1, to amend and reenact §16-53-1, §16-53-2 and §16-53-3 of said code; to amend and reenact §16-57-3 and §16-57-4 of said code; to amend and reenact §16-59-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-4-3 of said code; to amend and reenact §16A-15-6 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-28-10 of said code; to amend and reenact §17C-15-26 of said code; to amend and reenact §18-2-5b, §18-2-9 and §18-2-13h of said code; to amend and reenact §18-2K-2 of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-5-42 and §18-5-44 of said code; to amend and reenact §18-5D-4 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-10K-1 of said code; to amend and reenact §18-10M-6 of said code; to amend and reenact §18-20-11 of said code; to amend and reenact §18-21-1, §18-21-2, §18-21-3 and §18-21-4 of said code; to amend and reenact §18A-2-8 of said code; to amend and reenact §18A-4-17 of said code; to amend and reenact §18B-10-7b of said code; to amend

and reenact §18B-16-3 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-1-7 of said code; to amend and reenact §19-11E-1 and §19-11E-17 of said code; to amend and reenact §19-12A-1a, §19-12A-2, §19-12A-5 and §19-12A-6 of said code; to amend and reenact §19-29-1 and §19-29-3 of said code; to amend and reenact §19-30-2 of said code; to amend and reenact §19-34-5 of said code; to amend and reenact §20-5J-2, §20-5J-3 and §20-5J-5 of said code; to amend and reenact §20-5K-2, §20-5K-3 of said code; to amend and reenact §21A-6-16 and §21A-6-17 of said code; to amend and reenact §22-5-9 of said code; to amend and reenact §22-15A-10 of said code; to amend and reenact §22-18-6 and §22-18-7 of said code; to amend and reenact §22-30-21 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §24-2A-5 of said code; to amend and reenact §24-2C-4 of said code; to amend and reenact §27-1-7 of said code; to amend and reenact §27-1A-4, §27-1A-6 and §27-1A-12 of said code; to amend and reenact §27-2-1 of said code; to amend and reenact §27-2A-1 of said code; to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-4, §27-5-9 and §27-5-11 of said code; to amend and reenact §27-6A-1 and §27-6A-12 of said code; to amend and reenact §29-12-5 of said code; to amend and reenact §29-15-1, §29-15-5 and §29-15-6 of said code; to amend and reenact §29-20-1, §29-20-2, §29-20-3, §29-20-4 and §29-20-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §29-30-8, §29-30-9 and §29-30-11 of said code; to amend and reenact §29-31-2 of said code; to amend and reenact §30-3-7 of said code; to amend and reenact §30-4-3 of said code; to amend and reenact §30-7B-4 of said code; to amend and reenact §30-30-16 and §30-30-30 of said code; to amend and reenact §31-15A-7 of said code; to amend and reenact §31A-2A-4 of said code; to amend and reenact §33-15B-3 of said code; to amend and reenact §33-25A-7b, §33-25A-9, §33-25A-17, §33-25A-18, §33-25A-27 and §33-25A-36 of said code; to amend and reenact §33-25B-6 of said code; to amend and reenact §33-25D-18, §33-25D-20 and §33-25D-29 of said code; to amend and reenact §33-46-18 of said code; to amend and reenact §33-54-2 of said code; to amend and reenact §33-55-1 of said code; to amend and reenact §33-56-1 of said code; to amend and reenact §33-59-1 of said code; to amend and reenact §44-16-3 of said code; to amend and reenact §44A-1-8, §44A-1-9 and §44A-1-15 of said code; to amend and reenact §44A-2-2 of said code; to amend and reenact §44A-3-11 of said code; to amend and reenact §46A-6L-102 of said code; to amend and reenact §48-1-104, §48-1-206 and §48-1-236 of said code; to amend and reenact §48-2-701 and §48-2-702 of said code; to amend and reenact §48-9-209 of said code; to amend and reenact §48-11-105 of said code; to amend and reenact §48-14-102, §48-14-407, §48-14-413 and §48-14-414 of said code; to amend and reenact §48-17-101 and §48-17-102 of said code; to amend and reenact §48-18-101, §48-18-118 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-501, §48-26-502 and §48-26-801 of said code; to amend and reenact §48-27-206 of said code; to amend and reenact §49-1-104, §49-1-106, §49-1-202, §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-106, §49-2-110a, §49-2-111a, §49-2-125, §49-2-301, §49-2-302, §49-2-303, §49-2-401, §49-2-502, §49-2-503, §49-2-504, §49-2-604, §49-2-605, §49-2-701, §49-2-708, §49-2-802, §49-2-803, §49-2-804, §49-2-813, §49-2-814, §49-2-901, §49-2-903, §49-2-906, §49-2-913, §49-2-1001, §49-2-1002, §49-2-1003, §49-2-1004, §49-2-1005 and §49-2-1006 of said code; to amend and reenact §49-4-104, §49-4-108, §49-4-112, §49-4-114, §49-4-202, §49-4-203, §49-4-401, §49-4-402, §49-4-403, §49-4-408, §49-4-501, §49-4-704, §49-4-705, §49-4-706, §49-4-711, §49-4-726, §49-4-801 and §49-4-803 of said code; to amend and reenact §49-5-101 and §49-5-106 of said code; to amend and reenact §49-6-103, §49-6-105, §49-6-110, §49-6-113 and §49-6-116 of said code; to amend and reenact §49-7-102, §49-7-201, §49-7-202 and §49-7-204 of said code; to amend and reenact §49-8-1 of said code; to amend and reenact §51-2A-21 of said code; to amend and reenact §53-8-17 of said code; to amend and reenact §55-7B-9c of said code; to amend and reenact §55-19-3 of said code; to amend and reenact §60A-9-5 and §60A-9-8 of said code; to amend and reenact §60A-11-1, §60A-11-2 and §60A-11-3 of said code; to

amend and reenact §61-2-14a, §61-2-14h and §61-2-29b of said code; to amend and reenact §61-7A-3 and §61-7A-4 of said code; to amend and reenact §61-8D-3 and §61-8D-4 of said code; to amend and reenact §61-11-26a of said code; to amend and reenact §61-11A-6 of said code; to amend and reenact §61-12-12 of said code; to amend and reenact §61-14-7 of said code; to amend and reenact §62-1D-2 of said code; to amend and reenact §62-12-2 of said code; to amend and reenact §62-15B-1; all relating to renaming the Department of Health and Human Resources.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, and Woodrum—26.

The nays were: None.

Absent: Boley, Jeffries, Maroney, Plymale, Stover, Tarr, Woelfel, and Blair (Mr. President)—8.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4274) takes effect from passage.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on January 17, 2024:

Senate Bill 192: Senator Taylor;

Senate Bill 196: Senators Takubo and Taylor;

Senate Bill 197: Senator Taylor;

Com. Sub. for Senate Bill 253: Senator Queen;

Senate Bill 267: Senator Deeds;

Senate Bill 269: Senators Hunt and Woelfel;

Senate Bill 321: Senator Smith;

Senate Bill 323: Senator Smith;

Senate Bill 328: Senator Smith;

Senate Bill 335: Senator Woelfel;

Senate Bill 347: Senator Smith;

Senate Bill 397: Senator Smith;

Senate Bill 399: Senators Takubo, Phillips, Taylor, Barrett, Rucker, and Hamilton;

Senate Bill 426: Senator Takubo;

Senate Bill 439: Senators Takubo and Deeds;

Senate Bill 441: Senator Woelfel;

Senate Bill 443: Senator Woelfel;

Senate Bill 446: Senator Woelfel;

Senate Bill 448: Senator Smith;

Senate Bill 449: Senator Woelfel;

Senate Bill 454: Senator Woelfel;

Senate Bill 475: Senators Woelfel and Takubo;

Senate Bill 476: Senators Smith and Phillips;

Senate Bill 477: Senator Woelfel;

Senate Bill 478: Senator Takubo;

Senate Bill 479: Senator Woelfel;

And,

Senate Joint Resolution 5: Senator Nelson.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 3:13 p.m., the Senate adjourned until tomorrow, Friday, January 19, 2024, at 11 a.m.

SENATE CALENDAR

**Friday, January 19, 2024
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 18 - Stanley W. and Evelyn C. See Memorial Bridge
- S. C. R. 19 - US Army PFC Henry W. Baldwin Memorial Bridge

THIRD READING

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

SECOND READING

- Com. Sub. for S. B. 17 - Department of Health rule relating to public water systems operators (original similar to HB4042)
- Com. Sub. for S. B. 31 - Department of Human Services rule relating to collection and exchange of data related to overdoses (original similar to HB4056)
- Com. Sub. for S. B. 60 - Authorizing DOT to promulgate legislative rules (original similar to HB4104)
- Com. Sub. for S. B. 152 - Displaying official US motto in public schools (original similar to HB4846)
- Com. Sub. for S. B. 217 - Authorizing state and subdivisions to negotiate price for construction when all bids received exceed maximum budget
- S. B. 240 - Increasing fees charged by sheriff
- S. B. 264 - Reducing rates for legal advertising
- Com. Sub. for S. B. 269 - Excluding test strips from definition of drug paraphernalia
- Com. Sub. for S. B. 280 - Allowing teachers in public schools to discuss scientific theories
- Com. Sub. for S. B. 293 - Creating the Glucagon for Schools Act
- Com. Sub. for S. B. 300 - Relating to organization of Office of Inspector General (original similar to HB4757)
- S. B. 438 - Modifying roster requirements of authorizing entities

FIRST READING

- Com. Sub. for S. B. 354 - Relating to the WV Advanced Energy and Economic Corridor Authority
- Com. Sub. for S. B. 399 - Creating crime of assault on a police dog

Com. Sub. for S. B. 400 - Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects

S. B. 426 - WV Recreational Trails Development Act

S. B. 439 - Authorizing certain 911 personnel to be members of Emergency Medical Services Retirement System under certain circumstances

S. B. 462 - Updating definitions of certain terms used in Personal Income Tax Act (original similar to HB4878)

S. B. 483 - Amending Corporation Net Income Tax Act (original similar to HB4881)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Monday, January 22, 2024

1 p.m.

Transportation & Infrastructure

(Room 451M)