

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE
REGULAR SESSION, 2022
FIFTIETH DAY

Charleston, West Virginia, Wednesday, March 2, 2022

The Senate met at 9:16 a.m.

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

Prayer was offered by Pastor Matt Davis, Church at the Depot, Scott Depot, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Tuesday, March 1, 2022,

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

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

The Senate then proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 2nd day of March, 2022, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Rev. Com. Sub. for S. B. 221), Establishing occupational therapy compact.

(Com. Sub. for S. B. 452), Permitting civil remedies for unauthorized disclosure of intimate images.

And,

(H. B. 3303), Relating to clarifying the process of filling vacancies on ballots.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.

Dean Jeffries,
Chair, House Committee.

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

Your Committee on Finance has had under consideration

Senate Bill 715, Decreasing and increasing existing items of appropriations from State Fund, General Revenue.

Senate Bill 716, Supplemental appropriation to DOE, WV BOE, Strategic Staff Development.

Senate Bill 717, Supplemental appropriation to Miscellaneous Boards and Commissions, Board of Medicine, Medical Licensing Board.

Senate Bill 718, Supplemental appropriation to Department of Administration, Travel Management, Aviation Fund.

Senate Bill 719, Supplemental appropriation to DHS, Fire Commission, Fire Marshal Fees.

Senate Bill 720, Supplementing and amending appropriations to Executive, Governor's Office, Civil Contingent Fund.

Senate Bill 722, Expiring funds to DEP, Division of Environmental Protection, Reclamation of Abandoned and Dilapidated Property Program Fund.

Senate Bill 723, Making supplementary appropriation to Department of Agriculture, WV Spay Neuter Assistance Fund.

Senate Bill 724, Making supplementary appropriation to DHS, Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority.

And,

Senate Bill 725, Supplementing and amending appropriations to DHS, WV State Police.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

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

Your Committee on Military has had under consideration

Senate Concurrent Resolution 49, Establishing Honor Guard in each National Guard unit.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 2817, Donated Drug Repository Program.

And has amended same.

And,

Eng. House Bill 4649, Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4252, To reduce copay cap on insulin and devices.

And has amended the same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Maroney, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4252) contained in the preceding report from the Committee on Health and Human Resources was then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 4065, Allowing the Division of Natural Resources to teach hunter's safety courses in school.

And has amended same.

Eng. Com. Sub. for House Bill 4380, Relating to transportation of athletic teams.

And has amended same.

And,

Eng. Com. Sub. for House Bill 4489, Require counties to post open positions on statewide job bank.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 4282, Relating to establishing next generation 911 services in this state.

Eng. House Bill 4286, Relating to exempting persons employed as attorneys from the civil service system.

And,

Eng. House Bill 4517, Relating to the repealing requirements to display video ratings.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 4288, Relating to expanding the practice of auricular acudetox to professions approved by the acupuncturist board.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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

Your Committee on Education has had under consideration

Eng. House Bill 4291, Relating to authorizing legislative rules regarding higher education.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4324, To update collaborative pharmacy practice agreements.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill 4345, Relating to motor vehicle registration cards by establishing electronic or mobile registration cards.

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

Respectfully submitted,

Charles H. Clements,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4426, Repeal article 33-25G-1 *et seq.* creating provider sponsored networks.

And,

Eng. Com. Sub. for House Bill 4631, Establishing a bone marrow and peripheral blood stem donation awareness program.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Education has had under consideration

Eng. House Bill 4535, Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

House Concurrent Resolution 23, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families.

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

Respectfully submitted,

Charles H. Clements,
Chair.

The Senate proceeded to the sixth order of business.

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

Senate Resolution 47—Memorializing the life of the Honorable Joseph Michael Minard, husband, father, veteran, restaurateur, statesman, former member of the West Virginia Senate, former member of the West Virginia House of Delegates, former Clerk of the Senate, and dedicated public servant.

Whereas, The Honorable Joseph Michael Minard was born in Clarksburg, West Virginia, on January 5, 1932, son of the late Michael Joseph and Rose Oliverio Minard; and

Whereas, The Honorable Joseph Michael Minard was a graduate of St. Marys High School and later attended college at West Virginia University where he earned a bachelor's degree in business administration; and

Whereas, The Honorable Joseph Michael Minard was a veteran of the United States Army having served stateside during the Korean Conflict; and

Whereas, Since 1955, the Honorable Joseph Michael Minard was the owner and operator of Minard's Spaghetti Inn in Clarksburg, West Virginia, a business started by his parents which is now being run by his family; and

Whereas, The Honorable Joseph Michael Minard was a member of the West Virginia Senate, where he represented the citizens of the 12th Senatorial District for five terms, from 1990 to 1994 and from 1998 to 2013. Senator Minard was elected as the 20th Clerk of the Senate in 2013, where he served one term; and

Whereas, During his tenure as a member of the West Virginia Senate, the Honorable Joseph Michael Minard served as President Pro Tempore, as Chairman of the Committee on Banking and Insurance, and as a member of the Committees on Agriculture, Energy, Industry and Mining, Government Organization, and the Judiciary. He also served as the Senate Chair of the Legislative Rule-Making Review Committee; and

Whereas, The Honorable Joseph Michael Minard served in the West Virginia House of Delegates from 1983 to 1990; and

Whereas, After his service in the Legislature, the Honorable Joseph Michael Minard continued his service to the people of Harrison County as member of the Harrison County Commission; and

Whereas, The Honorable Joseph Michael Minard was a member of Immaculate Conception Catholic Church, the Columbian Club, Sons of Italy, Knights of Columbus, Clarksburg Lion's Club, Clarksburg Serra Club, and the WVU Alumni Association; and

Whereas, Sadly, the Honorable Joseph Michael Minard passed away at the age of 90 on January 17, 2022, bringing an end to a life well lived devoted to faith, family, and public service, and leaving behind a grateful community, state, and nation, and a host of family and friends, all of whom will miss him dearly; and

Whereas, The Honorable Joseph Michael Minard was twice married, having been preceded in death by his first wife, JeanAnn DeMeester Minard in 1964, and his second wife, Mary Contento Minard who preceded him in death on November 13, 2021. Surviving are two sons, Michael Minard and his wife Mary of Morgantown and Samuel Minard and his wife Christine of Charleston; their four daughters, Michele Minard of Buckhannon; Marisa Minard Veltri of Clarksburg; Marcia Black and her husband Dave of Pittsburgh; and Maria Yoakum and her husband Kenneth of Charleston. The Honorable Joseph Minard is also survived by his sister, Patricia Ann Hostutler and husband Tom of Virginia Beach, VA; 15 grandchildren; four great-grandchildren; and several nieces and nephews; and

Whereas, It is fitting that we pay tribute to the life and legacy of the Honorable Joseph Michael Minard, a man whose contributions to the State of West Virginia will be felt by many generations to come, and whose spirit will resound throughout the hills of West Virginia forever; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of the Honorable Joseph Michael Minard, husband, father, veteran, restaurateur, statesman, former member of the West Virginia Senate, former Clerk of the Senate, former member of the West Virginia House of Delegates, and dedicated public servant; and, be it

Further Resolved, That the Senate extends its sincere condolences to the family of the Honorable Joseph Michael Minard on his passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of the Honorable Joseph Michael Minard.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 46, Designating March 2, 2022, as Disability Employment State Use Program Day.

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

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

The question being on the adoption of the resolution, and on this question, Senator Lindsay demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 46) adopted.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 29, Providing fee for processing of criminal bonds.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 29) passed with its title.

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

Eng. Com. Sub. for Senate Bill 205, Expanding PEIA Finance Board membership.

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

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

Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 205) passed with its title.

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

Eng. Com. Sub. for Senate Bill 266, Adding definition of “ammunition” for purposes of obtaining state license to carry concealed deadly weapon.

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

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

The nays were: None.

Absent: Beach and Stover—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 266) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Beach and Stover—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 266) takes effect from passage.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 434, Updating authority to airports for current operations.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was read a third time.

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

On page six, section eight, line forty-nine, after the word “located” by changing the colon to a period and striking out the proviso.

Following discussion,

The question being on the adoption of Senator Plymale’s amendment to the bill, and on this question, Senator Plymale demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Caputo, Geffert, Grady, Jeffries, Martin, Maynard, Plymale, Roberts, Romano, Stollings, and Woelfel—13.

The nays were: Azinger, Boley, Brown, Clements, Hamilton, Karnes, Lindsay, Maroney, Nelson, Phillips, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—20.

Absent: Stover—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Plymale’s amendment to the bill rejected.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 434 was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Sente Bill 434 pass?”

On the passage of the bill, the yeas were: Boley, Clements, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Nelson, Phillips, Rucker, Smith, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—18.

The nays were: Azinger, Baldwin, Beach, Brown, Caputo, Geffert, Grady, Martin, Maynard, Plymale, Roberts, Romano, Stollings, Sypolt, and Woelfel—15.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 434) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 468, Creating Unborn Child with Down Syndrome Protection and Education Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was reported by the Clerk.

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

Eng. Com. Sub. for Senate Bill 498, Creating Anti-Racism Act of 2022.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for Senate Bill 498 was then put upon its passage.

Pending extended discussion,

(Senator Sypolt in the Chair.)

Pending discussion

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 498 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Clements, Grady, Karnes, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—21.

The nays were: Baldwin, Beach, Brown, Caputo, Geffert, Hamilton, Jeffries, Lindsay, Plymale, Romano, Stollings, and Woelfel—12.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 498) passed with its title.

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Brown as to the passage of Engrossed Committee Substitute for Senate Bill 498 were ordered extended in the Journal as follows:

SENATOR BROWN: When I was the State President of the NAACP, I used to get calls also about different things. But the schools took care of them, took care of these issues, and did not go any further with them.

And, you know, for 28 years, when I worked for the WVEA, I was on the Minority Affairs Committee. I was the liaison between the teachers, the African-American teachers, and the WVEA. Also, I was on, with the NEA, I was on the Human and Civil Rights Commission. And we would have conferences from all over the country, people all over the country, and, you know, be trainings and not once had I heard the promotion of any of these issues that was brought forward

that they were pressuring teachers to teach critical race theory in the classroom. This was 28 years. And I probably have met with more teachers than everybody in this room put together. Thousands of teachers. Talking to them for 28 years. And that's in those school systems.

And I know these teachers are very aware and cognitive. And when they hear something like that they were always ready to shut it down or call the child in and speak to them about these issues. My wife was a school teacher. And she would speak to the child and the children were okay with that.

But this is undue pressure in the school system. Teachers do not need more of this.

Let me tell you a little story. I'll end here.

When I was nine years old I tried out for the little league baseball team. Something I had been wanting to do since about six and watching it. And I got cut the first day. You know, I walked home—three quarters of a mile—and, you know, tears, you know, welled up in me. So, when I was 10, I tried out again. I got cut the first day. It wasn't any easier. When I was 11, I tried out again . . . I got cut again. Didn't become any easier after that. But, when I turned 12, I made the team. And I actually became an All Star.

What it was, was this. At the time, they only allowed one black player on the team. And the one black kid who was on the team was a year older than me. But, all through that time, my parents never said anything to me but they knew exactly what was going on. They knew exactly why I wasn't making that team. But they did not say anything to me because they didn't want that to be a crutch for me to fall back on in this life.

And I believe by presenting bills like this, you're giving these kids a crutch to fall back on.

West Virginia is 97 percent Caucasian. Actually, we need more diversity in the classroom, issues in the classroom. Every time we send one of these children out into the world, they become an ambassador to West Virginia. And the classroom should be preparing them. And I truly believe this bill here is a step backwards.

The other side of this bill I see as this. I've seen these bills, saw them in Virginia. CRT bill. It was used as a political tool for politicians because there is a racial undertone with this bill because of the books that has been taken out of the schools have been predominantly African-American books or talking about African-American . . . Even Martin Luther King's book was taken out of some of the schools. And I do believe that some politicians will be using CRT as a weapon, or a tool, in their campaigns. It's happening all over the country. It becomes . . . CRT becomes a trope for some of these campaigns.

You know, one thing I did notice in 2020 after George Floyd was killed . . . I noticed people across the country coming together. White Americans, black Americans, Asian, Hispanic Americans, all in arms, marching together, you know, protesting the inhumanity that had happened. They saw themselves as one. But then . . .

It looked like people were coming together, then all of a sudden I see CRT being thrown out there and a debate, again, trying to divide people. And this is what is happening. CRT was dormant. Has told people over and over, it's not in the public schools. Everybody over there has a high degree, college degree, on the other side. And it's been told to you over and over again that it wasn't taught in the public school. But here we are still trying to say it's being inserted into

the public schools for political purposes and for political gain. And that is not right because you're turning people against each other just like in Ohio County last week. It was really bad because of this particular piece of legislation.

Thank you.

Eng. Com. Sub. for Senate Bill 518, Allowing nurses licensed in another state to practice in WV.

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

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

The nays were: None.

Absent: Grady, Karnes, and Stover—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 518) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 530, Encouraging public-private partnerships in transportation.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 530 pass?"

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 530) passed with its title.

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

On motion of Senator Takubo, at 11:14 a.m., the Senate recessed.

The Senate reconvened at 11:27 a.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 552, Relating to tax sale process.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Tuesday, March 1, 2022, for further amendments to be received on third reading, was read a third time.

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

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

CHAPTER 11A. COLLECTION AND ENFORCEMENT OF PROPERTY TAXES.

ARTICLE 1. ACCRUAL AND COLLECTION OF TAXES.

§ 11A-1-8. Notice of time and place for payment; mailing of tax tickets.

~~(a) The sheriff may give notice by posting at not less than six public places in each magisterial district, for at least ten days before the time appointed, that between the fifteenth day of July and the thirty-first day of August he will attend at one or more of the most public and convenient places in each district, such places to be specified in the notice, for the purpose of receiving taxes due by the people residing or paying taxes in such district. The notice shall also state that those who pay the first installment of their taxes on or before the first day of September will be entitled to a discount of two and one-half percent. Like notice may be given that between the fifteenth day of January and the twenty-eighth day of February he will again appear in each district for the collection of taxes, and that those who pay their second installment on or before the first day of March will be entitled to the same discount. Failure of the sheriff to post such lists shall not impair the right to collect such taxes, the right to collect any interest or penalty imposed as a result of the failure to pay such taxes or the methods of enforcing the payment of such taxes, interest or penalty.~~

~~The county commission of any county may order that the above notice shall also be given by advertisement. Such an order, once entered, shall continue in effect until rescinded by the county commission. Upon entry of such order, the sheriff shall, besides posting as required above, publish the proper notice as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty nine of this code, and the publication area for such publication shall be the county. Such notice shall be so published within fourteen consecutive days next preceding the fifteenth day of July or the fifteenth day of January as the case may be. For every failure so to advertise, the sheriff shall forfeit one hundred dollars.~~

~~Notwithstanding the foregoing provisions, the The sheriff shall send to every person owing real or personal property taxes a copy of such taxpayers annual tax ticket or tickets showing what tax is due and how such tax may be paid. Such copy shall be sent to the last known address of such taxpayer by first class United States mail. The notice shall also state: (i) Those who pay the first installment of their taxes on or before the first day of September shall be entitled to a discount~~

of two and one-half percent; and (ii) those who pay the second installment of their taxes on or before the first day of March shall be entitled to the same discount.

Failure of the sheriff to send or failure of the taxpayer to receive such copy shall not impair the right to collect such taxes, the right to collect any interest or penalty imposed as a result of the failure to pay such taxes or the method of enforcing the payment of such taxes, interest or penalty.

At such time as the sheriff prepares the delinquent list for real property, he or she shall compare such list with a copy of the landbooks most recently delivered by the assessor to the board of review and equalization pursuant to §11-3-19 of this code. The assessor shall make a copy of said landbooks available to the sheriff. If property on the delinquent list should appear as a transfer on said landbooks with the delinquent owner as the transferor, the sheriff shall send to the transferee at his or her last known address by first class United States mail a copy of the annual tax ticket or tickets showing what taxes are due upon the real property of such transferee and how they may be paid as prescribed in this section.

Failure of the sheriff to send or failure of the taxpayer to receive such copy shall not impair the right to collect such taxes, the right to collect any interest or penalty imposed as a result of the failure to pay such taxes or the method of enforcing the payment of such taxes, interest, or penalty.

(b) In addition to the notice of real or property taxes owed, provided in this section, the county commission of any county may order that the sheriff include in the mailing notice of any taxes or other fees owed to the county or a municipality in the county.

(c)(1) The sheriff ~~may~~ shall accept credit cards in payment of any of the taxes, interest, or penalty described in this section. The type of credit card accepted shall be at the discretion of the sheriff.

(2) The sheriff may set a fee to be added to each credit card transaction equal to the charge paid by the state, county, sheriff, or taxpayer for the use of the credit card by the taxpayer. Except for fees imposed pursuant to this subdivision, no other fees for the use of a credit card may be imposed upon the taxpayer.

~~(3) Except as provided in subsection (a) of this section, in no event shall the sheriff discount or otherwise reduce the tax liability of a taxpayer who has elected to use a credit card for the payment of the tax liability.~~

(d) The tax commissioner may promulgate legislative rules to provide for the payment of tax liability by installment payments other than those prescribed in subsection (a) of this section.

ARTICLE 2. DELINQUENCY AND METHODS OF ENFORCING PAYMENT.

§ 11A-2-14. Correction of delinquent lists by county ~~court~~ commission; certification to Auditor; recordation.

The sheriff shall on or before ~~June fifteenth~~ May 15 of each year present the delinquent lists to the county ~~court~~ commission for examination. The ~~court~~ county commission having become satisfied that the lists are correct, or having corrected them if erroneous, shall direct the clerk of the ~~court~~ county commission to certify a copy of each list, pertaining to real property, to the Auditor

not later than ~~July first~~ June 1 of each year. The original lists shall be preserved by the clerk in his or her office, and the list of delinquent real estate shall be recorded in a permanent book to be kept by him or her for that purpose.

§ 11A-2-18. Redemption before sale; record; lien.

[Repealed.]

ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED, AND WASTE AND UNAPPROPRIATED LANDS.

§11A-3-1. Declaration of legislative purpose and policy.

In view of the paramount necessity of providing regular tax income for the state, county, and municipal governments, particularly for school purposes; and in view of the further fact that delinquent land not only constitutes a public liability, but also represents a failure on the part of delinquent private owners to bear a fair share of the costs of government; and in view of the rights of owners of real property to adequate notice and an opportunity for redemption before they are divested of their interests in real property for failure to pay taxes or have their property entered on the land books; and in view of the fact that the circuit court suits heretofore provided prior to deputy commissioners' sales are unnecessary and a burden on the judiciary of the state; and in view of the necessity to continue the mechanism for the disposition of escheated and waste and unappropriated lands; now therefore, the Legislature declares that its purposes in the enactment of this article are as follows: (1) To provide for the speedy and expeditious enforcement of the tax claims of the state and its subdivisions; (2) to provide for the transfer of delinquent and non-entered lands to those that will make beneficial use of said lands who are more responsible to, or better able to bear, the duties of citizenship than were the former owners; (3) to secure adequate notice to owners of delinquent and nonentered property of the pending issuance of a tax deed; (4) to permit deputy commissioners of delinquent and nonentered lands to sell such lands without the necessity of proceedings in the circuit courts; (5) to reduce the expense and burden on the state and its subdivisions of tax sales so that such sales may be conducted in an efficient manner while respecting the due process rights of owners of real property; and (6) to provide for the disposition of escheated and waste and unappropriated lands.

§11A-3-2. Second publication of list of delinquent real estate; notice.

(a) On or before the September 10 of each year, the sheriff shall prepare a second list of delinquent lands, which shall include all real estate in his or her county remaining delinquent as of the first day of September, together with a notice of sale, in form or effect as follows:

Notice is hereby given that ~~tax liens for~~ the following described tracts or lots of land or undivided interests therein in the County of _____ and the tax liens that encumber the same which are delinquent for the nonpayment of taxes for the year (or years) 20____, ~~will be offered for sale by the undersigned sheriff (or collector) at public auction at the front door of the courthouse of the county, between the hours of nine in the morning and four in the afternoon, on the _____ day of _____, 20____~~ certified to the Auditor for disposition pursuant to West Virginia Code §11A-3-44 on the 31st day of October, 20____.

Upon certification to the Auditor, Tax tax liens on each unredeemed tract or lot, or each unredeemed part thereof or undivided interest therein, ~~will~~ shall be sold at public auction to the

highest bidder in an amount which shall not be less than the taxes, interest, and charges which shall be due thereon to the date of sale, as set forth in the following table:

Name of person charged with taxes	Quantity of land	Local description	Total amount of taxes, interest and charges due to date of sale

If any of said tracts or lots remain unsold following the auction, they shall be subject to sale by the Auditor without additional advertising or public auction such terms as the Auditor deems appropriate pursuant to §11A-3-48 of this code.

Any of the aforesaid tracts or lots, or part thereof or an undivided interest therein, may be redeemed by the payment to the undersigned sheriff (or collector) before sale certification to the Auditor, of the total amount of taxes, interest, and charges due thereon up to the date of redemption. ~~Payment received within fourteen business days prior to the date of sale must be paid by credit card, cashier's check, money order, certified check or United States currency.~~ Payment must be received in the tax office by the close of business on the last business day prior to the sale certification.

After certification to the Auditor, any of the aforesaid tracts or lots may be redeemed by any person entitled to pay the taxes thereon at any time prior to the sale by payment to the Auditor of the total amount of taxes, interest, and charges due thereon up to the date of redemption.

Given under my hand this _____ day of

_____, 20__.

Sheriff (or collector).

The sheriff shall publish the list and notice prior to the sale date fixed in the notice as a Class III-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county.

(b) In addition to such publication, no less than 30 days prior to the sale by the Auditor pursuant to § 11A-3-44 of this code, the sheriff shall send a notice of the delinquency and the date of sale by certified mail: (1) To the last known address of each person listed in the land books whose taxes are delinquent; (2) to each person having a lien on real property upon which the taxes are due as disclosed by a statement filed with the sheriff pursuant to the provisions of section three of this article; (3) to each other person with an interest in the property or with a fiduciary relationship to a person with an interest in the property who has in writing delivered to the sheriff on a form prescribed by the Tax Commissioner a request for such notice of delinquency; and (4) in the case of property which includes a mineral interest but does not include an interest in the surface other than an interest for the purpose of developing the minerals, to each person who has in writing delivered to the sheriff, on a form prescribed by the Tax

Commissioner, a request for such notice which identifies the person as an owner of an interest in the surface of real property that is included in the boundaries of such property: *Provided*, That in a case where one owner owns more than one parcel of real property upon which taxes are delinquent, the sheriff may, at his or her option, mail separate notices to the owner and each lienholder for each parcel or may prepare and mail to the owner and each lienholder a single notice which pertains to all such delinquent parcels. If the sheriff elects to mail only one notice, that notice shall set forth a legally sufficient description of all parcels of property on which taxes are delinquent. In no event shall failure to receive the mailed notice by the landowner or lienholder affect the validity of the title of the property conveyed if it is conveyed pursuant to §11A-3-27 of §11A-3-59 of this code.

(c)(4) To cover the cost of preparing and publishing the second delinquent list, a charge of \$25 shall be added to the taxes, interest, and charges already due on each item and all such charges shall be stated in the list as a part of the total amount due.

(d) To cover the cost of preparing and mailing notice to the landowner, lienholder, or any other person entitled thereto pursuant to this section, a charge of \$10 per addressee shall be added to the taxes, interest, and charges already due on each item and all such charges shall be stated in the list as a part of the total amount due.

(e) Any person whose taxes were delinquent on the first day of September may have his or her name removed from the delinquent list prior to the time the same is delivered to the newspapers for publication by paying to the sheriff the full amount of taxes and costs owed by the person at the date of such redemption. In such case, the sheriff shall include but \$3 of the costs provided in this section in making such redemption. Costs collected by the sheriff hereunder which are not expended for publication and mailing shall be paid into the General County Fund.

§ 11A-3-4. Redemption after second publication and before ~~sale~~ certification to the Auditor.

Any of the real estate included in the list published pursuant to the provisions of ~~section two of this article~~ §11A-3-2 of this code may be redeemed at any time before ~~sale~~ certification to the Auditor as provided in ~~section eighteen, article two of this chapter~~ §11A-3-8 of this code. All ~~payments for delinquent real estate taxes received within fourteen business days prior to the date of sale must be paid~~ by cashier check, money order, certified check, or United States currency.

§11A-3-5. Sale by sheriff; immunity; penalty; mandamus.

[Repealed.]

§11A-3-5a. Effective date of transfer of duties for delinquent land sales by sheriff from the county clerk to the State Auditor.

[Repealed.]

§11A-3-5b. Authorization for county clerk to perform duties for delinquent land sales by sheriff.

[Repealed.]

§11A-3-6. Purchase by sheriff, State Auditor, deputy commissioner and clerk of county commission prohibited; co-owner free to purchase at tax sale.

[Repealed.]

§11A-3-7. Suspension from same; amended delinquent lists; subsequent sale.

[Repealed.]

§11A-3-8. Certification of ~~sold and unsold~~ property to the Auditor.

(a) ~~If any real estate included in the list published pursuant to the provisions of §11A-3-2 of this code is not redeemed in accordance with §11A-3-4 of this code by October 31 of the year the list was published, no person present bids the amount of taxes, interest and charges due on any real estate offered for sale, the sheriff shall certify the real estate~~ except the sheriff shall include any subsequent taxes due at the time of the list published pursuant to §11A-3-2 of this code to the Auditor for disposition pursuant to section forty-four of this article §11A-3-44 of this code, subject, however, to the right of redemption provided by ~~section thirty-eight of this article §11A-3-38 of this code.~~ The Auditor shall prescribe the form by which the sheriff certifies the property.

(b) ~~If the highest bidder present at the sale, as provided in section five of this article, bids and pays, at a minimum, the amount of taxes, interest and charges for which the tax lien on any real estate is offered, the sheriff shall certify the real estate to the State Auditor for disposition pursuant to section fourteen of this article~~

§11A-3-9. Sheriff's list of sales, ~~suspensions, redemptions and certifications; oath.~~

(a) ~~As soon as the sale certification provided in section five of this article §11A-3-8 of this code has been completed, the sheriff shall prepare a list of all tax liens on delinquent real estate purchased at the sale, or suspended from sale, or redeemed before sale, certification or certified to the Auditor. The heading of the list shall be in form or effect as follows:~~

~~List of sales of tax liens on real estate in the county of _____, returned delinquent for nonpayment of taxes thereon for the year (or years) 20____, and sold in the month (or months) of _____, 20____, or suspended from sale, or redeemed before sale certification or certified to the Auditor.~~

(b) ~~The sheriff shall, at the foot of the list, subscribe an oath, which shall be subscribed before and certified by some person duly authorized to administer oaths, in form or effect as follows:~~

~~I, _____, sheriff (or deputy sheriff or collector) of the county of _____, do swear that the above list contains a true account of all the tax liens on real estate within my county returned delinquent for nonpayment of taxes thereon for the year (or years) 20____, which were sold by me or which were suspended from sale or redeemed before sale certification or certified to the Auditor. and that I am not now, nor have I at any time been, directly or indirectly interested in the purchase of any such tax liens~~

(c) ~~Except for the heading and the oath, the Auditor shall prescribe the form of the list.~~

§11A-3-10. Sheriff to account for proceeds; disposition of surplus.

(a) ~~The sheriff shall account for the proceeds of all sales and redemptions included in such list in the same way he or she accounts for other taxes collected by him or her, except that if the~~

~~purchase money paid for any property sold is in excess of the amount of taxes, interest and charges due thereon, the surplus shall be deposited in a special county fund to be known and designated as the "sale of tax lien surplus fund". Where there is a redemption after the sale, the sheriff shall also deposit into said fund the amount of taxes, interest and charges due on the date of the sale, plus the interest at the rate of one percent per month from the date of sale to the date of redemption, described in subdivision (2), subsection (b), section twenty-four of this article. Such surpluses shall be disposed of as follows:~~

~~(1) In any case where the property was redeemed, such surplus shall be distributed to the person or persons who purchased the tax lien thereon, or the heirs, devisees, legatees, executors, administrators, successors or assigns thereof.~~

~~(2) If the purchaser, his heirs, devisees, legatees, executors, administrators, successors or assigns cannot be found within two years from and after the date of redemption, all claims to such surplus shall be barred and such surplus shall be distributed by the sheriff in the manner provided by law for the distribution of property taxes collected by him~~

(b) All real estate included in the first delinquent list sent to the Auditor, and not accounted for in the list of ~~sales, suspensions,~~ redemptions and certifications, shall be deemed to have been redeemed before sale certification, and the taxes, interest, and charges due thereon shall be accounted for by the sheriff as if they had been received by him or her before the sale.

§11A-3-11. Return of list of ~~sales, suspensions and~~ certifications; redemptions.

(a) Within one month after completion of the sale certification, the sheriff shall deliver the original list of ~~sales, suspensions and~~ redemptions and certifications described in ~~section nine of this article §11A-3-9 of this code~~, with a copy thereof, to the clerk of the county commission. The clerk shall bind the original of such list in a permanent book to be kept for the purpose in his or her office. The clerk, within 10 days after delivery of the list to him or her, shall transmit the copy to the State Auditor, who shall note each ~~sale, suspension,~~ redemption, and certification on the record of delinquent lands kept in his or her office.

(b) Any sheriff who fails to prepare and return the list of ~~sales, suspensions~~ redemptions and certifications within the time required by this section shall forfeit not less than \$50 nor more than \$500, for the benefit of the general school fund, to be recovered by the State Auditor or by any taxpayer of the county on motion in a court of competent jurisdiction. Upon the petition of any person interested, the sheriff may be compelled by mandamus to make out and return the list and the proceedings thereon shall be at his or her cost.

§11A-3-12. Amendment of such list.

If the sheriff shall make any error or omission in the list of ~~sales, suspensions,~~ redemptions and certifications returned to the clerk of the county commission, he or she or any person interested may, within ~~six months~~ 30 days after the sale publication of such list, apply by petition to the county commission for an order permitting or requiring amendment of the list. Any person who ~~might~~ may be prejudiced by the proposed amendment must, if found within the county, be given at least 10 days' notice of such application. Upon proof of the error or mistake the commission shall make an order permitting or requiring the sheriff to file an amended list with the clerk of the commission. The sheriff shall thereupon prepare and deliver to the clerk of the commission the amended list and a copy thereof, with a copy of the order of the commission permitting or requiring it to be filed attached to the list and to the copy. The clerk shall substitute

the original of the amended list for the list already in his or her office, and make the necessary corrections on his record of delinquent lands. The clerk shall transmit the copy of the amended list to the Auditor who shall note the corrections on his or her record of delinquent lands.

§11A-3-13. Publication by sheriff of sales certification list.

Within one month after completion of the sale certification, the sheriff shall prepare and publish a list of all the ~~sales and~~ certifications made by him or her, in form or effect as follows, which list shall be published as a Class II-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county.

List of tax liens on real estate ~~sold~~ in the county of _____, in the month (or months) of _____, 20____, certified for nonpayment of taxes thereon for the year (or years) 20____, and ~~purchased by individuals or~~ certified to the Auditor of the State of West Virginia:

Name of person charged with taxes	Local description of lands	Quantity of land charged	Quantity of land for which tax lien is sold	Name of purchaser	Whole amount paid by purchaser
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The owner of any real estate listed above, or any other person entitled to pay the taxes thereon, may, however, redeem such real estate as provided by law.

Given under my hand this _____ day of _____, 20____.

 Sheriff

To cover the costs of preparing and publishing such list, a charge of ~~fifteen~~ \$15 shall be added to the taxes, interest, and charges already due on each item listed.

§11A-3-14. Purchase by individual at tax sale; certificate of sale.

[Repealed.]

§11A-3-15. Certificate of sale assignable.

[Repealed.]

§11A-3-16. Subsequent tax payments by purchaser.

[Repealed.]

§11A-3-17. Sale of subsequent tax liens.

[Repealed.]

§11A-3-18. Limitations on tax liens.

[Repealed.]

§11A-3-19. What purchaser must do before the deed can be secured.

[Repealed.]

§11A-3-20. Refund to purchaser of payment made at sheriff's sale where property is subject of an erroneous assessment or is otherwise nonexistent.

[Repealed.]

§11A-3-21. Notice to redeem.

[Repealed.]

§11A-3-22. Service of notice.

[Repealed.]

§11A-3-23. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

[Repealed.]

§11A-3-24. Notice of redemption from purchases; moneys received by sheriff.

[Repealed.]

§11A-3-25. Distribution of surplus to purchaser.

[Repealed.]

§11A-3-26. Certificate of redemption issued by State Auditor; recordation; disposition of redemption money.

[Repealed.]

§11A-3-27. Deed to purchaser; record.

[Repealed.]

§11A-3-28. Compelling service of notice or execution of deed.

[Repealed.]

§11A-3-29. One deed for adjoining pieces of real estate within the same tax district.

[Repealed.]

§11A-3-30. Title acquired by individual purchaser; action to quiet title

[Repealed]

§11A-3-31. Effect of irregularity on title acquired by purchaser.

[Repealed]

§11A-3-32. Sheriff to keep proceeds in separate accounts; disposition.

(a) The sheriff shall keep in a separate fund the proceeds of all redemptions ~~and sales~~ paid to him or her under the provisions of this chapter, except for those proceeds for which a separate fund is directed by the provisions of ~~section 64~~ §11A-3-64 of this ~~article~~ code. Out of the total proceeds of each ~~sale or redemption~~ he or she shall in the order of priority stated below credit the following amounts for payment as provided in this section:

(1) To the general county fund, the part that represents costs paid out of the fund for publishing the sheriff's delinquent and sales list and all other costs incurred by the sheriff pursuant to the provisions of this article;

~~(2) Surplus proceeds from the sale of tax liens on delinquent lands shall be held by the sheriff for the periods provided for in section ten of this article, and if no application is made within the time specified, the surplus shall be distributed by the sheriff in the manner provided by law for the distribution of property taxes collected by him or her; and~~

~~(3)~~ (2) The balance, if any, of the proceeds of the lands included in each suit shall be prorated among the various taxing units on the basis of the total amount of taxes due them in respect to the lands that were ~~sold or redeemed~~.

(b) The amounts so determined shall be credited as follows for payment as provided in this subsection:

(1) To the ~~State~~ Auditor, the part that represents state taxes and interest; and

(2) To the fund kept by the sheriff for each local taxing unit, the part that represents taxes and interest payable to the unit.

(c) All amounts which under the provisions of this section were credited by the sheriff to the Auditor shall be paid to him or her semiannually, and those credited to the various local taxing units shall be transferred semiannually by the sheriff to the fund kept by him or her for each taxing unit.

(d) The ~~State~~ Auditor shall prescribe the form of the records to be kept by the sheriff for the purposes of this section, and the method to be used by him or her in making the necessary pro rata distributions.

§11A-3-39. Certificate of redemption issued by Auditor; recordation.

(a) Upon payment of the sum necessary to redeem, the Auditor shall execute a certificate of redemption in triplicate, which certificate shall specify the real estate redeemed, or the interest therein, as the case may be, together with any changes in respect thereto which were made in the land book and in the record of delinquent lands, shall specify the year or years for which payment was made, and shall state that it is a receipt for the money paid and a release of the state's lien against the real estate redeemed. The original certificate shall be retained in the files in the Auditor's office, one copy shall be delivered to the person redeeming and the second copy shall be mailed by the Auditor to the clerk of the county commission of the county in which the real estate is situated, who, after making any necessary changes in his or her record of delinquent lands, shall note the fact of redemption on such record, and shall record the certificate in a separate volume provided for the purpose.

The fee for issuing the certificate of redemption shall be ~~\$10 or \$20 and~~ \$20 and seven and one-half percent of the total taxes and interest and charges due, whichever is greater ~~not to exceed \$120.~~

(b) All certificates of redemption issued by the Auditor in each year shall be numbered consecutively and shall be filed by the clerk of the county commission in numerical order. Reference to the year and number of the certificate shall be included in the notation of redemption required of the clerk of the county commission. No fee shall be charged by the clerk for any recordation, filing, or notation required by this section. Ten dollars of the commission fee received by the Auditor on a redemption shall be deposited into the Courthouse Facilities Improvement Fund set out in §29-26-6 of this code.

§11A-3-42. Lands subject to sale by ~~deputy commissioner~~ Auditor.

~~All lands for which no person present at the sheriff's sale, held pursuant to section five of this article, has bid the total amount of taxes, interest and charges due, and which were subsequently certified to the Auditor pursuant to section eight §11A-3-8 of this article code and which have not been redeemed, from the auditor within eighteen months after such certification, together with all non-entered lands, all escheated lands, and all waste and unappropriated lands, shall be subject to sale by the deputy commissioner Auditor of delinquent and nonentered lands as further provided in this article. References in this chapter to the sale or purchase of certified or non-entered lands by or from the deputy commissioner Auditor shall be construed as the sale or purchase of the tax lien or liens thereon.~~

§ 11A-3-44. Auditor to certify list of lands to be sold; lands so certified are subject to sale.

On or after ~~the first day of May~~ March 1 and on or before ~~the first day of October~~ August 1 of each year, the Auditor shall certify ~~to the deputy commissioner of each county~~ a list of all lands in ~~the county~~ subject to sale under this article. He or she shall note the fact of certification on the land record in his or her office. Upon completion of the list for certification, a charge of \$25 shall be added to the taxes, interest, and charges already due on each tract listed, to cover the costs incurred by the Auditor in the preparation of the list, and in the event of sale or redemption, the same shall be collected and paid into the operating fund provided for in this article.

Escheated lands and waste and unappropriated lands shall be listed separately. The list shall be arranged by districts and, except in the case of waste and unappropriated lands, alphabetically by the name of the owner. The list shall state as to each item listed the information required by §11A-3-35 of this code to be set forth in the land record in the Auditor's office, and shall specify

as to each tract listed as delinquent or non-entered the amount of taxes and interest due or chargeable thereon on the date of certification, the publication and other charges due, with interest, and the total currently due. The specification of taxes due or chargeable shall as to delinquent land commence with those for nonpayment of which it was ~~sold~~ certified, and as to non-entered land with those properly chargeable to it for the first year of nonentry, subject to the provisions of the proviso set forth in ~~subsection (b), section thirty-eight of this article~~ §11A-3-38(b) of this code.

All items certified ~~to each deputy commissioner~~ by the Auditor shall be numbered consecutively. All subsequent entries, applications, or proceedings under this article in respect to any item shall refer to its number and the year of certification. ~~All~~ Notwithstanding any provisions of this article to the contrary, all tracts, lots, or parcels certified to the Auditor as a unit may be treated by the Auditor as a single item for purposes of certification. Subject to the provisions of this section, the Auditor shall prescribe a form for the list and shall provide in such form adequate space to show the subsequent history and final disposition of each item certified.

The list shall be made in ~~triplicate~~ quadruplicate. The Auditor shall keep the original and send one copy to the clerk of the county commission, ~~and one to the deputy commissioner~~ sheriff, and one to the West Virginia Land Stewardship Corporation created pursuant to §31-21-1 et seq. of this code. The clerk of the county commission shall bind his or her copy in a permanent book to be labeled "Report of ~~State Commissioner~~ Auditor of Delinquent and Non-Entered Lands" and shall note the fact of the certification of each item on his or her record of delinquent lands. Such copies delivered to the clerk of the county commission and the sheriff shall become permanent records, and shall be preserved as such in the offices of the Auditor and the clerk of the county commission.

§11A-3-45. Deputy commissioner Auditor to hold annual auction.

(a) Each tract or lot certified ~~to the deputy commissioner~~ by the Auditor pursuant to the ~~preceding section~~ §11A-3-44 of this code shall be sold by ~~the deputy commissioner~~ by him or her at public auction at the courthouse of the county to the highest bidder ~~between the hours of nine in the morning and four in the afternoon~~ during the courthouse's normal operating hours on any business working day within ~~120~~ 90 days after the Auditor has certified the lands ~~to the deputy commissioner~~ as required by ~~the preceding section~~ §11A-3-44 of this code. The payment for any tract or lot purchased at a sale shall be made by check, U. S. currency, or money order payable to the ~~sheriff of the county~~ Auditor and delivered before the close of business on the day of sale. No part or interest in any tract or lot subject to such sale, or any part thereof of interest therein, that is less than the entirety of such unredeemed tract, lot, or interest, as the same is described and constituted as a unit or entity in said list, shall be offered for sale or sold at such sale. If the sale shall not be completed on the first day of the sale, it shall be continued from day to day between the same hours until all the land shall have been offered for sale.

(b) A private, nonprofit, charitable corporation, incorporated in this state, which has been certified as a nonprofit corporation pursuant to the provisions of Section 501(c)(3) of the federal Internal Revenue Code, as amended, which has as its principal purpose the construction of housing or other public facilities and which notifies the ~~deputy commissioner~~ Auditor of an intention to bid and subsequently submits a bid that is not more than five percent lower than the highest bid submitted by any person or organization which is not a private, nonprofit, charitable corporation as defined in this subsection, shall be sold the property offered for sale at public auction by the ~~deputy commissioner~~ Auditor pursuant to the provisions of this section at the public auction as opposed to the highest bidder.

The nonprofit corporation referred to in this subsection does not include a business organized for profit, a labor union, a partisan political organization, or an organization engaged in religious activities, and it does not include any other group which does not have as its principal purpose the construction of housing or public facilities.

§11A-3-46. Publication of notice of auction.

Once a week for three consecutive weeks prior to the auction required in ~~the preceding section §11A-3-45 of this code~~, the ~~deputy commissioner~~ Auditor shall publish notice of the auction as a Class III-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county.

The notice shall be in form or effect as follows:

Notice is hereby given that the following described tracts or lots of land in the County of _____, have been certified by the Auditor of the State of West Virginia, to _____, ~~Deputy Commissioner of Delinquent and Non-entered Lands of said County~~, for sale at public auction. The lands will be offered for sale by the undersigned ~~deputy commissioner~~ Auditor at public auction in (specify location) the courthouse of _____ County between the hours of nine in the morning and ~~four~~ _____ in the afternoon, on the _____ day of _____, 1920.

Each tract or lot as described below will be sold to the highest bidder at the auction. The payment for any tract or lot purchased at a sale shall be made by check or money order payable to the ~~sheriff of the county~~ Auditor and delivered before the close of business on the day of the sale. If any of said tracts or lots remain unsold following the auction, they will be subject to later sale by the ~~deputy commissioner~~ without additional advertising or public auction. The ~~deputy commissioner~~ Auditor's sale may include tracts or lots remaining unsold from a previous auction not required by law to be readvertised and described for this subsequent auction of those same tracts and lots. All sales are subject to the approval of the Auditor of the State of West Virginia.

(here insert description of advertised lands to be sold)

Any of the aforesaid tracts or lots may be redeemed by any person entitled to pay the taxes thereon at any time prior to the sale by payment to the ~~deputy commissioner~~ Auditor of the total amount of taxes, interest, and charges due thereon up to the date of redemption. Lands listed above as escheated or waste and unappropriated lands may not be redeemed.

Given under my hand this _____ day of _____, 1920.

~~Deputy Commissioner of Delinquent and Non-entered Lands of~~ Auditor of the State of West Virginia _____ County.

The description of lands required in the notice shall be in the same form as the list certifying said lands to the ~~deputy commissioner~~ for sale. If the ~~deputy commissioner~~ Auditor is required to auction lands certified to him or her in any previous years, pursuant to ~~section 48 of this article §11A-3-48 of this code~~, he or she shall include such lands in the auction without further advertisement, with reference to the year of certification and the item number of the tract or interest.

To cover the cost of preparing and publishing the notice, a charge of \$30 shall be added to the taxes, interest, and charges due on the delinquent and non-entered property.

§11A-3-48. Unsold lands subject to sale without auction or additional advertising.

If any of the lands which have been offered for sale at the public auction provided in §11A-3-45 of this code shall remain unsold following such auction; or were sold at a tax sale auction within the previous five years, which were not redeemed, and for which no deed was secured by the purchaser; or if the Auditor refuses to approve the sale pursuant to §11A-3-51 of this code, the ~~deputy commissioner~~ Auditor may sell the lands at any time subsequent to such auction, without any further public auction or additional advertising of the land, in the following priority: (1) To a person vested with an ownership interest in an adjacent tract or parcel of land: *Provided, That If more than one adjacent landowner desires to acquire the same tract or lot, then the Auditor shall sell such tract or lot to the highest bidder;* (2) to the municipality in which the tract or lot is located; (3) The county commission of the county in which the tract or lot is located; (4) to the West Virginia Land Stewardship Corporation as part of its Land Bank Program set forth in §31-21-11 *et seq.* of this code; or (5) to any party willing to purchase such property.

The price of such property shall be as agreed upon by the ~~deputy commissioner~~ Auditor and purchaser. ~~subject to approval by the Auditor as provided in §11A-3-51 of this code.~~

§ 11A-3-50. Receipt to purchaser for purchase price.

The ~~deputy commissioner~~ Auditor shall prepare an original and two copies of the receipt for the purchase money. He or she shall give the original receipt to the purchaser and shall file one copy thereof with the clerk of the county commission and one copy thereof with the sheriff, each of whom shall note the fact of such sale on their respective records of delinquent lands. The heading of the receipt shall be:

Memorandum of real estate sold in the county of _____ on this ___ day of _____, 1920 ____, by _____, the ~~deputy commissioner of delinquent and non-entered lands of said county~~ Auditor of the State of West Virginia.

Except for the heading, the Auditor shall prescribe the form of the receipt.

§ 11A-3-52. ~~What purchaser must do before he or she can~~ Duties of purchaser to secure a deed.

(a) Within ~~45~~ 120 days following the approval of the sale by the Auditor pursuant to §11A-3-51 of this code, the purchaser, his or her heirs or assigns, in order to secure a deed for the real estate purchased, shall:

(1) Prepare a list of those to be served with notice to redeem and request the ~~deputy commissioner~~ Auditor to prepare and serve the notice as provided in §11A-3-54 and §11A-3-55 of this code;

(2) When the real property subject to the tax lien was classified as Class II property, provide the ~~deputy commissioner~~ Auditor with the actual mailing address of the property that is subject to the tax lien or liens purchased; and

(3) Deposit, or offer to deposit, with the ~~deputy commissioner~~ Auditor a sum sufficient to cover the costs of preparing and serving the notice.

(b) If the purchaser fails to fulfill the requirements set forth in subsection (a) of this section, the purchaser shall lose all the benefits of his or her purchase.

(c) After the requirements of subsection (a) of this section have been satisfied, the ~~deputy commissioner may then sell the property in the same manner as he sells lands which have been offered for sale at public auction but which remain unsold after such auction, as provided in §11A-3-48 of this code~~ Auditor shall issue and notice to redeem as required by §11A-3-54 and §11A-3-55 of this code.

(d) If the person requesting preparation and service of the notice is an assignee of the purchaser, he or she shall, at the time of the request, file with the ~~deputy commissioner~~ Auditor a written assignment to him or her of the purchaser's rights, executed, acknowledged, and certified in the manner required to make a valid deed.

(e) Whenever a purchaser has failed to comply with the notice requirements set forth in subsection (a) of this section, the purchaser may receive an additional ~~30~~ 60 days from the expiration of the time period set forth in subsection (a) of this section to comply with the notice requirements set forth in subsection (a) of this section if the purchaser files with the ~~State Auditor~~ a request in writing for the extension ~~before~~ within 30 days following the expiration of the time period set forth in subsection (a) of this section and makes payment by ~~cash~~ U. S. currency, cashier's check, certified check, or money order in the amount of \$100 or 10 percent of the total amount paid on the day of sale set forth in §11A-3-45 of this code, whichever is greater. The fee for issuing the certificate of extension shall be \$25 made payable to the ~~State~~ Auditor.

(f) The ~~State~~ Auditor shall each month draw his or her warrant upon the treasury payable to the county board of education of each county for payment received by him or her for the extension of the time period set forth in subsection (e) of this section for property located within each such county.

§11A-3-53. Refund to purchaser of payment made at ~~deputy commissioner's~~ Auditor's sale where property is nonexistent.

If, within ~~forty-five~~ 180 days following the approval of the sale by the Auditor, the purchaser discovers that the property purchased at the sale is nonexistent, the purchaser shall submit the abstract or certificate of an attorney-at-law that the property is nonexistent. Upon receipt of the abstract or certificate, the ~~deputy commissioner shall~~ Auditor cause the moneys so paid on the day of the sale to be refunded. Upon refund of the amount bid at a ~~deputy commissioner's~~ an Auditor's sale, ~~the deputy commissioner~~ he or she shall inform the assessor that the property does not exist for the purpose of having the assessor correct the error. ~~For failure to meet this requirement, the purchaser shall lose all benefits of his purchase.~~

§11A-3-54. Notice to redeem.

Whenever the provisions of ~~section 52~~ §11A-3-52 of this ~~article~~ code have been complied with, the ~~deputy commissioner~~ Auditor shall thereupon prepare a notice in form or effect as follows:

To _____

You will take notice that _____, the purchaser (or _____, the assignee, heir, or devisee of _____, the purchaser) of the following real estate, _____, (here describe the real estate sold) located in _____, (here name the city, town, or village in which the real estate is situated or, if not within a city, town, or village, give the district and a general description) which was _____ (here put whether the property was returned delinquent or non-entered) in the name of _____, and was sold by the ~~deputy commissioner of delinquent and non-entered lands of _____ County~~ Auditor at the sale for delinquent taxes (or nonentry) on the ___ day of _____, ~~19 20~~ _____, has requested that you be notified that a deed for such real estate ~~will~~ shall be made ~~to him~~ on or after the ___ day of _____, ~~19 20~~ _____, as provided by law, unless before that day you redeem such real estate. The amount you ~~will~~ shall have to pay to redeem on the ___ day of _____, ~~19 20~~ _____ ~~will~~ shall be as follows:

Amount equal to the taxes, interest, and charges due on the date of sale, with interest to _____ \$ _____

Amount of taxes paid on the property, since the sale, with interest to _____ \$ _____

Amount paid for title examination and preparation of list of those to be served, and for preparation and service of the notice with interest to _____ \$ _____

Amount paid for other statutory costs (describe) _____ \$ _____

Total \$ _____

You may redeem at any time before _____ by paying the above total less any unearned interest.

If the above real estate is your primary residence, you may petition the Auditor to redeem the real estate in not more than three incremental payments that equal the total amount required to redeem the real estate prior to the issuance of the deed described above.

Given under my hand this ___ day of _____, ~~19 20~~ _____.

~~Deputy Commissioner of Delinquent~~

~~And Non-entered Lands Auditor~~

_____ County,

State of West Virginia

~~The deputy commissioner for his service in preparing the notice~~ For preparing this notice, the Auditor shall receive a fee of \$10 for the original and two dollars for each copy required. Any costs which must be expended in addition thereto for publication, or service of such notice in the manner provided for serving process commencing a civil action, or for service of process by certified mail, shall be charged by the deputy commissioner Auditor. All costs provided by this section shall be included as redemption costs and included in the notice described herein.

§11A-3-55. Service of notice.

(a) As soon as the ~~deputy commissioner~~ Auditor has prepared the notice provided for in §11A-3-54 of this code, he or she shall cause it to be served upon all persons named on the list

generated by the purchaser pursuant to the provisions of §11A-3-52 of this code. Such notice shall be mailed and, if necessary, published at least 45 days prior to the first day a deed may be issued following the ~~deputy commissioner's~~ Auditor's sale.

(b) The notice shall be served upon all such persons residing or found in the state in the manner provided for serving process commencing a civil action or by certified mail, return receipt requested, or other types of delivery service courier that provide a receipt. The notice shall be served on or before the 30th day following the request for such notice.

(c) The notice shall be served upon persons not residing or found in the state by certified mail, return receipt requested, or in the manner provided for serving process commencing a civil action or other types of delivery service courier that provide a receipt. The notice shall be served on or before the 30 days following the request for the notice.

(d) If the address of a person is unknown to the purchaser and cannot be discovered by due diligence on the part of the purchaser, the notice shall be served by publication as a Class III-0 legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code and the publication area for the publication shall be the county in which the real property is located. If service by publication is necessary, publication shall be commenced within 60 days following the request for the notice, and a copy of the notice shall, at the same time, be sent pursuant to subsection (b) or (c) of this section, to the last known address of the person to be served. The return of service of the notice and the affidavit of publication, if any, shall be in the manner provided for process generally and shall be filed and preserved by the State Auditor in his or her office, together with any return receipts for notices sent by certified mail.

(e) In addition to the other notice requirements set forth in this section, if the real property subject to the tax lien was classified as Class II property at the time of the assessment, at the same time the ~~deputy commissioner~~ Auditor issues the required notices by certified mail, the ~~deputy commissioner~~ Auditor shall forward a copy of the notice sent to the delinquent taxpayer by first class mail, or in the manner provided for serving process commencing a civil action, addressed to "Occupant", to the physical mailing address for the subject property. The physical mailing address for the subject property shall be supplied by the purchaser of the property, pursuant to the provisions of §11A-3-52 of this code. Where the mail is not deliverable to an address at the physical location of the subject property, the copy of the notice shall be sent to any other mailing address that exists to which the notice would be delivered to an occupant of the subject property.

§11A-3-56. Redemption from purchase; receipt; list of redemptions; lien; lien of person redeeming interest of another; record.

(a) After the sale of any tax lien on any real estate pursuant to §11A-3-45 or §11A-3-48 of this code, the owner of, or any other person who was entitled to pay the taxes on, any real estate for which a tax lien thereon was purchased ~~by an individual~~ may redeem at any time before a tax deed is issued therefor. In order to redeem, he or she must pay to the ~~deputy commissioner~~ Auditor the following amounts:

(1) An amount equal to the taxes, interest, and charges due on the date of the sale, with interest thereon at the rate of one percent per month from the date of sale;

(2) All other taxes thereon, which have since been paid by the purchaser, his or her heirs-or, with interest at the rate of one percent per month from the date of payment;

(3) Such additional expenses as may have been incurred in preparing the list of those to be served with notice to redeem, and for any licensed attorney's title examination incident thereto, with interest at the rate of one percent per month from the date of payment, but the amount he or she shall be required to pay, excluding said interest, for such expenses incurred for the preparation of the list of those to be served with notice to redeem required by §11A-3-52 of this code, and for any licensed attorney's title examination incident thereto, shall not exceed \$500. An attorney may only charge a fee for legal services actually performed and must certify that he or she conducted an examination to determine the list of those to be served required by §11A-3-52 of this code;

(4) All additional statutory costs paid by the purchaser; and

(5) The ~~deputy commissioner's~~ Auditor's fee and commission as provided by §11A-3-66 of this code. Where the ~~deputy commissioner~~ Auditor has not received from the purchaser satisfactory proof of the expenses incurred in preparing the notice to redeem, or of any licensed attorney's title examination incident thereto, in the form of receipts or other evidence thereof, the person redeeming shall pay the ~~deputy commissioner~~ Auditor the sum of \$500 plus interest thereon at the rate of one percent per month from the date of the sale for disposition pursuant to the provisions of §11A-3-57, §11A-3-58, and § 11A-3-64 of this code. Upon payment to the ~~deputy commissioner~~ Auditor of those and any other unpaid statutory charges required by this article, and of any unpaid expenses incurred by the sheriff and the Auditor, and the deputy commissioner in the exercise of their duties pursuant to this article, the ~~deputy commissioner~~ Auditor shall prepare an original and five copies of the receipt for the payment and shall note on said receipts that the property has been redeemed. The original of such receipt shall be given to the person redeeming. The ~~deputy commissioner~~ Auditor shall retain a copy of the receipt and forward one copy each to the sheriff, assessor, ~~the Auditor~~, and the clerk of the county commission. The clerk shall endorse on the receipt the fact and time of such filing and note the fact of redemption on his or her record of delinquent lands.

(b) Any person ~~by reason for reasons of financial hardship of the fact that no provision is made for partial~~ may petition the Auditor to redeems his or her primary residence in installments. The petition shall certify to the Auditor that the real estate is the primary residence of the redeeming party. The Auditor may approve a financial hardship plan and it shall be signed by him or her and the party making the request. A copy of the document evidencing such acceptance shall be filed with the clerk of the county commission in which the property is located. ~~redemption of the tax lien on real estate purchased by an individual.~~

(c) Any person who, ~~by reason of the fact that no provision is made for partial redemption of the tax lien on real estate purchased at the public auction or at a subsequent sale,~~ is compelled in order to protect himself or herself to redeem the tax lien on all of such real estate when it belongs, in whole or in part, to some other person, shall have a lien on the interest of such other person for the amount paid to redeem such interest. He or she shall lose his or her right to the lien, however, unless within 30 days after payment he or she shall file with the clerk of the county commission his or her claim in writing against the owner of such interest, together with the receipt provided for in this section. The clerk shall docket the claim on the judgment lien docket in his or her office and properly index the same. Such lien may be enforced as other judgment liens are enforced.

§11A-3-66. Compensation of ~~deputy commissioner~~ Auditor.

As compensation for his or her services, the ~~deputy commissioner~~ Auditor shall be entitled to a fee of ~~\$40~~ \$20 for each item certified ~~to by him or her by the Auditor~~ pursuant to §11A-3-44 of this code. In addition thereto he or she shall receive a commission of ~~fifteen~~ seven and one half

percent and interest on each sale or redemption, ~~whichever is greater~~ not to exceed \$120.00. A commission received on a sale shall be based on the sale price and a commission received on a redemption shall be based on the total taxes and interest due. Such compensation shall be paid as provided in this article. Ten dollars of the commission fee received by the Auditor on a redemption shall be deposited into the Courthouse Facilities Improvement Fund set out in §29-26-6 of this code.

§11A-3-69. Effect of repeal.

~~(a) The repeal of the provisions of §11A-4-39, §11A-4-39a, §11A-4-39b, and §11A-4-41 of this code which was affected by the recodification of this article and article four of this chapter as the result of the enactment of chapter 87, _____ Acts of the Legislature, Regular Session, 1984, shall not be construed to affect any right established or accrued pursuant to those provisions.~~

The repeal of the provisions of §11A-3-5, §11A-3-5a, §11A-3-5b, §11A-3-6, §11A-3-7, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-17, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26, §11A-3-27, §11A-3-28, and §11A-3-29 of this code, enacted during the 2022 regular session of the Legislature, shall not affect any tax liens sold prior to January 1, 2022.

ARTICLE 4. REMEDIES RELATING TO TAX SALES.

§ 11A-4-3. Right to set aside deed improperly obtained.

~~(a) Whenever the clerk of the county commission has delivered a deed to the purchaser after the time specified in section twenty seven of article three of this chapter, or, within that time, has delivered a deed to a purchaser who was not entitled thereto either because of his failure to meet the requirements of section nineteen of said article three, or because the property conveyed had been redeemed, the owner of such property, his heirs and assigns, or the person who redeemed the property, may, before the expiration of three years following the delivery of the deed, institute a civil action to set aside the deed. No deed shall be set aside under the provisions of this section, except in the case of redemption, until payment has been made or tendered to the purchaser, or his heirs or assigns, of the amount which would have been required for redemption, together with any taxes which have been paid on the property since delivery of the deed, with interest at the rate of twelve percent per annum~~

~~(b) Whenever the deputy commissioner Auditor has delivered a deed to the purchaser after the time specified in section fifty nine of article three of this chapter §11A-3-59 of this code, or, within that time, has delivered a deed to a purchaser who was not entitled thereto either because of his failure to meet the requirements of section 52 of said article three §11A-3-52 of this code, or because the property conveyed had been redeemed, the owner of such property, his heirs and assigns, or the person who redeemed the property, may, before the expiration of three years following the delivery of the deed, institute a civil action to set aside the deed. No deed shall be set aside under the provisions of this section, except in the case of redemption, until payment has been made or tendered to the purchaser, ~~or his heirs or assigns,~~ he or she, his or her heirs and assigns, of the amount which would have been required for redemption, together with any taxes which have been paid on the property since delivery of the deed, with interest at the rate of 12 percent per annum.~~

§ 11A-4-4. Right to set aside deed when one entitled to notice not notified.

(a) If any person entitled to be notified under the provisions of ~~section twenty-two or fifty-five, article three of this chapter~~ §11A-3-55 of this code is not served with the notice as therein required, and does not have actual knowledge that such notice has been given to others in time to protect his or her interests by redeeming the property, ~~he, his heirs and assigns, he or she, his or her heirs and assigns~~ may, before the expiration of three years following the delivery of the deed, institute a civil action to set aside the deed. ~~No deed shall be set aside under the provisions of this section until payment has been made or tendered to the purchaser, or his heirs or assigns, of the amount which would have been required for redemption, together with any taxes which have been paid on the property since delivery of the deed, with interest at the rate of 12 percent per annum.~~

(b) Any person instituting a civil action pursuant to this section seeking to set aside a tax deed shall, as a condition precedent to the court allowing the action to proceed, tender to the clerk of the court in which the suit is pending the funds necessary to redeem the real estate. The court shall enter an order directing the clerk to accept the funds of the applicant, and deposit those funds into an account in the control of the clerk pending the conclusion of the proceeding.

(c) In any action brought by a tax sale purchaser or his or her grantee seeking to quiet the title pursuant to an Auditor's sale, the previous owner and any person entitled to notice or right to redeem shall have the right to assert as a defense to the requested remedy the existence of both a failure of notice of the right to redeem and a failure of the applicant for the deed to have exercised reasonably diligent efforts to provide notice of his or her intention to acquire title to the real estate. It shall be a condition precedent to raising such a defense that he or she has the funds necessary to redeem the real estate should he or she prevail. Upon application by the person instituting such suit, the court shall enter an order directing the defendant to tender funds in the sufficient amount to the clerk for deposit into an account in the clerk's control pending conclusion of the proceeding. Failure to tender the necessary funds within 30 days following the entry of the order requiring the deposit shall entitle the purchaser to a judgment in his or her favor.

(d) An answer filed by a purchaser or his or her grantee shall include the amount required for redemption, together with any taxes which have been paid on the property since delivery of the deed, with interest at the rate of 12 percent per annum.

~~(b)~~ (e) No title acquired pursuant to this article shall be set aside in the absence of a showing by clear and convincing evidence that the person who originally acquired such title failed to exercise reasonably diligent efforts to provide notice of his intention to acquire such title to the complaining party or his predecessors in title.

~~(c)~~ (f) Upon a preliminary finding by the court that the deed will be set aside pursuant to this section, such amounts on deposit with the clerk pursuant to this section shall be paid by the clerk to the sheriff within one month of the entry thereof and shall direct the sheriff to pay to the purchaser amounts pursuant to §11A-3-58 of this code. ~~Upon the failure to pay the same within said period of time, the court shall upon the request of the purchaser, enter a finding by the court that the deed will not be set aside and with the entry of a judgment dismissing the action with prejudice, the clerk shall return to the plaintiff or other appropriated person whose funds previously tendered, less any accrued costs assessed against such person such funds by the court.~~

CHAPTER 16. PUBLIC HEALTH.**ARTICLE 18. SLUM CLEARANCE.****§16-18-3. Definitions.**

The following terms, wherever used or referred to in this article, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Area of operation" means in the case of a municipality, the area within such municipality and the area within five miles of the territorial boundaries thereof, except that the area of operation of a municipality under this article shall not include any area which lies within the territorial boundaries of another municipality unless a resolution shall have been adopted by the governing body of such other municipality declaring a need therefor; and in the case of a county, the area within the county, except that the area of operation in such case shall not include any area which lies within the territorial boundaries of a municipality unless a resolution shall have been adopted by the governing body of such municipality declaring a need therefor; and in the case of a regional authority, shall mean the area within the communities for which such regional authority is created: *Provided*, That a regional authority shall not undertake a redevelopment project within the territorial boundaries of any municipality unless a resolution shall have been adopted by the governing body of such municipality declaring that there is a need for the regional authority to undertake such development project within such municipality. No authority shall operate in any area of operation in which another authority already established is undertaking or carrying out a redevelopment project without the consent, by resolution, of such other authority.

(b) "Authority", "slum clearance and redevelopment authority", or "urban renewal authority" means a public body, corporate and politic, created by or pursuant to section four of this article or any other public body exercising the powers, rights, and duties of such an authority as hereinafter provided.

(c) "Blighted area" means an area, other than a slum area, which by reason of the predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site improvement, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

(d) "Blighted property" means a tract or parcel of land that, by reason of abandonment, dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, tax delinquency, deterioration of site or other improvements, or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is detrimental to the public health, safety, or welfare.

(e) "Bonds" means any bonds, including refunding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this section.

(f) "Community" means any municipality or county in the state.

(g) "Clerk" means the clerk or other official of the municipality or county who is the custodian of the official records of such municipality or county.

(h) "Federal government" is the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(i) "Governing body" means the council or other legislative body charged with governing the municipality or the county court or other legislative body charged with governing the county.

(j) "Mayor" means the officer having the duties customarily imposed upon the executive head of a municipality.

(k) "Municipality" means any incorporated city, town, or village in the state.

(l) "Obligee" means any bondholder, agents, or trustees for any bondholders, or lessor demising to the authority property used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

(m) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and shall include any trustee, receiver, assignee, or other similar representative thereof.

(n) "Public body" means the state or any municipality, county, township, board, commission, authority, district, or any other subdivision or public body of the state.

(o) "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

(p) "Redeveloper" means any person, partnership, or public or private corporation or agency which shall enter or propose to enter into a redevelopment contract.

(q) "Redevelopment contract" means a contract entered into between an authority and a redeveloper for the redevelopment of an area in conformity with a redevelopment plan.

(r) "Redevelopment plan" means a plan for the acquisition, clearance, reconstruction, rehabilitation, or future use of a redevelopment project area.

(s) "Redevelopment project" means any work or undertaking:

(1) To acquire pursuant to the limitations contained in §54-1-2(11) of this code slum areas or blighted areas or portions thereof, including lands, structures, or improvements, the acquisition of which is necessary or incidental to the proper clearance, development, or redevelopment of such slum or blighted areas or to the prevention of the spread or recurrence of slum conditions or conditions of blight;

(2) To clear any such areas by demolition or removal of existing buildings, structures, streets, utilities, or other improvements thereon and to install, construct, or reconstruct streets, utilities,

and site improvements essential to the preparation of sites for uses in accordance with a redevelopment plan;

(3) To sell, lease, or otherwise make available land in such areas for residential, recreational, commercial, industrial or other use or for public use or to retain such land for public use, in accordance with a redevelopment plan; and

(4) Preparation of a redevelopment plan, the planning, survey and other work incident to a redevelopment project, and the preparation of all plans and arrangements for carrying out a redevelopment project.

(t) "Slum area" means an area in which there is a predominance of buildings or improvements or which is predominantly residential in character and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

(u) "Unblighted property" means a property that is not a blighted property.

§16-18-30. Acquisition of tax-delinquent property.

(a) Notwithstanding any other provision of this code to the contrary, if authorized by the municipality which created an urban renewal authority or otherwise by intergovernmental cooperation agreement, an urban renewal authority may acquire an interest in tax-delinquent property through the provisions of chapter 11A of this code. If any unredeemed tract or lot, or undivided interest in real estate offered for sale at public auction remain unsold following the auction, the Auditor shall provide a list of all said real estate within an urban renewal authority's jurisdiction to the urban renewal authority, and the urban renewal authority shall be given an opportunity to purchase the tax lien and pay the taxes, interest, and charges due for any unredeemed tract or lot, or undivided interest therein, as if the urban renewal authority purchased the tax lien at the tax sale.

(b) Notwithstanding any other provision of this code to the contrary, if authorized by the municipality which created an urban renewal authority or otherwise by intergovernmental cooperation agreement, the urban renewal authority has the right of first refusal to purchase any tax-delinquent property which is within municipal limits, if it meets one or more of the following criteria: (1) It has an assessed value of \$25,000 to \$100,000, or less; (2) there are municipal liens on the property that exceed the amount of back taxes owed in the current tax cycle; (3) the property has been on the municipality's vacant property registry for 24 consecutive months or longer; (4) the property was sold at a tax sale within the previous three years, was not redeemed, and no deed was secured by the previous lien purchaser; or (5) has been condemned: *Provided*, That the urban renewal authority satisfies the requirements of subdivision (3) of this subsection. A list of properties which meet the criteria of this subdivision shall regularly be compiled by the sheriff of the county, and an urban renewal authority may purchase any qualifying tax-delinquent property for an amount equal to the taxes owed and any related fees before such property is placed for public auction.

(c) When an urban renewal authority exercises a right of first refusal in accordance with subdivision (2) of this subsection, the urban renewal authority shall, within 15 days of obtaining a

tax deed, provide written notice to all owners of real property that are adjacent to the tax-delinquent property. Any such property owner shall have a period of 120 days from the receipt of notice, actual or constructive, to express an interest in purchasing the tax-delinquent property from the urban renewal authority for an amount equal to the amount paid for the property plus expenses incurred by the urban renewal authority: *Provided*, That the urban renewal authority may refuse to sell the property to the adjacent property owner that expressed interest in the tax-delinquent property if that property owner or an entity owned by the property owner or its directors is delinquent on any state and local taxes or municipal fees, liens, or penalties on any of its property.

(d) Effective July 1, 2026, the provisions of subsections (b) and (c) of this section shall sunset and have no further force and effect.

(e) Prior to January 1, 2026, any urban renewal authority which exercises the authority granted by this subsection may submit to the Joint Committee on Government and Finance a report on the entity's activities related to the purchase of tax-delinquent properties and any benefits realized from the authority granted by this section.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL ACTION PLAN.

§22-15A-30. Reclamation of Abandoned and Dilapidated Properties Program.

(a) To assist county commissions, or municipalities, urban renewal authorities created pursuant to §16-18-1 *et seq.* of this code, and land reuse agencies and municipal land banks created pursuant to §31-18E-1 *et seq.* of this code, in their efforts to remediate abandoned, blighted, and dilapidated structures or properties as provided by § 7-1-3ff and § 8-38-5 of in this code, the Department of Environmental Protection may develop a program called the Reclamation of Abandoned and Dilapidated Properties Program. Using the fund established in subsection (b) of this section, the Department of Environmental Protection may work with county commissions, or municipalities, urban renewal authorities, land reuse agencies, and municipal land banks and to implement redevelopment plans which will, at a minimum, establish prioritized inventories of structures eligible to participate in the program, offer reuse options for high-priority sites, and recommend actions county commissions or municipalities may take to remediate abandoned and dilapidated structures in their communities.

(b) There is created in the State Treasury a special revenue fund known as the Reclamation of Abandoned and Dilapidated Properties Program Fund. The fund shall be comprised of any money granted by charitable foundations, allocated by the Legislature, allocated from federal agencies, and earned from the investment of money held in the fund, and all other money designated for deposit to the fund from any source, public or private. The fund shall operate as a special revenue fund and all deposits and payments into the fund do not expire to the General Revenue Fund but shall remain in the account and be available for expenditure in succeeding fiscal years.

(c) The fund, to the extent that money is available, may be used solely to assist county commissions, or municipalities, urban renewal authorities, land reuse agencies, and municipal land banks in remediating to remediate abandoned and dilapidated structures and properties in their communities by demolishing, or deconstructing, or redeveloping them together with

predevelopment expenses related thereto and other activities as authorized by a charitable grant or legislative appropriation. The fund may also be used to defray costs incurred by the Department of Environmental Protection in administering the provisions of this section. However, no more than five percent of money transferred from the Solid Waste Facility Closure Cost Assistance Fund may be used for administrative purposes.

(d) The Department of Environmental Protection, in consultation with the State Fire Marshal, Insurance Commissioner, the Auditor, the Secretary of Revenue, and the Legislative Auditor, shall conduct a review of the needs of county commissions, municipalities, urban renewal authorities, land reuse agencies, and municipal land banks. On or before December 31, 2023, the Department of Environmental Protection shall submit to the Joint Committee on Government and Finance a comprehensive report of that review, along with recommendations that are substantiated by the findings of the review that may be taken to meet the needs of the state in demolishing and redeveloping abandoned and dilapidated structures and properties.

(e) *Statewide contracts.* — The Department of Environmental Protection may cooperate with the Purchasing Division of the Department of Administration to establish one or more statewide contracts for services to be utilized by county commissions, municipalities, urban renewal authorities, land reuse agencies, and municipal land banks to implement the purposes of this section.

~~(d)~~ (f) The Department of Environmental Protection may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, to include, but not be limited to, governing the disbursement of money from the fund, establishing the Reclamation of Abandoned and Dilapidated Properties Program, directing the distribution of money from the fund, entering contracts statewide contracts, and establishing criteria for eligibility to receive money from the fund.

~~(e)~~ (g) Nothing in this section shall be construed to limit, restrain, or otherwise discourage this state and its political subdivisions from disposing of abandoned and dilapidated structures in any other manner provided by the laws of this state.

CHAPTER 31. CORPORATIONS.

ARTICLE 18E. WEST VIRGINIA LAND REUSE AGENCY AUTHORIZATION ACT.

§ 31-18E-9. Acquisition of property.

(a) *Title to be held in its name.* — A land reuse agency or municipal land bank shall hold in its own name all real property it acquires.

(b) *Tax exemption.* — (1) Except as set forth in subdivision (2) of this subsection, the real property of a land reuse agency or municipal land bank and its income and operations are exempt from property tax.

(2) Subdivision (1) of this subsection does not apply to real property of a land reuse agency or municipal land bank after the fifth consecutive year in which the real property is continuously leased to a private third party. However, real property continues to be exempt from property taxes if it is leased to a nonprofit or governmental agency at substantially less than fair market value.

(c) *Methods of acquisition.* — A land reuse agency or municipal land bank may acquire real property or interests in real property by any means on terms and conditions and in a manner the land reuse agency considers proper: *Provided*, That a land reuse agency or municipal land bank may not acquire any interest in oil, gas, or minerals which have been severed from the realty.

(d) *Acquisitions from municipalities or counties.* — (1) A land reuse agency or municipal land bank may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts, and land contracts and may accept transfers from municipalities or counties upon terms and conditions as agreed to by the land reuse agency or municipal land bank and the municipality or county.

(2) A municipality or county may transfer to a land reuse agency or municipal land bank real property and interests in real property of the municipality or county on terms and conditions and according to procedures determined by the municipality or county as long as the real property is located within the jurisdiction of the land reuse agency or municipal land bank.

(3) An urban renewal authority, as defined in §16-18-4 of this code, located within a land reuse jurisdiction established under this article may, with the consent of the local governing body and without a redevelopment contract, convey property to the land reuse agency. A conveyance under this subdivision shall be with fee simple title, free of all liens and encumbrances.

(e) *Maintenance.* — A land reuse agency or municipal land bank shall maintain all of its real property in accordance with the statutes and ordinances of the jurisdiction in which the real property is located.

(f) *Prohibition.* — (1) Subject to the provisions of subdivision (2) of this subsection, a land reuse agency or municipal land bank may not own or hold real property located outside the jurisdictional boundaries of the entities which created the land reuse agency under §31-18E-4(c) of this code.

(2) A land reuse agency or municipal land bank may be granted authority pursuant to an intergovernmental cooperation agreement with a municipality or county to manage and maintain real property located within the jurisdiction of the municipality or county.

(g) *Acquisition of tax-delinquent properties.* — (1) Notwithstanding any other provision of this code to the contrary, if authorized by the land reuse jurisdiction which created a land reuse agency or municipal land bank or otherwise by intergovernmental cooperation agreement, a land reuse agency or municipal land bank may acquire an interest in tax-delinquent property through the provisions of chapter 11A of this code. ~~Notwithstanding the provisions of §11A-3-8 of this code, if no person present at the tax sale bids the amount of the taxes, interest, and charges due on~~ If any unredeemed tract or lot or undivided interest in real estate offered for sale the sheriff shall at public auction remain unsold following the auction, prior to certifying the real estate to the Auditor for disposition pursuant to §11A-3-44 of this code, the Auditor shall provide a list of all of said real estate within a land reuse or municipal land bank jurisdiction to the land reuse agency or municipal land bank and the land reuse agency or municipal land bank shall be given an opportunity to purchase the tax lien and pay the taxes, interest, and charges due for any unredeemed tract or lot or undivided interest therein as if the land reuse agency or municipal land bank were an individual who purchased the tax lien at the tax sale.

(2) Notwithstanding any other provision of this code to the contrary, if authorized by the land reuse jurisdiction which created a land reuse agency or municipal land bank or otherwise by

intergovernmental cooperation agreement, the land reuse agency or municipal land bank shall have the right of first refusal to purchase any tax-delinquent property which is within municipal limits, and meets one or more of the following criteria: (A) It has an assessed value of \$50,000 or less; (B) there are municipal liens on the property that exceed the amount of back taxes owed in the current tax cycle; (C) the property has been on the municipality's vacant property registry for 24 consecutive months or longer; (D) the property was sold at a tax sale within the previous three years, was not redeemed, and no deed was secured by the previous lien purchaser; or (E) has been condemned: *Provided*, That the land reuse agency or municipal land bank satisfies the requirements of subdivision (3) of this subsection. A list of properties which meet the criteria of this subdivision shall regularly be compiled by the sheriff of the county, and a land reuse agency or municipal land bank may purchase any qualifying tax-delinquent property for an amount equal to the taxes owed and any related fees before such property is placed for public auction.

(3) When a land reuse agency or municipal land bank exercises a right of first refusal in accordance with subdivision (2) of this section, the land reuse agency or municipal land bank shall, within 15 days of obtaining a tax deed, provide written notice to all owners of real property that is adjacent to the tax-delinquent property. Any such property owner shall have a period of 120 days from the receipt of notice, actual or constructive, to express an interest in purchasing the tax-delinquent property from the land reuse agency or municipal land bank for an amount equal to the amount paid for the property plus expenses incurred by the land reuse agency or municipal land bank: *Provided*, That the land reuse agency or municipal land bank may refuse to sell the property to the adjacent property owner that expressed interest in the tax-delinquent property if that property owner or an entity owned by the property owner or its directors is delinquent on any state and local taxes or municipal fees on any of their property.

(4) Effective July 1, 2025, the provisions of subdivisions (2) and (3) of this subsection shall sunset and have no further force and effect.

(5) Prior to January 1, 2025, any land reuse agency or municipal land bank which exercises the authority granted by this subsection shall submit to the Joint Committee on Government and Finance a report on the entity's activities related to the purchase of tax-delinquent properties and any benefits realized from the authority granted by this subsection.

ARTICLE 21. WEST VIRGINIA LAND STEWARDSHIP CORPORATION.

§31-21-11. Land bank program.

(a) This article hereby authorizes the establishment of a voluntary state land bank program. Under this program, the corporation is authorized to acquire properties, hold title and prepare them for future use. Prior to acquiring any properties, the corporation shall conduct ~~all appropriate inquiries~~ site appropriate assessments to determine the environmental conditions or issues associated with a particular property. The corporation shall not acquire title to any property unless all pending liens have been satisfied and released. Liabilities, including, but not limited to, environmental liabilities, shall not pass to the corporation by its acquisition of title. Participation in the land bank program under this article shall not relieve an entity of any of its liabilities.

(b) The objective of the land bank program is to assist state and local government efforts for economic development by accepting formerly used or developable properties and preparing the properties so they can be conveyed to other parties to locate or expand businesses and create or retain jobs in this state.

(c) The corporation may acquire by gift, devise, transfer, exchange, foreclosure, purchase or otherwise on terms and conditions and in a manner the corporation considers proper, real or personal property or rights or interests in real or personal property. The corporation may not accept by any conveyance or other action any liability for prior pollution or contamination liabilities that occurred on the property prior to its conveyance to the corporation.

(d) Real property acquired by the corporation may be by purchase and sale agreement, lease purchase agreement, installment sales contract, land contract or otherwise as may be negotiated or structured. The corporation may acquire real property or rights or interests in real property for any purpose the corporation considers necessary to carry out the purposes of this article including, but not limited to, one or more of the following purposes:

(1) Use or development of property the corporation has otherwise acquired;

(2) To facilitate the assembly of property for sale or lease to any other public or private person, including, but not limited to, a nonprofit or for-profit corporation;

(3) To conduct environmental remediation and monitoring activities.

(e) The corporation may also acquire by purchase, on terms and conditions and in a manner the corporation considers proper, property or rights or interests in property.

(f) The corporation may hold and own in its name any property acquired by it or conveyed to it by this state, a foreclosing governmental unit, a local unit of government, an intergovernmental entity created under the laws of this state, or any other public or private person.

(g) All deeds, mortgages, contracts, leases, purchases, or other agreements regarding property of the corporation, including agreements to acquire or dispose of real property, shall be approved by the board of directors and executed in the name of the corporation or any single purpose entity created by the board for the transaction.

(h) All property held by the corporation or a single purpose entity created by the board for a transaction shall be inventoried and classified by the corporation according to title status and suitability for use.

(i) A document including, but not limited to, a deed evidencing the transfer under this article of one or more parcels of property to the corporation by this state or a political subdivision of this state may be recorded within the office of the county clerk of the county in which the property is located without the payment of a fee.

(j) The corporation shall notify the county commission and county assessor in the affected county or counties upon receipt of an application for participation in the land bank program.

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

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

Pending discussion,

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

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

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

Eng. Com. Sub. for Senate Bill 552—A Bill to repeal §11A-2-18 of the Code of West Virginia, 1931, as amended; to repeal §11A-3-5, §11A-3-5a, §11A-3-5b, §11A-3-6, §11A-3-7, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-17, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26, §11A-3-27, §11A-3-28, §11A-3-29, §11A-3-30, and §11A-3-31 of said code; to amend and reenact §11A-1-8 of said code; to amend and reenact §11A-2-14 of said code; to amend and reenact §11A-3-1, §11A-3-2, §11A-3-4, §11A-3-8, §11A-3-9, §11A-3-10, §11A-3-11, §11A-3-12, §11A-3-13, §11A-3-32, §11A-3-39 §11A-3-42, §11A-3-44, §11A-3-45, §11A-3-46, §11A-3-48, §11A-3-50, §11A-3-52, §11A-3-53, §11A-3-54, §11A-3-55, §11A-3-56, §11A-3-66, and §11A-3-69 of said code; to amend and reenact §11A-4-3 and §11A-4-4 of said code; to amend and reenact §16-18-3 of said code; to amend said code by adding thereto a new section, designated §16-18-30; to amend and reenact §22-15A-30 of said code; to amend and reenact §31-18E-9 of said code; and to amend and reenact §31-21-11 of said code, all relating to the process for the collection of delinquent real estate taxes and sales of tax liens and property; modifying the method by which notice is provided regarding the payment of property taxes; requiring a sheriff to accept credit cards as a form of payment for property taxes; allowing a sheriff to offer discounts on tax liability to taxpayers that pay with a credit card; modifying the deadline by which a sheriff must present delinquent lists to its county commission; modifying the deadline that a county commission certifies a delinquent list to the auditor; providing that a sheriff provide a redemption receipt if property is redeemed prior to certification to the auditor; directing a portion of the redemption fee to the Courthouse Facilities Improvement Fund; modifying the policy related to the sale of tax liens; modifying the process by which a sheriff provides its second notice of delinquent real estate; modifying the timing and payment of redemption for delinquent properties prior to certification to the auditor; modifying dates for auditor to certify list of lands to be sold; providing any property not redeemed to the sheriff is to be certified to the auditor; providing that the sheriff prepare a list of all the tax liens on delinquent real estate redeemed prior to certification or certified to the auditor; providing that the sheriff account for the proceeds from redemptions prior to certification; providing a sheriff may modify its redemption and certification list within 30 days after the publication of such list; providing for the publication of such list; requiring sheriffs keep separate accounts for redemption moneys; identifying lands subject to sale by the deputy commissioner; relating to the obligation that the auditor certify and deliver a list of lands subject to sale by the deputy commissioner; addressing annual auctions held by the deputy commissioner and the publication of notice of public auctions held by the deputy commissioner; modifying timing of annual auction; relating the requirements that a purchaser must satisfy before he or she can secure a deed; modifying timing of purchaser obligation to secure deed; modifying refund to purchaser for property determined to be nonexistent; relating to the notice to redeem provided to a person entitled to redeem delinquent

property; modifying fees for redemption; directing portion of fees for specific purpose; providing for certain delinquent taxpayers to redeem in installment payments; modifying the right to set aside a tax deed improperly obtained or a tax deed obtained without sufficient notice; clarifying procedure for right to set aside deed; modifying definition of blighted property; modifying the Reclamation of Abandoned and Dilapidated Properties Program; relating to the right of certain entities to purchase delinquent properties; modifying compensation due deputy commissioner; and modifying certain obligations of the West Virginia Land Stewardship Corporation land bank program; allowing authorized urban renewal authority to acquire interest in tax-delinquent property; requiring Auditor to provide list of certain unsold real estate to urban renewal authority; authorizing urban renewal authority to purchase tax lien and pay taxes, interest, and charges due; providing authorized urban renewal authority with right of first refusal with respect to certain tax-delinquent property meeting certain criteria; requiring urban renewal authority to satisfy certain requirements; requiring sheriff to compile list of properties; authorizing urban renewal authority to purchase qualifying tax-delinquent property at certain amount before property place for public auction; requiring written notice to adjacent property owners by urban renewal authority; providing for period for adjacent property owners to express interest in purchasing property; clarifying that urban renewal authority may refuse to sell to certain delinquent parties; providing sunset for certain provisions relating to acquisition of tax-delinquent property; and requiring urban renewal authority which purchases tax-delinquent property to submit report.

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

At the request of Senator Romano, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 574, Relating to WV PEIA.

Having been read a third time on February 25, 2022, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed Committee Substitute for Senate Bill 574 pass?”

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 574 pass?”

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 574) passed.

On motions of Senators Takubo and Plymale, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 574—A Bill to amend and reenact §5-16-20 and §5-16-25 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto by adding a new section, designated §5-16-30, all relating to the West Virginia Public Employees Insurance Act; requiring the Public Employees Insurance Agency finance board to supplement reimbursements with reserve funds; reimbursement of hospital inpatient rates by the plan; reimbursement of emergency medical service providers and agencies rates by the plan; and naming of funds within the Public Employees Insurance Agency.

Senator Takubo moved that the bill take effect July 1, 2023.

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 574) takes effect July 1, 2023.

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

Eng. Com. Sub. for Senate Bill 606, Relating to WV Medical Practice Act.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 606) passed with its title.

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

Eng. Com. Sub. for Senate Bill 632, Making Office of Emergency Medical Services independent office within Executive Branch.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was read a third time.

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

On pages 11 and 12, section 5, lines 18 through 44, by striking out all of subsection (d) and inserting a new subsection (d), to read as follows:

(d) The council shall be composed of 18 members appointed by the Governor by and with the advice and consent of the Senate. The Mountain State Emergency Medical Services Association shall submit to the Governor a list of six names of representatives from its association and a list of three names shall be submitted to the Governor of representatives of their respective organizations by the County Commissioners' Association of West Virginia, the West Virginia State Firemen's Association, West Virginia Professional Fire Fighters Association, the West Virginia Hospital Association, the West Virginia Chapter of the American College of Emergency Physicians, the West Virginia Emergency Medical Services Administrators Association, the West Virginia Emergency Medical Services Coalition, the Ambulance Association of West Virginia, and the ~~State~~ Department of Education. The Governor shall appoint, from the respective lists submitted, two persons who represent the Mountain State Emergency Medical Services Association, one of whom shall be a paramedic and one of whom shall be an emergency medical technician-basic; and one person from the County Commissioners' Association of West Virginia, the West Virginia State Firemen's Association, West Virginia Professional Fire Fighters Association, the West Virginia Hospital Association, the West Virginia Chapter of the American College of Emergency Physicians, the West Virginia Emergency Medical Services Administrators Association, the West Virginia Emergency Medical Services Coalition, the Ambulance Association of West Virginia, and the ~~State~~ Department of Education. In addition, the Governor shall appoint the following:

- (1) One person to represent emergency medical services providers operating within the state;
- (2) One person to represent small emergency medical services providers operating within this state;
- (3) One person to represent emergency medical services training officers or representatives;
- (4) Two people to represent emergency medical services supervisors or administrators; and
- (5) ~~Three~~ Two people to represent the general public who serve as voting members.

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

Engrossed Committee Substitute for Senate Bill 632 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 632 pass?"

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) passed.

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

Eng. Com. Sub. for Senate Bill 632—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-4C-1, §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-8, §16-4C-8a, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-17, §16-4C-18, §16-4C-20, §16-4C-21, §16-4C-23, and §16-4C-24 of said code; and to amend said code by adding thereto a new section, designated §16-4C-25, all relating to making Office of Emergency Medical Services, including all affiliated councils, boards, and entities, an independent office within Executive Branch of state government; setting effective date of July 1, 2022; providing that Governor shall appoint Director of Office of Emergency Medical Services at salary established by Governor; modifying the composition of the Emergency Medical Services Advisory Council; maintaining all authorities, powers, funds, and duties, and affiliated boards, councils, or commissions of Office of Emergency Medical Services; ensuring legislative rules remain in effect; directing Secretary of the Department of Health and Human Resources and Commissioner of Bureau for Public Health to work with Director of the Office of Emergency Medical Services to ensure smooth transition; requiring Office of Emergency Medical Services to utilize to fullest extent practicable existing resources of the Department of Health and Human Resources for functions necessary for operation of office; and making technical corrections to recognize the transfer elsewhere in code.

Senator Takubo moved that the bill take effect July 1, 2022.

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) takes effect July 1, 2022.

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

Eng. Com. Sub. for Senate Bill 645, Regulating private schools for students with disabilities.

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

Pending discussion and a point of inquiry to the President, with resultant response thereto,

The question being “Shall Engrossed Committee Substitute for Senate Bill 645 pass?”

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

The nays were: Baldwin—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 645) passed with its title.

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

Eng. Com. Sub. for Senate Bill 648, Relating to Cable Television Systems Act.

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

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

Eng. Com. Sub. for Senate Bill 649, Requiring communication providers providing service or obtaining WV area codes to register with PSC.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 649 pass?”

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 649) passed with its title.

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

Eng. Com. Sub. for Senate Bill 653, Relating to public higher education governance.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed Committee Substitute for Committee Substitute for Senate Bill 468, already placed in that position.

Eng. Com. Sub. for Senate Bill 655, Authorizing tactical medical professional to carry firearm with specific training requirements.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 655) passed with its title.

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

Eng. Com. Sub. for Senate Bill 659, Relating to nonintoxicating beer, wine, and liquor licenses and requirements.

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

On the passage of the bill, the yeas were: Boley, Brown, Caputo, Clements, Hamilton, Jeffries, Lindsay, Maroney, Nelson, Phillips, Plymale, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Blair (Mr. President)—22.

The nays were: Azinger, Baldwin, Beach, Geffert, Grady, Karnes, Martin, Maynard, Roberts, Rucker, and Woodrum—11.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 659) passed with its title.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:31 p.m., the Senate recessed until 4 p.m. today.

The Senate reconvened at 4:08 p.m. and, without objection, returned to the third order of business.

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

Eng. Com. Sub. for House Bill 2733—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to the establishment of a Combat Action Badge and Combat Action Ribbon special registration plates.

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

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

Eng. Com. Sub. for House Bill 2838—A Bill to amend and reenact §6-9-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-6-26, and §11-6-27 of said code; and to amend and reenact §11A-3-36 of said code, all relating to state auditor's special revenue funds; authorizing the ordering of restitution to the state for reimbursement of costs incurred for misuse of public funds; creating the state auditor's public integrity and fraud fund for use of said funds; providing for operating funds in the public utilities and land sections to expire funds at the end of the fiscal year in a method consistent with other divisions of the state auditor's office; and providing for the investment of balances in the public utilities tax loss restoration fund.

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

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

Eng. Com. Sub. for House Bill 4012—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4b, relating to prohibiting the showing of proof of a COVID-19 vaccination as a condition for entering upon the premises of any state or local governmental office, entity, department or agency, or as a condition for entering upon the premises of a hospital or state institution of higher education, unless such proof is required by federal law or regulation; and providing for a person harmed to seek injunctive relief, and, upon prevailing, may be awarded reasonable attorney's fees and court costs.

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

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

Eng. House Bill 4064—A Bill to amend and reenact § 17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the registration of antique vehicles.

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

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

Eng. Com. Sub. for House Bill 4071—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-8B-1, §18-8B-2, §18-8B-3, §18-8B-4, all relating to creating the Public School Health Rights Act; providing definitions; providing that a public school may not mandate masks for students or employees or mandate COVID-19 tests and quarantine under certain circumstances; providing that parents have the right to determine whether their children wear masks at school and school activities; providing that elected/public official cannot override the provisions of the Act; providing that nothing in the article may prevent any individual from wearing a face covering; and providing injunctive relief.

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

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

Eng. Com. Sub. for House Bill 4285—A Bill to amend and reenact §30-38-10, §30-38-11, and §30-38-17 of the Code of West Virginia, 1931, as amended, all relating to real estate appraiser licensing board requirements; prohibiting persons serving as expert witnesses from participating in any decision regarding disciplinary action; requiring the board provide applicants a written statement when the applicant's request for a license is denied; requiring the board send a written statement in 15 calendar days of its decision to deny an applicant's license or renewal request; setting forth content and mailing requirements for the board's written statement; requiring the board offer guidance on certain issues relating to nonconformity of Uniform Standards of Professional Appraisal Practice when submitted to the board; providing for 60 days for an applicant to cure any nonconformity to the standards; and other technical modifications.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4317—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated 33-57-2, relating to health insurance; prohibiting certain actions and defining terms.

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

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

Eng. Com. Sub. for House Bill 4377—A Bill to amend and reenact §27-5-1, §27-5-2, §27-5-3, §27-5-4, and §27-5-10 of the Code of West Virginia, 1931, as amended, all relating to involuntary hospitalization; modifying the time for the completion of proceedings; requiring applicants to disclose contact information of persons to receive notice of involuntary commitment proceedings; transportation of individuals who are ordered for involuntary hospitalization to a diversion facility; updating outdated language in the code; authorizing the West Virginia Department of Health and Human Resources to propose legislative rules to implement the provisions of these articles; authorizing the Supreme Court of Appeals and the West Virginia

Department of Health and Human Resources to conduct retrospective reviews of involuntary commitment applications and orders; and making technical amendments.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4393—A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to a tax on managed care organizations.

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

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

Eng. Com. Sub. for House Bill 4441—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5k; and to amend said code by adding thereto a new section designated §20-2-42aa, relating to air rifles and classifications; setting forth criteria for when an air rifle may be used to hunt game in this state; setting caliber limits for air rifles when hunting certain types of game; creating a Class M air rifle stamp; creating a Class MM air rifle stamp; providing for when the stamp is applicable; and providing for when the stamp is required.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2022, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4450—A Bill to repeal §3-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-3-1 of said code; and to amend and reenact §17B-2-8 of said code, all relating to removing the \$0.50 fee charged and deposited in the Combined Voter Registration and Driver's Licensing Fund for each driver's license issued by the Department of Motor Vehicles, which fees are no longer necessary for affording voter registration costs.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4466—A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to seeking contribution of School Building Authority funds to support a local capital improvement bond finance plan; providing for application to the School Building Authority; requiring initial approval prior to conducting bond levy election; requiring conditional language in materials referencing School Building Authority participation; establishing time limit for project completion; requiring project funded by the authority be in accordance with a comprehensive educational facility plan which must be approved by the state board and the authority; and deleting obsolete provisions.

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

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

Eng. Com. Sub. for House Bill 4499—A Bill to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35, and §5A-3-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6D-1-2 of said code, all relating generally to making the procurement process more efficient by modifying and updating outdated processes and requirements and encouraging earlier communication with and assistance from experts within the purchasing division regarding manner and process of procurement of commodities and services by the various spending units of the state; to eliminate outdated audit references of exempted agencies; to allow the director to exempt certain transactions from the requirements of chapter 5A, article 3; to clarify that grant recipients need not pay registration fees as a vendor; to authorize other procurement methods in lieu of formal competitive bidding when determined to be in the best interest of the state; to increase delegated procurement limits in the director's discretion; to make procurement from nonprofit workshops optional; to clarify timing required on rebidding; to change the requirement for an affidavit verifying that no debt is owed to an affirmation; to provide the Purchasing Division Director with discretion in increasing the \$2,500 no bid limit; to eliminate outdated information reporting requirements for vendor registration; to clarify procurement penalties and inventory submission language; to remove surplus fees for inter-agency asset transfers; to require inter-agency asset transfers be recorded in accordance with governmental accounting standards; to shift the collection of the interested party disclosure information from contract award to before work begins in an effort to make the procurement process.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4502—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2L-1, §5B-2L-2, §5B-2L-3, §5B-2L-4, §5B-2L-5, §5B-2L-6, §5B-2L-7, §5B-2L-8, §5B-2L-9, §5B-2L-10, §5B-2L-11, §5B-2L-12, §5B-2L-13, §5B-2L-14, §5B-2L-15, §5B-2L-16, and §5B-2L-17, all relating to establishing the BUILD WV Act; providing legislative findings and purpose; authorizing rule-making authority; providing for the application of the West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing effective and expiration dates; exempting the construction contractors of certified BUILD WV projects from the consumers sales and service tax and use tax; authorizing municipalities to provide exemptions to business and occupation taxes; establishing a property value adjustment tax credit; providing for the determination of amount and application of the property value adjustment tax credit; providing that the property value adjustment tax credit entitlement is retained by eligible taxpayers that have developed project property; providing for credit recapture, interest, penalties, additions to tax, and statute of limitations; providing for certified BUILD WV districts and the procedure for designation; granting authority to the Department of Economic Development to administer BUILD WV; providing for the application and procedures for BUILD WV projects; and requiring agreements between the Department of Economic Development and BUILD WV project participants.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4511—A Bill to amend and reenact §16-5C-18 of the Code of West Virginia, 1931, as amended; and to amend and reenact §36-8-1, §36-8-2, §36-8-8, §36-8-10, §36-8-13, §36-8-15, §36-8-25, and §36-8-33 of said code, all relating generally to unclaimed property and escheatment of said property to the state; providing that personal funds of nursing home residents may be used for the benefit of such residents during their lifetimes with consent of certain authorized persons; requiring nursing homes to keep an accounting of certain receipts and disbursements of resident's personal funds and to provide said accounting to authorized persons in certain circumstances; extending the presumption of abandonment period for personal funds of nursing home residents; specifying that a willful or intentional violation of requirements related to nursing home management of resident's personal funds is a misdemeanor and providing criminal penalties; defining terms; setting forth presumption of abandonment period for virtual currency; setting forth the presumption of abandonment period for demand, savings, or time deposits; requiring the holder of virtual currency to liquidate said currency prior to remittance to the state; providing that the owner of abandoned virtual currency has no recourse against the holder or state for gain in value after liquidation; providing that the administrator shall reimburse the holder of a safety deposit box for the cost of opening said box upon remittance to the administrator using administrative funds in the Unclaimed Property Fund; authorizing the administrator to invest the moneys in the Unclaimed Property Fund and allowing earnings to accrue to said fund; eliminating obsolete language related to previous transfers of moneys from the Unclaimed Property Fund; discontinuing an annual transfer from the Unclaimed Property Trust Fund to the Prepaid Trust Escrow Fund and instead providing for an annual transfer from the Unclaimed Property Trust Fund to the Jumpstart Savings Trust Fund; authorizing the administrator to waive the requirement that an apparent owner file a claim with the administrator in certain circumstances; permitting the administrator to disclose the monetary value and nature or type of a property to a person who is reasonably believed to be the property's apparent owner or a person authorized to receive the property on the owner's behalf; and requiring the administrator to publish a report including certain unclaimed property data for the most recently concluded fiscal year.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4553—A Bill to amend and reenact §8A-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8A-7-3 of said code; all relating to zoning requirements for exempt wholesale generators; providing for the definition of "exempt wholesale generator"; and, providing that exempt wholesale generators are a permitted use in any zoning district.

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

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

Eng. Com. Sub. for House Bill 4560—A Bill to amend and reenact §17A-6A-2, §17A-6A-3, §17A-6A-5, §17A-6A-8a, §17A-6A-10, §17A-6A-11, §17A-6A-12, §17A-6A-13, §17A-6A-15, §17A-6A-15a, §17A-6A-15c, and §17A-6A-18 of the Code of West Virginia, 1931, as amended,

all relating generally to motor vehicle dealers, distributors, wholesalers and manufacturers; clarifying governing law; amending terms related to cancellations of dealer agreements; modifying circumstances not constituting good cause to cancel an agreement; clarifying the standard of proof in termination, cancellation and nonrenewal disputes; modifying compensation terms when contract is discontinued; setting interest rate where payments to dealers from manufacturers or distributors are untimely; increasing the notice period for dealers where a manufacturer or distributor does not approve a successor dealer or executive manager; clarifying provision related to determination of distance between dealerships; restricting manufacturer and distributor use of dealership property; modifying obligations under warranties; clarifying indemnity practices; identifying unlawful practices; and clarifying manufacturer performance standards.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4563—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-15a, relating to authorizing auto mechanics to make application for access to the Division of Motor Vehicles' electronic temporary plate issuance system in order to access temporary plates to be used to operate or move a vehicle upon the highways and streets of this state solely for the purposes of diagnosing mechanical or functional problems of a vehicle or testing a vehicle being repaired or serviced; setting forth the application fee for such services; requiring the Commissioner of the Division of Motor Vehicles to determine whether applicants are qualified; requiring the display of proof of insurance upon any vehicles bearing a temporary registration plate; setting forth definitions; authorizing the Commissioner of the Division of Motor Vehicles to terminate an auto mechanic's access to the electronic temporary plate issuance system upon a finding that an auto mechanic's use of that system is in violation of law.

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

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

Eng. Com. Sub. for House Bill 4570—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-10-24 of this code, all relating to telehealth services; defining terms; establishing requirements for the practice of telehealth; establishing requirements to form a veterinarian-client-patient relationship; providing for renewal of registration; establishing standard of care; and requiring telehealth providers provide certain information for patients.

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

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

Eng. Com. Sub. for House Bill 4600—A Bill to amend and reenact §61-8D-5a of the Code of West Virginia, 1931, as amended; and to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-11 of said code, all relating to abuse of

disabled children; creating penalties for a person who abuses a disabled child; creating penalties for a person who abuses a disabled child causing bodily injury; creating penalties for a person who abuses a disabled child causing serious bodily injury; creating penalties for a person who abuses a disabled child causing death; defining terms used in the section; and creating a penalty for a person in a position of trust in relation to a disabled child who fails to report abuse as a mandatory reporter.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4608—A Bill to amend and reenact §15A-11-8 of the Code of West Virginia, 1931, as amended, relating to the probationary status of volunteer firefighters; defining terms; and providing for an effective date.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4616—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 consumer sales tax.

Referred to the Committee on Finance.

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

Eng. House Bill 4642—A Bill to amend and reenact §61-10-15 of the Code of West Virginia, 1931, as amended, relating to pecuniary interest of county and district officers, teachers, and school officials in contracts; making an exception to criminal violation for contract for goods or supplies when the contract has been put out for competitive bid and the contract is awarded based upon lowest cost.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4647—A Bill to amend and reenact §30-6-3, §30-6-8, §30-6-9, §30-6-15, §30-6-16, §30-6-17, §30-6-19, and §30-6-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-6-22b, all relating to the Board of Funeral Service Examiners; permitting alkaline hydrolysis; clarifying terms; removing apprenticeship restrictions on applicants; clarifying apprenticeship course requirements; clarifying examination requirements; eliminating the requirement for board to provide continuing education; providing for a biennial funeral establishment renewal inspection; providing for certification of alkaline hydrolysis; providing for rules for alkaline hydrolysis; and clarifying recognition of licensees in charge of funeral establishments.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4688—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-5V-6a and §16-5V-6b, relating to authorizing county firefighters to be members of the Emergency Medical Services Retirement System; providing for transfer of assets pertaining to county firefighters; requiring certain computations to be made by the Consolidated Public Retirement Board; and terminating liability of the Public Employees Retirement System.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4692—A Bill to amend and reenact §7-11B-3, §7-11B-7, §7-11B-8, §7-11B-9, and §7-11B-10 of the Code of West Virginia, 1931, as amended, all relating generally to property tax increment financing; amending definition of tax increment financing; modifying the existing authorization for a county commission or municipality to extend the termination time of certain districts; providing for certain notice to other levying bodies prior to a new project plan or project plan amendment for certain property tax districts being considered for approval; and eliminating certain approval of other levying bodies prior to amendment of an existing district by the county commission or governing body of the municipality making the amendment.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4756—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24; to amend and reenact §8-22-19 and §8-22-20 of said code; to amend and reenact §8-33-4 of said code; to amend said code by adding thereto two new sections, designated §8-33-4a and §8-33-4b; and to amend and reenact §33-3-14d of said code, all relating to authorizing Class I, Class II and Class III municipalities to create pension funding programs to reduce the unfunded liability of policemen's pension and relief funds and firemen's pension and relief funds; authorizing a municipality's allocable portion of funds from the Municipal Pensions Security Fund created in §8-22-18b to be paid to the trustee of an issue of pension funding revenue bonds to be used for the purpose of paying debt service on such bonds until such bonds are paid in full; authorizing municipal building commissions to use the proceeds from pension funding revenue bonds to fund the costs of a municipality's pension funding program; authorizing a municipal building commission to use rentals from real property owned or leased by such commission to pay debt service and administrative expenses associated with outstanding pension funding revenue bonds; authorizing a municipal building commission to issue pension funding revenue bonds to fund a municipality's pension funding program; requiring that each issuance of pension funding revenue bonds provide for a contingency reserve fund in an amount equal to at least 10 percent of the original principal amount of such bonds; requiring that an issue of pension funding revenue bonds be in a principal amount at least equal to the then unfunded liability of such applicable policemen's or firemen's

pension and relief fund; providing for the use of excess moneys held by a bond trustee upon the payment in full of pension funding revenue bonds; requiring the approval of the Municipal Pension Oversight Board of the issuance of certain pension funding revenue bonds and requiring the submission of information relating to such bonds to the Joint Committee on Government and Finance.

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

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

Eng. House Bill 4778—A Bill to amend and reenact §31A-4-33 of the Code of West Virginia, 1931, as amended, all relating to establishing duties of financial institutions with regard to multiple-fiduciary accounts and payments of multiple fiduciary accounts; and defining terms.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4779—A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-22a of said code; and to amend and reenact §12-1-4 of said code, all relating to county depositories; relating to the bonds of depositories; and relating to the investment of municipal funds for municipal corporations and bonds to be given by state depositories.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4787—A Bill to amend the Code of West Virginia Code, 1931, as amended, by adding thereto a new article designated §17H-1-1, §17H-1-2, §17H-1-3, §17H-1-4, §17H-1-5, §17H-1-6, §17H-1-7, §17H-1-8, §17H-1-9, §17H-1-10, §17H-1-11, §17H-1-12, §17H-1-13, §17H-1-14, §17H-1-15, and §17H-1-16, all relating to establishing the Fully Autonomous Vehicle Act; providing definitions concerning fully autonomous vehicles; providing rules and regulations for the operation of fully autonomous vehicles; providing for the operation of on-demand autonomous vehicle transportation networks; providing for the operation of fully autonomous motor vehicle carriers; providing for the platooning of fully autonomous vehicles; providing for the licensing and insurance requirements of fully autonomous vehicles; providing for control and regulation of fully autonomous vehicles; and providing for the equipment standards for fully autonomous vehicles.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4794—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §6-9B-5, relating to requiring counties to provide certain information to the State Auditor for inclusion in the financial transparency website.

Referred to the Committee on Finance.

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

Eng. House Bill 4829—A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to modifying the definitions of certain school cafeteria personnel.

Referred to the Committee on Education.

Executive Communications

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



Jim Justice
Governor of West Virginia

March 2, 2022

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, are the following bills:

Committee Substitute for House Bill No. Three Thousand Two Hundred Twenty (3220), which was presented to you me on February 24, 2022.

House Bill No. Four Thousand Sixty (4060), which was presented to me on February 24, 2022.

Committee Substitute for House Bill No. Four Thousand One Hundred Fourteen (4114), which was presented to me on February 24, 2022.

You will note that I have approved these bills on March 2, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis



Jim Justice
Governor of West Virginia

March 2, 2022

The Honorable Stephen J. Harrison, Clerk
West Virginia House of Delegates
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

House Bill No. Three Thousand Three Hundred Three (3303), which was presented to me on March 2, 2022.

You will note that I have approved this bill on March 2, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 668, Clarifying eligibility for probation and parole conditions for sex offenses.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 668) passed with its title.

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

Eng. Com. Sub. for Senate Bill 671, Modernizing regulation of car-sharing services in WV.

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

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

The nays were: None.

Absent: Stover and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 671) passed.

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

Eng. Com. Sub. for Senate Bill 671—A Bill to amend and reenact §17A-6F-1, §17A-6F-2, §17A-6F-3, §17A-6F-5, §17A-6F-7, and §17A-6F-13 of the Code of West Virginia, 1931, as amended, all relating to the regulation of peer-to-peer car sharing program; modifying scope of regulation of peer-to-peer car sharing program; modifying certain definitions; modifying and eliminating certain provisions governing insurance coverage during car sharing period; modifying provision governing exclusions for vehicle liability insurance; clarifying provision governing exemption for vicarious liability; and inserting stylistic citation in notification requirements imposed on peer-to-peer car sharing programs.

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

Eng. Senate Bill 680, Adding Division of Corrections and Rehabilitation employees to Survivor Benefits Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was read a third time.

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

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

ARTICLE 1. WEST VIRGINIA EMERGENCY RESPONDERS SURVIVOR BENEFIT ACT.

§5H-1-2. First responder survivor benefit.

(a) *Terms.* — For the purposes of this article, the following terms have the following meanings:

(1) "Emergency responder" means a paid or volunteer firefighter, EMS personnel, law-enforcement agency personnel, ~~or~~ Division of Forestry personnel, or Division of Corrections and Rehabilitation personnel assigned to and working at an institution managed by the commissioner as described in §15A-3-12(a) of this code.

(2) "Emergency response duties" means:

(A) For a firefighter, EMS provider, or law-enforcement agency personnel, participation in any role of a fire department, EMS agency, or law-enforcement agency function, including, but not limited to: Training functions; administrative meetings; fire department, EMS agency, or law-enforcement incidents or service calls; apparatus, equipment, or station maintenance; and fundraisers, including travel to or from such functions; ~~and~~

(B) For a Division of Forestry employee, participation in Division of Forestry wildland fire fighting, emergency, or disaster response operations, including, but not limited to, travel to and from the locations of wildland fires, emergencies, or disasters; and

(C) For a Division of Corrections and Rehabilitation employee, participation in any role in the division, including, but not limited to: Training functions; administrative meetings; corrections or parole incidents or activities; interactions with inmates, former inmates, inmates or former inmates' family or associates, parolees, former parolees, former parolees' family, or associates; and travel to or from any of these activities.

(3) "Law-enforcement agency" means any duly authorized state, county, or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof: *Provided*, That neither the Public Service Commission nor any state institution of higher education nor any resort area district is a law-enforcement agency.

(4) "Travel" includes riding upon or in any apparatus or vehicle which is owned or used by the fire department, EMS agency, law-enforcement agency, ~~or~~ the Division of Forestry, the Division of Corrections and Rehabilitation, or any other vehicle going to, or directly returning from, an emergency responder's home, place of business, or other place where he or she ~~shall have~~ has been prior to participating in a fire department function, EMS agency function, law-enforcement

agency function, or a Division of Forestry wildland fire-fighting operation, or upon the authorization of the chief of the department, agency head, or other person in charge.

(b) An emergency responder who dies as a proximate result of the performance of his or her emergency response duties is eligible for the survivor benefits established by this ~~act~~ article.

(c) Within 30 days after the death of an eligible emergency responder, the department or agency head shall submit certification of the death to the Governor's Office. Certification of the death shall include the name of the certified fire department, EMS agency, law-enforcement agency, ~~or~~ Division of Forestry program, or Division of Corrections and Rehabilitation program, the name of the deceased emergency responder, the name or names and addresses of the beneficiary or beneficiaries, any documentation designating a beneficiary or beneficiaries, and a description of the circumstances that qualify the deceased individual for survivor benefits under this ~~act~~ article.

(d) Upon receipt of the certification of the death from the certified fire department, EMS agency, law-enforcement agency, ~~or~~ Division of Forestry program, or Division of Corrections and Rehabilitation program, the state shall, from moneys from the State Treasury, General Fund, pay to the certified fire department, EMS agency, law-enforcement agency, ~~or~~ Division of Forestry program, or Division of Corrections and Rehabilitation program, the sum of \$100,000 in the name of the beneficiary or beneficiaries of the emergency responder eligible for the survivor benefit. Within five days of receipt of this sum from the state, the fire department, EMS agency, law-enforcement agency, ~~or~~ Division of Forestry Program, or Division of Corrections and Rehabilitation program, shall pay the sum as a benefit to the surviving designated beneficiary or beneficiaries. If there is no surviving designated beneficiary, then the sum shall be paid as if the decedent had designated as beneficiaries those persons who are entitled to inherit the decedent's intestate estate, in the proportions established by §42-1-3 and §42-1-3a of this code. It is the responsibility of the certified fire department, EMS agency, law-enforcement agency, or Division of Forestry program to document the beneficiary or beneficiaries above mentioned for purposes of reporting to the Governor's Office.

(e) Any death ruled by a physician to be a result of an injury sustained during performance of emergency response duties makes a deceased emergency responder eligible for this benefit, regardless of when the death occurs.

(f) The death of an eligible emergency responder qualifies his or her beneficiaries for only one state survivor benefit, paid pursuant to the provisions of this section, regardless of the amount.

(g) Every department or agency head employing persons to which this article applies shall provide notice of the benefit provided hereby to such employees and encourage covered employees to provide a written designation of beneficiary to be maintained in the employee's personnel file.

(h) A person applying to the State Fire Marshal for certification as a firefighter shall provide a written designation of beneficiary using forms and procedures prescribed by the State Fire Marshal.

(i) A person applying to the Commissioner of the Bureau for Public Health for emergency medical services personnel certification shall provide a written designation of beneficiary using forms and procedures prescribed by the commissioner.

§5H-1-3. Effective date.

(a) The effective date for this ~~act~~ article is January 1, 2007. The operation of the amendments to this article enacted during the year 2012 shall be effective retroactively to January 1, 2012.

(b) The operation of the amendments to this article enacted during the 2018 First Extraordinary Session of the Legislature shall be effective retroactively to January 1, 2018.

(c) The operation of the amendments to this article enacted during the regular session of the Legislature, 2022, shall be effective retroactively to March 14, 2020.

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

Engrossed Senate Bill 680 was then 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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 680) passed with its title.

Senator Takubo 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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 680) takes effect from passage.

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

Eng. Senate Bill 687, Relating to meetings among county boards of education.

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

On the passage of the bill, the yeas were: Azinger, Beach, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Baldwin, Boley, and Karnes—3.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 687) passed.

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

Eng. Senate Bill 687—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-28, relating to meetings of county boards of education to explore and discuss the feasibility of consolidating school districts or sharing certain services; requiring, when two or more county boards of education elect to explore and discuss with each other the idea of possibly consolidating or sharing certain services and functions, the boards to agree on the call of a joint special public meeting; specifying minimum topics; requiring facilitator for the meeting; requiring facilitator to prepare and deliver to the participating boards a detailed written report of the meeting's discussions and identifying any areas for further discussion or consideration by the boards; requiring each participating board to determine whether to accept the report and whether the participating boards should meet again; providing that upon vote to accept of the facilitator's report and hold another meeting, the participating boards shall attend another meeting; specifying minimum topics; requiring the facilitator to prepare and deliver to the participating boards a detailed written report of the meeting's discussion and identifying any areas for further discussion or consideration; requiring each participating board to determine whether to accept the report and whether the participating boards should meet again; requiring meeting process to be repeated until 120 days have passed since the initial joint meeting or until the participating boards no longer wish to meet; requiring a full report of all meetings identifying the extent to which the participating boards think existing laws may enable or complicate the consolidation of school districts or the sharing of services and functions, together with any suggestions of legislation; requiring report, upon approval by the participating boards, to be forwarded to the President of the Senate and the Speaker of the House of Delegates; authorizing Legislature to consolidate participating county boards as a pilot; and authorizing Legislature to incentivize county boards to explore and discuss the feasibility of consolidating school districts or sharing of services.

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

Eng. Senate Bill 703, Relating to controlled substances schedule.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 703) passed with its title.

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

Eng. Com. Sub. for Senate Bill 704, Allowing parents, grandparents, and guardians to inspect instructional materials in classroom.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 704 pass?"

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

The nays were: Caputo, Geffert, Hamilton, Romano, and Stollings—5.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 704) passed with its title.

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

Eng. Senate Bill 711, Establishing alternative educational opportunities for elective course credit.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 711) passed.

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

Eng. Senate Bill 711—A Bill to amend and reenact §18-2-7f of the Code of West Virginia, 1931, as amended, relating to establishing alternative educational opportunities for elective

course credit; requiring the state board to establish, develop, and maintain a program whereby students can earn elective course credit for extended learning opportunities that take place outside of the traditional classroom setting; specifying minimum entities eligible to provide extended learning opportunity programs; requiring individuals or entities seeking certification as an eligible extended learning opportunity program to successfully complete an application process; imposing requirements on extended learning opportunity providers pertaining to compliance with applicable federal and state health and safety laws and regulations, compliance with standards and safeguards provided by the West Virginia Board of Education, background checks for key personnel or instructional staff, and proof of insurance; addressing the denial of a program application; providing for monitoring, evaluation, and inspection of approved programs; allowing extension of approval or disqualification for violation of state law or state board policies; allowing appeal of denial or disqualification; requiring the county boards of education to adopt an alternative educational opportunities policy that facilitates implementation and participation; requiring parental or legal guardian approval for participation of student under 18; allowing students transferring schools to request acceptance of elective course credits awarded for program completion; addressing transportation to and from an approved program; allowing auditing of approved programs at any time and disqualification for not meeting certain provisions; and requiring report to the Legislative Oversight Commission on Education Accountability with respect to the implementation of extended learning opportunity programs.

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

Eng. Senate Bill 726, Relating to pre-trial diversion agreements and deferred prosecution agreements.

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

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's third reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 653, already placed in that position.

Eng. Senate Bill 728, Requiring registered sex offenders pay annual fee.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was read a third time.

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

On page one, after the enacting clause, by inserting the following:

ARTICLE 2C. CENTRAL ABUSE REGISTRY.

§15-2C-2. Central Abuse Registry; required information; procedures.

(a) The Criminal Identification Bureau of the West Virginia State Police shall establish a Central Abuse Registry, to contain information relating to criminal convictions involving child abuse or neglect, abuse or neglect of an incapacitated adult or an adult receiving behavioral health services, and misappropriation of property by individuals specified in subsection (b) of this section and information relating to individuals required to be registered as a sex offender.

(b) The Central Abuse Registry shall contain, at a minimum, information relating to: Convictions of a misdemeanor or a felony involving abuse, neglect or misappropriation of property, by an individual performing services for compensation, within the scope of the individual's employment or contract to provide services, in a residential care facility, in a licensed day care center in connection with providing behavioral health services, or in connection with the provision of home care services; information relating to individuals convicted of specific offenses enumerated in §15-2C-3(a) of this code with respect to a child or an incapacitated adult or an adult receiving behavioral health services; information relating to all individuals required to register with the Child Abuse and Neglect Registry established pursuant to §15-13-1 *et seq.* of this code; and information relating to all individuals required to register with the West Virginia State Police as sex offenders pursuant to the provisions of §15-12-1 *et seq.* of this code. The Central Abuse Registry shall contain the following information:

(1) The individual's full name;

(2) Sufficient information to identify the individual, including date of birth, social security number and fingerprints if available;

(3) Identification of the criminal offense constituting abuse, neglect or misappropriation of property of a child or an incapacitated adult or an adult receiving behavioral health services;

(4) For cases involving abuse, neglect or misappropriation of property of a child or an incapacitated adult or an adult receiving behavioral health services in a residential care facility or a day care center, or of a child or an incapacitated adult or an adult receiving behavioral health services receiving home care services, sufficient information to identify the location where the documentation of any investigation by the Department of Health and Human Resources is on file and the location of pertinent court files; and

(5) Any statement by the individual disputing the conviction, if he or she chooses to make and file one.

(c) Upon conviction in the criminal courts of this state of a misdemeanor or a felony offense constituting child abuse or neglect or abuse or neglect of an incapacitated adult or an adult receiving behavioral health services, the individual so convicted shall be placed on the Central Abuse Registry.

(d) A person required to be placed on the Central Abuse Registry pursuant to this section shall pay an annual fee of \$75, to be paid between January 1 and January 30 of each year. The fee shall be collected and utilized by the State Police to defray costs associated with maintaining the registry: *Provided*, That failure to pay the annual fee under this subsection shall not be deemed a violation of the person's supervised release: *Provided, however*, That notice by the State Police that the annual fee has not been paid may be recorded in the office of the clerk of the county commission where the person required to register resides, where the same shall have the force and effect of a judgment, and the same shall be recorded and indexed by the clerk in the judgment lien docket.

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

Engrossed Senate Bill 728 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 728 pass?"

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 728) passed.

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

Eng. Senate Bill 728—A Bill to amend and reenact §15-2C-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-12-2 of said code, all relating to requiring certain persons required to register with State Police to pay an annual fee; requiring registered sex offenders to pay annual fee; providing for use of fee by State Police to defray costs associated with monitoring sex offenders; providing that failure to pay annual fee shall not be deemed a violation of the person's supervised release; and providing for recordation and indexing of nonpayment of annual fee which shall have the force of a judgment; requiring persons required to be placed on Central Abuse Registry to pay annual fee; providing for use of fee by State Police to defray costs associated with maintaining registry; providing that failure to pay annual fee shall not be deemed a violation of the person's supervised release; and providing for recordation and indexing of nonpayment of annual fee which shall have the force of a judgment.

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

Eng. Senate Bill 729, Relating to funding for infrastructure and economic development projects in WV.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 729) passed.

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

Eng. Senate Bill 729—A Bill to repeal §31-15-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-6C-11 of said code; to amend said code by adding thereto a new section, designated §12-6C-11b; and to amend said code by adding thereto a new section, designated §31-15-23a, all relating generally to funding for infrastructure and economic development projects in the state; discontinuing the revolving loan from the Board of Treasury Investments to the Economic Development Authority upon the authority's receipt of an appropriation by the Legislature; requiring the Board of Treasury Investments to make a revolving loan available to the Department of Transportation; establishing a special revenue fund to receive loan moneys; permitting the Secretary of Transportation to make certain expenditures of loan moneys; requiring the secretary to reimburse the fund upon receipt of federal reimbursement moneys; providing when moneys in the fund will revert to the Consolidated Fund; establishing reporting requirements related to the fund; allowing the Board of Treasury Investments to inspect records related to the fund; defining terms; establishing a special revenue fund to receive moneys appropriated to the Economic Development Authority; allowing the authority to invest the moneys in the fund; providing that a certain amount of moneys in the fund be used for high impact economic development projects; establishing accounting and auditing standards related to the fund; and establishing project status reporting requirements related to the fund.

Senator Takubo 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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 729) takes effect from passage.

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

Eng. Senate Bill 730, Divesting state-managed funds from companies engaged with Russia or Russian energy.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 730 pass?"

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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 730) passed with its title.

Senator Takubo 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, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 730) takes effect from passage.

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

Eng. House Bill 4773, Adoption of the FCC customer service and technical standards and requiring certain cable operators to operate an in-state customer call center.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4773) passed with its title.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 468, Creating Unborn Child with Down Syndrome Protection and Education Act.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was read a third time.

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

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

ARTICLE 2Q. UNBORN CHILD WITH DOWN SYNDROME PROTECTION AND EDUCATION ACT.

§16-2Q-1. Short title.

This article shall be known and cited as the Unborn Child with Down Syndrome Protection and Education Act.

§16-2Q-2. Definitions.

As used in this article only:

"Abortion" means the same as that term is defined in §16-2F-2 of this code.

"Attempt to perform or induce an abortion" means the same as that term is defined in §16-2M-2 of this code.

"Because of a disability" means on account of the presence or presumed presence of a genetic, physical, emotional, or intellectual disability or diagnosis in the unborn human being including, but not limited to, chromosomal disorders or morphological malformations occurring as the result of atypical gene expressions.

"Conception" means the fusion of human spermatozoon with a human ovum.

"Commissioner" means the commissioner of the Bureau for Public Health.

"Health care practitioner" means a person who is licensed, certified, or otherwise authorized by law or regulation to provide or render health care services or genetic counseling to expectant or new parents.

"Human being" means an individual member of the species Homo sapiens, from and after the point of conception.

"Medical emergency" means the same as that term is defined in §16-2I-1 of this code.

"Physician" or "referring physician" means the same as that term is defined in §16-2M-2 of this code.

"Reasonable medical judgment" means the same as that term is defined in §16-2M-2(10) of this code.

"Severe fetal condition" means a life-threatening physical condition that, in reasonable medical judgment, regardless of the provision of life-saving medical treatment, is incompatible with life outside the womb.

§16-2Q-3. Dissemination of information on fetal disabilities.

(a) Requirement. — A health care practitioner that administers, or causes to be administered, a test for any physical, emotional, or intellectual disability or diagnosis to an expectant or new parent shall, upon receiving a test result that confirms the presence of any disability, provide the

expectant or new parent with educational information made available by the department under §16-2Q-4 of this code.

(b) Delivery of information prepared by the department in accordance with §16-2Q-4 of this code at the time genetic results or diagnostic conclusions are provided shall constitute compliance with this section.

§16-2Q-4. Informational publications by department.

General rule. —The Department of Health and Human Resources shall make the following available to health care practitioners on the department's publicly accessible internet website:

(a) Up-to-date, evidence-based information about any in-utero physical, emotional, or intellectual disability or diagnosis that has been reviewed by medical experts and any national disability rights organizations. The information provided shall include the following:

- (1) Physical, developmental, educational, and psychosocial outcomes;
- (2) Life expectancy;
- (3) Clinical course;
- (4) Intellectual and functional development;
- (5) Treatment options; and
- (6) Any other information the department deems necessary;

(b) Contact information regarding first call programs and support services, including the following:

- (1) Information hotlines specific to any in-utero fetal disabilities or conditions;
- (2) Relevant resource centers or clearinghouses;
- (3) National and local disability rights organizations; and
- (4) Education and support programs.

The information provided in accordance with this article shall conform to the applicable standard or standards provided in the Enhanced National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care as adopted by the United States Department of Health and Human Services and published in the Federal Register on September 24, 2013.

§16-2Q-5. Abortion may not be performed because of a disability, except in a medical emergency.

(a) Except in a medical emergency, or if the unborn human being has a severe fetal condition, as defined in §16-2Q-2 of this code, a person may not perform, induce, or attempt to perform or induce an abortion unless the physician who is to perform or induce the abortion has first confirmed that the abortion is not being sought because of a disability, as defined in §16-2Q-2 of

this code, including Down syndrome and documented these facts in the maternal patient's chart, as well as in the report to be filed with the commissioner as set forth in subsection (c) of this section.

(b) Except in a medical emergency, or if the unborn human being has a severe fetal condition, as defined in §16-2Q-2 of this code, a person may not intentionally or knowingly perform, induce, or attempt to perform or induce an abortion of an unborn human being if the abortion is being sought because of a disability, a defined in §16-2Q-2 of this code, including Down syndrome.

(c) In every case in which a physician performs or induces an abortion on an unborn human being, the physician shall, within 15 days of the procedure, cause to be filed with the commissioner, on a form supplied by the commissioner, a report containing the following information:

(1) Date the abortion was performed;

(2) Specific method of abortion used;

(3) Whether the presence or presumed presence of any disability in the unborn human being had been detected at the time of the abortion by genetic testing or any other fetal testing, such as maternal serum tests, or ultrasound, such as by nuchal translucency screening (NT), or by other forms of testing;

(4) A statement confirming that the reason for the abortion, as stated by the maternal patient, was not because of a disability, as defined in §16-2Q-2 of this code, including Down syndrome;

(5) Probable health consequences of the abortion to the maternal patient and specific abortion method used;

(6) Whether a medical emergency as defined in §16-2Q-3 existed; and

(7) Whether the unborn human being had a severe fetal condition as defined in §16-2Q-3.

The physician shall sign the form as his or her attestation under oath that the information stated is true and correct to the best of his or her knowledge.

(d) Reports required and submitted under subsection (c) of this section may not contain the name of the maternal patient upon whom the abortion was performed or any other information or identifiers that would make it possible to identify, in any manner or under any circumstances, a woman who obtained or sought to obtain an abortion.

§16-2Q-6. Reporting forms.

The commissioner shall create the forms required by this article within 30 days after the effective date of this article. No provision of this article requiring the reporting of information on forms published by the commissioner may be applicable until 10 days after the requisite forms have been made available or the effective date of this article, whichever is later.

§16-2Q-7. Professional sanctions and civil penalties.

(a) A physician who intentionally or knowingly violates the prohibition in §16-2Q-5(b) of this code commits an act of unprofessional conduct and his or her license to practice medicine in the State of West Virginia shall be suspended or revoked pursuant to the West Virginia Board of Medicine and pursuant to §30-3-1 et seq. of this code and the West Virginia Board of Osteopathic Medicine and pursuant to §30-14-1 et seq. of this code.

(b) A physician who knowingly or intentionally delivers to the commissioner any report required by §16-2Q-5(c) of this code, and known by him or her to be false, is subject to a civil penalty or fine as determined by the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine.

§16-2Q-8. Additional enforcement.

The Attorney General may bring an action in law or equity to enforce the provisions of this article on behalf of the Commissioner of the Bureau for Public Health, the West Virginia Board of Medicine, or the West Virginia Board of Osteopathic Medicine. The West Virginia Board of Medicine or the West Virginia Board of Osteopathic Medicine may bring such action on its own behalf.

§16-2Q-9. Construction.

Nothing in this article may be construed as creating or recognizing a right to abortion or as altering generally accepted medical standards. Further, it is not the intention of this article to make lawful an abortion that is currently unlawful.

§16-2Q-10. Severability.

It is the intent of the Legislature that every provision of this article shall operate with equal force and shall be severable one from the other. If any provision of this article is held invalid or unenforceable by a court of competent jurisdiction, that provision shall be deemed severable, and the remaining provisions of this article deemed fully enforceable.

§16-2Q-11. Effective date.

This article shall take effect on July 1, 2022.

Following discussion,

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

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 468 was then put upon its passage.

Pending extended discussion,

(Senator Grady in the Chair.)

Pending discussion,

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

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 468 pass?"

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

The nays were: Beach, Brown, Caputo, Geffert, and Romano—5.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 468) passed.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 468—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 creating the Unborn Child with Down Syndrome Protection and Education Act; providing a short title; defining terms; requiring health care practitioner to provide certain information to expectant or new parents; requiring Department of Health and Human Resources to make certain information available to health care practitioners on website; prohibiting abortion before confirming and documenting that abortion is not sought because of a disability except in medical emergency or severe fetal condition; prohibiting abortion because of disability except in medical emergency or severe fetal condition; requiring physician who performs or induces abortion to report certain anonymous information to Commissioner; requiring Commissioner to create forms and providing for applicability of reporting requirements; providing for professional sanctions and civil penalties or fines; authorizing Attorney General, West Virginia Board of Medicine, and West Virginia Board of Osteopathic Medicine to bring action; clarifying effect of article with respect to right to abortion, generally accepted medical standards, and currently unlawful abortions; providing for severability; and providing effective date.

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

At the request of Senator Sypolt, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business.

Consideration of Engrossed Committee Substitute for Committee Substitute for Senate Bill 468 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for Senate Bill 653, Relating to public higher education governance.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Tuesday, March 1, 2022, for amendments to be received on third reading, was read a third time.

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

On page thirty-three, section thirteen, after line one hundred twenty-four, by adding thereto a new subsection, designated subsection (i), to read as follows:

(i) For the 2023 fiscal year only, the Legislature shall continue to appropriate money directly to Pierpont Community and Technical College in the same manner as it would appropriate money to any other independent community and technical college.

On motion of Senator Martin, the following amendment to the bill (Eng. Com. Sub. for S. B. 653) was next reported by the Clerk and adopted:

On page twenty-nine, section thirteen, line forty-one, after the word "technology.", by inserting the following: Fairmont State University shall not discontinue the aviation maintenance technology program until three years after providing notice to the Higher Education Policy Commission and the Legislative Oversight Commission on Education Accountability of its intent to discontinue the program.

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

Engrossed Committee Substitute for Senate Bill 653 was then put upon its passage.

On the passage of the bill, the yeas were: Boley, Brown, Caputo, Clements, Geffert, Jeffries, Lindsay, Maroney, Martin, Nelson, Phillips, Roberts, Romano, Smith, Stollings, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—22.

The nays were: Azinger, Baldwin, Beach, Grady, Hamilton, Karnes, Maynard, Plymale, Rucker, Sypolt, and Woelfel—11.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 653) passed.

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

Eng. Com. Sub. for Senate Bill 653—A Bill to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend and reenact §18B-2A-1 of said code; to amend and reenact §18B-3C-8 and §18B-3C-13 of said code, and to amend said code by adding thereto a new section, designated §18B-3C-13a, all relating to public higher education governance; making Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education on July 1, 2023; increasing the number of members of the Fairmont State University Board of Governors to 15 persons; requiring the appointment by the Governor of at least one member on the Fairmont State University Board of Governors who has knowledge and practical experience in community and

technical education; providing for two faculty members on the Fairmont State University Board of Governors at least one of which shall be from the faculty of the Pierpont College of Community and Technical Education selected by the faculty senate; providing that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the President of Fairmont State University; requiring Fairmont State University to adhere to all provisions set forth in code and the rules of the Community and Technical College Council in the delivery of community and technical college education and programs; prohibiting Fairmont State University from discontinuing the aviation maintenance technology program until three years after providing notice; providing that the Fairmont State University Pierpont College of Community and Technical Education shall not maintain independent accreditation status; providing for a transition period to achieve full accreditation by the Higher Learning Commission; authorizing Fairmont State University to begin the change of control, structure, or organization process with the Higher Learning Commission on or after July 1, 2022; providing for the chairman of the Fairmont State University Board of Governors to appoint an advisory board to provide guidance to the board of governors in fulfilling the mission of the Pierpont College of Community and Technical Education; providing that the members of the advisory board shall elect a chairperson on or after July 1, 2023, who shall be an ex-officio, voting member of the Fairmont State University Board of Governors; providing that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors; transferring all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors; providing that all revenue and refunding revenue bonds, the debt service thereon and the other obligations under the resolutions adopted and any trust agreements entered in connection therewith, and any other capital debt service payment formerly the responsibility of Pierpont Community and Technical College continue in existence and are the responsibility of the Board of Governors of Fairmont State University; transferring titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors; vesting title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors; making faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University; requiring Fairmont State University to develop an articulation agreement of course credit transfer of two-year academic programs to four-year academic programs; requiring Fairmont State University to continue participation in the Advanced Career Education Programs and the West Virginia Invests Grant Program; providing that Pierpont College of Community and Technical Education remains under the jurisdiction of the Community and Technical College Council; requiring reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability; requiring the Legislature to continue to appropriate money directly to Pierpont Community and Technical college for the 2023 fiscal year; providing for transition team oversight with a sunset date; updating certain state institution of higher education names; repealing outdated language; and deleting obsolete language.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Boley, Brown, Caputo, Clements, Geffert, Grady, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Roberts, Romano, Smith, Stollings, Swope, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Baldwin, Beach, Hamilton, Karnes, Plymale, Rucker, and Sypolt—7.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 653) takes effect from passage.

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

Consideration of Engrossed Committee Substitute for Senate Bill 653 having been concluded, the Senate proceeded to the consideration of

Eng. Senate Bill 726, Relating to pre-trial diversion agreements and deferred prosecution agreements.

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

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

The nays were: Karnes—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 726) passed with its title.

Senator Takubo 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, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Karnes—1.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 726) takes effect from passage.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 250, Budget Bill.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Beach, Weld, and Karnes.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Beach and Weld were ordered printed in the Appendix to the Journal.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 28, 2022:

Com. Sub. for Senate Bill 498: Senators Azinger, Sypolt, Karnes, and Maynard;

Senate Bill 686: Senator Nelson;

Senate Joint Resolution 3: Senator Caputo;

Senate Concurrent Resolution 49: Senators Caputo and Smith;

And,

Senate Resolution 46: Senators Stollings, Caputo, Hamilton, and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 6:09 p.m., the Senate adjourned until tomorrow, Thursday, March 3, 2022, at 11 a.m.

SENATE CALENDAR

**Thursday, March 03, 2022
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 49 - Establishing Honor Guard in each National Guard unit
- S. R. 47 - Memorializing life of Honorable Joseph Michael Minard
- H. C. R. 23 - Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families

SECOND READING

Com. Sub. for S. B. 250 - Budget Bill

FIRST READING

- S. B. 715 - Decreasing and increasing existing items of appropriations from State Fund, General Revenue (original similar to HB4836)
 - S. B. 716 - Supplemental appropriation to DOE, WV BOE, Strategic Staff Development (original similar to HB4839)
 - S. B. 717 - Supplemental appropriation to Miscellaneous Boards and Commissions, Board of Medicine, Medical Licensing Board (original similar to HB4832)
 - S. B. 718 - Supplemental appropriation to Department of Administration, Travel Management, Aviation Fund (original similar to HB4831)
 - S. B. 719 - Supplemental appropriation to DHS, Fire Commission, Fire Marshal Fees (original similar to HB4838)
 - S. B. 720 - Supplementing and amending appropriations to Executive, Governor's Office, Civil Contingent Fund (original similar to HB4837)
 - S. B. 722 - Expiring funds to DEP, Division of Environmental Protection, Reclamation of Abandoned and Dilapidated Property Program Fund (original similar to HB4833)
 - S. B. 723 - Making supplementary appropriation to Department of Agriculture, WV Spay Neuter Assistance Fund (original similar to HB4835)
 - S. B. 724 - Making supplementary appropriation to DHS, Division of Corrections and Rehabilitation, Regional Jail and Correctional Facility Authority (original similar to HB4834)
 - S. B. 725 - Supplementing and amending appropriations to DHS, WV State Police (original similar to HB4830)
- Eng. H. B. 2817 - Donated Drug Repository Program - (Com. amend. pending)

- Eng. Com. Sub. for H. B. 4065 - Allowing the Division of Natural Resources to teach hunter's safety courses in school - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4282 - Relating to establishing next generation 911 services in this state
- Eng. H. B. 4286 - Relating to exempting persons employed as attorneys from the civil service system
- Eng. H. B. 4291 - Relating to authorizing legislative rules regarding higher education
- Eng. Com. Sub. for H. B. 4324 - To update collaborative pharmacy practice agreements - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4345 - Relating to motor vehicle registration cards by establishing electronic or mobile registration cards
- Eng. Com. Sub. for H. B. 4380 - Relating to transportation of athletic teams - (Com. amends. and title amend. pending)
- Eng. Com. Sub. for H. B. 4426 - Repeal article 33-25G-1 *et seq.* creating provider sponsored networks
- Eng. Com. Sub. for H. B. 4489 - Require counties to post open positions on statewide job bank - (Com. amend. and title amend. pending)
- Eng. H. B. 4517 - Relating to the repealing requirements to display video ratings
- Eng. H. B. 4535 - Repeal section relating to school attendance and satisfactory academic progress as conditions of licensing for privilege of operation of motor vehicle - (Com. amends. and title amend. pending)
- Eng. Com. Sub. for H. B. 4631 - Establishing a bone marrow and peripheral blood stem donation awareness program
- Eng. H. B. 4649 - Transferring the operations of the West Virginia Children's Health Insurance Program to the Bureau for Medical Services - (Com. amends. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2022

Thursday, March 3, 2022

10 a.m.

Education

(Room 451M)