WEST VIRGINIA LEGISLATURE SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE REGULAR SESSION, 2024 FORTY-THIRD DAY

Charleston, West Virginia, Wednesday, February 21, 2024

The Senate met at 11:17 a.m.

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

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Sons of the American Revolution proceeded in the presenting of the Colors. The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Oliverio II, a senator from the thirteenth district.

Pending the reading of the Journal of Tuesday, February 20, 2024,

At the request of Senator Maroney, 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 507, Relating to repeal of WV EDGE.

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 4971—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, and §11-6M-5, all relating to limiting property tax on critical materials manufacturing property; making a declaration of policy; providing definitions; providing for property tax treatment of critical materials manufacturing property as its salvage value; providing for rule making authority and administration by the Tax Commissioner; and providing an effective date for assessments on or after July 1, 2024.

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 5017—A Bill to amend and reenact §16-2-18 of the Code of West Virginia, 1931, as amended, relating to mobile food establishment reciprocity.

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 5082—A Bill to amend and reenact §33-12-8 of the Code of West Virginia, 1931, as amended, relating to creating an exception to certain continuing-education requirements for certain holders of insurance licenses; providing that persons who have held an insurance license for 25 continuous years or more are exempt from continuing-education requirements; providing that holders of insurance licenses who fall under the exception are still permitted to attend continuing-education courses; providing that persons qualifying for the exemption are still required to meet any continuing-education requirements that pertain to ethics.

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 5159—A Bill to repeal §21-6-3 and §21-6-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-6-5 and §21-6-8 of said code; to repeal §21-6-8a of said code; and to amend and reenact §21-6-10 of said code, all relating to eliminating requirement that 14 or 15 year old obtain a work permit; establishing that employer seeking to hire a child 14 or older receive an age certificate from the commission prior to employing the child; providing commissioner the authority to issue age certificates for children ages 14 and over; and providing penalties for a person that issues an age certificate in violation of the article.

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

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

Eng. Com. Sub. for House Bill 5175—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the Center for Nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the Center for Nursing; creating within the Higher Education Policy Commission an Office of Nursing Education and Workforce Development; moving the functions of the Center for Nursing to the Office of Nursing Education and Workforce Development; changing name of Center for Nursing Fund to Nursing Scholarship and Workforce Fund; transferring certain fund-related duties from the vice chancellor for administration to the chancellor; modifying funding sources for the fund; and limiting application of the award eligibility requirement that a student in a registered

nurse program have completed half of the program to only those students in pre-licensure programs.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 5223—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-22, relating to creating the Southern Coalfield Resiliency and Revitalization Program for a period of five years; defining terms; finding that there are challenges facing the counties in which the southern coalfields are located; establishes the Southern Coalfield Resiliency and Revitalization Program; provides that the program will terminate five years after this section goes into effect; establishing revitalization council to organize and prioritize state resources and technical assistance for these counties; directing revitalization council to develop strategies to stimulate economic activity in and around the municipalities in Boone, Logan, McDowell, Mingo, and Wyoming counties in coordination with certain contributing partners to the extent possible; directing revitalization council to annually report to the Governor and the Legislature; directing Department of Economic Development and revitalization council to facilitate economic development incentives for the counties in which the southern coalfields are located; authorizing Department of Economic Development or other state body to provide state property and equipment to businesses investing in the counties of the southern coalfield area of the state at a reduced cost; providing that the program shall prioritize and West Virginia's natural resources, industries, business, raw materials, agricultural commodities, and reliable forms of energy.

Referred to the Committee on Economic Development; 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 5540—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, creating the Fentanyl Prevention and Awareness Education Act; requiring annual education of public school students in grades 6-12; setting forth methods of instruction; and mandating start date of instruction.

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 and requested the concurrence of the Senate in the passage of

Eng. House Bill 5549—A Bill to amend and reenact §15A-4-15 of the Code of West Virginia, 1931, as amended, relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them.

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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 5553—A Bill to amend and reenact §18-2-7c and §18-2-9 the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass certain minimum one-half credit hours in personal finance and computer science and technology courses as a high school graduation requirement; defining computer science; establishing computer science course requirements; requiring the state board of education to modify computer science standards; and establishing rulemaking to establish licensing requirements for computer science teachers.

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 5650—A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, as amended, relating to permitting a suspended employee to attend public events on school property and enter the school under certain circumstances.

Referred to the Committee on Education.

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 2—Requesting the Division of Highways name Bridge Number: 41-001/00-008.93 () (41A262), (37.94584, -81.41310) locally known as AMEAGLE BRIDGE NO. 2, carrying CR 01 over CLEAR FORK in Raleigh County, as the "U.S. Army SPC Steven W. Herron Memorial Bridge".

Com. Sub. for House Concurrent Resolution 3—Requesting the Division of Highways name bridge number 08-016/00-007.44 (08A040), (38.35407, -81.14921) locally known as SYCAMORE CK BR 7.44, carrying WV 16 over SYCAMORE CREEK in Clay County as the "Legg Brothers WWII Veterans Memorial Bridge".

House Concurrent Resolution 5—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".

Com. Sub. for House Concurrent Resolution 9—Requesting the Division of Highways name a section of WV Route 46, locally known as the Beryl Road and Shaw Road extending from the North Branch of the Potomac River at Piedmont WV to the Kantor Cutoff between 39.47994830263841, -79.06627907466128 and 39.427643533576884, -79.09318170874904, the "Private Jefferson Howell Memorial Road".

House Concurrent Resolution 11—Requesting the Division of Highways name a bridge bearing Bridge Number: 43-047/00-012.61 (43A203), (39.08363, -81.13852) locally known as Beatrice Girder Bridge, carrying WV 47 over INDIAN CREEK in Ritchie County as the "VFD Gregory Linn Haught Memorial Bridge".

House Concurrent Resolution 14—Requesting the Division of Highways name WV County Route 9 "Knobley Road" from the Intersection of WV 46 in Mineral County, 39.42856825760402, -78.92824325494573 following WV County Route 9 "Knobley Road" north to the intersection of WV County Route 9/3 "Reeves Road", 39.47173628860812, -78.88864608955976 as the "Assistant Chief David Timothy "Tim" Wilson Memorial Road".

House Concurrent Resolution 15—Requesting the Division of Highways name a bridge bearing Bridge Number: 41-077/00-028.93 (SB) (41A211), (37.61497, -81.12015) locally known as I-77 SB OVER 48, carrying IS 77 over Route 48 in Raleigh County as the "USMC Private Timith Daley Nunn Memorial Bridge".

House Concurrent Resolution 16—Requesting the Division of Highways name bridge number 25-091/00-001.24 (25A274), locally known as Rachel Railroad Bridge, carrying County Route 91 over an abandoned railroad bed in Marion County, the "Thomas Leo Starsick Memorial Bridge".

House Concurrent Resolution 17—Requesting the Division of Highways name Bridge Number: 30-003/05-016.21 (30A288), (37.90962, -82.24858) locally known as Breeden Bridge, carrying CR 03/05 over West FK of Twelvepole CK in Mingo County the "Ab and Laura Baisden Bridge".

House Concurrent Resolution 18—Requesting the Division of Highways name bridge number 06-064/00-21.75 (06A243), locally known as Howells Mill Overpass Westbound, carrying I-64 over Mud River and County Route 1 in Cabell County, the "Caldwell Brothers Memorial Bridge" and name bridge number 06-064/00-2175 (06A242), locally known as Howells Mill Overpass Eastbound, carrying I-64 over Mud River and County Route 1 in Cabell County, the "Caldwell Brothers Memorial Bridge".

Com. Sub. for House Concurrent Resolution 22—Requesting the Division of Highways name bridges number 10-019 and 00-003.82 (10A090 and 10A091), locally known as White Oak Branch Bridges, carrying CR 21 and CR 20 over White Oak Branch in Fayette County, the "U.S. Army Corporal William Edgar Hancock Memorial Bridge".

House Concurrent Resolution 23—Requesting the Division of Highways name the bridge numbered 6176, also called "I77 OV 23/2 PAX IC, which is the turnpike exit to Pax, the "Cody J. Mullens Memorial Bridge".

House Concurrent Resolution 25—Requesting the Division of Highways name bridge number 26-250/00-011.46 (26A089), locally known as Grade School Bridge, carrying US 250 over Grave Creek in Marshall County, "U. S. Navy Sonarman First Class William "Bill" C. Harris Memorial Bridge".

Com. Sub. for House Concurrent Resolution 26—Requesting the Division of Highways name bridge number 52-054/00-000.75 (52A088), (39.56097, -80.72622) locally known as Crow Run Bridge, carrying CR 04 over Crow Run in Wetzel County, as the "PFC Jerry Lee Bassett Memorial Bridge".

House Concurrent Resolution 27—Requesting the Division of Highways to name a bridge bearing Bridge Numbers: 13-064/00-180.29 (EB & WB) (13A221, 13A222), (37.79965, - 80.28023) locally known as WADES CREEK BRIDGES EB & WB, carrying IS 64 over US 60 &

Wades Creek in Greenbrier County as the "U.S. Army Sergeant Jerry Lee Harris Memorial Bridge".

House Concurrent Resolution 28—Requesting the Division of Highways name the bridge numbered 41-001/00-000.06 () (41A001), (37.96929, -81.53268) locally known as WHITESVILLE GIRDER, carrying CR 01 over MARSH FORK in Raleigh County, the "Karantonis Brothers Armed Forces Memorial Bridge".

House Concurrent Resolution 29—Requesting the Division of Highways name the bridge numbered 04-040/00-000.01 () 04A096, at 38.5670347217001, -80.8980361650172, known locally as the "Strange CK DK GRD," the "U.S. Army Sgt Thomas Lawson Memorial Bridge".

House Concurrent Resolution 30—Requesting the Division of Highways name a bridge bearing the Bridge Number: 26-250/00-013.37 () (26A094), (39.84754, -80.55577) locally known as Clouston Bridge, carrying US 250 over North Fork Grave Creek in Marshall County as the "Jack L. Hart Memorial Bridge".

House Concurrent Resolution 31—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 as the "Stanley W. and Evelyn C. See Memorial Bridge".

House Concurrent Resolution 32—Requesting the Division of Highways name Bridge Number 44-079/00-029.04 (NB) (44A125), at 38.58216 latitude and -81.21047 longitude and originally known as the Big Sandy Creek N (CSPG) at CR29 & Big Sandy Creek, near Amma, WV in Roane County, the "Sloan Brothers Memorial Bridge".

Com. Sub. for House Concurrent Resolution 33—Requesting the Division of Highways name bridge number 44-029/09-001.26 () (44A062), (38.55586, -81.25884) locally known as LITTLE PIGEON BRIDGE (CSWB), carrying CR 29/09 over BIG SANDY CREEK in Roane County, the "U.S. Army PFC Gale Hall Memorial Bridge".

Com. Sub. for House Concurrent Resolution 34—Requesting the Division of Highways name the bridges numbered 25-079/00-132.07 (NB) and 25-079/00-132.07 (SB), BARIDs 25A132 and 25A133, at 39.4324950947195, -80.1866889479929 and 39.4326457695149, -80.1866584277802, known locally as the "MIDDLETOWN MALL OVERPASS", the "U.S. Army Staff Sgt. Harlie Steven Gabbert Memorial Bridge".

House Concurrent Resolution 35—Requesting the Division of Highways name bridge 41-003/00-000.77 () (41A017), (37.96177, -81.53366) locally known as MARSH FORK BRIDGE, carrying WV 03 over MARSH FORK in Raleigh County, the "Gulf War Veteran's Memorial Bridge".

House Concurrent Resolution 36—Requesting the Division of Highways name Bridge Number 11642, beginning at 38*27'10N 81*51'38W and ending at 38*27'12"N 81*51'39W, on Bills Creek Road near Scott Depot in Putnam County, the "Chief Master Sgt. Dan Chandler Bridge".

House Concurrent Resolution 38—Requesting the Division of Highways name Bridge Number 17-079/00-115.33 (NB-SB) (17A251,17A252), also known as the Quiet Dell Overpass and beginning at 39.22594, -80.29692, located in Clarksburg, WV in Harrison County, the "US Army PFC William Gorman Memorial Bridge".

Com. Sub. for House Concurrent Resolution 39—Requesting the Division of Highways name bridge number 39-050/02-000.89 () (39A113), (39.32593, -79.81876), locally known as the Israel Bridge, carrying CR50/02 over Little Sandy Creek in Preston County, the "U.S. Army SP3 Delbert Sherdan "Buck" Huffman Sr. Memorial Bridge".

Com. Sub. for House Concurrent Resolution 40—Requesting the Division of Highways name bridge number 25-033/02-000.55 () (25A077), (39.48162, -80.07274) locally known as REUBEN RUN BRIDGE, carrying CR 33/02 over REUBEN RUN in Marion County as the "USMC MSG Edward P. & MP Carl A. McCray Memorial Bridge".

House Concurrent Resolution 41—Requesting the Division of Highways name Bridge Number: 33-009/00-020.32 () (33A020), (39.61829, -78.28301) locally known as GREAT CACAPON BRG., carrying WV 9 over CACAPON RIVER in Morgan County, the "Thurman W. Whisner Memorial Bridge".

House Concurrent Resolution 42—Requesting the Division of Highways name the bridge numbered 26-005/00-005.05 () (26A021), (40.00400, -80.64197) locally known as "Langmyer Bridge," carrying CR 005 over Wheeling Creek in Marshall County the "U.S. Army SSG William E. Miller Memorial Bridge".

House Concurrent Resolution 44—Requesting the Division of Highways name Bridge Number: 13-060/14-006.39 (13A127), (37.77177, -80.35636) locally known as HARTS RUN BRIDGE, carrying CR 60/14 over HOWARD CREEK in Greenbrier County. the "Frank Walker Mosley Memorial Bridge".

House Concurrent Resolution 45—Requesting the Division of Highways name Bridge Number: 13-012/00-013.12 () (13A192), (37.86803, -80.55368) locally known as ALTA MOUNTAIN BRIDGE, carrying WV 12 over I-64 EBL and WBL in Greenbrier County, the "Alexander Arbuckle "Abe" McLaughlin Memorial Bridge".

House Concurrent Resolution 46—Requesting the Division of Highways name bridge number 14-016/00.00609(14A078), locally known as Capon Lake Bridge, carrying County Route 16/Capon Springs Road over Cacapon River in Hampshire County, the "Jacob "Jack" Taylor Rudolph, Sr. Memorial Bridge".

House Concurrent Resolution 50—Requesting the Division of Highways name Bridge Number: 23-044/04-000.02 () (23A188), (37.71090, -81.98702) locally known as SARAH ANN BOX BEAM, carrying CR 44/04 over ISLAND CREEK in Logan County the "Jack A. Hatfield Memorial Bridge".

House Concurrent Resolution 51—Requesting the Division of Highways name bridge number 43-017/00-000.06(43A054), locally known as Racy Bridge, carrying County Route 017 over North Fork Hughes River in Ritchie County, the "U. S. Army Colonel Merlin C. Kerns Memorial Bridge".

House Concurrent Resolution 53—Requesting the Division of Highways name Bridge Number: 04-032/07-002.61 () (04A091), (38.65540, -80.84367) locally known as SAWMILL BRIDGE, carrying CR 032/07 over ELK RIVER in Braxton County. , the "U. S. Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge".

House Concurrent Resolution 59—Requesting the Division of Highways name the bridge numbered 12-005/00-000.13(12A010), (39.05079, -79.10992) locally known as ARTHUR BRIDGE, carrying CR 05 over LUNICE CREEK in Grant County, the "Asa H. Kisamore, Jr. Memorial Bridge".

House Concurrent Resolution 60—Requesting the Division of Highways name a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on W V 2/4, together with the small bridge in front of the Providence Baptist Church in Braxton County, the "Terra Dawn Lewis Memorial Road and Bridge".

House Concurrent Resolution 61—Requesting the Division of Highways name Bridge Numbers: 04-079/00-046.18 (NB & SB) (04A103, 04A104), (38.61716, -80.95085) locally known as SERVIA ICHG N & S, carrying IS 79 over Co 11 in Braxton County, the "Mollohan Brothers Memorial Bridge".

Com. Sub. for House Concurrent Resolution 62—Requesting the Division of Highways name bridge number 10-025/02-000.10 () (10A126), (37.95606, -81.07894) locally known as THURMOND BRIDGE, carrying CR 25/02 over NEW RIVER in Fayette County, as the "U.S. Army First Sgt. Clarence Shirley Blake Memorial Bridge".

House Concurrent Resolution 68—Requesting the Division of Highways name Bridge Number: 11-047/00-004.96 (11A128), (39.04623, -80.83061) locally known as COXCAMP CONCRETE BOX BM, carrying WV 47 over COXCAMP FORK in Gilmer County, the "U. S. Army Air Force, Major (Ret.) Willis 'Scottie' Adams Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

Executive Communications

The Clerk presented the following communication from His Excellency, the Governor, regarding bills approved by him:



February 20, 2024

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, are the following bills:

Committee Substitute for Senate Bill No. Three Hundred Eighteen (318), which was presented to me on February 14, 2024.

Senate Bill No. Four Hundred Twenty-Eight (428), which was presented to me on February 14, 2024.

Senate Bill No. Five Hundred Forty-Three (543), which was presented to me on February 14, 2024.

You will note that I have approved these bills on February 20, 2024.

acerel ... Jim stice Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 167, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

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

Com. Sub. for Senate Bill 167 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to authorizing county commissions to impose a health and safety fee for tourism and recreational activities within the county; listing applicable activities and how fee to be calculated thereon; providing that fee may only be collected once on any seasonal or annual pass purchased for activities to which fee is applicable; establishing that fee may not be collected or imposed on activities within municipalities that have levied an amusement tax; establishing who owes fee, collection, and remittance to county; requiring counties who impose fee to notify the State Fire Marshal and the Office of Emergency Medical Services; authorizing counties to promulgate administrative procedures for collection of fee; providing that the sheriff is the county's agent for collection of fee; requiring moneys collected for fee be kept in a separate account; establishing requirements for use of proceeds from fee; establishing waiver process for alternative use of proceeds; and providing rulemaking authority.

With the recommendation that the committee substitute do pass.

Respectfully submitted, Eric J. Tarr,

Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 167) 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

Com. Sub. for Senate Bill 188 (originating in the Committee on Economic Development), Mountain Homes Act.

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

Com. Sub. for Com. Sub. for Senate Bill 188 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1, §5B-2P-2, §5B-2P-3, §5B-2P-4, §5B-2P-5, §5B-2P-6, §5B-2P-7, §5B-2P-8, §5B-2P-9, §5B-2P-10, §5B-2P-11, §5B-2P-12, and §5B-2P-13, all relating to creating the

Mountain Homes Act; setting out a short title; setting out legislative findings; defining terms; authorizing rulemaking; providing an effective date; providing for a sunset date; creating the Mountain Homes Fund; providing for the purposes of the fund; providing for administration of the fund; providing for recordkeeping; requiring reporting to the Joint Committee on Government and Finance and the Governor; setting out required elements for the report; exempting certain materials from the Freedom of Information Act; establishing criteria for eligibility for use of funds; requiring an application for use of funds; setting out elements necessary to be included on the application; providing for exclusions from use of funds; providing for application approval; establishing evaluation standards and criteria; providing for a final agreement; setting out terms of the agreement; allowing for an extension of time; requiring adjacent properties to be subject to additional approval; providing for administration of the act; setting out powers and duties of the Economic Development Authority; and providing for a criminal penalty for a false statement.

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

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. 188) 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

Senate Bill 225, Establishing revocation of authority for spending by agency in support of challenge to WV law.

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

Com. Sub. for Senate Bill 225 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-3-21, relating to establishing the revocation of authority for spending by an agency in support of a challenge to West Virginia law; and providing for exceptions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 225) 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 Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Senate Bill 306, Equipment Right to Repair Act.

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

Com. Sub. for Senate Bill 306 (originating in the Committee on Agriculture and Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, 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, and §19-39-9, all relating to creating the Equipment Right to Repair Act; creating a short title; defining terms; establishing jurisdiction of the Commissioner of Agriculture; establishing requirements; establishing limitations; providing for rulemaking; establishing violations; imposing civil penalties; authorizing civil actions, penalties, and injunctive relief; and providing for applicability and effective date of article.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton, *Chair.*

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 Senate Bill 493 (originating in the Committee on the Judiciary), Relating to use of criminal records as disqualification from authorization to practice particular profession.

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

Com. Sub. for Com. Sub. for Senate Bill 493 (originating in the Committee on Rules)—A Bill to amend and reenact §21-14-6 of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-3B-4 of said code; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-6 of said code, all relating generally to the use of criminal records as disqualification from initial licensure or other authorization to practice certain professions or occupations regulated by the Division of Labor or the State Fire Marshal; prohibiting licensing authorities from disqualifying an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that directly and specifically relates to the activity requiring licensure such that granting the applicant licensure would pose a direct and substantial risk to the public because the applicant has not been rehabilitated; providing factors for a licensing authority to determine whether a criminal conviction directly and specifically relates to a profession or occupation; providing evidence of rehabilitation or treatment undertaken by the individual to be considered by a licensing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation; providing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation; providing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation; providing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation; providing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation; providing authority in determining whether a criminal conviction directly and specifically relates to a profession or occupation;

clarifying that a licensing authority may not disqualify an applicant from initial licensure because of a prior criminal conviction if certain criteria are met; authorizing an individual who has not previously held a license from the licensing authority to petition the authority for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license; prohibiting a licensing authority from considering or from requiring an individual to disclose an arrest not followed by conviction in an application for initial licensure or determination regarding criminal record; and requiring licensing authorities to update licensure forms, relevant publicfacing documents, and website.

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

Respectfully submitted,

Craig Blair, Chair ex officio.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 528, Requiring DHS to provide investigative and assessment services.

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

Com. Sub. for Senate Bill 528 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-2-101, §49-2-809, and §49-2-813 of said code; and to amend and reenact §49-11-101 of said code, all relating to child welfare; defining terms; stating that protective services include both an investigative track and a family assessment track; requiring the Bureau for Social Services to establish a system of differential response and use appropriate screening tools to respond to reports received by centralized intake that complies with relevant law; providing data retention requirements; and amending requirements of the child welfare data dashboard.

And,

Senate Bill 769, Prohibiting certain medical exams on anesthetized patients.

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

Com. Sub. for Senate Bill 769 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-21, relating to prohibiting certain medical practices; prohibiting medical providers from performing pelvic, rectal, or breast exams on an anesthetized or unconscious patient except in specified circumstances; providing criminal penalties; providing medical license penalties; and establishing an effective date.

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

Respectfully submitted,

Michael J. Maroney, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 528 and 769) contained in the preceding report from the Committee on Health and Human Resources 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 the Judiciary.

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 Senate Bill 562 (originating in the Committee on the Workforce), Expanding employment and training requirements necessary for SNAP benefits.

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

Com. Sub. for Com. Sub. for Senate Bill 562 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §9-8-2a and §9-8-2b, all relating to expanding the current mandatory employment and training requirements necessary to receive Supplemental Nutrition Assistance Program benefits; defining and developing exemptions; clarifying the secretary's duties when there is a lack of funding or inability to provide employment and training; identifying when assignments to the employment and training program may not be suspended; evaluating the current voluntary employment and training program requirements necessary to receive Supplemental Nutrition Assistance Program benefits; requiring the department to define and develop reporting systems; and reporting on and measuring expectations of the employment and training program.

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

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. 562) 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

Senate Bill 603, Solid Waste Management Act.

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

Com. Sub. for Senate Bill 603 (originating in the Committee on Government Organization)— A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to definition of "commercial solid waste facility"; amending definition to exclude solid waste facility that collects and consolidates solid waste from certificated motor carrier's existing customers at no additional charge to customers before transportation to disposal facility; and mandating that such facility comply with bonding and pre-siting notice requirements.

Senate Bill 746, Modifying composition of Regional Jail and Correctional Facility Authority Board.

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

Com. Sub. for Senate Bill 746 (originating in the Committee on Government Organization)— A Bill to amend and reenact §15A-8-2 and §15A-8-3 of the Code of West Virginia, 1931, as amended, all relating to the composition of the West Virginia Regional Jail and Correctional Facility Authority Board and scheduled meetings.

And,

Senate Bill 844, Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission.

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

Com. Sub. for Senate Bill 844 (originating in the Committee on Government Organization)— A Bill to amend and reenact §10-5-1, §10-5-2, and §10-5-3 of the Code of West Virginia, 1931, as amended, relating to Educational Broadcasting Authority; changing name of Educational Broadcasting Authority to Educational Broadcasting Commission; reducing number of commission members; authorizing Secretary of Department of Arts, Culture, and History to appoint commission director; and making technical corrections.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 603, 746, and 844) 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 Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 618, Creating Carbon Exchange Program.

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

Com. Sub. for Senate Bill 618 (originating in the Committee on Government Organization)— A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-37-1, §22-37-2, §22-37-3, §22-37-4, §22-37-5, §22-37-6, §22-37-7, and §22-37-8, all relating to authorizing Division of Forestry to administer Carbon Exchange Program; outlining scope of Carbon Exchange Program; and providing program requirements for Carbon Exchange Program.

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

Respectfully submitted,

Jack David Woodrum, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 618) 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.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 672, Requiring coverage of home blood pressure monitoring devices for certain Medicaid recipients.

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

Com. Sub. for Senate Bill 672 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for blood pressure monitoring devices to be offered to certain persons who have been diagnosed with hypertension; requiring benefits be provided; and requiring reimbursement for related costs.

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

Respectfully submitted,

Michael J. Maroney, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 672) contained in the preceding report from the Committee on Health and Human Resources

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

Your Committee on Government Organization has had under consideration

Senate Bill 712, Reducing minimum age for State Police cadet.

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 (S. B. 712) 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

Senate Bill 743, Relating to Bureau for Medical Services' medically supervised weight loss program.

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

Com. Sub. for Senate Bill 743 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-34, relating to West Virginia Bureau for Medical Services' medically-supervised weight loss program; defining terms; requiring the Bureau for Medical Services to file a State Plan Amendment; setting forth eligibility criteria; setting forth approval process; requiring regular assessments of the program focused on costs and health outcomes; and requiring reporting to the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 743) 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.

At the request of Senator Maroney, unanimous consent being granted, the bill was 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

Senate Bill 750, Establishing Fentanyl Poisoning Awareness Week in grades six through 12.

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

Com. Sub. for Senate Bill 750 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-30, relating to Laken's Law; requiring each school district to annually provide age-appropriate, research-based instruction related to the dangers posed by the drug fentanyl to students in grades six through 12; encouraging school districts to provide the instruction during Red Ribbon Week; specifying topics that the instruction is to include; specifying who may provide the instruction; and requiring instruction to begin in the 2024-2025 school year.

And,

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

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

Com. Sub. for Senate Bill 761 (originating in the Committee on Education)—A Bill to amend and reenact §18-5G-12 of the Code of West Virginia, 1931, as amended, relating to providing greater access to unused buildings for public charter schools; requiring the county board or public entity to allow the charter school sufficient time to establish the school; providing that the facility is not required to hold the building if the charter school application is denied; and allowing the authorizer of the charter school to release the building in the event the school is unable to open.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Amy N. Grady, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, Committee Substitute for Senate Bill 750 contained in the foregoing report from the Committee on Education was then referred to the Committee on Rules.

At the further request of Senator Takubo, and by unanimous consent, Committee Substitute for Senate Bill 761 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 Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 765, Establishing and administering DNA identification system.

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

Com. Sub. for Senate Bill 765 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-4 and §15-2B-6 of the Code of West Virginia, 1931, as amended, all relating to designating the Forensic Analysis Laboratory of the Marshall University Forensic Science Center as the back-up provider to manage the deoxyribonucleic acid databank and database in the event of a statewide declared, public emergency, or natural disaster; designating Forensic Analysis Laboratory of the Marshall University Forensic Science Center as an additional site for the analysis of the deoxyribonucleic acid samples from unidentified human remains; providing Forensic Analysis Laboratory of the Marshall University Forensic Science Center access to certain database; and requiring the Chief Medical Examiner, or his or her designee, to collect specified samples for inclusion into the state deoxyribonucleic acid databank and specifying access to those samples.

And,

Senate Bill 778, Amending certain qualifying offenses to enhance sentences of repeat offenders.

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

Com. Sub. for Senate Bill 778 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to qualifying offenses for the purpose of enhancing the sentence of a repeat offender.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Ryan W. Weld, Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 765 and 778) contained in the preceding report from the Committee on the Judiciary 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

Senate Bill 806, Removing certain required reports to Legislative Oversight Commission on Education Accountability.

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 (S. B. 806) 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

Senate Bill 815, Requiring annual analysis of contracts from DHS and Bureau for Social Services.

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 (S. B. 815) 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 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. House Bill 5268, Relating to the enhanced recovery of oil and natural gas in horizontal wells.

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

Respectfully submitted,

Randy E. Smith, *Chair.*

The Senate proceeded to the sixth order of business.

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 51—Memorializing the life of Lora Susan Thompson, former Bill Clerk, Chief Journal Clerk, and Chief Desk Clerk of the West Virginia Senate, and dedicated public servant.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 32, Requesting Joint Committee on Government and Finance study establishing depository for gold and silver.

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 49, Recognizing World Scouting Museum.

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.

Senate Resolution 50, Designating February 21, 2024, as WV History 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.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 453, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

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 Committee Substitute for Senate Bill 453 pass?"

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 453) 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 494, Uniform Unlawful Restriction in Land Records Act.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 494) 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 533, Allowing EMS agencies to triage, treat or transport patients to alternate destinations.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 533) 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 630, Defining protections for election officials and election workers.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 630) 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 667, Creating Physician Assistant Compact.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 667) 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 683, Amending definition of "alternative fuel" under motor fuel 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, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 683) 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 688, Authorizing director of Division of Forestry to contract and manage forest land.

On third reading, coming up in regular order, with the right having been granted on February 19, 2024, for amendments to be received on third reading, was read a third time.

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

On page 1, section 4a, line 5, after the word "wildfires" by changing the period to a colon and inserting the following proviso: *Provided*, That no wildfire management contract shall be entered into for state parks and rail trail lands under the jurisdiction of the Director of the Division of Natural Resources.

Following extended discussion,

The question being on the adoption of Senator Stover's amendment to the bill, the same was put and did not prevail.

Engrossed Committee Substitute for Senate Bill 688 was then put upon its passage.

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

The nays were: Caputo, Stover, and Woelfel-3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 688) 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 690, Establishing WV Agritourism Commission.

On third reading, coming up in regular order, with the right having been granted on February 19, 2024, for amendments to be received on third reading, was read a third time.

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

On page 1, section 6, line 2, by striking out the word "eight" and inserting in lieu thereof "10";

And,

On page 1, section 6, line 5, by striking out the words "and (8) the Farm Bureau." and inserting in lieu thereof the words "(8) the Farm Bureau; (9) Equestrianism; and (10) Farm-to-Table."

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

Engrossed Committee Substitute for Senate Bill 690 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 690 pass?"

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 690) 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 711, Clarifying that qualified law enforcement from any federal agency may enforce state laws under limited circumstances.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 711) 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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 711) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 722, Revising examination of records relating to limited video lottery.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 722) 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 727, Revising process for county boards of education to hire support staff.

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

Pending discussion,

(Senator Queen in the Chair.)

Pending discussion,

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

The question being "Shall Engrossed Committee Substitute for Senate Bill 727 pass?"

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

The nays were: Caputo, Chapman, and Hamilton—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 727) passed.

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 Senate Bill 727—A Bill to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-8b of said code, all relating to revising the process for county boards of education to hire aides and early childhood classroom assistant teachers; requiring that any process that may be established by a faculty senate to obtain information regarding applicants for aide and early childhood classroom assistant teacher vacancies that will enable the faculty senate to submit recommendations regarding employment include the participation and input of one service person; establishing parameters for the service

person selected: addressing training of service personnel who may participate in interviews and compensation of a service person who directly participates in the training for periods beyond his or her individual contract; providing for a committee of faculty senate members responsible for making a recommendation to include one service person when information regarding applicants for aide or early childhood classroom assistant teacher vacancies is being obtained; allowing the principal or certain other person designated in West Virginia Board of Education rule to be given opportunity to interview all qualified applicants and make recommendations regarding their employment; allowing faculty senate including the required participating service person to interview or otherwise obtain information regarding applicants; adding to criterion that decisions affecting promotions and filling of the aide and early childhood classroom assistant teacher positions are to be based on; specifying weight to be given to each criterion; requiring all gualified applicants to be considered together in one group; requiring appointment of applicant if the principal and faculty senate with the participation and input of the required service person recommend the same applicant and the county superintendent concurs; requiring state board rule to implement and interpret certain provisions: allowing rule to include compensation for those directly participating in making recommendations during periods of participation beyond their individual contract; and establishing effective date.

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 738, Authorizing State Fire Marshal to promulgate emergency rules relating to increased fees.

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, Jeffries, 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: Azinger, Chapman, Karnes, and Martin-4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 738) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, 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: Azinger, Chapman, Karnes, and Martin—4.

Absent: None.

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. 738) takes effect from passage.

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

Eng. Senate Bill 779, Imposing deadlines for autopsies and autopsy reports.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 779) 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 785, Allowing Foster Care Ombudsman access to child protective 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, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 785) 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 4860, Providing that a general education teacher may not be responsible for accommodation logs.

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

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

The nays were: Caputo and Woelfel-2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4860) 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 4860—A Bill to amend and reenact §18-20-1c of the Code of West Virginia, 1931, as amended, relating to education of exceptional children in an integrated classroom; and providing that the general education teacher shall utilize the supplementary services documentation sheet on days when accommodations were made.

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 5295, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

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, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Deeds, Grady, Martin, Roberts, and Smith-6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5295) 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 5295—A Bill to amend and reenact §8-12-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-2a, §60-7-8a, and §60-7-8g of said code, all relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders, including but not limited to a special S2 licensed and properly insured private fair and festival; providing that private outdoor designated areas may simultaneously host multiple permit holders; defining a term; providing that the dual licensing of private fairs and festivals simultaneous to other qualified permit holders is permissible; and eliminating the joint and several liability of qualified permit holders.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 675, Establishing accreditation deadline for convention and visitors bureaus.

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

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

On page 3, section 13a, line 54, by striking out "2026" and inserting in lieu thereof "2025";

On page 3, section 13a, line 59, by striking out "2026" and inserting in lieu thereof "2025";

And,

On page 3, section 13a, line 59, after the word "any" by inserting the word "new".

The bill (Com. Sub. for S. B. 675), as amended, was then ordered to engrossment and third reading.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 5295, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders.

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, Clements, Hamilton, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Smith, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Deeds, Grady, and Roberts-4.

Absent: Hunt and Stuart—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. 5295) 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 then resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

Senate Bill 681, Revising service obligation for certain doctoral medical degree programs.

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 685, Continuing and updating Board of Risk and Insurance Management.

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 724, Allowing license plates, road signs, or markers be obtained from alternative sources.

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.

Com. Sub. for Senate Bill 730, Clarifying compensation for county tax collector.

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 754, Requiring car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance.

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

Senate Bill 763, Exempting certain records from public release.

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

Senate Bill 768, Providing exception for sharing of confidential child welfare records.

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 773, Expanding powers of National Park Service law-enforcement officers.

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

Senate Bill 802, Updating consumer credit and protection laws on certain agricultural vehicles and equipment.

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

Senate Bill 834, Increasing number of members for Motor Vehicle Dealers Advisory Board.

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

Senate Bill 838, Requiring lending institutions to utilize DMV electronic lien system under certain circumstances.

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.

Eng. Com. Sub. for House Bill 4809, Health Care Sharing Ministries Freedom to Share Act.

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

Eng. Com. Sub. for House Bill 4850, Removing the sunset clause from Oil and Gas Personal Property Tax.

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

Eng. Com. Sub. for House Bill 5057, To raise the threshold for nominal referral fees from \$25 to \$100.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Woelfel were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Trump called attention to today being the birthday of the Senior Senator from the Fifth and on behalf of the Senate extended felicitations and good wishes to Senator Plymale.

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale addressed the Senate regarding his birthday.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 20, 2024:

Senate Bill 442: Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on February 20, 2024:

Senate Bill 827: Senator Barrett;

And,

Senate Bill 861: Senators Oliverio, Hamilton, Deeds, and Caputo.

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

On motion of Senator Takubo, at 1:12 p.m., the Senate adjourned until tomorrow, Thursday, February 22, 2024, at 11 a.m.

SENATE CALENDAR

Thursday, February 22, 2024 11:00 AM

UNFINISHED BUSINESS

S. R. 51 - Memorializing life of Lora Susan Thompson

THIRD READING

- Eng. Com. Sub. for S. B. 675 Establishing accreditation deadline for convention and visitors bureaus
- Eng. S. B. 681 Revising service obligation for certain doctoral medical degree programs
- Eng. Com. Sub. for S. B. 685 Continuing and updating Board of Risk and Insurance Management (original similar to HB5593)
- Eng. Com. Sub. for S. B. 730 Clarifying compensation for county tax collector (original similar to HB5537, SB757)
- Eng. Com. Sub. for S. B. 754 Allowing car dealerships to utilize search engines to determine if buyers have valid motor vehicle insurance
- Eng. S. B. 763 Exempting certain records from public release
- Eng. S. B. 768 Providing exception for sharing of confidential child welfare records
- Eng. Com. Sub. for S. B. 773 Expanding powers of National Park Service law-enforcement officers
- Eng. S. B. 802 Updating consumer credit and protection laws on certain agricultural vehicles and equipment
- Eng. S. B. 834 Increasing number of members for Motor Vehicle Dealers Advisory Board
- Eng. S. B. 838 Requiring lending institutions to utilize DMV electronic lien system under certain circumstances

SECOND READING

- Com. Sub. for S. B. 167 Establishing statewide health and safety fee for tourism and recreational activities by county commissions
- Com. Sub. for Com. Sub. for S. B. 188 Mountain Homes Act
- Com. Sub. for S. B. 225 Establishing revocation of authority for spending by agency in support of challenge to WV law
- Com. Sub. for Com. Sub. for S. B. 562 Expanding employment and training requirements necessary for SNAP benefits
- Com. Sub. for S. B. 603 Solid Waste Management Act

S. B. 712 - Reducing minimum age for State Police cadet

- Com. Sub. for S. B. 746 Modifying composition of Regional Jail and Correctional Facility Authority Board
- Com. Sub. for S. B. 761 Providing greater access to unused buildings for public charter schools
- Com. Sub. for S. B. 765 Establishing and administering DNA identification system
- Com. Sub. for S. B. 778 Amending certain qualifying offenses to enhance sentences of repeat offenders
- S. B. 806 Removing certain required reports to Legislative Oversight Commission on Education Accountability
- S. B. 815 Requiring annual analysis of contracts from DHS and Bureau for Social Services
- Com. Sub. for S. B. 844 Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission
- Eng. Com. Sub. for H. B. 4809 Health Care Sharing Ministries Freedom to Share Act
- Eng. Com. Sub. for H. B. 4850 Removing the sunset clause from Oil and Gas Personal Property Tax
- Eng. Com. Sub. for H. B. 5057 To raise the threshold for nominal referral fees from \$25 to \$100.

FIRST READING

Com. Sub. for S. B. 306 - Equipment Right to Repair Act

- Com. Sub. for Com. Sub. for S. B. 493 Relating to use of criminal records as disqualification from authorization to practice particular profession
- Eng. H. B. 5268 Relating to the enhanced recovery of oil and natural gas in horizontal wells
- Eng. Com. Sub. for H. B. 5540 Relating to fentanyl prevention and awareness Education (Laken's Law)

Eng. H. B. 5549 - Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Thursday, February 22, 2024

9:30 a.m.	Education	(Room 451M)
9:30 a.m.	Government Organization	(Room 208W)
10:30 a.m.	Rules	(Room 219M)