

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
FIRST DAY

Charleston, West Virginia, Wednesday, January 12, 2022

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Senate assembled in its chamber in the state capitol in the City of Charleston, West Virginia, on this twelfth day of January, two thousand twenty-two, for the second annual sixty-day session of the eighty-fifth Legislature, and at 12:01 p.m. was called to order by the President, the Honorable Craig Blair.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

On the call of the roll, the following answered to their names:

Senators Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President).

Thirty-two members having answered to their names, the President declared the presence of a quorum.

At the request of Senator Weld, unanimous consent being granted, Senator Weld offered the following resolution from the floor:

Senate Resolution 1—Raising a committee to notify the House of Delegates that the Senate has assembled in regular session.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in regular sixty-day session, with a quorum present, and is ready to proceed with the business of this regular session.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Nelson, Phillips, and Beach.

Subsequently, Senator Nelson reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Queen, Storch, and Boggs, announced that the House of Delegates has assembled, with a quorum present, and is ready to proceed with the business of this second regular session of the eighty-fifth Legislature.

At the request of Senator Weld, unanimous consent being granted, Senator Weld offered the following resolution from the floor:

Senate Resolution 2—Providing for the appointment of a committee to inform the Governor that the Legislature has assembled in regular session.

Resolved by the Senate:

That a committee of three on the part of the Senate be appointed by the President, to join with a similar committee on the part of the House of Delegates, to notify His Excellency, the Governor, that the Legislature has assembled in regular sixty-day session, with a quorum of each house present, and is ready to receive any communication or message that he may desire to present.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Sypolt, Roberts, and Plymale.

A message from the House of Delegates, by

Delegates Pack, Tully, and Lovejoy, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate under the provisions of Senate Resolution 2 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Sypolt reported that the joint Senate and House committee had performed the duty assigned to it.

At the request of Senator Weld, unanimous consent being granted, Senator Tarr offered the following resolution from the floor:

Senate Resolution 3—Authorizing the appointment of permanent and per diem employees for the Second Regular Session of the Eighty-Fifth Legislature and payment of their compensation.

Resolved by the Senate:

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the Eighty-Fifth Legislature, and any extension thereof as follows:

Up to thirty Class I administrative assistants at a rate of eighty dollars per diem to one hundred ten dollars per diem;

Up to four Class II administrative assistants at a rate of eighty dollars per diem to one hundred twenty dollars per diem;

Up to five legislative analysts at a rate of eighty dollars per diem to two hundred dollars per diem;

Up to ten legal counselors at a rate of two hundred five dollars per diem to four hundred dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

One Bill Clerk at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to four proofreaders at a rate of eighty dollars per diem to one hundred ten dollars per diem;

One Page Program Coordinator at a rate of eighty dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred fifty dollars per diem;

Up to two assistants to the Sergeant at Arms at a rate of eighty dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Up to six assistants to the Doorkeeper at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to three mail clerks at a rate of eighty dollars per diem to one hundred dollars per diem;

Two night custodians at a rate of eighty to eighty-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate,

or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

Further Resolved, That the appointment of salaried full-time employees of the Senate for the year two thousand twenty and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk	8,083.33
Assistant Clerk	6,213.27
Executive Assistant to Clerk	4,166.67
Fiscal Officer	5,702.50
Fiscal Officer	5,702.50
Director of Technology	6,250.00
Chief Journal Clerk	5,125.77
Bill History Clerk	3,710.83
Clerk to Minor Committees	3,905.83
Counsel to President	10,000.00
Executive Assistant to President	7,460.84
Director of Communications	6,840.00
Parliamentarian	5,460.83
Executive Assistant to Majority Leader	4,780.83
Counsel to Minority Leader	6,583.33
Administrative Assistant to Minority Leader	3,416.67
Counsel to Education Committee	7,666.17
Clerk/Analyst to Education Committee	3,905.83
Administrative Assistant to Education Committee	2,833.33
Counsel to Finance Committee	8,030.83
Budget Policy Analyst to Finance Committee	5,833.33
Budget Analyst to Finance Committee	3,458.33
Assistant to Finance Chairman/Clerk	4,166.67

Counsel to Government Organization	7,739.17
Clerk to Government Organization Committee	3,989.17
Admin. Assistant to Government Organization Committee	4,166.67
Counsel to Health and Human Resources Committee	7,322.50
Admin. Asst. to Health and Human Resources Committee	3,044.17
Counsel to Judiciary Committee	7,405.83
Clerk/Analyst to Judiciary Committee	4,166.67
Supervisor, Materials & Supplies	4,843.33
Mail Clerk	2,627.50
Custodian	2,732.02

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

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

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

The Senate then proceeded to the sixth order of business.

The following bills were introduced and read by their titles:

By Senator Blair (Mr. President):

Senate Bill 1—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, §33-61-2, §33-61-3, §33-61-4, §33-61-5, §33-61-6, §33-61-7, §33-61-8, §33-61-9, and §33-61-10, all relating to creating the Mining Mutual Insurance Company; providing for the scope of the company; providing for findings and a purpose for the company; creating definitions; laying out the authorization for the company, as well as establishing requirements and limitations for the company; providing for governance and organization of the company; providing for management and administration of the company; creating an application for licensure with the company and establishing the authority of the commissioner; providing for

initial capital and surplus; authorizing types of coverage and definition discretionary participation in the company; and setting forth applicable law.

Referred to the Committee on Finance.

By Senator Takubo:

Senate Bill 2—A Bill to amend and reenact §21A-2D-1, §21A-2D-2, and §21A-2D-3, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-6A; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to unemployment benefits program; adding definition of "state average unemployment rate" and making technical changes to definitions; increasing requirements to verify claim program integrity; providing for automatic eligibility review in certain circumstances; redesignating code sections; establishing formula to correlate duration of benefits to unemployment rate; providing for rulemaking; setting effective date; and reducing period of maximum duration of benefits.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 3—A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date.

Referred to the Committee on Finance.

By Senator Takubo:

Senate Bill 4—A Bill to repeal §16-27A-1 and §16-27A-2 of the Code of West Virginia, 1931, as amended, relating to a ban on construction of nuclear power plants.

Referred to the Committee on Economic Development.

By Senator Swope:

Senate Bill 5—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18; to amend and reenact §17-2A-19a of said code; and to amend and reenact §61-16-2 of said code, all relating generally to unmanned aircraft systems; establishing the West Virginia Unmanned Aircraft Systems Advisory Council; clarifying the ability of a county or municipality to lease space above a public road under its control; and recognizing ownership of certain air space above lands and waters of the state.

Referred to the Committee on Economic Development.

By Senator Trump:

Senate Bill 6—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate "veil piercing" claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia's decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013).

Referred to the Committee on the Judiciary.

By Senators Azinger and Trump:

Senate Bill 7—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; providing that an increased risk of disease is not a compensable basis for damages in any civil action; providing that, where awarded, payment of medical monitoring expenses shall not be paid to a prevailing plaintiff until the procedure is completed; requiring that, where awarded, defendants pay medical monitoring expenses into a fund established by the court for that purpose; and providing for the return of any money remaining in the fund after medical monitoring is no longer required to the defendants.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 8—A Bill to repeal §18-30-6a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3; to amend and reenact §18-30-1, §18-30-2, §18-30-3, §18-30-4, §18-30-5, §18-30-6, §18-30-8, §18-30-10, §18-30-11, and §18-30-13 of said code; to amend said code by adding thereto a new section, designated §18-30-3a; and to amend and reenact §18-30A-2, §18-30A-3, §18-30A-5, §18-30A-6, §18-30A-8, and §18-30A-9 of said code, all relating generally to the state's savings and investment programs; continuing the Savings and Investment Program Fulfillment Fund and relocating provisions authorizing said fund to a new article of code; clarifying that moneys in the fund may be used for certain savings and investment programs; updating the West Virginia College Prepaid Tuition and Savings Program Act to reflect the termination of the Prepaid Higher Education Program, Plan, and Trust Fund; eliminating obsolete language related to the Prepaid Tuition Program; providing a short title; defining terms; setting forth legislative findings and rules of statutory construction; continuing the West Virginia College Savings Program; continuing the Board of the College Prepaid Tuition and Savings Program and redesignating the board as the Board of Trustees of the West Virginia College and Jumpstart Savings Programs; clarifying that the board is a public instrumentality of the state and the issuer of interests in the Savings Plan Trust; increasing the number of board members; establishing qualifications of certain board members; establishing the duties and powers of the board with regard to the College Savings Program; authorizing the board to use financial organizations as program depositories and managers and providing requirements therefor; continuing the College Prepaid Tuition and Savings Program Administrative Account and redesignating said account as the College and Jumpstart Savings Administrative Account; authorizing certain expenditures from the administrative account; providing that the administrative account is a nonappropriated special revenue account; authorizing the board to take action to satisfy outstanding obligations of the Prepaid Tuition Trust Plan arising after the Plan's closure; continuing the Prepaid Tuition Plan escrow fund; continuing the board's authority to maintain a certain amount in the escrow fund for up to 10 years; continuing the board's authorization to expend moneys from the escrow fund in certain circumstances; requiring the board to invest the moneys in the escrow fund; providing for

closure of escrow fund; setting forth legislative findings and rules of statutory construction related to the Jumpstart Savings Program; defining terms; eliminating the West Virginia Jumpstart Savings Board; requiring the Board of Trustees of the West Virginia College and Jumpstart Savings Board to administer the Jumpstart Savings Program; establishing the powers of the Board of Trustees of the West Virginia College and Jumpstart Savings Programs to implement and administer the Jumpstart Savings Program; authorizing the board to enter into agreements with agencies, subdivisions, or other states regarding programs that are substantially similar to the Jumpstart Savings Program; providing that the Jumpstart Savings Program Trust is a public instrumentality of the state and shall issue interests in said trust to eligible members of the public; eliminating the Jumpstart Savings Expense Fund; providing that fees, charges, and penalties collected by the board in administering the Jumpstart Savings Program shall be deposited in the College and Jumpstart Savings Administrative Account; making Jumpstart Savings Program expenses payable from the administrative account; eliminating inapplicable language relating to selecting financial institutions to provide services for the Jumpstart Savings Program based on existing state purchasing exemption; specifying that the board may enter into a contract with financial institutions to provide services to both the College Savings and Jumpstart Savings programs; eliminating requirement that board take custody of Jumpstart Savings accounts prior to transferring accounts to a new program manager; and making numerous technical corrections.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 8 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 8) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 8) takes effect from passage.

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

By Senator Romano:

Senate Bill 9—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 9 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Trump—1.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 9) passed with its title.

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

By Senator Sypolt:

Senate Bill 10—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on electronic application for hunting or fishing license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 10 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 10) passed with its title.

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

By Senator Lindsay:

Senate Bill 11—A Bill to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating to inclusion of family court judges in the Judges' Retirement System.

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

By Senator Lindsay:

Senate Bill 12—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-20, relating to creating the Patient Safety and Transparency Act.

Referred to the Committee on Health and Human Resources.

By Senator Jeffries:

Senate Bill 13—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for failure to pay court fines and costs.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 14—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to permitting member private and parochial schools to enter into an agreement with member public schools to permit students of private and parochial schools to participate in athletic and other extracurricular activities as a participant of the public school; defining terms; and providing eligibility criteria for students from member private and parochial schools.

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

By Senator Caputo:

Senate Bill 15—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16A-17-1, §16A-17-2, §16A-17-3, §16A-17-4, §16A-17-5, §16A-17-6, §16A-17-7, §16A-17-8, and §16A-17-9, all relating to legalizing cannabis production, sales, and adult consumption; providing legislative purpose and findings; defining terms; legalizing the possession of one ounce or less of cannabis and cannabis products by adults; authorizing production, sales, transfer, and transport of cannabis upon passing county referendums; providing procedure for county commissions to authorize county referendum on legislation of production and sales; establishing mechanisms for permitting and licensing production and sales facilities by the Bureau for Public Health and localities; authorizing the Bureau for Public Health to promulgate rules, establish licensing, and administrative penalties relating to the production, sales, transfer, and transport of cannabis in authorizing counties; authorizing the Department of Revenue to promulgate rules and administer tax collections; authorizing localities to regulate manufacturing and sales locations; authorizing a special excise tax on cannabis; creating a new fund and dedicating proceeds of the fund; authorizing county local sales tax to be collected and used for the benefit of county and municipal governments; providing current laws relating to employment, vehicle operation, underage use, or private

property use preserved; and establishing that the operation of this article is not intended to alter the West Virginia Medical Cannabis Act.

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

By Senator Romano:

Senate Bill 16—A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to allowing voters who register in person at the office of the county clerk to register and vote during early in-person voting.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 17—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of non-school-day student initiative; food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other non-school time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the Office of Child Nutrition to collect and distribute information regarding available food resources.

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

By Senator Romano:

Senate Bill 18—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing pay raises to public school teachers.

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

By Senator Romano:

Senate Bill 19—A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles.

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

By Senator Romano:

Senate Bill 20—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters' guide; requiring all information in the certificate of announcement; permitting candidates running for statewide office to submit a personal statement; directing the State Election Committee to create the guide; and requiring the Secretary of State post the voters' guide on its website.

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

By Senators Clements, Martin, Roberts, and Rucker:

Senate Bill 21—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the school aid formula; and changing the minimum enrollment to 1,200 students in each county.

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

By Senators Roberts and Trump:

Senate Bill 22—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity; and providing that motor vehicles subject to a lease for at least one year by the United States, the state, any county, municipality, political subdivision, college or university of this state and used for public purposes is deemed public property and exempt from ad valorem taxation.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 22 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 22) passed with its title.

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

By Senators Rucker, Azinger, Boley, Grady, Karnes, Maynard, Phillips, Smith, Sypolt, and Woodrum:

Senate Bill 23—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, §16-65-3, §16-65-4, and §16-65-5, all

relating to the prohibition of mandatory COVID-19 vaccinations for West Virginia residents; providing for definitions; generally prohibiting governmental entities from mandating the COVID-19 vaccine; prohibiting the requirement of mandatory vaccine passports; and providing for certain exceptions and clarifications.

Referred to the Committee on Health and Human Resources.

By Senator Karnes:

Senate Bill 24—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies, and severability.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 25—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; modifying the time frame for providing a statement of intent to provide a screening certificate of merit; updating the tolling of the statute of limitations applicable to a cause of action against a nursing home, assisted living facility, or their related entities or employees; and clarifying that a health care provider who executes a screening certificate of merit shall be subject to deposition upon request.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 26—A Bill to repeal §47-19-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §47-19-1, §47-19-3, §47-19-4, and §47-19-5 of said code; and to amend and reenact §60A-4-403a of said code, all relating to licenses to sell paraphernalia for use with controlled substances; terminating the Tax Commissioner's authority to issue business licenses to sell paraphernalia for use with controlled substances; revoking licenses previously issued by the Tax Commissioner; clarifying the definition of "drug paraphernalia"; requiring the continued retention of transaction records after the revocation of licensed authority; providing rule-making authority; providing effective date; providing criminal offense elements; and providing for criminal penalties.

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

By Senator Nelson:

Senate Bill 27—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, and §31-15D-7; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to establishing a West Virginia business growth in low-income communities tax credit; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 28—A Bill to amend and reenact §11-21-71b of the Code of West Virginia, 1931, as amended, relating to allowing the Tax Commissioner to process certain early refunds; and providing a certain effective date.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 29—A Bill to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to providing a fee for the processing of criminal bonds.

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

By Senator Clements:

Senate Bill 30—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to adjusting the interest rate to be paid in condemnation cases; changing the rate of interest from a fixed percentage to a floating rate tied to a federal discount rate; and updating language to meet modern legislative drafting standards.

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

By Senator Smith:

Senate Bill 31—A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended, relating to redirecting excise tax revenue on bottled soft drinks from West Virginia University schools to the counties for the benefit of county law-enforcement agencies.

Referred to the Committee on Finance.

By Senator Woelfel:

Senate Bill 32—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

Referred to the Committee on Health and Human Resources.

By Senator Jeffries:

Senate Bill 33—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing

means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 34—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term "legal resident".

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 35—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program.

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

By Senator Rucker:

Senate Bill 36—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 37—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to removing Hepatitis B vaccine from the list of compulsory immunizations.

Referred to the Committee on Health and Human Resources.

By Senator Beach:

Senate Bill 38—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-29-1, §47-29-2, §47-29-3, and §47-29-4, all relating to menstrual product labeling; and providing a civil penalty.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 39—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to the prerequisites for filing suit against a health care provider under the Medical Professional Liability Act; modifying the time frame for providing a statement of intent to provide a screening certificate of merit; updating the tolling of the statute of limitations applicable to a cause of action against a nursing home, assisted living facility, or their related entities or employees; and clarifying that a health care provider who executes a screening certificate of merit may be subject to deposition upon request.

Referred to the Committee on the Judiciary.

By Senator Stollings:

Senate Bill 40—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to prohibiting insurance coverage from requiring prior authorization for physician-prescribed tests to stage cancer.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 40 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 40) passed with its title.

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

By Senator Karnes:

Senate Bill 41—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-28-8, relating to allowing any private, parochial, or church school with an enrollment of 25 or fewer students to operate as a nonpublic micro-school; requiring micro-school to be governed by a governing board; requiring annual notification to the county board of operation as a micro-school; declaring that attendance at a micro-school complying with certain requirements satisfies compulsory school attendance; requiring annual academic assessment of students; requiring micro-school to provide certain information to the county superintendent upon request; requiring attendance and academic records for each student to be made and maintained; imposing certain requirements on micro-schools pertaining to curriculum objectives, the provision of an instructional program, and the provision of an individualized progress report; setting forth consequences for composite test and portfolio assessment results falling below the fourth stanine; requiring any child enrolled in a micro-school that fails to meet certain requirements to satisfy homeschool exemption requirements; and declaring that no micro-school meeting certain requirements is subject to any other law relating to education.

Referred to the Committee on Education.

By Senator Karnes:

Senate Bill 42—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-14, relating to permitting members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

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

By Senator Karnes:

Senate Bill 43—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting

a refusal by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

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

By Senator Hamilton:

Senate Bill 44—A Bill to amend and reenact §15A-11-5 of the Code of West Virginia, 1931, as amended, relating to requiring the State Fire Commission to propose rules relating specifically to sprinkler protection for basements exceeding 2,500 square feet in new buildings and new buildings housing emergency fire, rescue, or ambulance services; and exempting emergency services buildings that only house equipment and do not have sleeping areas or quarters within them.

Referred to the Committee on Government Organization.

By Senator Karnes:

Senate Bill 45—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b; to amend said code by adding thereto a new section, designated §11B-2-33; and to amend said code by adding thereto a new section, designated §18-2-44, all relating to prohibiting discriminatory "divisive acts" in the workplace and adding to the definition of the Human Rights Act; prohibiting the teaching of "divisive acts" in West Virginia schools; and prohibiting state funding to agencies that promote "divisive acts".

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

By Senator Nelson:

Senate Bill 46—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exemptions from personal income tax; providing for an exemption for members of certain uniformed services; exempting Social Security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language.

Referred to the Committee on Finance.

By Senator Hamilton:

Senate Bill 47—A Bill to amend and reenact §60A-4-401, §60A-4-407, and §60A-4-407a of the Code of West Virginia, 1931, as amended, all relating to establishing the criminal offense of using or being under the influence of a controlled substance unless obtained directly from, or pursuant to, a valid prescription or order of a practitioner; providing criminal penalties for violation; providing for conditional discharge of offense for first violation; and providing additional conditions for authorizing additional requirements to obtain a final order of discharge and dismissal.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 48—A Bill to amend and reenact §17-2A-13 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to utilize its own purchasing and

contracting system; mandating compliance with Federal Highway Administration and other requirements; and requiring a procedural rule.

Referred to the Committee on Government Organization.

By Senator Caputo:

Senate Bill 49—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9A-1-10a, relating to paying a monthly allotment to certain veterans.

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

By Senator Woodrum:

Senate Bill 50—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of county sales and use taxes; setting forth legislative intent; providing counties with authority to impose a county sales and use tax of up to one percent under certain circumstances; clarifying that a county sales and use tax does not apply to incorporated areas of the county; requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of the tax.

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

By Senator Rucker:

Senate Bill 51—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Development Office; defining "Development Office" and "multi-state distribution"; excluding short-term depreciation from credit; raising the minimum threshold of cumulative annual expenditures necessary to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of locations, music, and other resources to be made available to film production teams; providing Development Office discretion to determine if project negatively portrays West Virginia; requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available; and giving retroactive effect to Film Investment Tax Credit Program.

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

By Senator Phillips:

Senate Bill 52—A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public, nonsecure areas.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 53—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 54—A Bill to amend and reenact §3-8-2b of the Code of West Virginia, 1931, as amended, relating to requiring a political action committee to disclose the names and addresses of its contributors to the Secretary of State.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 55—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult adoptees access to certain records, including adoption records and medical history; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; allowing birth parents to request name redaction; providing for a name redacting process; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; providing for the tracking of information and reporting to the Legislative Oversight Commission on Health and Human Resources Accountability; and authorizing the Department of Health and Human Resources to promulgate legislative rules.

Referred to the Committee on Health and Human Resources.

By Senator Smith:

Senate Bill 56—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing for a short title; providing for legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug transferred wells; providing for different methods for operators to provide plugging assurance of wells, including for wells not producing in paying quantities; providing administrative and management responsibilities for the chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; providing for rule-making authority and severability; and providing an effective date.

Referred to the Committee on Energy, Industry, and Mining.

By Senator Smith:

Senate Bill 57—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6c; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of the Division of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a subaccount of the State

Road Fund; authorizing the commissioner to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for Commissioner of Highways the Division of and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

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

By Senator Caputo:

Senate Bill 58—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11G-1, relating to requiring exhibitors of motion pictures who operate two or more theaters in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning; and requiring, when requested, audio description be provided for any motion picture that is produced and offered with audio description.

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

By Senator Jeffries:

Senate Bill 59—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

By Senator Beach:

Senate Bill 60—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to allowing the State Board of Education to develop a program of instruction in family and consumer sciences, or specific subjects within family and consumer sciences, that may be integrated into the curriculum for students in secondary schools.

Referred to the Committee on Education.

By Senator Karnes:

Senate Bill 61—A Bill to amend and reenact §5-10-29 and §5-10-32 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-7 of said code; to amend and reenact §8-22A-8 of said code; to amend and reenact §15-2-26 of said code; to amend and reenact §15-2A-5 of said code; to amend and reenact §16-5V-8 of said code; to amend and reenact §18-7A-

14 of said code; and to amend and reenact §51-9-2 and §51-9-4 of said code, all relating to establishing a pension contribution holiday for plans administered by the Consolidated Public Retirement Board when funding for certain public retirement plans.

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

By Senator Smith:

Senate Bill 62—A Bill to amend and reenact §46A-6B-3 of the Code of West Virginia, 1931, as amended, relating to the use of aftermarket crash parts by a motor vehicle repair shop; and requiring new original equipment parts be used in order to maintain the manufacturer's warranty.

Referred to the Committee on Transportation and Infrastructure.

By Senator Smith:

Senate Bill 63—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate.

Referred to the Committee on Finance.

By Senator Smith:

Senate Bill 64—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to impose an amusement tax.

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

By Senator Smith:

Senate Bill 65—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5k, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

Referred to the Committee on Natural Resources.

By Senator Karnes:

Senate Bill 66—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

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

By Senator Karnes:

Senate Bill 67—A Bill to amend and reenact §59-3-1 of the Code of West Virginia, 1931, as amended, relating to requiring newspapers qualified to publish legal advertisements must accept

advertisements for publication from political candidates without regard to content; and providing exceptions.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 68—A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to limiting employees of the Department of Environmental Protection from entering private lands for environmental protection purposes to only when there is probable cause to believe a violation exists on the property, a warrant has been obtained for the entry, or the express permission of the property owner has been granted.

Referred to the Committee on the Judiciary.

By Senator Clements:

Senate Bill 69—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to bringing the statutory interest rate to be paid in condemnation cases into conformity with current statutory rates; and making revisions to meet legislative standards.

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

By Senator Smith:

Senate Bill 70—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

Referred to the Committee on Banking and Insurance.

By Senator Swope:

Senate Bill 71—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing an exception; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppage, strike activity, or means by which employees organize; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt

or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing an exception; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct of certain professions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 72—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining "governmental entity"; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

Referred to the Committee on the Workforce.

By Senator Nelson:

Senate Bill 73—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

Referred to the Committee on Finance.

By Senator Hamilton:

Senate Bill 74—A Bill to amend and reenact §48-8-103 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-14-107 of said code; to amend and reenact §48-18-105, §48-18-117, §48-18-118, §48-18-118a, §48-18-121, §48-18-124, §48-18-201, §48-18-202, §48-18-203, §48-18-204, §48-18-205, and §48-18-206 of said code; and to amend and reenact §61-5-29 of said code, all relating to spousal support enforcement; providing that parties may apply to Bureau for Child Support Enforcement to collect spousal support payments; requiring the court to direct that spousal support payments be directly paid to the Bureau for Child Support Enforcement

upon application of party; authorizing the Bureau for Child Support Enforcement to collect spousal support from federal and state taxes; authorizing Bureau for Child Support Enforcement to obtain information from financial institution regarding spousal support obligations; allowing Bureau for Child Support Enforcement to assist parties in obtaining spousal support; allowing Bureau for Child Support Enforcement to bring action before the court to obtain modification to support order; providing process within family court for the presentation of a proposal to modify spousal support; and creating criminal penalties for the failure to pay spousal support.

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

By Senator Hamilton:

Senate Bill 75—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police.

Referred to the Committee on Government Organization.

By Senator Phillips:

Senate Bill 76—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia State Police to provide medical and hospital coverage for an illness or injury received by a member while performing services in the line of duty.

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

By Senator Stollings:

Senate Bill 77—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-15a, relating to disabled veterans and veterans who received the Purple Heart may park free at metered parking spaces in any municipality in the state.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 77 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 77) passed with its title.

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

By Senator Woelfel:

Senate Bill 78—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5B-20, relating to sexual assault forensic examination kits; and requiring hospitals to staff qualified health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits.

Referred to the Committee on Health and Human Resources.

By Senator Stollings:

Senate Bill 79—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-10b, relating to authorizing a tax credit for business entities that invest in certain fresh food retailers located in underserved communities and similar areas.

Referred to the Committee on Finance.

By Senator Caputo:

Senate Bill 80—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16B-6e of said code; to amend and reenact §33-16-3v of said code; to amend and reenact §33-24-7k of said code; and to amend and reenact §33-25A-8j of said code, all relating to increasing the required insurance coverage for autism spectrum disorders.

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

By Senator Caputo:

Senate Bill 81—A Bill to repeal §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6, and §21-5G-7 of the Code of West Virginia, 1931, as amended, relating to worker affiliation with a labor organization.

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

By Senator Phillips:

Senate Bill 82—A Bill to amend and reenact §16-4C-4 of the Code of West Virginia, 1931, as amended, relating to requiring that the secretary appoint a Director of the Office of Emergency Medical Services.

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

By Senator Stollings:

Senate Bill 83—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

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

By Senator Woelfel:

Senate Bill 84—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended, all relating to the manner of computing retirement benefits for certain members of the Legislature under the West Virginia Public Employees Retirement Act; and requiring that the final average salary for members of the Legislature taking office after June 30, 2022, and thereafter, participating in the retirement system as a member of the Legislature, be the average of the member's annual rate of compensation during his or her total years of credited service.

Referred to the Committee on Pensions.

By Senator Woelfel:

Senate Bill 85—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to amending the penalty of simple possession of marijuana from a misdemeanor crime to a civil violation; and amending the penalties from those of a misdemeanor crime to a civil violation.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 86—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-19, relating to creating a criminal offense of sexual extortion; and creating a criminal offense of sexual extortion by a person holding a position of trust, supervisory authority, or disciplinary power of another person.

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

By Senator Phillips:

Senate Bill 87—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

By Senator Phillips:

Senate Bill 88—A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to altering the definition of "aboveground storage tank".

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 89—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; providing that surcharge be increased to one percent beginning January 1, 2023; and deleting obsolete language.

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

By Senator Romano:

Senate Bill 90—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to providing that the penalty for possession of marijuana carries a fine of no more than \$1,000 without confinement.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 91—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 91 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale,

Roberts, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Beach, Brown, Caputo, and Romano—4.

Absent: Rucker and Takubo—2.

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

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

By Senator Smith:

Senate Bill 92—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an account and provided to them at the successful completion of the six-month period.

Referred to the Committee on the Judiciary.

By Senator Smith:

Senate Bill 93—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

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

By Senator Smith:

Senate Bill 94—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

By Senator Smith:

Senate Bill 95—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for

out-patient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

By Senator Smith:

Senate Bill 96—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to requiring disclaimers on third-party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties.

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

By Senator Hamilton:

Senate Bill 97—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-11A-15, relating to unfair trade practices; prohibiting pricing goods and services on the basis of gender; authorizing the Attorney General to seek injunctions against offenders; and imposing civil penalties.

Referred to the Committee on the Judiciary.

By Senator Hamilton:

Senate Bill 98—A Bill to amend and reenact §20-2-42i of the Code of West Virginia, 1931, as amended, relating to the Class LL nonresident fishing license; and providing it be valid for three consecutive days.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 98 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard,

Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 98) passed with its title.

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

By Senator Hamilton:

Senate Bill 99—A Bill to amend and reenact §20-2-42 of the Code of West Virginia, 1931, as amended, relating to indexing of license and stamp fees; and continuing the authority to index license and stamp fees.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 99 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 99) passed with its title.

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

By Senator Nelson:

Senate Bill 100—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; and to amend and reenact §29-22C-3 and §29-22C-8 of said code, all relating to allowing for the establishment of a secondary location for pari-mutual wagering on simulcast races, racetrack video lottery terminals, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack.

Referred to the Committee on Finance.

By Senator Nelson:

Senate Bill 101—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating to paid or unpaid family leave time; granting a total of 12 weeks under the Parental Leave Act based on at least 12 consecutive months of performing services for remuneration within this state for any department, division, board, bureau, agency, commission, or other unit of state government, or any county board of education; and specifying conditions for which the leave time is granted.

Referred to the Committee on Finance.

By Senator Clements:

Senate Bill 102—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of the State Road Fund for state road purposes.

Referred to the Committee on Finance.

By Senator Caputo:

Senate Bill 103—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date.

Referred to the Committee on Government Organization.

By Senator Clements:

Senate Bill 104—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; creating an annual adjustment to the motor fuel excise tax; and providing a mechanism for calculating the adjustment.

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

By Senator Clements:

Senate Bill 105—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to returning the refundable exemption for road construction contractors to the State Road Fund; transferring revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; and specifying the effective date.

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

By Senator Stollings:

Senate Bill 106—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculating benefits; providing tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposing rules by the Insurance Commissioner and Tax Commissioner.

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

By Senator Romano:

Senate Bill 107—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain sums of money regarding campaign-related disbursements; requiring certain disclosures be made within 48 hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

By Senator Caputo:

Senate Bill 108—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, and §21-5A-9, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring contractors to ascertain rates and to include rates in contract specifications; requiring annual determinations of prevailing wage rates; establishing procedures to file objections to prevailing wage rate determinations; providing for hearings, judicial review, and appeal; requiring mandatory provisions in contracts and sub-contracts; providing for posting of rates and recordkeeping; establishing criminal penalties for violations of the act; and limiting the scope of the law to post-enactment contracts.

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

By Senator Smith:

Senate Bill 109—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

By Senator Swope:

Senate Bill 110—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution, or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies, or local regulations; and providing for exceptions and applicability.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 111—A Bill to amend and reenact §48-19-105 of the Code of West Virginia, 1931, as amended, relating to increasing minimum salaries for Bureau for Child Support Enforcement attorneys.

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

By Senator Trump:

Senate Bill 112—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate "veil piercing" claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia's decision in *Joseph Kubican v. The Tavern, LLC*. 232 W.Va. 268, 752 S.E.2d 299 (2013).

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 113—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-65-1, §16-65-2, and §16-65-3, all relating to authorizing the treatment of persistent symptoms of hypothyroidism as a similar but distinguishable disease from hypothyroidism; requiring insurers to provide coverage for care for persistent symptoms of hypothyroidism; and requiring the West Virginia Board of Medicine to notify all medical professionals of this legislation.

Referred to the Committee on Health and Human Resources.

By Senator Hamilton:

Senate Bill 114—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, §5B-11-4, §5B-11-5, §5B-11-6, §5B-11-7, §5B-11-8, §5B-11-9, §5B-11-10, §5B-11-11, §5B-11-12, §5B-11-13, and §5B-11-14; and to amend said code by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to structuring the Electronic Telecommunication Open Infrastructure Act; conducting an inventory and developing coordinated deployment and operation of technology infrastructure within this state; definitions; legislative findings; technology infrastructure inventory, local government cooperation, inventory survey reporting requirements; rule-making authority of Secretary of Department of Administration; exemption from disclosure of confidential information;

creating Joint Legislative Oversight Commission on Transportation and Infrastructure; powers and duties of the Secretary of Commerce; rule-making authority of Council for Community and Economic Development relating to secretary; study by secretary and inventory of management practices of technology and technology infrastructure; reporting requirements; providing technical and funding assistance to develop technology infrastructure; authorizing secretary to engage in consulting services for fee; contractual and joint venture agreements; liberal construction of article; and utilizing broadband infrastructure, technology, and information to enhance early childhood development.

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

By Senator Karnes:

Senate Bill 115—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-8-36, relating to allowing grocery stores to sell a certain amount of West Virginia-made wine without having a license to sell wine or liquor.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 116—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of the Division of Highways; providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held; establishing the Temporary Sign Placement License Program; and requiring rulemaking.

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

By Senator Smith:

Senate Bill 117—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senator Sypolt:

Senate Bill 118—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, and §19-39-8, all relating to safe handling and marketing of dairy products; creating the West Virginia Farm Fresh Dairy Act; defining terms; establishing required sanitary milking and milk-handling practices; requiring registration and certain permits; exempting certain sales from licensure and certification; establishing administrative procedures and penalties; and providing for an effective date.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senator Smith:

Senate Bill 119—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-25; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers to purchase nonferrous metals; providing for permit requirements for fixed and nonfixed sites; providing that the Superintendent of the West Virginia State Police shall develop applications and permits; providing for a permit fee for secondary metals recyclers; providing that a secondary metals recycler permit to purchase nonferrous metals is valid for two years; providing for a permit for persons or entities to sell or transport nonferrous metals over the highways; providing a fee for a replacement permit for a lost or destroyed original permit; providing for record retention criteria; providing that a seller or transportation permit is valid for two years; providing for denial, revocation, or suspension of a permit for violations of law and for penalties; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers shall retain records of all purchases of nonferrous metals; providing for record retention of at least one year; providing for a limit for secondary metals recyclers purchasing nonferrous metals through cash transactions; providing for signage to be displayed; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for holds placed on stolen nonferrous metals; providing for law enforcement to issue written notice to a secondary metals recycler relating to stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing that law enforcement provide written notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state without a valid permit and penalties for violating transportation requirements; providing for revocation of a transportation permit; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for revocation of a permit upon conviction for illegally obtaining nonferrous metals; providing immunity from civil liability to the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally, or for any injury caused by dangerous conditions to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Finance.

By Senator Takubo:

Senate Bill 120—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13LL-1, §11-13LL-2, §11-13LL-3, §11-13LL-4, §11-13LL-5, §11-13LL-6, §11-13LL-7, §11-13LL-8, and §11-13LL-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount of tax credit allowed per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

By Senator Sypolt:

Senate Bill 121—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-6-22b, relating to barring a person who has been charged with willfully and intentionally causing the death of another by a criminal complaint, indictment, or a child abuse petition from participating in or planning the funeral or burial of the deceased.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 121 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 121) passed with its title.

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

By Senator Takubo:

Senate Bill 122—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9G-3, relating to the Tobacco Cessation Initiative Program; and creating the Tobacco Cessation Initiative Program Special Revenue Account within the State Treasury to be administered by the Director of the Bureau for Public Health.

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

By Senator Takubo:

Senate Bill 123—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing that physicians must still exercise due care for safety; and providing for rulemaking.

Referred to the Committee on Transportation and Infrastructure.

By Senator Sypolt:

Senate Bill 124—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to motor vehicles subject to a lease of at least one year by the United States, the state, any county, municipality, political subdivision, college, or university of this state and used for public purposes are considered public property and exempt from ad valorem taxation.

Referred to the Committee on Finance.

By Senator Sypolt:

Senate Bill 125—A Bill to amend and reenact §3-1-31 of the Code of West Virginia, 1931, as amended, relating to requiring all local special levies elections to be held on the days and hours of general or primary or state elections; and providing an exception for run-off elections.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 126—A Bill to amend and reenact §19-19-2 and §19-19-7 of the Code of West Virginia, 1931, as amended, all relating to the right to farm; defining terms; expanding protection of agricultural operations from nuisance and other legal actions to agricultural and horticultural practices allowed within municipalities, aquaponics, and hydroponics; requiring compliance with local laws, regulations, and ordinances for protection from nuisance and other legal actions to apply; and making technical changes.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 127—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are 21 years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years; and making a technical correction to the statute heading.

Referred to the Committee on Transportation and Infrastructure.

By Senator Boley:

Senate Bill 128—A Bill to amend and reenact §33-15A-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting long-term care insurance providers from increasing premiums to existing customers beyond the current rate at which long-term care insurance rates are set.

Referred to the Committee on Banking and Insurance.

By Senator Martin:

Senate Bill 129—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 129 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 129) passed with its title.

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

By Senator Grady:

Senate Bill 130—A Bill amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to protecting landowners who allow others to access cemeteries from their private property or roadway; and ensuring that those persons who damage private property are solely responsible for any costs of repair associated therein.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 131—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-3-3, relating to establishing a medal of excellence in honor of Chuck Yeager, known as the Chuck Yeager Mountain State Medal of Excellence; providing a process by which to annually provide this award to a West Virginian who demonstrates exceptional leadership, innovation, entrepreneurship, or creativity; and establishing other related criteria.

Referred to the Committee on Government Organization.

By Senators Rucker, Azinger, Phillips, Roberts, Smith, and Sypolt:

Senate Bill 132—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to requiring municipalities that institute one percent sales tax to eliminate the business and occupation tax within five years.

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

By Senator Weld:

Senate Bill 133—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2026, unless extended by the Legislature.

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

By Senator Weld:

Senate Bill 134—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; creating the felony offense of malicious killing, torture, or mutilation of an animal; providing criminal penalties for these offenses; modifying the elements of the existing offense of cruelty to animals; and defining a term.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 135—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; establishing methods of acquisition; requiring on-going maintenance of acquired properties; providing limits on acquisitions; providing for right of first refusal of tax-delinquent properties; and setting a sunset date.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 135 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 135) passed with its title.

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

By Senator Weld:

Senate Bill 136—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to updating language regarding special license plates for Fairmont State University.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 136 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 136) passed with its title.

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

By Senator Weld:

Senate Bill 137—A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 9, 1995, provide a DNA sample.

Referred to the Committee on the Judiciary.

By Senator Takubo:

Senate Bill 138—A Bill to amend and reenact §30-3-5 of the Code of West Virginia, 1931, as amended, relating to West Virginia Board of Medicine composition.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 139—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual 16 years of age or younger is present; defining terms; making the violation a secondary misdemeanor offense; and providing a penalty.

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

By Senator Weld:

Senate Bill 140—A Bill to amend and reenact §15-2-24 of the Code of West Virginia, 1931, as amended, relating to allowing a name-based state and federal criminal history record check of each adult residing in a residence when, due to emergency, a minor child must be placed in home care due to the absence of parents or custodians.

Referred to the Committee on Health and Human Resources.

By Senator Weld:

Senate Bill 141—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

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

On motion of Senator Weld, 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: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 141 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Romano, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Azinger, Martin, Roberts, and Smith—4.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 141) passed with its title.

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

By Senator Smith:

Senate Bill 142—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4C-24 of said code, all relating to volunteer fire departments and emergency medical services units; and providing that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health.

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

By Senators Sypolt and Smith:

Senate Bill 143—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, and §11-13KK-3; to amend and reenact §20-2-28 of said code; and to amend and reenact §20-2B-7 of said code, all relating to creating a personal income tax credit of the cost of a lifetime hunting, fishing, and trapping license issued to certain disabled veterans discharged from the armed forces of the United States.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senator Lindsay:

Senate Bill 144—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13KK-1, §11-13KK-2, §11-13KK-3, §11-13KK-4, §11-13KK-5, §11-13KK-6, and §11-13KK-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing for definitions; providing for a tax credit for a volunteer firefighter for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 145—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing, and trapping licenses and permits; providing that fees for hunting, trapping, and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senator Weld:

Senate Bill 146—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to upholding and applying the Superintendent of Schools' interpretation of school law and State Board of Education rules.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 147—A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-6 and §3-9-9 of said code, all relating to adjusting the distance from a polling place that certain electioneering and election-related activity is prohibited; making legislative findings and justifications for the changes; and ensuring consistency in the law with respect to application of the distances within which certain conduct is prohibited at polling places.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 148—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

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

By Senator Baldwin:

Senate Bill 149—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting firearm safe storage products from the consumers sales tax.

Referred to the Committee on Finance.

By Senator Baldwin:

Senate Bill 150—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-9A-1, §60A-9A-2, §60A-9A-3, §60A-9A-4, §60A-9A-5, and §60A-9A-6, all relating to requiring wholesale drug distributors to report certain information to the West Virginia Board of Pharmacy.

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

By Senator Phillips:

Senate Bill 151—A Bill amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to issue special vehicle registration plates recognizing the occupation of linemen; and establishing fees for the issuance of the special vehicle registration plate.

Referred to the Committee on Transportation and Infrastructure.

By Senator Baldwin:

Senate Bill 152—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from property tax certain real properties in this state owned by a nonprofit corporation with the purpose of organizing, supporting, and maintaining a contemporary agricultural and industrial fair and exposition.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senator Baldwin:

Senate Bill 153—A Bill to amend and reenact §54-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 154—A Bill to amend and reenact §16-4C-3 and §16-4C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-4C-25, all relating to creating the Emergency Medical Services Personnel Loan Forgiveness Program; permitting emergency service personnel to have certain portions of their educational loans forgiven; granting the Emergency Medical Service Advisory Council the authority to approve loan forgiveness awards; establishing application criteria; establishing the amounts of awards; establishing requirements for the certification of personnel status; defining terms; and creating a special revenue account known as the Emergency Medical Services Personnel Loan Forgiveness Program Fund.

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

By Senator Baldwin:

Senate Bill 155—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26, relating to creating a tax credit for individuals who successfully complete a firearms safety course.

Referred to the Committee on Finance.

By Senator Takubo:

Senate Bill 156—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining "sexual orientation" and "gender identity".

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 157—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

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

By Senator Karnes:

Senate Bill 158—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12b, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing

for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

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

By Senator Karnes:

Senate Bill 159—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

By Senator Karnes:

Senate Bill 160—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16I-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2023; and providing an exception to the prohibition when a mother's life is in danger.

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

By Senator Jeffries:

Senate Bill 161—A Bill to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

Referred to the Committee on Natural Resources.

By Senator Baldwin:

Senate Bill 162—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to mobility impairment identifying documents.

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

By Senator Baldwin:

Senate Bill 163—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap, or fish in this state without first obtaining a license.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senator Baldwin:

Senate Bill 164—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-13b, relating to exempting emergency vehicles and private ambulances from paying tolls or other charges.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senator Baldwin:

Senate Bill 165—A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the transfer of personal leave by a former employee of a county board of education when the employee is subsequently employed by a state agency.

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

By Senator Baldwin:

Senate Bill 166—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county.

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

By Senator Baldwin:

Senate Bill 167—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of "trauma-informed practices"; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking.

Referred to the Committee on Education.

By Senator Baldwin:

Senate Bill 168—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing vocational-technical programs in middle schools.

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

By Senator Baldwin:

Senate Bill 169—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-1c; and to amend said code by adding thereto a new section, designated §33-16-1c, all relating to accident and sickness insurance coverage and group accident and sickness insurance coverage; requiring access to coverage of individuals with pre-existing conditions; specifying acceptable variability in insurance rates; providing for new or changed coverage at certain enrollment times; and conditioning the applicability of the provisions on federal law.

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

By Senator Baldwin:

Senate Bill 170—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to the development of an incentive plan for West Virginia veterans which includes reductions and discounts in fees and charges at state parks.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 170 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 170) passed with its title.

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

By Senator Azinger:

Senate Bill 171—A Bill to amend and reenact §48-13-801 of the Code of West Virginia, 1931, as amended, relating to tax exemption for child support due.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 172—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of elected county officials.

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

On motion of Senator Weld, 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.

At the respective requests of Senators Romano and Beach, and by unanimous consent, Senators Romano and Beach were excused from voting under Rule 43 of the Rules of the Senate.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: None.

Absent: Rucker and Takubo—2.

Excused from voting: Beach and Romano—2.

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

Engrossed Senate Bill 172 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 172 pass?"

At the respective requests of Senators Romano and Beach, and by unanimous consent, Senators Romano and Beach were excused from voting under Rule 43 of the Rules of the Senate.

On the passage of the bill, the yeas were: Azinger, Baldwin, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Smith, Stollings, Stover, Swope, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Karnes and Sypolt—2.

Absent: Rucker and Takubo—2.

Excused from voting: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 172) passed with its title.

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

By Senator Karnes:

Senate Bill 173—A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who have served in that capacity; and providing that retirants, who served in that capacity while members, shall be considered to have been absent from service as a teacher by reason of that service.

Referred to the Committee on Pensions.

By Senator Lindsay:

Senate Bill 174—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-8-101, relating to designating social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; describing duties; and limiting use of information obtained.

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

By Senator Baldwin:

Senate Bill 175—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4x, relating to ensuring coverage for residents with pre-existing conditions.

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

By Senator Baldwin:

Senate Bill 176—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-16-3hh; and to amend said code by adding thereto a new section, designated §33-24-7x, all relating to insurance coverage for insulin.

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

By Senator Baldwin:

Senate Bill 177—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for professional firefighters; setting eligibility criteria for rebuttable presumptions; setting expiration of rebuttable presumption regarding skin, lung, esophageal, colon, testicular, prostate, brain, breast, and cervical cancers, mesothelioma, non-Hodgkin's lymphoma, leukemia, lymphoma, and multiple myeloma, arising out of and in the course of employment as a firefighter on July 1, 2025, absent legislative action to the contrary; allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state under certain conditions; and eliminating outdated and obsolete language.

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

By Senator Baldwin:

Senate Bill 178—A Bill to amend and reenact §18-2-42 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2B-9; to amend said code by adding thereto a new article, designated §18-21A-1, §18-21A-2, §18-21A-3, §18-21A-4, §18-21A-5, §18-21A-6, and §18-21A-7; and to amend said code by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, and §18-34-4, all relating to vocational and technical education programs; requiring State Board and Commerce Department to create lists of apprenticeships, certifications, and credentials to provide to students; providing for Governor's Workforce Credential initiative; creating a career and technical education pilot program to introduce middle school students to career and technical education opportunities in the state; requiring county school districts to provide certain information to students; establishing the Governor's Workforce Credential; establishing requirements for the Governor's Workforce Credential; mandating graduation recognition for recipients of credential; and creating monetary incentive for schools who graduate credentialed students.

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

By Senator Baldwin:

Senate Bill 179—A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-6, all relating to authorizing small private employers to buy-in to Public Employees Insurance Act (PEIA); mandating that PEIA provide coverage to the employees of small, private employers and their dependents; providing that coverage for employees of a small employer is voluntary for both the employer and the employee; prohibiting refusal of coverage on the basis of past or future health care costs or claim experience; prohibiting administrative costs attributable to coverage to be paid by the state; and providing that participation does not create an employer-employee relationship with the state.

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

By Senator Trump:

Senate Bill 180—A Bill to amend and reenact §27-5-3 of the Code of West Virginia, 1931, as amended, relating to involuntary hospitalization; removing a requirement that a determination of medical stability be found prior to admission to a mental health facility; and providing that a physical may be provided to the individual upon admission to the mental health facility.

Referred to the Committee on Health and Human Resources.

By Senator Woodrum:

Senate Bill 181—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto nine new section designated, §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5, §16-42-6, §16-42-7, §16-42-8, and §16-42-9; and to amend and reenact §24-6-6b of said code, all relating to creating of the Core Behavioral Health Crisis Services System; designating of crisis hotline centers; reimbursing treatment for crisis receiving and stabilization services; creating the Statewide 988 Trust Fund; providing a mechanism for funding the trust fund; establishing the uses of the fund; authorizing a statewide 988 fee; establishing the duties and powers of the secretary; providing for timelines for implementation; authorizing rulemaking, including emergency rules; and requiring annual reports.

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

By Senator Azinger:

Senate Bill 182—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the teaching of divisive acts and critical race theory in West Virginia schools; providing definitions; prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not re-employed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

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

By Senator Baldwin:

Senate Bill 183—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs.

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

By Senator Baldwin:

Senate Bill 184—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creating the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements.

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

By Senator Jeffries:

Senate Bill 185—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 Finance.

By Senator Jeffries:

Senate Bill 186—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

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

By Senator Martin:

Senate Bill 187—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-33-1, §22-33-2, §22-33-3, §22-33-4, and §22-33-5, all relating generally to creating the Natural Resources Anti-Commandeering Act; stating legislative findings; prohibiting agencies of this state and political subdivisions or employees thereof from knowingly and willingly participating in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; prohibiting assets or funds of the state from being used in activity assisting enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources which do not exist under the laws of this state; providing penalties therefor; and providing for severability.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 188—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

By Senator Martin:

Senate Bill 189—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8I-1, §31A-8I-2, §31A-8I-3, and §31A-8I-4, all relating to unlawful discriminatory practices by a financial institution or government entity against manufacturers, retailers, distributors, shooting ranges, or trade associations that support or are engaged in the lawful commerce of firearms, firearms accessories, or ammunition products; authorizing a declaratory judgment action to be brought by the Attorney General in the name of the state; and providing for an award of monetary damages and costs and other remedies against the violators including potential discontinuance of business by the state with these violators.

Referred to the Committee on the Judiciary.

By Senator Martin:

Senate Bill 190—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-7-10a, relating to declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

Referred to the Committee on the Judiciary.

By Senator Stover:

Senate Bill 191—A Bill to amend and reenact §3-1-30 and §3-1-44 of the Code of West Virginia, 1931, as amended, all relating to authorizing poll clerks to work and be compensated for both full and half days worked during an election.

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

On motion of Senator Weld, 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, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 191 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 191) passed with its title.

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

By Senator Grady:

Senate Bill 192—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to establishing a Civil Air Patrol license plate option through the West Virginia Division of Motor Vehicles.

Referred to the Committee on Transportation and Infrastructure.

By Senator Martin:

Senate Bill 193—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting public entities, including state, county, and municipal buildings

and facilities, places of public accommodation, and commercial facilities, from charging a fee for parking in an accessible parking space bearing the international symbol of access.

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

By Senator Baldwin:

Senate Bill 194—A Bill to amend and reenact §18C-7-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, §18C-10-5, and §18C-10-6, all relating to establishing the Promise for All Scholarship Program; expiring the PROMISE Scholarship Program; providing legislative findings and purpose of the new program; defining terms; providing eligibility, conditions, and limitations for participating in the program; directing the Higher Education Policy Commission administer the program; providing commission directives and authority to administer; providing for loss of scholarship if certain conditions are not fulfilled; placing limitations and conditions on scholarship awards; providing for legislative and emergency rules; establishing a new fund to hold and invest scholarship moneys; and providing for funding of program.

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

By Senator Baldwin:

Senate Bill 195—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to expanding permissive early childhood education programs to children who are three years old beginning in the 2022-2023 school year; providing counties with the authority to implement three-year-old early childhood education programs; and clarifying that the state board rules should take into consideration curriculum appropriate for three-year-old children in such programs.

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

By Senator Baldwin:

Senate Bill 196—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to prohibiting certain misleading pharmaceutical advertising practices; providing for certain disclosures and warnings in pharmaceutical advertising for the protection of patients; and imposing criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 197—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators.

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 198—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-27; to amend said code by adding thereto a new section, designated §18-2-44; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan

payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the county boards of education, State Board of Education, and governing boards of colleges' promotion of the program.

Referred to the Committee on Finance.

By Senator Plymale:

Senate Bill 199—A Bill to amend and reenact §5-22A-5 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5-22B-1, §5-22B-2, §5-22B-3, §5-22B-4, §5-22B-5, §5-22B-6, and §5-22B-7; and to amend and reenact §31G-1-4 of said code, all relating to creating the Multiphase Procurement for Broadband Projects Act for public-private partnership broadband projects; and providing that the Design-Build Board and the Broadband Enhanced Council shall administer duties of the Multiphase Procurement for Broadband Projects Act.

Referred to the Committee on Government Organization.

By Senator Lindsay:

Senate Bill 200—A Bill to repeal §3-3-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §3-1-34 and §3-1-41 of said code; to amend and reenact §3-1A-5 of said code; to amend and reenact §3-2-25 and §3-2-27 of said code; to amend and reenact §3-3-1, §3-3-1a, §3-3-2, §3-3-2a, §3-3-3, §3-3-5, §3-3-9, §3-3-10, and §3-3-12 of said code; to amend and reenact §3-4A-19 of said code; to amend and reenact §3-5-13 of said code; to amend and reenact §3-6-6, §3-6-7, and §3-6-9 of said code; to amend said code by adding thereto a new section, designated §3-9-14; and to amend and reenact §3-9-19 of said code, all relating to modernization of procedures for voting in public elections; modifying voter identification procedure at the polls; removing authority of election commissioners and poll clerks to dispute voter claims of disability; providing for distribution of informational materials and periodic updates thereof; revising the procedure to declare voters inactive on registration lists; authorizing all registered voters to vote absentee ballot by mail; simplifying the requirements for an emergency absentee ballot; providing for secure receipt of hand-delivered absentee ballots; specifying security and accessibility requirements for early voting locations; providing for stand-alone drop-off locations for deposit of completed absentee ballots; revising time requirements and deadlines; eliminating restrictions on in-person and absentee voting for elections held on Saturdays; revising terms and procedures for casting an absentee ballot by mail; reforming the procedures and grounds for challenging an absentee ballot; specifying the form and printed text of envelopes for absentee ballots; establishing a prec canvass procedure for ballots received in advance of Election Day; authorizing voter cure for potentially deficient absentee ballots; establishing a criminal offense of coercion and intimidation of a voter; defining a criminal offense of unauthorized marking of another person's absentee ballot; providing criminal penalties for violations; and correcting citations and grammar throughout.

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

By Senator Baldwin:

Senate Bill 201—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school a \$1,000 tax credit on the personal

property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

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

By Senator Jeffries:

Senate Bill 202—A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2023; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

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

By Senator Maroney:

Senate Bill 203—A Bill to amend and reenact §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4, and §47-11E-5 of the Code of West Virginia, 1931, as amended, all relating to covenants not to compete between physicians, physician assistants, or advanced practice registered nurses and employers; defining terms; setting forth prohibition against contract terms; providing for enforceability of other contract terms; providing for exemptions; and setting forth an effective date.

Referred to the Committee on Health and Human Resources.

By Senator Maroney:

Senate Bill 204—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-30, relating to PEIA hospital inpatient rates; requiring the plan to reimburse any hospital that provides inpatient care to a beneficiary covered by the plan no less than 90 percent of the Inpatient Prospective Payment System Diagnostic Related Group assigned amount then in effect for the federal fee for service component of the Medicare program by July 1, 2024; and requiring the plant to reimburse the Inpatient Prospective Payment System Diagnostic Related Group assigned amount then in effect for the federal fee for service component of the Medicare program by July 1, 2025.

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

By Senator Maroney:

Senate Bill 205—A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the expansion of membership of the Public Employees Insurance Agency Finance Board.

Referred to the Committee on Government Organization.

By Senator Baldwin:

Senate Bill 206—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties;

authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

By Senator Baldwin:

Senate Bill 207—A Bill to amend and reenact §11-21-22 and §11-21-22b of the Code of West Virginia, 1931, as amended, all relating to providing an earned income tax credit against the personal income tax.

Referred to the Committee on Finance.

By Senator Baldwin:

Senate Bill 208—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes.

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

By Senator Azinger:

Senate Bill 209—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to timber ownership interests; creating the Timber Co-tenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting co-tenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund, to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; providing for rule-making authority; providing crediting of interest to owner's accounts; and providing an effective date of July 1, 2022.

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

By Senator Azinger:

Senate Bill 210—A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to the emergency powers of the Governor; when the Governor may be required to convene an extraordinary session of the Legislature; defining actions of state government or political subdivisions that are prohibited during states of emergency; authorizing legal actions or actions in equity by persons or businesses aggrieved by governmental violations, together with the award of costs and fees to prevailing plaintiffs; and ending the mask mandate imposed by the Governor upon passage.

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

By Senator Azinger:

Senate Bill 211—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action.

Referred to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 212—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, §16-2Q-2, §16-2Q-3, §16-2Q-4, §16-2Q-5, §16-2Q-6, §16-2Q-7, §16-2Q-8, §16-2Q-9, §16-2Q-10, and §16-2Q-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing for exceptions; making certain findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

By Senator Takubo:

Senate Bill 213—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-31A-1, §30-31A-2, §30-31A-3, §30-31A-4, §30-31A-5, §30-31A-6, §30-31A-7, §30-31A-8, §30-31A-9, §30-31A-10, §30-31A-11, §30-31A-12, §30-31A-13, §30-31A-14, and §30-31A-15, all relating to establishing a licensed professional counseling compact.

Referred to the Committee on Health and Human Resources.

By Senator Takubo:

Senate Bill 214—A Bill to amend and reenact §30-21A-3 of the Code of West Virginia, 1931, as amended, relating to updating the telepsychology compact.

Referred to the Committee on Health and Human Resources.

By Senator Baldwin:

Senate Bill 215—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-33, relating to creating a tax credit for individuals who purchase firearm safety equipment.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 216—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, and §18-34-5, all relating to the creation of the Student Journalist Press Freedom Restoration Act; providing for legislative findings; requiring that the West Virginia Department of Education and the West Virginia Higher Education Policy Commission allow for the free expression of student journalists on campuses of middle schools, high schools, and colleges and universities; providing a framework and parameters for free expression; and allowing for civil actions in the event that this article is violated.

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

By Senator Maynard:

Senate Bill 217—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to giving private schools the option of making vaccinations required for enrollment; and requiring private schools to maintain annual attendance records.

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

By Senator Maynard:

Senate Bill 218—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

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

By Senator Rucker:

Senate Bill 219—A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7g, all relating to designating the specific grade levels to which the specified physical education requirements are applicable; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; allowing a school district to make available to schools within the district a program in which the subject of nutrient and exercise education is taught; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to

each school in a school district electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures.

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

By Senator Maynard:

Senate Bill 220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

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

By Senator Takubo:

Senate Bill 221—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-28A-1, §30-28A-2, §30-28A-3, §30-28A-4, §30-28A-5, §30-28A-6, §30-28A-7, §30-28A-8, §30-28A-9, §30-28A-10, §30-28A-11, §30-28A-12, §30-28A-13, and §30-28A-14, all relating to establishing an occupational therapy compact; providing for the purpose in creating the compact; providing for definitions relating to the compact; establishing guidelines for state participation in the compact; creating a compact privilege; creating a means to obtain a state home license through the compact; defining active duty military personnel and their spouses for purposes of the compact; defining adverse actions; establishing the occupational therapy compact commission; creating a data system; providing for rulemaking; providing for oversight, dispute resolution, and enforcement; creating a date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment; providing for the construction and severability of the compact; and establishing the binding effect of the compact and other laws.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 222—A Bill amend and reenact §18A-4-1 and §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating generally to in-field master's degree; revising definition of "M.A."; adding definition for "in-field master's degree"; providing that salary increase for holding an in-field master's degree is contingent upon a classroom teacher's assignment; requiring the state board to promulgate rules for the administration and implementation of the in-field master's salary; specifying contents of rule; requiring the Higher Education Policy Commission to develop a plan to provide readily accessible "M.A." classification programs at West Virginia institutions of higher education for professional educators throughout the state; requiring the commission to propose a legislative rule outlining the process for the state's public master's degree-granting institutions to offer a fully online, collaborative graduate program for educators providing academic coursework including pedagogy, curriculum and instructional design, and behavioral health areas of focus; and prohibiting certain classroom teachers from receiving the salary increase for any education level above A.B. plus 15 unless certain in-field master's degree related requirements have been satisfied.

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

By Senator Trump:

Senate Bill 223—A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to make a publication of a short form settlement in the estates of decedents; and updating language and style.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 224—A Bill to amend and reenact §48-2-301 of the Code of West Virginia, 1931, as amended, relating to establishing that 18 is the age of consent; and removing the ability of an underage person to obtaining a consent to marry through their parents, legal guardians, or by petition to the circuit court.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 225—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to actions for injuries; damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; providing that an increased risk of disease is not a compensable basis for damages in any civil action; providing that, where awarded, payment of medical monitoring expenses shall not be paid to a prevailing plaintiff until the procedure is completed; requiring that, where awarded, defendants pay medical monitoring expenses into a fund established by the court for that purpose; and providing for the return of any money remaining in the fund after medical monitoring is no longer required to the defendants.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 226—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to allowing substitute teachers who suspect or believe they are being unfairly excluded from certain assignments or all assignments to request an explanation from certain school officials; and requiring that an explanation be provided if a request for explanation is made unless more than one request is made for every 90 instructional day period.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 227—A Bill to amend and reenact §18-9B-17, §18-9B-18, and §18-9B-19 of the Code of West Virginia, 1931, as amended, all relating to requiring county boards of education and county superintendents to comply with the instructions of the State Board of Education; expanding remedies that may be used to enforce certain orders of the State Board of School Finance when a county board of education fails or refuses to comply; expanding circumstances under which the State Board of School Finance can withhold payment of state aid from a county board; allowing, under certain circumstances of noncompliance with state law or State Board of Education policy, the State Board of School Finance to require certain actions during the periods of noncompliance; and requiring the State Board of School Finance to report certain actions of enforcement against a county board to the State Board of Education at its next meeting.

Referred to the Committee on Education.

By Senators Rucker and Baldwin:

Senate Bill 228—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-7d, relating to providing tuition and fee waivers for terms of service completed in West Virginia as AmeriCorps volunteer; specifying programs, conditions, required minimum hours of service, and limitation of semesters applicable; defining nominal value; providing that tuition and fee waivers are in addition to others permitted; authorizing governing boards to establish limits; and authorizing legislative rulemaking for certain purposes.

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

On motion of Senator Weld, 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: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Azinger and Martin—2.

Absent: Rucker and Takubo—2.

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

Engrossed Senate Bill 228 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Azinger—1.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 228) passed with its title.

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

By Senator Rucker:

Senate Bill 229—A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring State Board of Education rule detailing information that a county board is

required to include as part of its impact statement; and setting forth minimum requirements for the rule.

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

By Senator Rucker:

Senate Bill 230—A Bill to amend and reenact §6C-2-3 and §6C-2-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6C-3-1 of said code, all relating to West Virginia public employee grievance procedure; requiring a notarized grievance form; outlining the grievance motion to dismiss procedure; providing for the payment of attorney's fees; and providing requirements for West Virginia Public Employees Grievance Board appointees.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 231—A Bill to amend and reenact §31G-4-1 and §31G-4-4 of the Code of West Virginia, 1931, as amended, all relating to broadband connectivity; defining terms; requiring engineering reports on available telecommunication cable space; providing for shared costs for the report; requiring notice from pole owner or manager to telecommunication carriers of available space; and requiring notice to pole owner or manager of intent to use any available space.

Referred to the Committee on Economic Development.

By Senator Trump:

Senate Bill 232—A Bill to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended, relating to punishment for second or third offense felony; including imprisonment for federal offenses; and providing that 20 years from the date of release of a person from his or her term of imprisonment or parole resulting from a second felony offense, or the expiration of a period of supervised release resulting from the second felony offense, and not the date of commission of the second felony offense is to be used, when punishment by imprisonment for life may not be considered for a third felony offense.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 233—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System by June 30, 2022; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

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

By Senator Romano:

Senate Bill 234—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33c, relating to creating a surcharge on fire and casualty insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and

counties to apply to the State Treasurer for a disbursement from the fund; authorizing the State Treasurer to disburse funds; and granting rule-making authority.

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

By Senator Romano:

Senate Bill 235—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another.

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

By Senator Romano:

Senate Bill 236—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-25, relating to requiring all eligible voters to perform their civic duty of voting in all general elections; authorizing and requiring the Secretary of State to promulgate related emergency and legislative rules; requiring the Secretary of State to notify all eligible voters of their failure to vote in a general election and request any proposed excuses or exemptions related to this failure; Secretary of State to review any excuses or exemptions; and imposing civil penalties for any failure of an eligible voter to vote in a general election.

Referred to the Committee on the Judiciary.

By Senator Lindsay:

Senate Bill 237—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers; and creating a litigation practice license for social workers.

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

By Senator Stollings:

Senate Bill 238—A Bill to amend and reenact §5-16-7g of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-59-1 of said code, all relating generally to required health insurance coverage for diabetics; providing cost sharing in prescription drugs used for diabetes; defining terms; requiring insurance coverage for prescription insulin drugs; and providing for coverage pursuant to the West Virginia Public Employees Insurance Act.

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

By Senator Beach:

Senate Bill 239—A Bill to amend and reenact §30-42-10 of the Code of West Virginia, 1931, as amended, relating to requiring persons building residential structures to inform the county board of education of the number of units to be constructed and the estimated number of occupants of those structures; and requiring this information be provided before a building permit may be issued.

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

By Senator Caputo:

Senate Bill 240—A Bill to amend and reenact §3-3-1 and §3-3-2 of the Code of West Virginia, 1931, as amended, all relating to absentee voting; removing specifications for permission to vote by absentee ballot; and allowing all voters to request and vote by absentee ballot.

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

By Senator Romano:

Senate Bill 241—A Bill to amend and reenact §5G-1-3 of the Code of West Virginia, 1931, as amended, relating to modifying the procedure certain public agencies must take in order to contract for certain architectural and engineering services; requiring joint discussions with prospective architectural or engineering firms in certain situations; permitting contract proposals with a fee for service from the firms; replacing the single entity negotiations with a competitive low-bid process; and allowing for the public agency to reject all proposed contracts and seek proposals from additional firms.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 242—A Bill to amend and reenact §8A-7-10 of the Code of West Virginia, 1931, as amended, relating to limiting the authority to prevent or limit an owner's complete use of natural resources or real property for farm or agricultural operations.

Referred to the Committee on Agriculture and Rural Development.

By Senators Hamilton and Stover:

Senate Bill 243—A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new section, designated §5-5-2a; to amend and reenact §15-2-5 of said code; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to pay raises; granting all public employees a 10 percent per year permanent pay increase; requiring that the pay increase be averaged over all public employees; granting a 10 percent pay increase to members of the West Virginia State Police; granting a 10 percent pay increase to public school teachers; granting a 10 percent pay increase to school service personnel; and providing for effective dates.

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

By Senator Trump:

Senate Bill 244—A Bill to amend and reenact §51-11-6 of the Code of West Virginia, 1931, as amended, relating to the intermediate court of appeals, correcting a typographical error regarding the process for appointing the initial Judges of the Intermediate Court of Appeals; and making this change retrospective to December 27, 2021.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 245—A Bill to amend and reenact §21-5-3 and §21-5-4 of the Code of West Virginia, 1931, as amended, all relating to revising wage payment and collection; and modifying information related to payroll cards.

Referred to the Committee on the Judiciary.

By Senator Grady:

Senate Bill 246—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-9G-1, §18-9G-2, and §18-9G-3, all relating to requiring the School Building Authority to amend their handbook to require newly constructed public schools and public schools with major improvements to have water bottle filling stations.

Referred to the Committee on Education.

By Senators Weld, Sypolt, Grady, Smith, Stollings, and Maroney:

Senate Bill 247—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to certified community behavioral health clinics; providing that the state Medicaid agency shall develop, seek approval of, and implement a Medicaid state plan amendment as necessary and appropriate to effectuate a system of Certified Community Behavioral Health Clinics (CCBHCs); providing that the state Medicaid agency, in partnership with the Department of Health and Human Resources' Bureau for Behavioral Health, shall establish a state certification system for CCBHCs; and providing that all nonprofit comprehensive community mental health centers and comprehensive intellectual disability facilities shall be eligible to apply for certification as a CCBHC.

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

By Senator Phillips:

Senate Bill 248—A Bill to repeal §61-11-2 of the Code of West Virginia, 1931, as amended; to repeal §62-3-15 of said code; to amend and reenact §61-2-2 of said code; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to the Patrolman Cassie Marie Johnson Memorial Act and the death penalty for first degree murder; providing for procedures, standards, and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (DNA) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transferring of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

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

By Senators Phillips and Stollings:

Senate Bill 249—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to permitting special registration plates for certain persons with medical conditions that may cause erratic behavior; and requiring medical certification that person may operate motor vehicle if properly following dietary restrictions and medical prescriptions.

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

On motion of Senator Weld, the Senate reconsidered the vote by which in earlier proceedings today it passed

Eng. Senate Bill 9, Providing continued eligibility for developmental disability services to dependents of military members.

The vote thereon having been reconsidered,

The question again being on the passage of the bill, the yeas were: the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Smith, Stollings, Stover, Swope, Sypolt, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Rucker and Takubo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 9) passed with its title.

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

The following joint resolutions were introduced, read by their titles, and referred to the appropriate committees:

By Senator Tarr:

Senate Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting restriction of this amendment by state or local government; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Sypolt:

Senate Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic communication and data of citizens from unreasonable searches and seizures; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Sypolt:

Senate Joint Resolution 3—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption

increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Sypolt:

Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 22, relating to the right of farmers and agricultural producers to engage in modern agricultural practices; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Nelson:

Senate Joint Resolution 5—Proposing an amendment to the Constitution of the State of West Virginia, amending section three, article VI thereof, relating to limiting the number of years delegates and senators may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Karnes:

Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Smith:

Senate Joint Resolution 7—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senator Weld:

Senate Joint Resolution 8—Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Baldwin offered the following resolution:

Senate Concurrent Resolution 1—Requesting the Division of Highways name bridge number 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the "U.S. Army PFC Billy Keith Ford Memorial Bridge".

Whereas, Billy Keith Ford was born on September 28, 1945, in Boomer, West Virginia, to Henry and Juanita Kilburn Ford, into a family of four boys and five girls; and

Whereas, As a boy, Billy Keith Ford spent his time helping in local gardens near the family home and when they were not in the gardens, the family enjoyed camping in West Virginia state parks; and

Whereas, Billy Keith Ford entered the United States Army in 1967 and was deployed to Vietnam on December 23, 1967, at the rank of Private First Class; and

Whereas, PFC Billy Keith Ford was originally assigned to the Fifth Battalion, Seventh Cavalry, as a new battalion of the First Air Cavalry in 1966. As part of this battalion, he was stationed in Thua Thien Province, an area of exceptionally heavy fighting during that time, with more U.S. casualties than in any other province of Vietnam; and

Whereas, PFC Billy Keith Ford and his unit participated in a massive offensive, Operation Pegasus, in April 1968. They liberated ground troops who had been under siege for 78 days and seized tons of enemy supplies and equipment; and

Whereas, PFC Billy Keith Ford and the "5/7 Cav" later interdicted enemy movements to the south and held a dominant position in the A Shau Valley, hindering the enemy's efforts at retreat and reinforcement; and

Whereas, PFC Billy Keith Ford's company came under fire on April 28, 1968, and he was killed in the engagement; and

Whereas, During his time in service, PFC Billy Keith Ford received the Army Combat Infantryman Badge, Marksmanship Badge, National Defense Service Medal, Vietnam Service Medal, the Army Presidential Unit Citation, the Vietnam Gallantry Cross, and the Purple Heart Medal; and

Whereas, PFC Billy Keith Ford's funeral service was held in the Mount Carbon Community Church on Sunday, May 12, 1968, and he was laid to rest in Montgomery Memorial Park in London, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Billy Keith Ford and his contributions and sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 10-061/00-027.81 (10A161), locally known as Armstrong Creek Bridge, carrying West Virginia Route 61 over Armstrong Creek in Fayette County, the "U.S. Army PFC Billy Keith Ford Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PFC Billy Keith Ford Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Phillips offered the following resolution:

Senate Concurrent Resolution 2—Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge, carrying CR 10/7 over Huff Creek in Logan County the "John B. Short Memorial Bridge".

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946; and

Whereas, After completing electrician training in Michigan, John B. Short returned to West Virginia and married Ruby K. Nunley. They had seven children; and

Whereas, John B. Short worked as Chief Electrician with Pittston Coal Company until he retired in 1986; and

Whereas, John B. Short was an avid outdoorsman, hunter, and fisherman; and

Whereas, John B. Short passed away in 2008; and

Whereas, It is fitting that an enduring memorial be established to commemorate John B. Short and his contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge, carrying CR 10/7 over Huff Creek in Logan County, the "John B. Short Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "John B. Short Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Phillips offered the following resolution:

Senate Concurrent Resolution 3—Requesting the Division of Highways name bridge number 23-017/09-000.06 (23A054), (37.94149, -81.82224), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the "U.S. M.C. CAPT Dempsey Stowers Memorial Bridge".

Whereas, Dempsey Stowers, a native of Bulger, West Virginia, was born September 7, 1941, and died February 23, 2020; and

Whereas, Dempsey Stowers proudly joined the U.S. Marine Corps in 1960. He served as a signal intelligence/electronic warfare officer; and

Whereas, Dempsey Stowers retired from the U.S. Marine Corps after 23 years, earning the rank of captain; and

Whereas, CAPT Dempsey Stowers obtained numerous medals for his exceptional service, including the National Defense Medal, Armed Forces Expeditionary, Republic of Vietnam Campaign, Navy Union Citation, Navy Achievement Medal, Vietnam Service Medal with three stars, Meritorious Unit Commendation, Sea Service Deployment Ribbon, Navy Commendation Medal, Meritorious Service Medal, Republic of Vietnam Meritorious Unit Citation, and three letters of Commendation; and

Whereas, Upon retirement from service, CAPT Dempsey Stowers returned home to West Virginia, where he and his wife, Judy Stowers, raised their family; and

Whereas, CAPT Dempsey Stowers was active in his community and church, where he was widely known as a leader and an exemplification of service; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. M.C. CAPT Dempsey Stowers and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-017/09-000.06 (23A054), (37.94149, -81.82224), locally known as Clothier Box Beam, carrying CR 17/9 over Spruce Fork in Logan County, the "U.S. M.C. CAPT Dempsey Stowers Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. M.C. CAPT Dempsey Stowers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Phillips and Stollings offered the following resolution:

Senate Concurrent Resolution 4—Requesting the Division of Highways name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the "U.S. Army SP4 Warner Ray Osborne Memorial Bridge".

Whereas, Warner Ray Osborne was born on January 2, 1943, to Elmer and Ruth Osborne in Three Forks, Logan County, West Virginia; and

Whereas, Warner Ray Osborne died on June 12, 2019, a life-long resident of Logan County; and

Whereas, Warner Ray Osborne enlisted in the U.S. Army on July 24, 1961, and completed Basic Combat Training at the Airborne School in Fort Campbell, Kentucky; and

Whereas, Warner Ray Osborne worked as an Army lineman, attained the rank of SP/4 E-4 (T), and received an Expert Badge for Rifle, letter of Commendation, and a Parachutist Badge during his service before his honorable discharge on July 23, 1964; and

Whereas, Following his military service, SP4 Warner Ray Osborne returned to the Accoville area of Logan County, West Virginia, where he worked in coal mining for more than 30 years and cared for his family, including his wife of 47 years, Quindora Marie Linville Osborne; and

Whereas, SP4 Warner Ray Osborne and Quindora Marie Linville Osborne had three daughters: Darlene Sue Osborne Davis, Melissa "Lisa" Osborne Gentry, and Kristy Bragg; several grandchildren and great-grandchildren; and

Whereas, SP4 Warner Ray Osborne served his country with honor and was cherished by his family, friends, and community; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SP4 Warner Ray Osborne for his contributions to our state and country, and to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-016/01-000.87 (23A078), locally known as Right Fork Buffalo Creek Bridge 3, carrying CR 16/1 over the Right Fork of Buffalo Creek in Logan County, the "U.S. Army SP4 Warner Ray Osborne Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SP4 Warner Ray Osborne Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Azinger offered the following resolution:

Senate Concurrent Resolution 5—Requesting the Division of Highways name bridge number 54-068/00-009.73 (54A259), (39.19674, -81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the "U.S. Marine Corps CPL James 'Bud' Cox Memorial Bridge".

Whereas, James "Bud" Cox was born on May 25, 1946, in Parkersburg, West Virginia, the son of James Blake Cox and Betty Jane Cox; and

Whereas, James "Bud" Cox and his lifelong friend, Joseph A. Memel grew up playing under the bridge located at WV Route 68 South across from the local racetrack, which is now being replaced with the bridge being requested herein to be named in honor of James; and

Whereas, James "Bud" Cox graduated from Parkersburg High School with the Class of 1965. While in high school he was a member of the woodworking club and a student in home room #120; and

Whereas, James "Bud" Cox and his friend, Joseph A. Memel, enlisted together in the U.S. Marines on December 14, 1965. James "Bud" Cox took his boot camp training at Parris Island and infantry training at Camp Lejuene. He was stationed in Cuba before being issued orders for Vietnam; and

Whereas, When CPL James "Bud" Cox arrived in Vietnam on May 14, 1967, he was assigned to Weapons with 3rd Platoon, Echo Company, 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division; and

Whereas, CPL James "Bud" Cox received shrapnel wounds to his leg from a mortar round on May 24, 1967, in the vicinity of Gio Linh District. He was medevacked to and recovered aboard the USS Princeton, and returned to the field June 10, 1967; and

Whereas, On December 28, 1967, CPL James "Bud" Cox was serving as a machine gun squad leader with the E Company Weapons Platoon, 2nd Battalion 3rd Marines. Echo Company was conducting a sweep of Quang Nam Province when they made heavy contact with a large force with the North Vietnamese Army Corps and he was fatally wounded by a mine/booby trap during combat at LZ Hawk, Bao An Dong, Go Noi Island, during Operation Auburn. Where he later died from his wounds; and

Whereas, At the time of his death, CPL James "Bud" Cox was 21 years old and had served in Vietnam for seven months and 14 days. For his very short time of service, he received two Purple Hearts for his courageous acts of valor; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Marine Corps CPL James "Bud" Cox and his sacrifice to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 54-068/00-009.73 (54A259), (39.19674, -81.65356) locally known as Race Track Bridge, carrying WV Route 68 over the North Fork of Lee Creek in Wood County, the "U.S. Marine Corps CPL James 'Bud' Cox Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Marine Corps CPL James "Bud" Cox Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Phillips, Caputo, and Stollings offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways name bridge number 23-018/00-000.74 (23A084), currently known as the Holden Box Beam, carrying County Route 18 over Copperas Mine Fork in Holden, Logan County, the "Holden 22 Coal Miners Memorial Bridge".

Whereas, The production of coal has brought a livelihood to many people in the state of West Virginia, but at times it has also come at a great cost to the miners and their families. A single disaster in a mine may impact an entire community with grief to be felt in many families for generations; and

Whereas, The community of Holden, West Virginia, was hit by such a tragedy on March 8, 1960, when a fire ignited during the day shift in the tunnels of the Island Creek Coal Company Number 22 Mine, commonly known as the Holden 22 Mine; and

Whereas, Shortly after 8:00 a.m., a large fire broke out near the 3 Left Overcast deep within the mine. Mine crews immediately positioned fire-fighting equipment – including a water car, an 80-gallon chemical truck, and high-pressure rock dusting equipment – at the site, but they could make very little headway against the large, hot fire. There was a massive rockfall as several of the wooden timbers collapsed, blocking off 200 feet of passageway, and, soon after, the power was cut off inside the mine; and

Whereas, Twenty men were trapped behind the fire and rockfall, but they also attempted to extinguish the fire and they tried to determine the best way to exit the mine via other slopes or entries. After discussion with the section foreman and the safety engineer, two men, Kyle Blair and Willis Carter, then attempted to reach the 3 Left Entries to the mine through a small opening, with a plan to open large airlock doors to "short circuit" the air and smoke away from the fire. It took these two men hours to make their way as they had to crawl through other areas of fallen rock, dense smoke, and noxious air, but they did manage to reach the entrance. They would be the only two of the trapped miners to make it out alive; and

Whereas, Teams of state and federal inspectors, company officials, rescue crews, and first responders arrived at the mine that afternoon and quickly assessed the situation. Rescue work began immediately as these crews explored access into the mine by way of alternate entrances and they continued efforts to fight the fire at its source. These efforts persisted through the night and into the next day; and

Whereas, Families of the miners and first responders gathered outside the main entrance of the mine while crews inside ran water lines and air hoses into the mine, constructed stoppings, checks, and line curtains to control the flow of air away from the fire. Rockfalls and the need to carefully manage the flow of air, left almost no open, travelable openings to the fire, all of which impeded the rescue effort; and

Whereas, Over the next seven days the crews made heroic efforts, at considerable risk to themselves, to reach the trapped miners. They were hindered by the intense heat of the fire, collapsed ceilings, and, as one rescuer stated, "smoke so thick you could poke a hole in it with your finger"; and

Whereas, Rescue crews first reached trapped miners on March 15, 1960, discovering a group of 14 men, all of whom appeared to have been overcome by carbon monoxide from the fire. The

next day, two more deceased miners were found and, the day after that, two more were discovered, with the body of the last victim brought to the surface at 4:45 p.m., on March 17, 1960; and

Whereas, Fifty-three mineworkers entered the mine on day shift the morning of March 8, 1960, but the following eighteen men did not make it out alive and were never to see their families and friends again:

Charles Adams

Berti Horvath

Frank Ardis

Flint Lock Jarrells

Ernest Bevins

Albert Marcum, Jr.

Okey Bryant

Melvin Newsome

James Carter

Isom Ooten

Josh Chafin, Jr.

James Lundell

Roy Lee Dempsey

Orville Sargent

William Donaldson

Clyde White

Garfield Hensley

Louis Workman; and

Whereas, It is fitting that an enduring memorial to be established commemorate the 18 miners who perished in this disaster and the selfless dedication of the many miners, rescue teams, and first responders in their efforts; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-018/00-000.74 (23A084), currently known as the Holden Box Beam, carrying County Route 18 over Copperas Mine Fork in Holden, Logan County, the "Holden 22 Coal Miners Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Holden 22 Coal Miners Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Hamilton offered the following resolution:

Senate Concurrent Resolution 7—Requesting the Division of Highways name bridge number 42-219/00-030.96 (42A136), (38.80906, -79.88206) locally known as Burnt Bridge, carrying US 219 over Tygart Valley River in Randolph County, the "James 'Big Jim' Shaffer Memorial Bridge."

Whereas, James Shaffer, known in his community as "Big Jim", was born on October 5, 1943, in East Dailey, West Virginia, where he was raised by his grandparents, Sterl and Vida Gear; and

Whereas, In 1958, James Shaffer joined the Tygart Valley Fire Company at the age of 15; and

Whereas, In 1968, James Shaffer assumed the position of Chief of the Tygart Valley Fire Company; and

Whereas, During James Shaffer's time as chief, the Tygart Valley Fire Company built two new stations and purchased updated trucks and equipment to expand their services to the community; and

Whereas, James Shaffer participated in a variety of community activities during his time as a member and Chief of the Tygart Valley Fire Company, including aiding the former Valley Water Company with line repairs, searching for line breaks, providing traffic control, assisting the former Coastal Lumber Company with silo fires and brush fires, and putting on safety demonstrations for the children at the former Homestead Elementary School; and

Whereas, James Shaffer, while serving as a member and chief of the Tygart Valley Fire Company, responded to a wide array of calls, including structure fires, motor vehicle accidents, downed trees, CPR, searching for missing individuals, and mutual aid calls; and

Whereas, James Shaffer, both as a member and Chief of the Tygart Valley Fire Company, organized many fundraisers to raise money for the department, including Porch Light Drives, in which community members would turn on their porch lights to alert the fire company to collect their donations as the members walked through the Dailey, East Dailey, and Valley Bend communities; and

Whereas, In 2003 and 2004, James Shaffer wrote two Federal Emergency Management Agency grants that provided over \$165,000 for the Tygart Valley Fire Company, which helped pay

for over 30 sets of personal protective equipment, including bunker coats, bunker pants, boots, gloves, and Nomex hoods; and

Whereas, James Shaffer retired from the Tygart Valley Fire Company in 2006 after 48 years of volunteer service to his community and beyond; and

Whereas, Sadly, James Shaffer passed away on December 18, 2012, and is survived by his wife and his daughter; and

Whereas, James Shaffer exemplified what it means to be a true community leader and a role model for all those in the community and across West Virginia; and

Whereas, For these reasons it is fitting that an enduring memorial be established to commemorate James "Big Jim" Shaffer and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 42-219/00-030.96 (42A136), (38.80906, -79.88206) locally known as Burnt Bridge, carrying US 219 over Tygart Valley River in Randolph County, the "James 'Big Jim' Shaffer Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying the bridge as the "James 'Big Jim' Shaffer Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Hamilton and Karnes offered the following resolution:

Senate Resolution 4—Urging the Army Corps of Engineers (USACE) to support hydroelectric power generation by moving forward in an expeditious manner with a study to increase clean energy production at City of Summersville's Hydroelectric Project installed on Summersville Dam and urging efforts by others to also encourage hydroelectric power production in West Virginia.

Whereas, The Summersville Hydroelectric Project utilizes the Summersville Dam, which forms Summersville Lake on the Gauley River in West Virginia; and

Whereas, The Summersville Dam is operated by the USACE, which controls the amount, timing, and the rate of water released from the dam; and

Whereas, The Summersville Lake Modification Study, USACE, Huntington District, September 30, 1982, (study) indicates the head pond winter pool elevation could be raised from an elevation of 1575 feet MSL to an elevation of 1637 feet MSL to create additional pressure to produce hydroelectric power without additional construction or significant downstream issues; and

Whereas, The study also indicates changes to the management of the release of stored storm water, which is currently bypassing the hydroelectric facility, could be released more slowly and thereby utilized for additional power generation; and

Whereas, On December 21, 2020, the Water Resource Reform Development Act, HR133, authorized USACE to conduct an evaluation to consider operational changes at non-federally operated hydropower for the purpose of increasing power generation; and

Whereas, Renewable Energy Credits could be re-established and utilized in West Virginia in support of renewable energy including hydroelectric power; and

Whereas, Power purchase agreement rates in West Virginia are set and approved by the Public Service Commission at avoided cost rates for utility companies and could be changed to recognize the value and contribution of clean green hydroelectric energy; and

Whereas, Recent winter and summer power outages across the country have made it clear that all avenues of electric power generation are vital to ensuring an affordable, reliable, and resilient electric power grid; and

Whereas, The City of Summersville's hydropower generation at Summersville Dam is capable of providing a more continuous flow of clean baseline energy to support a sustainable, affordable, reliable, and resilient electric power grid; and

Whereas, When economically feasible other reservoirs in West Virginia, including Bluestone Lake, Sutton Lake, and Tygart Lake, could be used to expand West Virginia's hydroelectric power generation in the future; and

Whereas, The West Virginia Senate and its committees may begin to study the foresaid subject matter in support of hydroelectric energy and its value to the West Virginia economy; therefore, be it

Resolved by the Senate:

That the West Virginia Senate hereby urges USACE to support hydroelectric power generation by moving forward in an expeditious manner with a study to increase clean energy production at City of Summersville's Hydroelectric Project installed on Summersville Dam and urging efforts by others to also encourage hydroelectric power production in West Virginia; and, be it

That the West Virginia Senate urges the USACE to begin moving without further delay with a review and study to address the foresaid issues and ultimately allow for an increase in hydroelectric energy production, which will provide a more continuous source of baseload energy; and, be it

Further Resolved, That the West Virginia Senate urges the West Virginia Public Service Commission to consider and recognize the true environmental value of increasing hydroelectric energy production for baseload energy to the power grid by considering setting electric purchase power rates above the avoided cost; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Army Corps of Engineers, at both its Huntington District Office and Washington, D.C.

headquarters office, to the West Virginia Public Utility Commission, and to the members of West Virginia's Congressional Delegation.

Which, under the rules, lies over one day.

Senators Baldwin, Roberts, Beach, Caputo, Woelfel, Plymale, Stollings, Lindsay, Jeffries, Brown, Romano, and Smith offered the following resolution:

Senate Resolution 5—Designating January 12, 2022, Prevention Day at the Legislature.

Whereas, West Virginia families and communities, along with the rest of the nation, continue to face the public health crisis of substance use disorder; and

Whereas, In West Virginia, substance use disorder has affected nearly every family; and

Whereas, In 2020, 110.8 million doses of Schedule II, III, IV, and V drugs were dispensed, 75.5 million of which were opioids; and

Whereas, 1,336 West Virginians lost their lives by overdose in 2020; 1,136 of them due to opioids—a situation only made worse by the COVID-19 pandemic; and

Whereas, West Virginia organizations, universities, agencies, churches, individuals, and communities have come together to address this crisis in many forms, from quick response, treatment, and recovery to prevention; and

Whereas, Six regional Prevention Lead Organizations comprise the Prevention First Network, whose goal is to prevent the onset of mental, emotional, behavioral, and substance use related problems; and

Whereas, The Prevention First Network focuses on drug use prevention as an integral part of the continuum of care and a critical part of thriving communities; and

Whereas, Certified prevention specialists work with communities to address challenges with substance use and access to services, helping communities address them with evidence-based and culturally responsive practices; and

Whereas, Evidence-based prevention interventions are cost-effective, decreasing costs related to substance use disorder treatment, substance use related crime, lost work productivity, and related healthcare costs; and

Whereas, The Prevention First Network leverages available federal funding to accomplish their mission; and

Whereas, The Prevention First Network seeks to understand the science of addiction and address root problems to prevent all forms of substance use disorder; and

Whereas, The Legislature has previously commended citizens in recovery from substance use disorder but has not as often recognized the professionals and volunteers who seek to prevent the disorder; therefore, be it

Resolved by the Senate:

That's the Senate hereby designates January 12, 2022, as West Virginia Prevention Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Prevention First network.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Tarr and Baldwin.

At the request of Senator Tarr, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the Honorable Jim Justice, Governor of West Virginia, who is seriously ill.

Pending announcement of a meeting of a standing committee of the Senate and a minority party caucus,

On motion of Senator Weld, at 1:37 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:12 p.m. and, at the request of Senator Weld, unanimous consent being granted, returned to the third order of business.

Executive Communications

Senator Blair (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget, which was received and read by the Clerk:



Jim Justice
Governor of West Virginia

January 12, 2022

EXECUTIVE MESSAGE NO. 1
SECOND REGULAR SESSION

The Honorable Craig Blair
West Virginia Senate
State Capitol
Charleston, WV 25305

Dear President Blair:

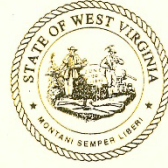
I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2022.

Sincerely,


Jim Justice
Governor

JJ/mh

Senator Blair (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor, concerning the condition of the state, which was received:



Jim Justice
Governor of West Virginia

January 12, 2022

Dear Mr. President, Mr. Speaker, and distinguished members of the West Virginia Legislature:

In times the likes of which we have never seen before, and with this message being conveyed in a manner it has never been before, I am happy to report to you that the State of our State has never been stronger.

With this message, I am also delivering my FY2023 budget, which I am incredibly proud to say is essentially flat for the fourth year in a row, which includes a third historic pay raise for our state employees.

I sincerely apologize for not being able to be with you in person to deliver these remarks. As we prepare to embark on the third year of the coronavirus pandemic, I regret to inform you that last evening I tested positive for COVID-19. While I was surprised that my test results came back positive, I am thankful to the Lord above that I have been vaccinated, I have been boosted, and that I have an incredible support system, especially my loving family. For this to happen just one night before the State of the State – knowing I am not able to be there – saddens me. There are so many great things happening in West Virginia right now that I am excited to share with you.

We have proved that the rocket ship ride I promised the people of West Virginia is real. We have set records with our revenue growth. Our employment numbers are the best they have been in state history. Tourism in West Virginia is exploding – every travel publication says our state is the place to be. And we have accomplished all this while responding to a once-in-a-lifetime pandemic.

People are more excited than ever to be in West Virginia. From April 2010 to July 2019, more than 43,000 people moved out of the state. But things are changing. People are moving here instead of leaving. Businesses are moving here and expanding operations here. From 2020 through 2021, net migration is up in West Virginia for the first time in decades, with over 2,000

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people moving into our state, making West Virginia one of the top states in the entire nation that people are moving into on a percentage basis.

We are shedding our image of being uneducated, dusty, poor, and backward. We are shedding our image of being bankrupt and a place business cannot operate because of our legal system. Together, we will continue to shed the dead weight that has been holding us back for years so we can continue to climb higher and higher on our journey to prosperity in West Virginia.

After concluding FY2021 with a \$413 million revenue surplus despite the effects of the COVID-19 pandemic on the state's economy, we continue to achieve surplus after surplus. Halfway through FY2022, year-to-date collections of nearly \$2.650 billion are \$475 million above estimate.

Our unemployment rate has dramatically declined from 7.1% in January 2021 to 4.0% today, the lowest rate recorded in all of state history. These figures represent over a 60% improvement in West Virginia's unemployment rate, which is now one of the lowest in the nation.

Last year, you honored me with approving my request to create a separate Department of Economic Development and to elevate this position to that of a Cabinet Secretary. The purpose of this was to provide a laser focus on job recruitment and broadband expansion. The new Department of Economic Development is operating efficiently and achieving incredible success.

In 2021, more than \$1.1 billion was invested in West Virginia by 39 different companies through Economic Development efforts and activities. This led to the creation of more than 1,330 new jobs, while retaining more than 6,400 additional jobs in the state. In the calendar year of 2021 – the first year of the Department of Economic Development – total employment in West Virginia has increased by over 36,000 jobs.

I want to express my support for your plan to get more marketable business-ready sites in West Virginia. Our Department of Economic Development needs the tools and flexibility to get potential industrial and business sites ready for companies looking at our state. Then we can pitch more companies to locate here, knowing the groundwork is already in place.

We are continuing to recruit world-class companies to our state as shown in three major announcements today. Nucor Corporation announced today that they selected Mason County as the location for a state-of-the-art sheet steel mill. This record investment will exceed \$2.7 billion, making it the largest in West Virginia history, as well as the largest single investment Nucor has ever made. Nucor is going to be a key part of West Virginia's DNA long into the future.

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Also this morning, GreenPower Motor Company announced an agreement with the state to manufacture zero-emission, all-electric school buses in South Charleston, bringing hundreds of new jobs and millions of dollars in economic impact to West Virginia. Their operation will bring up to 200 new jobs to the state when manufacturing begins later this year, with the potential workforce to eventually reach up to 900 new jobs when full production is reached in 24 months. As we continue to diversify our economy, manufacturing these zero-emission school buses in West Virginia will open up a world of opportunities for our state.

Finally, this afternoon we announced that Owens & Minor, a Fortune 500 company that provides medical supplies, is going to expand on a deal they previously had with WVU Medicine and create over 125 jobs at a healthcare products preparedness and supply center in Morgantown. Together with the state, Owens & Minor will invest an estimated \$50 million in West Virginia. The COVID-19 pandemic has taught us all that preparedness and resiliency are incredibly important, so this partnership is more than just another business deal, it will have real-world positive benefits for all West Virginians.

These announcements are historic, but incredibly, they are just the beginning. West Virginia is finally competing on the world stage and we are all witnessing the results firsthand.

For the fourth year in a row, I am proposing an essentially flat budget, which includes a third historic pay raise and Inflatocine for our state employees. My budget is only 1.4% higher than last year, far below the 7% inflation rate being seen across our country. We are not dipping into the Rainy Day Fund, which I am proud to report now has over \$1 billion in funding! We are blessed as a state with the flexibility to fund projects out of our surplus funds without building the base of our budget into the future.

We are all aware of the effect inflation has had on all West Virginians. Today, it was reported that the consumer price index rose 7% in the month of December, according to the U.S. Labor Department. This is the fastest increase since June 1982, when inflation hit 7.1%. My proposed Inflatocine will help West Virginians who are hurting when they go to the gas pump or the grocery store. I need your support to pass this one-time pay supplement for our hardworking state employees, teachers, and service personnel.

West Virginia continues to lead the way with our response to the COVID-19 pandemic. As the first state in the U.S. to offer the vaccine to every single one of our seniors in nursing homes, I have championed the vaccines from the very beginning. Despite being COVID-positive myself, I believe that my symptoms would have been much worse if I were not fully vaccinated and boosted. I know in my heart that the more we have vaccinated, the less will die.

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At the same time, however, we have struck the right balance to make sure our people do not fragment. I stand rock-solid behind our people being able to make that important medical choice for themselves in consultation with their doctor. I do not believe that anyone should be required to get vaccinated to continue collecting a paycheck and put food on the table for their family. Instead of forcing people to get the vaccine, we created incentives to excite people and get them across the finish line. Our Do it for Babydog vaccination sweepstakes was one of the most well-known vaccine incentive programs in the entire country.

Today, we are leading the way for the nation yet again. Last week, I sent a letter to President Joe Biden, asking him to direct the FDA and CDC to authorize West Virginia to begin offering a fourth dose of the vaccine to certain at-risk citizens four months after their first booster. West Virginia was the first state in the nation to make this request. We will continue to be the light in the dark, until this pandemic is behind us once and for all.

We continue to feed investment in our food banks. Fighting food insecurity has always been a big priority of mine. But it has been especially important during the pandemic. That is why I am incredibly proud to report that, in 2021 alone, we provided millions of support to food banks across West Virginia! Thanks to your help in the Legislature, we were able to put \$1 million into last year's budget for our state's two biggest food banks, and I will be respectfully requesting the same amount in my FY2023 budget.

Using the same responsible and conservative approach that we have utilized in recent years, my flat budget proposal will take care of all of our citizens, while allowing us to continue building upon our momentum right now in West Virginia.

We are going to continue to make education our centerpiece by investing in our greatest treasure – our children.

We are going to continue funding Communities In Schools because it's working, and impacting over 70,000 West Virginia students each year.

We are going to continue to pave the Roads to Prosperity by funding much-needed road repairs and infrastructure projects.

We are going to keep supporting our life-changing Jobs & Hope program that continues to rescue West Virginians from the pits of addiction and allows them to re-enter society with a renewed purpose and outlook, and – as always – we are going to continue to invest in economic development all across our state, letting the outside world know that West Virginia is the diamond in the rough that everyone has missed.

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I hope this provides a picture of all the incredible things we are achieving, and will continue to achieve. But our accomplishments in West Virginia – the rocket ship ride that continues everyday – cannot be captured in a few short pages. That is why I would like to humbly and formally request to you, Mr. President and Mr. Speaker, a joint session of your bodies at a time after I have completed my recovery when I can deliver my full address in person and we can all celebrate the incredible State of our State together.

God bless all of you, and God bless the Great State of West Virginia.



Jim Justice
Governor, State of West Virginia

The Senate proceeded to the sixth order of business.

The following bill was introduced, read by its title, and referred to the appropriate committee:

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

Senate Bill 250—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

Referred to the Committee on Finance.

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

On motion of Senator Weld, at 5:16 p.m., the Senate adjourned until tomorrow, Thursday, January 13, 2021, at 11 a.m.

SENATE CALENDAR

**Thursday, January 13, 2022
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 1 - US Army PFC Billy Keith Ford Memorial Bridge
- S. C. R. 2 - John B. Short Memorial Bridge
- S. C. R. 3 - USMC CAPT Dempsey Stowers Memorial Bridge
- S. C. R. 4 - US Army SP4 Warner Ray Osborne Memorial Bridge
- S. C. R. 5 - US Marine Corps CPL James "Bud" Cox Memorial Bridge
- S. C. R. 6 - Holden 22 Coal Miners Memorial Bridge
- S. C. R. 7 - James "Big Jim" Shaffer Memorial Bridge
- S. R. 4 - Urging US Army Corps of Engineers study clean energy production at Summersville dam

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2022

Thursday, January 13, 2022

9:30 a.m.

Finance

(Room 451M)