

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE  
REGULAR SESSION, 2023  
FIRST DAY

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Charleston, West Virginia, Wednesday, January 11, 2023

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Legislature assembled in the state capitol in the City of Charleston on this the eleventh day of January, 2023, for the first annual session of the eighty-sixth Legislature.

The Senate met in its chamber at 12 Noon.

Pending organization of the Senate by the election of a President, under the provisions of section twenty-four, article six of the Constitution, the Senate was called to order by the Honorable Donna J. Boley, a senator from the third senatorial district, being the oldest member present in point of continuous service.

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

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

The following communication was reported by the Clerk:

The Senate of West Virginia  
Charleston

GLENN D. JEFFRIES  
STATE SENATOR  
8TH SENATORIAL DISTRICT



STATE CAPITOL ROOMS W-204  
1900 KANAWHA BLVD. EAST  
CHARLESTON, WV 25305-0800  
304-357-7866

December 1, 2022

The Honorable Lee Cassis  
Clerk of the West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Clerk,

Please be advised that I changed my party registration from Democrat to Republican on December 1, 2022.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn D. Jeffries".

Senator Glenn D. Jeffries  
8<sup>th</sup> Senatorial District

The Honorable Mac Warner, Secretary of State, appeared at the bar of the Senate and presented the official returns of the election held on the eighth day of November, 2022, for members of the Senate for the State of West Virginia.

**CANDIDATES FOR STATE SENATOR  
FOR THE STATE OF WEST VIRGINIA  
APPEARING TO HAVE BEEN ELECTED**

**NOVEMBER 8, 2022**

First Senatorial District: Laura Wakim Chapman, of the County of Ohio;

Second Senatorial District: Charles H. Clements, of the County of Wetzel;

Third Senatorial District: Michael T. Azinger, of the County of Wood;

Fourth Senatorial District: Eric J. Tarr, of the County of Putnam;

Fifth Senatorial District: Michael A. Woelfel, of the County of Cabell;

Sixth Senatorial District: Mark R. Maynard, of the County of Wayne;

Seventh Senatorial District: Mike Stuart, of the County of Kanawha;

Eighth Senatorial District: Mark Hunt, of the County of Kanawha;

Ninth Senatorial District: Rollan A. Roberts, of the County of Raleigh;

Tenth Senatorial District: Vince S. Deeds, of the County of Greenbrier;

Eleventh Senatorial District: Bill Hamilton, of the County of Upshur;

Twelfth Senatorial District: Ben Queen, of the County of Harrison;

Thirteenth Senatorial District: Michael A. Oliverio II, of the County of Monongalia;

Fourteenth Senatorial District: Jay Taylor, of the County of Taylor;

Fifteenth Senatorial District: Charles S. Trump IV, of the County of Morgan;

Sixteenth Senatorial District: Jason Barrett, of the County of Berkeley;

Seventeenth Senatorial District: Eric Nelson, Jr., of the County of Kanawha.

From the foregoing official returns of the election of members of the Senate, it appears that the persons therein named were elected to the Senate at the election held on the Tuesday next after the first Monday in November, 2022.

Whereupon,

On the call of the roll of the Senate, the following members and members-elect answered to their names:

Azinger, Barrett, Blair, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum.

Thirty-two present and prospective members having answered to their names, the Chair declared the presence of a quorum.

The following members-elect came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia: Laura Wakim Chapman, of the County of Ohio; Charles H. Clements, of the County of Wetzell; Michael T. Azinger, of the County of Wood; Eric J. Tarr, of the County of Putnam; Michael A. Woelfel, of the County of Cabell; Mark R. Maynard, of the County of Wayne; Mike Stuart, of the County of Kanawha; Mark Hunt, of the County of Kanawha; Rollan A. Roberts, of the County of Raleigh; Vince S. Deeds, of the County of Greenbrier; Robert L. Karnes, of the County of Randolph; Ben Queen, of the County of Harrison; Michael A. Oliverio II, of the County of Monongalia; Jay Taylor, of the County of Taylor; Charles S. Trump IV, of the County of Morgan; Jason Barrett, of the County of Berkeley; and Tom Takubo, of the County of Kanawha.

The Senate then proceeded to its biennial organization.

The first order of business in the organization of the Senate being the election of a President,

For that office, Senator Trump nominated the Honorable Craig Blair, of the County of Berkeley; seconded by Senator Grady.

On motion of Senator Woelfel, nominations for the office of President were closed and Senator Blair was elected President of the Senate by acclamation.

Whereupon, the Chair appointed Senators Queen, Deeds, and Chapman a committee to escort the President-elect to the Chair.

A standing ovation was then accorded the President-elect, as he proceeded to the rostrum accompanied by the foregoing select committee.

Whereupon, Senator Blair qualified as President, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

Senator Blair (Mr. President) assumed the Chair and addressed the Senate as follows:

MR. PRESIDENT: You'll have to forgive me ladies and gentlemen, I'm not used to addressing the Senate from the podium in this fashion, but I want to take a few minutes to do just that.

Again, thank you to my fellow senators.

Charles, you said I worked hard. I like to think I worked smart for us. And that's one of the key ingredients.

We've made tremendous success over the last two years together in this chamber. And the new members in this chamber, you're going to be part of the greater success. The groundwork

that's been laid before us by the members of this body, we're going to continue and make that success exponential for the people of West Virginia. I know that. I know that by knowing each and every one of you.

Recently, well, not recently, but over the last year, we've been called the swamp. You're anything but. I know each and every one of you well. And you're wonderful people. You're wonderful representatives of your district. And I've taken a lot of exception to that statement. Do not believe a word of that.

Ladies and gentlemen in the galleries, do not believe a word of that. The people that are in this chamber representing you are some of the most outstanding people there is in the State of West Virginia.

And we're going to do great things together.

I'll add one more thing to it and that is two years ago—and I believe I was standing back there—I said that I wanted 400,000 people to move to the State of West Virginia. That's what our goal was. Ladies and gentlemen, over the last two years, more people have moved to West Virginia than moved out. First time in a . . . probably in my lifetime. The problem with that equation is, is that we still lost population because more people are passing than being born.

But the work that we do here will keep our number one export, our youth, in this state because we're going to continue the path of providing gainful employment to the people of West Virginia, our youth, so that they don't have to leave to go somewhere else to find opportunity. And we're succeeding in those roles.

There were over six huge companies to locate in West Virginia over the last year. I'll use the word "exponential". We want to see that happen in this coming year . . . and the following year . . . and the following year. It changes the world for everything that we do.

And senators, you are the leaders of that. I am not. I do nothing but facilitate your will.

Let's get to work.

Thank you ladies and gentlemen for allowing me to fulfill this role of representing you.

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At the request of Senator Takubo, and by unanimous consent, the foregoing acceptance remarks by Senator Blair (Mr. President) were ordered extended in the Journal.

The next order of business being the election of a Clerk,

For that office, Senator Weld nominated the Honorable Lee Cassis, of the County of Kanawha; seconded by Senator Takubo.

On motions of Senator Woelfel, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Cassis.

The President then announced the vote and declared that Mr. Cassis, having received all the votes cast, had been unanimously reelected Clerk of the Senate.

Whereupon, Mr. Cassis qualified as Clerk, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

The next order of business being the election of a Sergeant at Arms,

For that office, Senator Clements nominated the Honorable David Lavender, of the County of Putnam; seconded by Senator Jeffries.

On motions of Senator Woelfel, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Lavender.

The President then announced the vote and declared that Mr. Lavender, having received all the votes cast, had been unanimously reelected Sergeant at Arms of the Senate.

Whereupon, Mr. Lavender qualified as Sergeant at Arms, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

The last order of business in the biennial organization of the Senate being the election of a Doorkeeper,

For that office, Senator Grady nominated the Honorable Jeffrey L. Branham, of the County of Kanawha; seconded by Senator Nelson.

On motions of Senator Woelfel, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Branham.

The President then announced the vote and declared that Mr. Branham, having received all the votes cast, had been unanimously reelected Doorkeeper of the Senate.

Whereupon, Mr. Branham qualified as Doorkeeper, by taking the several oaths of office prescribed by law and administered by the Honorable C. Haley Bunn, Justice of the Supreme Court of Appeals of West Virginia.

With the completion of organization of the Senate, by the election of officers for the eighty-sixth Legislature,

At the request of Senator Takubo, unanimous consent being granted, the Clerk was authorized to notify the House of Delegates and Governor that the Senate has assembled, with a quorum present, and organized by the election of officers as required by the Constitution and is ready to proceed with the business of this session.

The first organizing resolution was then offered, Senator Takubo submitting the following:

**Senate Resolution 1**—Adopting rules of the Senate.

*Resolved by the Senate:*

That the rules of the Senate be adopted as follows and shall govern the proceedings of the Senate during the eighty-sixth Legislature, subject to amendment as provided in the rules:

### QUORUM

1. A majority of the members elected to the Senate shall constitute a quorum and a quorum shall be necessary to proceed to business, but two members may adjourn, and three members may order a call of the Senate, send for absentees and make any order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any member until his or her name shall have been twice called.

2. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the Senate. This rule shall apply, as well to the first meeting of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

### OFFICERS

3. The Senate, at the commencement of each new Legislature, shall elect as its officers a President, Clerk, Sergeant at Arms and Doorkeeper. If at any time the President is obligated to act as Governor pursuant to Article VII, Section 16 of the Constitution of West Virginia, the Senate shall immediately elect one of its remaining members to serve as Acting President. The Acting President shall act and serve at all times when the duly elected President is acting as Governor and shall perform all of the duties of the office of Senate President without limitation, including any duties imposed by the Constitution of West Virginia, any statute, the Senate Rules and any adopted Joint Rules of the Senate and House of Delegates, and he or she shall receive the compensation and expenses of the President of the Senate as provided in article two-a, chapter four of the Code of West Virginia. The Acting President shall not be in the line of succession to act as Governor under the provisions of Article VII, Section 16 of the Constitution of West Virginia. The majority vote of all the members elected to the Senate shall be necessary for the election of these officers and the vote shall be by voice vote and be recorded in the Journal.

4. The President of the Senate or Acting President shall appoint a President *pro Tempore*, who, during the absence of the President or Acting President, if any, shall preside and perform all the duties of the President.

5. The presiding officer may call a member to the chair who shall perform the duties of the chair until the presiding officer returns to the chair, but no member by virtue of such appointment shall preside for a longer period than three consecutive legislative days.

6. The Clerk of the Senate shall not allow any records or papers to be taken from the table or out of his or her custody except by a chair of a committee to which they may have been referred and then only upon a proper receipt therefor and except as required by these rules or by the Joint Rules of the Senate and House of Delegates.

### ORDER OF BUSINESS AND PROCEDURE

7. The order of business of the Senate shall be:

1. To read, correct and approve the Journal.

2. Introduction of guests.
3. To dispose of communications from the House of Delegates and the Executive.
4. To receive reports from standing committees.
5. To receive reports from select committees.
6. To receive bills, resolutions, motions and petitions.
7. To act upon unfinished business of the preceding day and resolutions lying over from the previous day, and no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
8. Senate and House bills and joint resolutions on third reading.
9. Senate and House bills and joint resolutions on second reading.
10. Senate and House bills and joint resolutions on first reading.
11. Introduction of guests.
12. Remarks by members of the Senate.
13. Miscellaneous business.

8. Every member desiring to speak shall stand in his or her own place, address the presiding officer and, upon being recognized, shall proceed, confining oneself to the question under debate, avoiding all indecorous or disrespectful language. The presiding officer may recognize the member by name; but no member in debate or remarks shall designate another by name.

9. Any member may call for a division of any question before the vote thereon is taken, if it comprehend propositions so distinct in substance that, one being taken away, a substantive proposition will remain for the decision of the Senate, but the member calling for the division of a question shall state in what manner it shall be divided. A motion to strike out and insert is not divisible.

10. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition and shall not prevent a subsequent motion to simply strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

11. No question shall be debated until it has been propounded by the presiding officer. The presiding officer, after calling a member to assume the chair, the mover of the question, the chair of the committee that reported the matter or the sponsor of the bill or resolution, in that order of preference, shall have the right to explain his or her views in preference to any other member.

12. No member shall speak more than twice upon the same question without leave of the Senate or more than once until every member choosing to speak shall have spoken, except that the mover of the question shall have the right to close the debate thereon.



13. While the presiding officer is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

#### BILLS AND RESOLUTIONS

14. No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by two-thirds vote of the members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

Standing and select committees of the Senate may originate a bill or joint resolution and report the same after the forty-first day.

No Senate concurrent resolution requesting the naming of transportation infrastructure shall be introduced from the floor at any time or introduced in the Senate after the forty-first day. No concurrent resolution requesting the naming of transportation infrastructure may be adopted by the Senate after the fifty-fifth day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

15. Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than twelve o'clock ~~meridian~~ noon on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "By Request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

Any member who is a co-sponsor of a bill or resolution may be removed as a sponsor of the bill or resolution by submitting a request to the Clerk prior to the bill being enrolled or the resolution being adopted.

Any member may be added as a co-sponsor of a bill or resolution by submitting a request to the Clerk prior to the bill or resolution being reported from the last committee to which it was referred.

The electronic version of a bill or resolution shall be changed to include the addition or removal of a sponsor, but the addition or removal of a sponsor shall only be included in a printed version if a subsequent printing is otherwise required.

15a. Prior to any committee reporting a bill to the floor, any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, if available.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required, which shall conform to the requirements as to form and content as prescribed by the Clerk.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

15b. Upon the introduction of any legislation which has a potential impact on the state's economy, the presiding officer may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including, but not limited to, West Virginia University and Marshall University, a review of the proposed legislation for purposes of preparing a "Jobs and Wages Impact Statement". Any such statement shall be based on generally accepted methodology and shall conform to the requirements as to form and content as prescribed by the Clerk: *Provided*, That the Clerk shall prescribe that all Jobs and Wages Impact Statements shall include an analysis of both the jobs that are projected to be gained or lost if the legislation is adopted and any wage impact associated with the projected job changes, including wage increases or decreases in existing jobs, wages of jobs lost, wages of new jobs and the net impact on wages.

The phrase "Jobs and Wages Impact Statement" or the initials "JWS" must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. No act is void or voidable if it does not contain a "Jobs and Wages Impact Statement" even when requested.

16. All concurrent and simple resolutions when introduced shall lie on the table at least one day, and then be referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

It is hereby declared to be the policy of the Senate that concurrent resolutions be limited to the general purposes of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

Concurrent resolutions shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Concurrent resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and

areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

17. Unless otherwise directed by the Committee on Rules all bills, resolutions or business originating in the Senate shall be considered at the appropriate order of business in the order in which they are introduced, and all bills and resolutions received from the House of Delegates shall be introduced in the order in which they are received and shall be considered at the appropriate order of business in their numerical order.

18. All bills and joint resolutions introduced shall be read by their titles and referred to the appropriate committee and shall be treated in committee as resolutions of inquiry. If the committee reports a bill or resolution different, either by amendment or substitution, from the one introduced, it shall be received and treated by the Senate as the original bill or resolution. All Senate bills and joint resolutions reported by a committee shall be made available, with the proposed committee amendments on the foot thereof, and shall be then read a first time, unless in any of the aforesaid cases the Senate directs otherwise by majority vote of the members present. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

18a. Any bill, resolution or business which does not follow the procedures of Rule Nos. 17 and 18 shall remain in the possession of the Committee on Rules.

19. All bills shall be read on three different days, unless in case of urgency, by four-fifths vote of the members present, taken by yeas and nays, on each bill, this rule be dispensed with. Joint resolutions proposing amendments to the Constitution of West Virginia shall be read on three different days which readings shall not be suspended.

20. All engrossed bills shall be fully and distinctly read when put upon their passage.

21. On each reading of the bill the Clerk shall state whether it is the first, second or third reading of such bill, but no bill shall be put upon its second reading until the same shall have been made available to the members of the Senate at least one day previous to such reading, unless the Senate directs otherwise by majority vote of the members present.

21a. Upon motion of any member, on any legislative day or the day preceding, the Senate may, by two-thirds vote of those present, establish a period of time known as "Bill Reading Docket".

Such motion shall state each bill to be read, the time and order for such bill reading docket to commence and to conclude, and may provide for the adjournment or recess of the Senate for not more than one legislative day, during which reading of the docket no motion, except a motion to postpone the reading of the bills, by two-thirds vote of those elected, shall be heard. A quorum shall not be required during the reading of the docket. Any and all members requesting that a bill be read shall be present at all times in the Chamber during its reading.

All bills read on the bill reading docket shall be considered as having been read fully and distinctly.

22. On the first reading of a bill, a motion to reject the bill shall be in order.

23. If a committee shall have reported adversely to a bill or resolution, the presiding officer immediately after the report of said committee is read shall put the question, "Shall the bill be rejected?" or "Shall the resolution be rejected?" which question shall have precedence over all motions, except a motion to adjourn.

24. A bill or joint resolution shall be amended only on second reading: *Provided*, That after the passage of a bill or adoption of a joint resolution, amendments to its title may be offered. When a bill or joint resolution is being read for amendment, it shall be read section by section on the demand of any two members. When the amendments which may be moved shall be disposed of, the question shall be taken on ordering a Senate bill or joint resolution to be engrossed and ordered to third reading and on ordering a House bill or joint resolution to third reading. If a Senate bill or joint resolution should be ordered to its engrossment and third reading, and amendments thereto have been made, the bill or joint resolution shall be changed to conform to the amendments and become the engrossed bill or joint resolution. If no amendments are made, the original bill or joint resolution may be ordered to its third reading and shall become the engrossed bill or joint resolution. All Senate bills or joint resolutions so ordered shall be jacketed, endorsed with their number, title, by whom introduced, and if the bill or joint resolution is finally passed or adopted, the date of its passage or adoption and the signature of the Clerk. If a Senate bill or joint resolution should be passed or adopted by the House and returned to the Senate without amendments, or if amended, and the amendments should be agreed to, the bill or joint resolution shall be enrolled by the Clerk. Enrolled Senate bills shall be delivered to the Joint Committee on Enrolled Bills. In the case of a House bill or joint resolution on second reading if the same be amended, the amendment or amendments shall be noted in full and attached to the bill or joint resolution at the proper place by the Clerk before the bill or joint resolution is returned to the House, and all amendments shall appear in the Senate Journal.

25. When a bill or joint resolution is put upon its passage or adoption, respectively, the presiding officer shall propound the question, "Shall the bill pass?" or "Shall the resolution be adopted?" On the passage or adoption, respectively, of every bill or joint resolution, the vote shall be taken by yeas and nays.

26. When a Senate bill or Senate joint resolution passed by the Senate shall be amended by the House of Delegates, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on by yeas and nays in the Senate. In all such cases the affirmative majority vote of all the members elected to the Senate shall be necessary.

#### COMMITTEES

27. At the commencement of each Legislature, the following standing committees shall be appointed: ~~and shall consist of the number of members indicated in the parentheses following the name of the committee:~~

- ~~1. On Agriculture and Rural Development (11).~~
- ~~2. On Banking and Insurance (13).~~
- ~~3. On Confirmations (9).~~
- ~~4. On Economic Development (14).~~
- ~~5. On Education (14).~~

- ~~6. On Energy, Industry and Mining (13).~~
- ~~7. On Enrolled Bills (5).~~
- ~~8. On Finance (17).~~
- ~~9. On Government Organization (14).~~
- ~~10. On Health and Human Resources (13).~~
- ~~11. On Interstate Cooperation (7).~~
- ~~12. On the Judiciary (17).~~
- ~~13. On the Workforce (11).~~
- ~~14. On Military (9).~~
- ~~15. On Natural Resources (13).~~
- ~~16. On Pensions (7).~~
- ~~17. On Rules (11); (the presiding officer of the Senate is to be ex officio chair).~~
- ~~18. On Transportation and Infrastructure (9).~~
1. On Agriculture and Natural Resources.
2. On Banking and Insurance.
3. On Confirmations.
4. On Economic Development.
5. On Education.
6. On Energy, Industry, and Mining.
7. On Enrolled Bills.
8. On Finance.
9. On Government Organization.
10. On Health and Human Resources.
11. On Interstate Cooperation.
12. On the Judiciary.
13. On Military.

14. On Outdoor Recreation.

15. On Pensions.

16. On Rules (the presiding officer of the Senate is to be ex officio chair).

17. On School Choice.

18. On Transportation and Infrastructure.

19. On the Workforce.

28. All standing committees shall be appointed by the President. All standing committees shall consist of not less than five nor more than 17 members. The President shall designate the chair of each standing committee and may also designate a vice chair of any standing committee.

The chair of each standing committee of the Senate shall cause a record to be kept of every meeting of such committee, wherein shall be entered:

(a) The time and place of each committee meeting and every hearing had before the committee.

(b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee and the interest represented by him or her.

(d) The vote of each member of the committee when a yea and nay vote is taken.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his or her absence at any former meeting of the committee; and, in the absence of any such explanatory note, the presumption shall be that his or her absence was without reasonable cause.

The chair of each standing committee shall, upon request, make the record of any yea and nay vote taken, in open or executive session, available for public inspection no later than the next legislative day after the close of the standing committee meeting at which such yea and nay vote was taken.

The several standing committees may report bills, resolutions, amendments, or any proposal originating therein, as well as committee substitutes for Senate bills, resolutions, or other proposals, which may be referred to additional committees. A committee substitute, with the consent of the original sponsor, shall carry the name of the original sponsor. Reports of committees shall be advisory only. All committees shall submit their reports to the Senate in writing and the same shall be recorded in the Journal.

On the adjournment of each session of the Legislature, ~~the chair~~ of the respective committees shall deliver to the Clerk of the Senate the record ~~book~~ herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his or her office.

28a. Every committee shall have authority, upon its own motion adopted by a majority of the members present and voting, to administer oaths to any witness appearing before the committee.

If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the Senate, and the Senate may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena, the witness may be questioned by the chairman and members of the committee. The Clerk of the Senate, the chairman of the committee and, in the absence of the chairman, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

29. The presiding officer shall refer bills and resolutions introduced, and such other matters as the presiding officer shall deem appropriate, to standing or select committees.

30. Select committees shall consist of not less than three nor more than five members, unless the Senate directs otherwise by majority vote of the members present.

31. The Committee on Rules shall examine the oaths taken by each member and the evidence of their election and report to the Senate.

The Committee on Rules shall report in all cases of privileges and contested elections, the principles and reasons on which their resolutions are founded.

The Committee on Rules shall see that all papers belonging to the Clerk's Office are properly labeled and filed and that the books belonging to the office are chronologically arranged.

32. All meetings of Senate standing committees, other than executive sessions, shall be open to the public, and an executive session may be held only by majority vote of the members present.

33. When the Senate shall resolve itself into the Committee of the Whole, the presiding officer shall leave the chair and appoint a member to preside in the committee.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the number of times speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded in the Journal of the Senate, except so far as reported to the Senate by the chair of the committee.

34. Any bill, resolution or business may, by majority vote of the members present, be withdrawn from the committee to which it had been referred or be taken from the table, and placed upon the calendar of the Senate in such order of business as the Senate may direct: *Provided*, That those bills, resolutions or business referred to the Committee on Rules under authority of Rule ~~No.~~ 17 may by two-thirds vote of the members present be withdrawn from the Committee on Rules.

#### DECORUM AND DEBATE

35. If a member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Senate, for words spoken in debate if any other member has spoken or other business has intervened after the words spoken and before the exception to them was taken.

36. While the presiding officer is reporting or putting a question, no one shall entertain private discourse or walk into, out of or across the Chamber. When a member is addressing the presiding officer, no one shall entertain private discourse or pass between the member and the presiding officer.

37. No member or other person except the Clerk and the Clerk's assistants shall visit or remain by the Clerk's table while the yeas and nays are being taken.

38. During any debate, any Senator, though he or she has spoken to the matter, may arise and speak to the orders of the Senate, if they be transgressed, in case the presiding officer does not.

38a. Smoking and the use of other tobacco products shall be prohibited in the Chamber.

38b. The use of electronic devices in the Chamber shall be limited to official legislative business when at all possible and any such devices shall be muted at all times.

38c. Proper business dress attire shall be worn by all those admitted to the floor of the Chamber while the Senate is in session, which includes a coat and tie for men.

#### MOTIONS

39. When a question is pending, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone the question to a different day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

These several motions shall have precedence in order in which they are arranged.

40. The following motions shall be decided without debate, and shall not be amended:

1. To adjourn.
2. To fix the time to which the Senate shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three different days.
6. To recess.



41. There shall be a motion for the previous question, which being ordered by a majority of the members present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit with or without instructions to a standing or select committee. A motion to lay upon the table pending a motion for the previous question shall be in order only when the previous question has been moved on the second or third reading of a bill.

A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

#### RECONSIDERATION OF VOTE

42. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. Any member may make the motion to reconsider, when the yeas and nays have not been taken. If the Senate refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next succeeding day of actual session. A motion to reconsider shall not be withdrawn without leave of the Senate.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the Senate until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been adopted, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon.

#### VOTING

43. Every member within the Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. A member may raise an inquiry to the presiding officer regarding whether he or she should not vote or should be excused from voting on a particular matter, but the member may still be required to vote. All motions to

excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted. No members may pair on any question.

44. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days; on setting the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of West Virginia; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of a Senate bill or Senate joint resolution amended by the House; on all questions where a specific vote is required by the Constitution of West Virginia, the Joint Rules of the Senate and House of Delegates, or by these rules; on the passage of a bill; and on quorum calls: *Provided*, That the yeas and nays shall be taken on demand of any member on any question unless another member objects. Upon any such objection the presiding officer shall inquire of the membership if the demand for the yeas and nays is sustained. If the demand is so sustained by one tenth of the members present, the yeas and nays shall be taken, and, if the demand is not sustained by one tenth of the members present, then the yeas and nays shall not be taken.

The result of all votes taken by yeas and nays shall be recorded in the Journal. When the yeas and nays are recorded in the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, with the names of the Senators voting yea or nay, and those absent.

When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical order; excepting, however, the name of the presiding officer, which shall be called last.

After completion of a roll call vote, no member shall speak to explain his or her vote. A member's vote explanation shall not be recorded in the daily Journal. A member may have his or her vote explanation recorded in the bound Journal provided the member obtains the floor and makes this request immediately following announcement of the results of the roll call vote and disposition of the matter and delivers his or her written vote explanation to the Clerk within three legislative days during the session or, if there are less than three legislative days remaining in the session, within seventy-two hours after adjournment *sine die*. The Clerk shall note on the daily Journal for the day of the roll call vote that the member has reserved the privilege of having his or her vote explanation recorded later in the bound Journal.

45. On all roll calls of the yeas and nays when the voting machine is not used, and before the result is announced, the Clerk shall at the request of any member read either the names of those who voted yea or of those who voted nay, whichever is the smaller number, and the names of those absent and not voting, if any, and shall announce that all others voted either yea or nay, whichever is the larger number. In the event of a tie vote, the Clerk shall upon such request read the names of those who voted yea and the names of those absent and not voting, if any, and shall announce that all others voted nay. At that time any member shall have the right to correct any mistake committed in enrolling his or her name. The vote then shall be announced and the count recorded in the Journal.

45a. The voting machine may be used in taking the yeas and nays on any question, including quorum calls. When the machine is used for quorum calls, a member shall indicate "present" by use of the green "yea" button.

When using the voting machine, the presiding officer shall announce the question to be voted upon and direct the Clerk to prepare the machine. The presiding officer shall then state, "The members will now vote." After reasonable time has been given for all members to vote, the presiding officer shall ask, "Have all members voted?" The presiding officer shall then direct the Clerk to close the machine and ascertain the result. The presiding officer shall promptly announce the result. Voting shall be continuous and shall be permitted until the result thereof is announced by the presiding officer: *Provided*, That any vote cast after the machine has been closed shall be stated by the presiding officer as having been cast and such shall be recorded in the Journal: *Provided, however*, That no vote may be cast after the vote has been announced.

While the members are voting and before the machine is closed, the wall display boards shall continuously display the vote of each member and the total pending vote.

Under no circumstance shall a member or nonmember vote on behalf of another member.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine.

#### MESSAGES

46. The Clerk of the Senate may interchange messages with the Clerk of the House of Delegates at any time.

47. Messages may be received in any stage of business except when the presiding officer is reporting or putting a question or while the yeas and nays are being taken. Messages and reports received by the Clerk, which do not require action by the Senate, shall be considered received by the Senate and filed with the Clerk and shall be recorded in the Journal.

48. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of its passage or rejection, with the bill or resolution shall be communicated to the House of Delegates.

#### JOURNAL

49. The Journal of the Senate shall be daily prepared by the Clerk and shall be read, corrected and approved the succeeding day. It shall be published under the supervision of the Clerk and made available to the members without delay. After the Journal has been approved and fully marked for corrections, regular bound volumes of the Journal from the type so corrected shall be printed. In addition thereto six copies shall be printed with a certificate at the end thereof signed by the presiding officer and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound and bear the imprint on the back spine, "Official Journal of the Senate of West Virginia", with designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

#### ABSENCE OF MEMBERS

50. No member shall absent himself or herself from the service of the Senate during its sittings without leave of the Senate, except in case of his or her sickness or other unavoidable cause which may prevent his or her attendance.

### POWER OVER MEMBERS

51. No Senator shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the matter is examined by the Committee on Rules and reported to the Senate, unless by order of the presiding officer.

52. The Senate may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense.

### POWER OVER OTHERS

53. The Senate may punish by imprisonment any person not a member for disrespectful behavior in its presence, for obstructing any of its officers in the discharge of their duties, or for any assault, threat, or abuse of any member for words spoken in debate, but such imprisonment shall not extend beyond the termination of the session. The presiding officer may order the removal from the Chamber of any person using audible devices or recording devices from the galleries.

### GUESTS AND PRIVILEGE OF THE FLOOR

54. No person except members of the House of Delegates, former members of the West Virginia Legislature who are not lobbyists, duly accredited representatives of the press, radio and television and legislative officers, employees, and interns engaged in the proper discharge of their duties shall be admitted to the floor of the Chamber while the Senate is in session. The rear or east balcony of the Chamber shall be reserved for guests of the members of the Senate, and admission thereto shall be by pass signed by the presiding officer and the member seeking admission of the guest.

### LOBBYING

55. No person, not a member of the Senate, shall, when the Senate is in session, seek in any manner whatsoever, including electronic communications, to influence the vote or opinion of any Senator on any subject of legislative consideration, under penalty of disbarment from the Chamber for the remainder of the legislative session. No employee of the Senate shall, at any time, engage in such activity, under penalty of immediate dismissal by the Committee on Rules.

### NOMINATIONS AND CONFIRMATIONS

56. Unless the Senate directs otherwise by majority vote of the members present, when nominations shall be made in writing to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination shall be forthwith certified in a formal communication signed by the presiding officer and attested by the Clerk.

57. The phrase "next meeting of the Senate" contained in Article VII, Section 9 of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited to, any regular session, any extraordinary session called during any recess or adjournment

of the Legislature, during any impeachment proceeding or any time the Senate is convened for the purpose of electing a presiding officer.

#### CONSTITUTIONAL AMENDMENT

58. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate.

#### ADJOURNMENT

59. When the Senate adjourns each day, it shall stand adjourned to 11 o'clock A.M. the next day, unless the Senate directs otherwise by majority vote of the members present, and every member shall keep his or her seat until the presiding officer leaves the chair.

#### AMENDING RULES

60. All propositions to amend these standing rules or any order of the Senate shall be by resolution and be at once referred, without debate, to the Committee on Rules and shall be reported therefrom within seven legislative days. Any such resolution may be adopted by majority vote.

#### SUSPENSION OF RULES OR ORDERS

61. Unless there be unanimous consent, no standing rule or order of the Senate shall be suspended except by two-thirds vote of the members present.

#### PARLIAMENTARY PROCEDURE

62. In all cases not provided for by the Rules of the Senate or any adopted Joint Rules of the Senate and House of Delegates, the Senate shall be governed by *Jefferson's Manual and Rules of the House of Representatives of the United States Congress* and practices thereunder.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration and adopted.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to permit the Senators to have members of their families as guests during today's session.

At the request of Senator Takubo, unanimous consent being granted, at 12:41 p.m., the Senate recessed for the purpose of making introductions.

The Senate reconvened at 12:49 p.m. and, at the request of Senator Takubo, unanimous consent being granted, proceeded to the sixth order of business.

Senator Tarr offered the following resolution:

**Senate Resolution 2**—Relating to the mailing of bills and journals.

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

Senator Tarr offered the following resolution:

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

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

Senator Takubo offered the following resolution:

**Senate Concurrent Resolution 1**—Adopting joint rules of the Senate and House of Delegates

*Resolved by the Legislature of West Virginia:*

That the joint rules of the Senate and House of Delegates to be adopted as follows and shall govern the proceedings of the eighty-sixth Legislature, subject to amendment as provided in the standing rules of the Senate and the House of Delegates:

### **Joint Assembly**

1. Whenever there shall be a joint assembly of the two houses, a brief account of the proceedings shall be entered upon the Journal of each house, except in the joint assembly for counting votes for state officers.

### **Joint Assembly to Open and Publish Election Returns**

2. As soon as the Senate, being organized, is informed that the House of Delegates is ready to proceed, as provided by Article VII, Section 3 of the Constitution of West Virginia, to open and publish the returns of the election for state officers, the Senate, preceded by its presiding officer and other officers, shall repair in a body to the hall of the House of Delegates. Upon their arrival the Sergeant at Arms of the House of Delegates shall announce the presence of the Senate. The presiding officer of the Senate shall then address the Speaker of the House, stating that a majority of the Senate has assembled in the hall of the House of Delegates to be present at the opening and publishing of the returns of the elections for State officers, held on the \_\_\_\_\_ day of \_\_\_\_\_. The Speaker of the House of Delegates shall invite the presiding officer of the Senate to a seat upon his right, and the other members of the Senate and officers thereof to take seats assigned to them, and after announcing that a majority of the House of Delegates is present, shall then open and publish the returns of said election, proceeding by counties in alphabetical order, the Clerks of the two houses each taking down the returns as announced by the Speaker, to be entered upon the Journal of the House, and when completed and tabulated the Speaker shall announce the votes received by each person voted for, for each of said offices, and those receiving the largest number of votes, shall be by him declared duly elected; and the Senate shall then return to its hall, and if any two or more candidates for any of said offices have an equal and

the highest number of votes for the same office, the two houses shall immediately proceed to choose one of such persons for said office by a joint vote, as provided by Article VII, Section 3 of the Constitution of West Virginia.

### Disagreement and Conference

3. (a) Whenever a measure of one house is amended in the other and the house in which it originated shall refuse to concur in the amendment, the house amending the measure may either insist or recede therefrom. But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur. If said house refuses to concur, the other house may either recede from or insist upon its amendment, and a motion to recede shall take precedence of a motion to insist. The motion to lay on the table or to postpone indefinitely shall not be in order in respect to the motion to recede from or to insist.

A motion to recede having failed shall be equivalent to the adoption of a motion to insist and shall be so entered upon the Journal. A motion to insist being decided in the negative shall be equivalent to the adoption of a motion to recede and shall be so entered upon the Journal. If the motion to insist prevails, the house so insisting shall request a committee of conference on the subject of disagreement and shall appoint a committee therefor. The other house may thereupon appoint such committee. Unless a different number is agreed upon, such conference committee shall consist of ~~five~~ three members from each house.

Such committee shall consider and report upon only the subject matter of the amendment or amendments which were in disagreement, with necessary consequential changes. The committee shall meet at a convenient time, to be agreed upon by their Chairs, and upon notifying all conferees of the time and place of any such meeting, and having conferred freely, shall report to their respective houses the result of the conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the house ~~which refused to concur~~ of origin, and there acted upon; and such action, with the papers referred, shall be immediately reported by the Clerk to the other house. In case of disagreement, the papers shall remain with the house in which the measure originated. If an agreement is reached, the report shall be made and signed in duplicate by at least a majority of the conferees from each house, one of the duplicates being retained by the conferees of each house.

(b) Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty-ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the conference report may be taken up for immediate consideration at any time by a two-thirds vote of the members of that house present.

With respect to any conference agreed to within the first fifty-one days of a regular session, the conference committee shall report to each house within seven days of agreement to conference or be discharged, except that upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the presiding officer of each house may extend the conference not to exceed an additional three days. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

With respect to any conference agreed to after the fifty-first day of a regular session, or any time during any extraordinary session, the conference committee shall report to each house within three days after agreement to conference or be discharged, except that such conference may be extended by concurrent resolution duly adopted by a majority of those present and voting in each house, for a period not to exceed one additional day. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

Any conference committee which fails to report within the time limits established by this rule shall be deemed to be discharged, and the papers referred shall remain with the house in which the measure originated.

~~Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty-ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the conference report may be taken up for immediate consideration at any time by a two-thirds vote of the members of that house present.~~

Nothing herein shall affect the right of the presiding officer of either house to appoint or discharge any conference committee as heretofore provided, such right to appoint and discharge such committee being subject to the rules of each respective house.

The provisions of subsection (b) above shall not apply to the Budget Bill.

### **Messages Between the Houses**

4. When a message is sent by one house to the other, it shall be communicated by the Clerk thereof to the Clerk of the house to which it is sent, but no message shall be received during a call of the roll. The Clerk of one house may communicate a message to the Clerk of the other at any time.

### **Bill Processing**

5. (a) Legislation recommended by the Governor or by executive departments or agencies is requested to be filed in the respective Clerks' offices, and a copy sent to Legislative Services, no later than the tenth day of each regular session of a Legislature.



(b) No bill or joint resolution shall be considered on third reading in its house of origin after the fiftieth day, unless authorization shall be granted by a concurrent resolution adopted by a two-thirds vote of the members present of both houses: *Provided*, That the Budget Bill, or any salary or supplementary appropriation bills, may be considered at any time.

(c) This rule may be suspended by adopting a concurrent resolution approved by a two-thirds majority of those present and voting in each house. A house desiring to suspend this rule may adopt a concurrent resolution and proceed as if the concurrent resolution had been adopted in both houses and the rule suspended. Any bill or joint resolution passed pursuant to such concurrent resolution may be communicated to the other house with the concurrent resolution or at any time after the concurrent resolution has been communicated to the other house. The other house may proceed to consider such bill or joint resolution only after adopting the concurrent resolution. The provisions of this rule shall not apply to any extended regular session or to any extraordinary session.

### **Processing of Bills Authorizing the Promulgation of Proposed Legislative Rules; Duplication and Distribution of Proposed Legislative Rules.**

5a. A "bill authorizing the promulgation of proposed legislative rules" or a "bill of authorization" is a measure intended to be enacted as general law, which incorporates by reference a proposed legislative rule, with or without amendments or substitutions set forth in the bill, and which authorizes the promulgation and implementation of the proposed legislative rule. The processing of bills authorizing the promulgation of proposed legislative rules shall be governed by the standing rules of the Senate and the House of Delegates, which are supplemented by the provisions of this joint rule. In the case of any conflict between this rule and a standing rule of the Senate or the House of Delegates, the provisions of this rule shall control.

(1) The requirement of either house that bills shall be presented in duplicate applies to bills authorizing the promulgation of proposed legislative rules, but does not apply to the proposed legislative rule which the bill incorporates by reference. Of the duplicate copies, only the designated original copy shall have appended thereto the full text of the proposed legislative rule as finally approved by the agency seeking permission for its promulgation. Other copies of the full text of the proposed legislative rule shall be made available to members of the Legislature as hereinafter provided.

(2) Copies of the full text of each proposed legislative rule shall be reproduced by printing or duplication by the Clerk prior to, or as soon as is reasonably practicable after, the introduction of the bill which would authorize by law the promulgation of the proposed legislative rule. Prior to such printing or duplication, a notation shall be affixed to the proposed legislative rule which identifies the bill number of the introduced bill which would authorize its promulgation and which also identifies the committee or committees of the house to which the bill is to be referred by the presiding officer following its introduction. Otherwise, the copies printed or duplicated shall conform to the copy of the proposed legislative rule appended to the original bill, so as to facilitate the consideration and amendment of the rule throughout the legislative process.

(3) The Clerk shall furnish to any member, upon his or her request, without cost, one copy of the full text of a proposed legislative rule as reproduced by the Clerk in accordance with the provisions of subsection (2) of this Joint Rule. For any request for an additional copy or copies of the proposed legislative rule, the member requesting the copy or copies shall pay to the Clerk, in advance, a charge which the Clerk has reasonably determined to be adequate to cover the actual cost of the printing or duplication: *Provided*, That the provisions herein for the Clerk to furnish a

member with an additional copy or copies, with a cost charged, may not interfere with or delay the prompt and otherwise timely consideration of bills of authorization by the house or its committees or subcommittees.

(4) Whenever the standing rules of either house require the printing or reprinting of a bill, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no printing or reprinting of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required, other than the printing required by subsection (2) of this Joint Rule.

(5) Whenever the standing rules of either house require a bill to be read, or fully and distinctly read, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no reading of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required.

### **One House to Notify Other of Rejection of Bill**

6. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be sent to the house in which the same shall have been passed.

### **Record of Bills and Resolutions**

7. The Clerks of the two houses shall keep separate records or registers, in which shall be recorded every action taken by the Senate and House on each bill and resolution.

### **Clerks to Endorse Bills or Resolutions**

8. The Clerks of the two houses shall endorse on each bill or resolution a statement of any action taken by their respective bodies.

### **Messages to be in Writing**

9. Messages to either house of the action of the other shall be in writing, signed by the Clerk of the house sending the message.

### **Each House to Have Control of Own Printing**

10. Each house may order the printing of documents without the consent of the other.

### **Joint Committees**

11. Joint standing committees of the Senate and House shall be appointed as follows:

(1) *Joint Committee on Enrolled Bills* — To consist of five members from each house.

(2) *Joint Committee on Joint Rules* — To consist of the presiding officers and two members of each house, to be appointed by the presiding officers.

(3) *Joint Committee on Pensions and Retirement* —

(a) The Joint Committee on Pensions and Retirement shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the

Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

(b) The committee shall consist of seven members of the Senate to be appointed by the presiding officer of the Senate and seven members of the House of Delegates to be appointed by the presiding officer of the House of Delegates. If possible, no more than five of the seven members appointed by the presiding officers of the Senate and the House of Delegates, respectively, may be members of the same political party.

(c) The committee shall make a continuing study and investigation of retirement benefit plans applicable to nonfederal government employees in this state. The powers and duties of the committee include, but are not limited to, the following:

(1) Studying retirement benefit plans applicable to nonfederal government employees in the State of West Virginia, including, without limitation, federal plans available to such employees;

(2) Making recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;

(3) Considering all aspects of pension planning and operation, and making recommendations designed to establish and maintain sound pension policy as to all funds;

(4) Filing a report to each regular session of the Legislature concerning activities conducted between sessions;

(5) Analyzing each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness and adherence to sound pension policy, and reporting of its findings in regard thereto to the Legislature; and

(6) Maintaining reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.

(d) The committee shall hold meetings at such times and places as it may designate. The presiding officer of each house shall appoint a cochair of the committee. When the Legislature is not in session, the committee shall meet and conduct its business as a joint committee.

When the Legislature is in session, in addition to joint meetings, the members of either house may meet separately from members of the other house to conduct committee business concerning pension and retirement related legislation introduced or originated in that house. When the members meet separately, they may function as other committees of that house. As far as practicable, relevant information, including actuarial letters or notes, gathered by members meeting separately from the other house shall be sent to the cochair of the other house if it is considering the same or similar legislation.

12. Other joint committees may be created by concurrent resolution or by approval of the presiding officers of each house.

### **Engrossed Bills to Be Filed with Clerk of the House**

13. All engrossed bills passed by, and joint and concurrent resolutions adopted by, both houses shall be filed with the Clerk of the House of Delegates to be kept with the rolls of the Legislature and to be used in printing and publishing the Acts of the Legislature.

### **Joint Committee on Enrolled Bills**

14. The Joint Committee on Enrolled Bills shall consist of five members of the Senate and five members of the House of Delegates, to be appointed by the presiding officer of each house.; ~~whose duty it shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions. It shall be in order for the Joint Committee on Enrolled Bills to report at any time.~~

### **Printing Enrolled Bills**

15. After a bill has been passed by both houses, the text from which it was originally printed shall be corrected as to any typographical errors that may not previously have been corrected and to include any amendments that may have been made by either house since the last printing of the bill. After the text has been so corrected, not less than fifty five copies of the bill shall be printed. One of the copies, when properly authenticated, shall become the Enrolled Bill. In the case of enrolled bills authorizing the promulgation of a proposed legislative rule, a copy of the full text of the proposed legislative rule which the bill incorporates by reference shall be appended to the bill which has been properly authenticated and designated to be the Enrolled Bill. The copy appended to the Enrolled Bill shall conform to the copy of the full text of the proposed legislative rule appended to the introduced bill. Copies of the proposed legislative rule are not to be appended to the additional copies of the Enrolled Bill. Following action by the Governor, or the failure or refusal of the Governor to approve or disapprove a bill of authorization, the copy of the Enrolled Bill with the proposed legislative rule appended is the copy of the bill filed with the Secretary of State in accordance with the provisions of Rule 19 of these Joint Rules.

### **Authentication of Enrolled Bills**

~~16. Enrolled Bills shall be authenticated by the signature of the Chair of the House Committee and the Chair of the Senate Committee, composing such Joint Committee on Enrolled Bills, but in the absence of such Chair another member of the committee may act in his stead, and they shall require all bills and joint resolutions before such authentication to be free from interlineations or erasures and destroy any previous enrollment containing any interlineations or erasures. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall be endorsed on the bill. After enrolled bills and joint resolutions are authenticated as aforesaid, they shall be signed by the presiding officer of each house.~~

16. Enrolled Bills shall be authenticated by the signature of the Clerk of each house, whose duty it shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions.

All bills and joint resolutions shall be free from interlineations or erasures and any previous enrollment containing any interlineations or erasures destroyed. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall

be endorsed on the bill. All enrolled bills and joint resolutions shall be signed by the presiding officer of each house.

### **Presenting Enrolled Bills to Governor**

17. After a bill shall have thus been signed in each house, it shall be presented ~~by the Joint Committee on Enrolled Bills~~ to the Governor for his approval. ~~The said committee shall~~ It shall be the duty of each Clerk to report the day of presentation to the Governor, which time shall be entered on the Journal of each house.

### **Record of Enrolled Bills**

18. It shall be the duty of the Clerk of the House of Delegates, as Keeper of the Rolls of the Legislature, to keep a record book of all bills presented to the Governor for his approval. The title and number of each bill presented to the Governor shall be entered in this book, and when a bill is presented to the Governor, the date presented and the signature of the Governor, showing receipt of same, shall be entered at the side of each title.

### **Action of Governor on Bills**

19. When the Legislature is in session, any bill, including an appropriation bill or any part thereof, disapproved by the Governor shall be returned to the house in which it originated, with objections thereto, within five days after receipt thereof, Sundays excepted, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved bill, other than an appropriation bill, within such time, it shall be filed by the Governor in the office of the Secretary of State with objections within fifteen days, Sundays excepted, after adjournment, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved appropriation bill or any part thereof, it shall be filed by the Governor in the office of the Secretary of State with objections within five days after adjournment, or become a law. When any bill, including an appropriation bill or any part thereof, is disapproved after adjournment of the Legislature and such bill with the Governor's objections is filed in the office of the Secretary of State within the prescribed time as aforesaid, the Governor shall notify the house in which the bill originated.

Every bill approved by the Governor shall, within the prescribed time after it is presented, as aforesaid, be filed by the Governor in the office of the Secretary of State and the fact of such approval communicated by the Governor to the house in which said bill originated.

Any bill which shall be neither approved nor disapproved by the Governor shall immediately, after the expiration of the time fixed by the Constitution of West Virginia in which he may disapprove the same, be filed in the office of the Secretary of State, who shall forthwith engross thereon a certificate to the following effect: "I certify that the foregoing act, having been presented to the Governor for approval, and not having been returned to the house of the Legislature in which it originated within the time prescribed by the Constitution of the State, has become a law without approval." and shall date and sign the same. The Governor shall notify the house in which the bill originated of each bill becoming a law without his approval.

When a bill is returned to either house of the Legislature with the objections of the Governor, proceedings thereon shall be governed by Article VII, Section 14 of the Constitution of West Virginia. In such cases the Clerk of the Senate and the Clerk of the House of Delegates shall engross the action, if any, of their respective houses on the reconsideration of the bill and sign the same.

The action of the Governor on all bills presented shall be appropriately noted in the Journals of the two houses.

### **Joint Meetings of Committees**

20. Whenever any bill has been referred by the Senate to one of its standing committees, and the same or like bill has been referred by the House to one of its committees, the Chairs of the respective committees, when in their judgment the interest of legislation or the expedition of business will be better served thereby, may arrange for a joint meeting of their committees for the consideration of such bill. All joint committee meetings shall be presided over by the Chair of the Senate committee.

### **What Shall Be Printed in the Journal**

21. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills and ~~the title and text of all~~ resolutions.

(b) A record of all votes taken by yeas and nays as required by the Constitution of West Virginia, the rules of the respective houses and these rules; and a brief statement of the contents of each petition, memorial or paper presented to each house.

(c) A true and accurate account of the proceedings of each house.

### **Manner of Printing the Journal and Bills**

22. In printing the daily Journal of the proceedings of each house there shall be printed at the top of each page, except the first, the date of the Journal; and on the last page of each day's Journal shall be printed the calendar for the next day.

~~At the top of the first page of each bill, preceding the title and number thereof,~~ On each bill, there shall be printed the name of the person by whom, or the committee by which, it was introduced and the date of introduction; and at the top of each page, ~~except the first,~~ shall be printed the number of the bill.

### **Regulation and Use of Legislative Offices, Chambers, Halls, Stairways and Corridors**

23. The presiding officer of each house shall have power to assign and regulate the office space in the portions of the Capitol used by their respective houses and to grant permission for the use of such space and the legislative Chambers for other than legislative purposes. They shall also have jurisdiction over all halls, stairways and corridors in the areas used by their respective houses. The presiding officers may submit any question or request arising under the foregoing provisions of this rule to the Committee on Rules of their respective houses for determination and action.

The area on the second floor between the legislative Chambers and surrounding the rotunda on the second floor shall be under the jurisdiction of the Joint Committee on Rules. It shall be the duty of this committee to maintain and preserve the aesthetic features of this area of the Capitol. No display or exhibition of any material or objects in this area shall be permitted without approval of the committee.

Attaching pictures, posters, cards or placards on the walls in any manner whatsoever in the halls, stairways and corridors in the areas used by the respective houses and in the area between the legislative Chambers surrounding and to the east and west of the rotunda is prohibited.

### **Resolutions**

24. Resolutions requiring concurrent action may originate in either house and shall be of two kinds, namely:

*Joint Resolutions:* These resolutions shall be used for proposing amendments to the Constitution of West Virginia and for ratifying amendments to the Constitution of the United States. Joint resolutions proposing amendments to the Constitution of West Virginia shall be adopted as provided in Article XIV, Section 2 of said Constitution.

*Concurrent Resolutions:* Such resolutions shall be used for all purposes not covered by joint resolutions as defined above.

### **Suspension of Joint Rules**

25. Joint Rules may only be suspended by a two-thirds vote of each house taken by yeas and nays, or by unanimous consent.

### **Transfer of Appropriations Between Items**

26. The Clerk of the Senate, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the Senate in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

27. The Clerk of the House of Delegates, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the House of Delegates in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

28. The Clerk of the Senate and the Clerk of the House of Delegates, with the approval of the presiding officers, are authorized to make a joint written request to the State Auditor for the transfer of amounts between items of the total appropriations for joint expenses of the Legislature in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

### **Governing Powers**

29. The presiding officers of each house, as selected in accordance with the Constitution of West Virginia, the Rules of the Senate, the Rules of the House of Delegates, respectively, these Joint Rules and laws of the State, shall have the power to and are hereby authorized to act on behalf of the Legislature as required by the business and legal affairs of the Legislature unless otherwise directed by a majority vote of both houses while the Legislature is in session or by the majority vote of the Joint Committee on Government and Finance while the Legislature is not in session.

### Receipt of Constitutional Petitions and Resolutions

30. Any application from a county commission or a verified petition from the voters of a county seeking to reform, alter or modify a county commission pursuant to Article IX, Section 13 of the Constitution of West Virginia and any related documents that may be subsequently submitted shall be filed with the Clerk of the Senate and the Clerk of the House of Delegates. The Clerk of the Senate and the Clerk of the House of Delegates shall verify that the application, petition or related document has been properly submitted to the other Clerk before processing it in his or her respective house. Such applications, petitions and related documents not submitted to both the Clerk of the Senate and the Clerk of the House of Delegates will not be submitted to either house for processing or consideration by the Legislature.

When the Legislature is not sitting in regular session, upon receipt of an application, petition or related document from a county commission by the Clerk of the Senate and the Clerk of the House of Delegates, it shall be processed as a regular order of business at the next regular session following receipt of the application, petition or related document.

An application or petition to reform, alter or modify a county commission filed with the Legislature on or after the tenth day of a regular legislative session may not be processed or considered by the Legislature until the next regular legislative session.

An application or petition to reform, alter or modify a county commission filed with the Legislature is only valid for the session in which it was processed and such application or petition not acted upon during that session is null and void.

If an application or petition to reform, alter or modify a county commission filed with the Legislature is determined by the Legislature to have an unconstitutional provision, then the Legislature may: (a) Request that the application or petition be corrected and resubmitted; or (b) make changes necessary to meet the constitutional objection. A corrected application or petition may be processed by the Legislature if there is sufficient time remaining in the session for full consideration. If any request by the Legislature to correct an application or petition prevents full consideration of that application or petition during the session in which it would have been considered, the Senate and the House of Delegates may process the corrected application or petition at the next regular session.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senators Blair (Mr. President), Tarr, and Woelfel offered the following resolution:

**Senate Concurrent Resolution 2**—Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-sixth Legislature.

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



The question being on the adoption of the resolution, the same was put and prevailed.

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

The following bills and joint resolutions were introduced and read by their titles:

**By Senator Takubo:**

**Senate Bill 1**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to requiring the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition; addressing eligibility requirements; requiring the commission to promulgate a rule; requiring each award recipient to enter into an agreement which requires repayment of the amount of the grants awarded if the recipient chooses to reside outside the state within the number of years immediately after obtaining the degree or certificate that is equivalent to the number of years the scholarship was received; requiring that the annual award be used to supplement, but not supplant, certain other tuition and fee waivers for which an individual is eligible; clarifying that section does not guarantee a PROMISE Plus scholarship award or any specific amount of a PROMISE Plus scholarship award to any student or that the qualification requirements for PROMISE Plus scholarship will not be changed before the student is eligible; providing that the total cost of all PROMISE Plus scholarships in any year cannot exceed the amount of funds available; creating a special revenue fund in the State Treasury designated as the PROMISE Plus Scholarship Fund; and giving the commission all the same powers and duties with respect to the PROMISE Plus Program as the commission has with respect to the PROMISE Scholarship Program.

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

**By Senator Maynard:**

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

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 3**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 4**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; providing for activities to be performed by volunteer groups; requiring volunteer project agreements with the division; requiring certain requirements in agreements; establishing minimum requirements for

volunteer organizations; establishing certain limitations on activities performed by volunteer groups; and providing for project coordination and removal and disposal of trash and other items.

Referred to the Committee on Outdoor Recreation; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 5**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2Q-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

Referred to the Committee on Health and Human Resources.

**By Senator Grady:**

**Senate Bill 6**—A Bill amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to protecting landowners who allow others to access cemeteries from their private property or roadway; and ensuring that those persons who damage private property are solely responsible for any costs of repair associated therein.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 7**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to returning the refundable exemption for road construction contractors to the State Road Fund; transferring revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; and specifying the effective date.

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

**By Senator Woelfel:**

**Senate Bill 8**—A Bill to amend and reenact §37-6-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §37-6A-1 and §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating generally to clarifying that tenancy includes persons who reside in a sober living home; providing a definition for a "sober living home"; and providing that reasonable attorney's fees shall be awarded for a landlord's willful or bad-faith noncompliance relating to rental security deposits when the tenant resides in a sober living home.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 9**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8e, relating to the West Virginia Monument and Memorial Protection Act of 2023; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, named, or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office;

and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on Government Organization.

**By Senator Phillips:**

**Senate Bill 10**—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to regulation or restriction of the carrying of a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon; authorizing regulation or restriction on the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

**By Senator Grady:**

**Senate Bill 11**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, §35-1A-2, and §35-1A-3, all relating to forbidding excessive government limitations on exercise on religion; providing definitions; forbidding government to treat religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government to treat religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability, construction, and severability.

Referred to the Committee on the Judiciary.

**By Senator Karnes:**

**Senate Bill 12**—A Bill to amend and reenact §11-13DD-3 of the Code of West Virginia, 1931, as amended, relating to the Farm-to-Food Bank Tax Credit; raising the limit on the tax credit from \$2,500 to \$5,000; and providing that the credit apply retroactively to January 1, 2023.

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

**By Senator Smith:**

**Senate Bill 13**—A Bill to amend and reenact §22-6-2 and §22-6-29 of the Code of West Virginia, 1931, as amended, all relating to the Office of Oil and Gas of the Department of Environmental Protection; establishing annual oversight fee for wells producing more than 10,000 cubic feet of gas per day; and providing that those fees, if not used for other purposes, may be moved to the Oil and Gas Reclamation Fund.

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

**By Senator Smith:**

**Senate Bill 14**—A Bill to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to dedication of collections or proceeds of sales tax from the sale of parts, tires, and repair and maintenance services for motor vehicles to State Road Fund.

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

**By Senator Smith:**

**Senate Bill 15**—A Bill to amend and reenact §11-13A-5a of the Code of West Virginia, 1931, as amended, relating to the apportionment of oil and gas severance taxes; and relating to funding the West Virginia Department of Environmental Protection's Office of Oil and Gas adequately and meaningfully.

Referred to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 16**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution, or other legal requirements; regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies, or local regulations; and providing for exceptions and applicability.

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

**By Senator Woodrum:**

**Senate Bill 17**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to extending until July 1, 2024, the current cap on the per diem rate paid by counties and municipalities to house inmates in jail facilities.

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

**By Senator Woodrum:**

**Senate Bill 18**—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of a deputy sheriff's annual monetary payment for years of service.

Referred to the Committee on Government Organization.

**By Senator Woodrum:**

**Senate Bill 19**—A Bill to amend and reenact §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-19, and §30-39-21 of the Code of West Virginia, 1931, as amended, all relating to adopting the Revised Uniform Athlete Agents Act of 2015; modifying short title; defining terms; granting legislative rule-making authority to the Secretary of State; establishing seven-day limit on athlete agent to register; requiring additional information from applicant in registration process; eliminating language-making applications or renewals for athlete

agent registration public records; providing for reciprocal registration; updating required contents of reciprocal registration application; requiring Secretary of State issue reciprocal license if certain criteria satisfied; requiring Secretary of State cooperate with certain national organizations; allowing the Secretary of State to consider whether the athlete agent has pled guilty or no contest to a crime of moral turpitude in decision to issue registration; providing requirements for reciprocal renewals of registration; providing Secretary of State authority to suspend or revoke registration for same reasons as would justify refusal to issue certificate of registration; permitting applicant to appeal adverse decision of Secretary of State; authorizing Secretary of State promulgate procedural rules to implement appeal procedures; increasing fees for initial license and renewal; adding required contract terms; requiring certain notices by athlete agent to educational institutions; requiring educational institution notify Secretary of State and others if it becomes aware of violation of article by athlete agent; allowing parent and guardian of student athlete ability to cancel contract; requiring athlete agent to create certain records; expanding scope of what constitutes prohibited conduct under the act; expanding scope of who might engage in prohibited conduct under the act; expanding scope of who can be charged with a criminal violation of the act; enabling student athletes to bring civil action for act or omission of athlete agent; expanding scope of damages that may be available in civil action; making a civil violation an unfair trade practice under West Virginia law; establishing relation to the Electronic Signatures in Global and National Commerce Act; and modifying effective date.

Referred to the Committee on the Judiciary.

**By Senator Woodrum:**

**Senate Bill 20**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1 and §7-28-2; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of county sales and use taxes; setting forth legislative intent; providing counties with authority to impose a county sales and use tax of up to one percent under certain circumstances; clarifying that a county sales and use tax does not apply to incorporated areas of the county; requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of the tax.

Referred to the Committee on Government Organization.

**By Senator Swope:**

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

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

**By Senator Swope:**

**Senate Bill 22**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5J-1, §21-5J-2, §21-5J-3, and §21-5J-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; prohibiting political subdivisions from adopting, enforcing, or administering certain local requirements; clarifying effect on prior written agreements; providing that any prohibited local requirement in effect prior to the effective date is void; clarifying effect on lawfully enacted zoning ordinances; clarifying that article does not apply to municipal solid waste or recycling collection programs; clarifying that article does not apply to employees of a political subdivision; clarifying effect on the West Virginia Alcohol and Drug-Free Workplace Act and certain similar requirements; and clarifying that any provision of article that jeopardizes receipt of federal funding to political subdivision is deemed inoperative.

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

**By Senator Smith:**

**Senate Bill 23**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2R-1, §16-2R-2, §16-2R-3, §16-2R-4, §16-2R-5, §16-2R-6, §16-2R-7, §16-2R-8, §16-2R-9, §16-2R-10, and §16-2R-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

**By Senator Smith:**

**Senate Bill 24**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for out-patient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

**By Senator Smith:**

**Senate Bill 25**—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to requiring disclaimers on third party, nongovernment solicitations of services for filing business annual reports with the Secretary of State; and creating criminal and civil penalties.

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

**By Senator Phillips:**

**Senate Bill 26**—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to requiring the West Virginia State Police to provide medical and hospital coverage for an illness or injury received by a member while performing services in the line of duty.

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

**By Senator Smith:**

**Senate Bill 27**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5I, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

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

**By Senator Smith:**

**Senate Bill 28**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-25; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers to purchase nonferrous metals; providing for permit requirements for fixed and nonfixed sites; providing that the Superintendent of the West Virginia State Police shall develop applications and permits; providing for a permit fee for secondary metals recyclers; providing that a secondary metals recycler permit to purchase nonferrous metals is valid for two years; providing for a permit for persons or entities to sell or transport nonferrous metals over the highways; providing a fee for a replacement permit for a lost or destroyed original permit; providing for record retention criteria; providing that a seller or transportation permit is valid for two years; providing for denial, revocation, or suspension of a permit for violations of law and for penalties; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers shall retain records of all purchases of nonferrous metals; providing for record retention of at least one year; providing for a limit for secondary metals recyclers purchasing nonferrous metals through cash transactions; providing for signage to be displayed; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for holds placed on stolen nonferrous metals; providing for law enforcement to issue written notice to a secondary metals recycler relating to stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing that law enforcement provide written notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state without a valid permit and

penalties for violating transportation requirements; providing for revocation of a transportation permit; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for revocation of a permit upon conviction for illegally obtaining nonferrous metals; providing immunity from civil liability to the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally, or for any injury caused by dangerous conditions to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

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

**By Senator Smith:**

**Senate Bill 29**—A Bill to amend and reenact §8-15-8b of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4C-24 of said code, all relating to volunteer fire departments and emergency medical services units; and providing that any increased costs or expenditures to volunteer fire departments that result from the implementation of a state legislative rule shall be funded respectively by the State Fire Commission and the Commissioner of the Bureau for Public Health.

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

**By Senator Smith:**

**Senate Bill 30**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-10-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

**By Senator Swope:**

**Senate Bill 31**—A Bill to amend and reenact §31-15A-10 and §31-15A-17c of the Code of West Virginia, 1931, as amended, all relating to permissible expenditures by the Water Development Authority from the Infrastructure Fund; permitting grants to a project sponsor with less than 1,500 customers of up to 100 percent of the total cost of the project; and allowing the authority to grant infrastructure grant money from the Critical Needs and Failing Systems Sub Account to certain projects for the upgrading of a water facility or wastewater facility to reduce maintenance costs, operations costs, or waterline leakages.



Referred to the Committee on Finance.

**By Senator Karnes:**

**Senate Bill 32**—A Bill to amend and reenact §16-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the rights of a parent or legal guardian in declining specific required medication administered to a child at birth; permitting parents or legal guardians of newborn children to refuse certain medication that has been mandated for newborns; requiring that parents and legal guardians be made aware of the dangers of not receiving the otherwise required medication; providing for notation in medical records; providing for limitation of liability; prohibiting a refusal by the parents or legal guardian from being admissible in certain legal actions or investigations of those parents or legal guardians; and prohibiting discipline or penalties to certain health care professionals when a parent or legal guardian has refused or declined the otherwise mandated medication.

Referred to the Committee on Health and Human Resources.

**By Senator Karnes:**

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

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

**By Senator Karnes:**

**Senate Bill 34**—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an 80 miles per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for portions of those highways passing through city limits.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Karnes:**

**Senate Bill 35**—A Bill to amend and reenact §22-1-6 of the Code of West Virginia, 1931, as amended, relating to limiting employees of the Department of Environmental Protection from entering private lands for environmental protection purposes to only when there is probable cause to believe a violation exists on the property, a warrant has been obtained for the entry, or the express permission of the property owner has been granted.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 36**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-26, relating to authorizing a child or child care tax credit.

Referred to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 37**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a; to amend and reenact §15-2-5 of said code; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to pay raises; granting all public employees a 10 percent per year permanent pay increase; requiring that the pay increase be averaged over all public employees; granting a 10 percent pay increase to members of the West Virginia State Police; granting a 10 percent pay increase to public school teachers; granting a 10 percent pay increase to school service personnel; and providing for effective dates.

Referred to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 38**—A Bill to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to voting rights of formerly incarcerated individuals; and restoring suffrage for a person incarcerated for a felony conviction upon release.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 39**—A Bill to amend and reenact §11-4-3 of the Code of West Virginia, 1931, as amended, relating to assessment of real property; providing that real property occupied by an immediate family member or former spouse of the owner exclusively for residential purposes be included in class two for assessment and taxation purposes; and further defining "immediate family member".

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

**By Senator Weld:**

**Senate Bill 40**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-65, relating to waivers of fees for emergency responders disabled in the line of duty for hunting, trapping, and fishing licenses; establishing procedures and requirements for requesting the waiver; and permitting the promulgation of rules by the Division of Natural Resources.

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

**By Senator Clements:**

**Senate Bill 41**—A Bill to amend and reenact §18-9A-2 of the Code of West Virginia, 1931, as amended, relating to the school aid formula; and establishing a minimum net enrollment of 1,200 students for each county.

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

**By Senator Clements:**

**Senate Bill 42**—A Bill to amend and reenact §54-2-12, §54-2-13, §54-2-14, §54-2-14a, §54-2-15, §54-2-16, §54-2-18, and §54-2-21 of the Code of West Virginia, 1931, as amended, all relating to adjusting the interest rate to be paid in condemnation cases; changing the rate of interest from a fixed percentage to a floating rate tied to a federal discount rate; and updating language to meet modern legislative drafting standards.

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

**By Senator Clements:**

**Senate Bill 43**—A Bill to amend and reenact §17-3-2 of the Code of West Virginia, 1931, as amended, relating to the use of the State Road Fund for state road purposes.

Referred to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 44**—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to requiring certain municipalities to pay for the incarceration of inmates arrested by the municipality's police.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 45**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7h; to amend said code by adding thereto a new section, designated §9-5-29; to amend said code by adding thereto a new section, designated §33-15-4x; to amend said code by adding thereto a new section, designated §33-16-3ii; to amend said code by adding thereto a new section, designated §33-24-7x; to amend said code by adding thereto a new section, designated §33-25-8u; and to amend said code by adding thereto a new section, designated §33-25A-8x, all relating to requiring coverage for certain conditions; requiring coverage treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; requiring coverage for treatment of pediatric acute onset neuropsychiatric syndrome; requiring a prior authorization to be obtained; and requiring that a physician demonstrate that all other treatments have been exhausted.

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

**By Senator Rucker:**

**Senate Bill 46**—A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended, relating to allowing the West Virginia Professional Charter School Board to vote for its executive director and any other employees to participate in the Teachers' Retirement System; and making participation retroactive to the effective date of the employment of the board's first employee if the board votes to participate on or before September 1, 2023.

Referred to the Committee on Pensions.

**By Senator Rucker:**

**Senate Bill 47**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5G-17, relating to creating the Charter Schools Stimulus Fund to provide financial support to charter school applicants and charter schools that may not otherwise have the resources for start-up costs and costs associated with renovating or remodeling existing buildings and structures; requiring State Board of Education rules; specifying requirements the rules are to include; requiring the West Virginia Professional Charter School Board to distribute moneys from the fund to qualifying charter school applicants and charter schools; specifying the manner of distribution; and requiring reimbursement of grant amount plus interest if the recipient has not begun operating a charter school within the next 18 months.

Referred to the Committee on School Choice; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 48**—A Bill to amend and reenact §18A-4-2b of the Code of West Virginia, 1931, as amended, relating to making school psychologists holding a license in school psychology from the West Virginia Board of Examiners of Psychologists eligible for the same annual salary supplement and expense reimbursements that school psychologists who attain national professional certification by the National Association of School Psychologists are eligible for; and removing obsolete language.

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

**By Senator Hamilton:**

**Senate Bill 49**—A Bill to amend and reenact §60A-4-401, §60A-4-407, and §60A-4-407a of the Code of West Virginia, 1931, as amended, all relating to establishing the criminal offense of using or being under the influence of a controlled substance unless obtained directly from, or pursuant to, a valid prescription or order of a practitioner; providing criminal penalties for violation; providing for conditional discharge of offense for first violation; and providing additional conditions for authorizing additional requirements to obtain a final order of discharge and dismissal.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 50**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 51**—A Bill to amend and reenact §18-5-13a of the Code of West Virginia, 1931, as amended, relating to requiring an impact statement in certain instances of a school closing or consolidation; requiring State Board of Education rule detailing information that a county board is required to include as part of its impact statement; and setting forth minimum requirements for the rule.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 52**—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 53**—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining DNA; updating definitions; adding language to further define and include qualified arrestees in the state DNA database; requiring testing of qualified arrestees on intake; requiring a DNA sample from individuals convicted of a felony on or after March 9, 1995; specifying testing

methods; authorizing emergency and legislative rules; specifying expungement for qualified arrestees in certain circumstances; and providing failure to expunge or reasonable delay in expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match.

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

**By Senator Karnes:**

**Senate Bill 54**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-14, relating to permitting members of public retirement plans to cash out of their plans by opting to receive, in lieu of regular benefit payments, the total cash value of those benefits.

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

**By Senator Karnes:**

**Senate Bill 55**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies, and severability.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 56**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-15a, relating to setting forth legislative findings and declarations; defining "area of critical need and shortage for substitute bus operators"; setting forth conditions under which a person receiving certain retirement benefits, or who is entitled to retirement benefits during the fiscal year in which that person retired, can accept employment as a critical need substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled; requiring loss of certain retirement benefits for any person who retires and begins work as a critical need substitute bus operator within the same fiscal year; providing that retired bus operators employed to perform expanded substitute service are considered day-to-day, temporary, part-time employees who are not eligible for benefits paid to regularly employed employees and may not accrue seniority; requiring county board to continue to post the vacant position and to post electronically when a retired bus operator is employed as critical need substitute; and providing expiration date for section.

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

**By Senator Hamilton:**

**Senate Bill 57**—A Bill to amend and reenact §3-8-2b of the Code of West Virginia, 1931, as amended, relating to requiring a political action committee to disclose the names and addresses of its contributors to the Secretary of State.

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

**By Senator Hamilton:**

**Senate Bill 58**—A Bill to amend and reenact §48-8-103 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-14-107 of said code; to amend and reenact §48-18-105, §48-18-117, §48-18-118, §48-18-118a, §48-18-121, §48-18-124, §48-18-201, §48-18-202, §48-18-203, §48-18-204, §48-18-205, and §48-18-206 of said code; and to amend and reenact §61-5-29 of said code, all relating to spousal support enforcement; providing that parties may apply to Bureau for Child Support Enforcement to collect spousal support payments; requiring the court to direct that spousal support payments be directly paid to the Bureau for Child Support Enforcement upon application of party; authorizing the Bureau for Child Support Enforcement to collect spousal support from federal and state taxes; authorizing Bureau for Child Support Enforcement to obtain information from financial institution regarding spousal support obligations; allowing Bureau for Child Support Enforcement to assist parties in obtaining spousal support; allowing Bureau for Child Support Enforcement to bring action before the court to obtain modification to support order; providing process within family court for the presentation of a proposal to modify spousal support; and creating criminal penalties for the failure to pay spousal support.

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

**By Senator Takubo:**

**Senate Bill 59**—A Bill to amend and reenact §21A-6-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-1d, all relating to eligibility for unemployment benefits; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting Commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; and setting effective date.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 60**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-71c, relating to tax on income of nonresidents for natural resources royalty payments received from lessees; providing legislative findings; defining terms; providing for withholding of estimated tax liabilities from natural resources royalty payments for nonresidents by lessees; providing exceptions to the tax withholding requirements under certain circumstances; providing that withheld amounts be paid by lessees to the Tax Commissioner on behalf of the nonresidents; providing for refunds to nonresidents for overpayment; requiring annual withholding statements, reconciliation, and filing requirements; requiring electronic filing under specified circumstances; providing for criminal and civil penalties in certain circumstances for noncompliance; providing for rulemaking; and providing an effective date.

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

**By Senator Nelson:**

**Senate Bill 61**—A Bill to amend and reenact §11-21-8 of the Code of West Virginia, 1931, as amended, relating to providing new graduates of an in-state or out-of-state higher educational institution, community or technical college, or trade school a \$1,000 tax credit on the personal property tax of the graduate for five taxable years; providing rule-making authority to the Tax Commissioner; and removing expired language.

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

**By Senator Nelson:**

**Senate Bill 62**—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code; to amend and reenact §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-7, and §29-22C-8 of said code; and to amend and reenact §29-22D-15 of said code, all relating to allowing for the establishment of a secondary location for pari-mutual wagering on simulcast races, racetrack video lottery terminals, sport wagering kiosks, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack; providing that the original venue must remain in operation; providing that the original venue continue to offer amenities, accommodations, options and services at the same level; providing for a local option election; defining terms; providing Lottery Commission authority to regulate secondary locations; providing for rulemaking; and providing for licensing of secondary locations.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 63**—A Bill to amend and reenact §21-5D-2 and §21-5D-4 of the Code of West Virginia, 1931, as amended, all relating to paid or unpaid family leave time; granting a total of 12 weeks under the Parental Leave Act based on at least 12 consecutive months of performing services for remuneration within this state for any department, division, board, bureau, agency, commission, or other unit of state government, or any county board of education; and specifying conditions for which the leave time is granted.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 64**—A Bill to amend and reenact §5-10-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §5-10-25a, §5-10-25b, §5-10-25c, and §5-10-25d, all relating to updating definitions of the West Virginia Public Employees Retirement Act; providing benefits for law enforcement, public safety, and rescue personnel for total disability and death resulting from their covered employment; providing awards and benefits to surviving spouses of law enforcement, public safety, and rescue personnel when a member dies in performance of duty; providing for additional death benefits and scholarships; clarifying dependent children of law enforcement, public safety, and rescue personnel; and providing for burial benefits for law enforcement, public safety, and rescue personnel.

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

**By Senator Nelson:**

**Senate Bill 65**—A Bill to amend and reenact §8-15-1 of the Code of West Virginia, 1931, as amended, relating to municipal fire departments; and granting municipal fire marshal the authority to assist in the lawful execution of another law-enforcement officer's official duties.

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

**By Senator Nelson:**

**Senate Bill 66**—A Bill to amend and reenact §3-8-1a of the Code of West Virginia, 1931, as amended, relating to regulation and control of elections; and updating the definition of "electioneering communication" to be consistent with the Federal Election Commission.

Referred to the Committee on Government Organization.

**By Senator Smith:**

**Senate Bill 67**—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

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

**By Senator Smith:**

**Senate Bill 68**—A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to use of force, including deadly force, in defense of self, real, and personal property; providing immunity from civil and/or criminal prosecution against persons lawfully using force in defensive actions; when there is no duty to retreat; and providing for the receipt of court costs, fees, and expenses for persons acting to protect self, real, and personal property, another person, or in other defined situations.

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

**By Senator Phillips:**

**Senate Bill 69**—A Bill to amend and reenact §61-2-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; to repeal §61-11-2 of said code; to repeal §62-3-15 of said code; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a, all relating to the Patrolman Cassie Marie Johnson Memorial Act and the death penalty for first degree murder; providing for procedures, standards, and findings applicable to imposition thereof in certain instances, including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid (DNA) testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transferring of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body.

Referred to the Committee on the Judiciary.

**By Senator Phillips:**

**Senate Bill 70**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to permitting special registration plates for certain persons with medical



conditions that may cause erratic behavior; and requiring medical certification that person may operate motor vehicle if properly following dietary restrictions and medical prescriptions.

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

**By Senator Weld:**

**Senate Bill 71**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §37-16-1, §37-16-2, §37-16-3, §37-16-4, §37-16-5, §37-16-6, §37-16-7, §37-16-8, and §37-16-9, all relating to real property conveyed by land installment agreement; providing definitions; laying out land installment contract requirements; providing for vendor requirements; providing for the condition of forfeiture, notice of default, and right to cure; defining the effect of vendor's default on lien on property; spelling out contrary provisions; defining interest; providing for remedies; and clarifying the Truth in Lending Act.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 72**—A Bill to amend and reenact §61-8B-1 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of "sexual contact"; and removing the element of the parties not being married to each other from the definition.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 73**—A Bill to amend and reenact §5-16-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-46-18 of said code, all relating to removing the Public Employees Insurance Agency's exemption from the provisions of chapters 5 and 33 of the Code of West Virginia.

Referred to the Committee on Banking and Insurance.

**By Senator Weld:**

**Senate Bill 74**—A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 75**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing, and trapping licenses and permits; providing that fees for hunting, trapping, and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

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

**By Senator Weld:**

**Senate Bill 76**—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since January 1, 1999, or before in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

Referred to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 77**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to updating language regarding special license plates for Fairmont State University.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Weld:**

**Senate Bill 78**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; creating the felony offense of malicious killing, torture, or mutilation of an animal; providing criminal penalties for these offenses; modifying the elements of the existing offense of cruelty to animals; and defining a term.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 79**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to compensable diseases of certain firefighters covered by workers' compensation; establishing rebuttable presumption of injury arising out of and in the course of employment for certain covered firefighters that develop bladder cancer, mesothelioma, and testicular cancer; and providing that the rebuttable presumption expires on July 1, 2026, unless extended by the Legislature.

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

**By Senator Grady:**

**Senate Bill 80**—A Bill to amend and reenact §33-2-5 of the Code of West Virginia, 1931, as amended, relating to modifying the witness fee rate paid by the State of West Virginia to match the U.S. Federal Court system.

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

**By Senator Grady:**

**Senate Bill 81**—A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to allowing a person who first becomes a member of the Teachers Retirement System on or after July 1, 2015, to apply his or her accrued annual and sick leave, on the basis of one day's retirement service credit for each one day of accrued annual and sick leave, toward an increase in his or her retirement benefits with those days constituting additional credited service in computation of the benefits under the Teachers Retirement System.

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

**By Senator Takubo:**

**Senate Bill 82**—A Bill to amend and reenact §21A-2D-1, §21A-2D-2, and §21A-2D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §21A-2D-2a; to amend said code by adding thereto a new article, designated §21A-3-1, §21A-3-2, and §21A-3-3; and to amend and reenact §21A-6-10 of said code, all relating to unemployment benefits program; adding definition of "state average unemployment rate" and making technical changes to definitions; increasing requirements to verify claim program integrity; providing for automatic eligibility review in certain circumstances; redesignating code sections; establishing formula to correlate duration of benefits to unemployment rate; providing for rulemaking; setting effective date; and reducing period of maximum duration of benefits.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 83**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 84**—A Bill to amend and reenact §11-17-2, §11-17-3, and §11-17-7 of the Code of West Virginia, 1931, as amended; and to repeal §11-17-4a, §11-17-4b, and §11-17-9 of said code, all relating to the Tobacco Products Excise Tax Act; repealing discounts on tax stamps; adding definition of "electronic smoking device"; increasing taxes on tobacco products; and providing that 10 percent of the revenue collected be dedicated to the West Virginia Division of Tobacco Prevention.

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

**By Senator Takubo:**

**Senate Bill 85**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, and §11-13MM-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount of tax credit allowed per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

**By Senator Takubo:**

**Senate Bill 86**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to

an emergency call; providing those physicians must still exercise due care for safety; and providing for rulemaking.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Phillips:**

**Senate Bill 87**—A Bill to amend and reenact §5-16-5a of the Code of West Virginia, 1931, as amended, relating to restoring major health care benefits to certain public employees who retired and then returned to employment.

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

**By Senator Woelfel:**

**Senate Bill 88**—A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, all relating to permitting medical marijuana to be prescribed in edible form; removing the restrictions that prevent medical marijuana from being prescribed in edible form; and providing restrictions related to the shape of the edible product.

Referred to the Committee on Health and Human Resources.

**By Senator Woelfel:**

**Senate Bill 89**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9D-1, relating to sexual assault forensic examination kits; and requiring hospitals to staff qualified health care providers to conduct sexual assault forensic examinations and to collect sexual assault forensic examination kits.

Referred to the Committee on Health and Human Resources.

**By Senator Woelfel:**

**Senate Bill 90**—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to amending the penalty of simple possession of marijuana from a misdemeanor crime to a civil violation; and amending the penalties from those of a misdemeanor crime to a civil violation.

Referred to the Committee on the Judiciary.

**By Senator Phillips:**

**Senate Bill 91**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-11-11a; and to amend and reenact §33-3-33 of said code, all relating to fire department recruitment and retention; creating the Fire Service Recruitment and Retention Fund; establishing that the purpose of the fund is to provide grants for recruitment and retention purposes; requiring the State Fire Commission to create a grant program; establishing considerations for awarding grants; providing for rulemaking; requiring the State Fire Commission verify eligibility for volunteer fire departments with the Legislative Auditor; raising policy surcharge to one percent; and allocating disbursements to various funds.

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

**By Senator Phillips:**

**Senate Bill 92**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of

abusive lawsuits; and providing that a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact.

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

**By Senator Azinger:**

**Senate Bill 93**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to the teaching of divisive acts and critical race theory in West Virginia schools; providing definitions; prohibiting public schools and charter schools from teaching or training students to believe certain divisive concepts; allowing a teacher to be dismissed or not re-employed for teaching or training students to believe certain divisive concepts; providing certain construction; providing for promulgation of rules; providing for codification; and providing an effective date.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 94**—A Bill to amend and reenact §11-16-6d and §11-16-6f of the Code of West Virginia, 1931, as amended, all relating to removing limitations on nonintoxicating craft beer delivery licenses.

Referred to the Committee on the Judiciary.

**By Senator Nelson:**

**Senate Bill 95**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5, §31-15D-6, and §31-15D-7; and to amend said code by adding thereto a new section, designated §33-3-14f, all relating to establishing a West Virginia business growth in low-income communities tax credit; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting.

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

**By Senator Azinger:**

**Senate Bill 96**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to timber ownership interests; creating the Timber Co-tenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting co-tenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund, to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful

use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties, including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; providing for rule-making authority; providing crediting of interest to owner's accounts; and providing an effective date of July 1, 2023.

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

**By Senator Nelson:**

**Senate Bill 97**—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to a change in the contribution levels of every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system, on or after July 1, 2014, to no less than three percent and no more than 10 percent of the participant's annual compensation.

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

**By Senator Nelson:**

**Senate Bill 98**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80; and to amend said code by adding thereto a new section, designated §11-24-26, all relating to exempting capital gains from personal and corporate taxation.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 99**—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 among county boards of education; and establishing procedures for potential consolidation of school districts.

Referred to the Committee on Education.

**By Senator Nelson:**

**Senate Bill 100**—A Bill to amend and reenact §16-5V-6 of the Code of West Virginia, 1931, as amended, relating to the inclusion of newly hired 911 personnel as members of the Emergency Medical Services Retirement System.

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

**By Senator Nelson:**

**Senate Bill 101**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exemptions from personal income tax; providing for an exemption for members of certain uniformed services; exempting Social Security benefits from personal income tax; clarifying that tier one railroad retirement benefits are not subject to personal income tax; specifying an effective date; and removing obsolete language.

Referred to the Committee on Finance.

**By Senator Takubo:**

**Senate Bill 102**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products

in a motor vehicle while an individual 16 years of age or younger is present; defining terms; making the violation a secondary misdemeanor offense; and providing a penalty.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 103**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-4b, relating to providing a definition of "drag shows"; prohibiting funding from governmental entities for drag shows; prohibiting minors from being involved in or attending drag shows; and providing for penalties associated with violations of these provisions.

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

**By Senator Phillips:**

**Senate Bill 104**—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to denying institutions of higher education the authority to restrict or regulate the carrying of a concealed deadly weapon by a person who holds a current license to carry a concealed deadly weapon; providing exceptions as to when regulation may occur; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 105**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3uu, relating to allowing county commissions to impose an amusement tax.

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

**By Senator Smith:**

**Senate Bill 106**—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5l, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

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

**By Senator Smith:**

**Senate Bill 107**—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

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

**By Senator Smith:**

**Senate Bill 108**—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an account and provided to them at the successful completion of the six-month period.

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

**By Senator Smith:**

**Senate Bill 109**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, and §22-10A-8, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing a short title; providing for legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug transferred wells; providing for different methods for operators to provide plugging assurance of wells, including for wells not producing in paying quantities; providing administrative and management responsibilities for the Chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; and providing for rule-making authority.

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

**By Senator Smith:**

**Senate Bill 110**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the Commissioner of the Division of Highways to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of program; requiring Division of Highways' county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; providing requirements for the Commissioner of the Division of Highways and districts; requiring rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

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

**By Senator Smith:**

**Senate Bill 111**—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed as real property.

Referred to the Committee on Finance.



**By Senator Karnes:**

**Senate Bill 112**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-16, relating generally to financial institutions engaged in boycotts of firearms companies; defining terms; authorizing the Treasurer to prepare, maintain, and publish a list of financial institutions engaged in boycotts of firearms companies; requiring the Treasurer to post the list on his or her website and submit the list to certain public officials; setting forth sources of information on which the Treasurer may rely on preparing the list; requiring the Treasurer to send written notice to a financial institution of its inclusion on the list; requiring the Treasurer to remove a financial institution from the list if it presents information demonstrating that it is not engaged in a boycott of firearms companies; authorizing the Treasurer to exclude financial institutions on the list from the selection process for state banking contracts; authorizing the Treasurer to refuse to enter into a banking contract with a financial institution on the list; authorizing the Treasurer to require, as a term of a banking contract, an agreement by the financial institution not to engage in a boycott of firearms companies; and limiting liability of public officials, public employees, members or employees of financial institutions for actions taken in compliance with the new code section and exempting the Investment Management Board.

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

**By Senator Karnes:**

**Senate Bill 113**—A Bill to amend and reenact §18-7A-17 of the Code of West Virginia, 1931, as amended, relating to providing that members of the State Teachers Retirement System shall be considered absent from service as a teacher or nonteacher while serving as an officer with a statewide professional teaching association, or who have served in that capacity; and providing that retirants, who served in that capacity while members, shall be considered to have been absent from service as a teacher by reason of that service.

Referred to the Committee on Pensions.

**By Senator Karnes:**

**Senate Bill 114**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16I-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2024; and providing an exception to the prohibition when a mother's life is in danger.

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

**By Senator Karnes:**

**Senate Bill 115**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4, and §3-11A-5, all relating to providing procedure for West Virginia to select delegates to an Article V convention for proposing amendments to the Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of any delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of a delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

**By Senator Karnes:**

**Senate Bill 116**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12b, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by providers; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

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

**By Senator Karnes:**

**Senate Bill 117**—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

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

**By Senator Karnes:**

**Senate Bill 118**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of the Division of Highways; providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held no more frequently than once a year at locations other than where the event will be held; establishing the Temporary Sign Placement License Program; and requiring rulemaking.

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

**By Senator Rucker:**

**Senate Bill 119**—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

**By Senator Azinger:**

**Senate Bill 120**—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; 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.

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

**By Senator Azinger:**

**Senate Bill 121**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-21-1, §18B-21-2, §18B-21-3, and §18B-21-4, all relating to the creation of the Student Journalist Press Freedom Protection Act; making legislative findings; defining terms; requiring that public colleges and universities allow for the free expression of student journalists in school sponsored media; providing a framework and parameters for free expression; allowing for civil actions in the event that a student journalist's rights are violated; specifying the judicial relief available in an appeal; and clarifying that provisions of the article do not apply to students and private colleges or universities.

Referred to the Committee on Education.

**By Senator Martin:**

**Senate Bill 122**—A Bill to amend and reenact §24-3-2 of the Code of West Virginia, 1931, as amended, relating to preventing public water and sewer utilities from prohibiting a customer from constructing, installing, or maintaining a connection or other infrastructure necessary for the customer to connect to the public utility to receive service if certain requirements are met; and specifying requirements and involvement of the Public Service Commission.

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

**By Senators Hamilton, Deeds, and Stuart:**

**Senate Bill 123**—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to creating enhanced second and third offense penalties for fleeing from an officer on foot or in a vehicle.

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

**By Senator Woelfel:**

**Senate Bill 124**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, relating to authorizing a child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention.

Referred to the Committee on Education.

**By Senators Rucker, Azinger, Chapman, Deeds, Maynard, Roberts, and Smith:**

**Senate Bill 125**—A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to disclosure of information relating to applicants for, or holders of, licenses and provisional licenses to carry a concealed deadly weapon; providing that information about applicants and licensees is personal, protected information; restricting access to correct or update information in the concealed carry license system to sheriffs; providing that other law-enforcement officers or authorities may only access the information in this system for a single-entry query of a subject of interest in an active criminal investigation or a subject arrested for a crime; and removing provisions for the State Police to maintain a registry of persons who have been issued a license to carry a concealed deadly weapon.

Referred to the Committee on the Judiciary.

**By Senators Trump, Deeds, Oliverio, Azinger, Stuart, Clements, Barrett, Phillips, Roberts, Swope, Grady, Tarr, Boley, Smith, Maynard, Rucker, and Taylor:**

**Senate Bill 126**—A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 and §5F-2-2 of said code; to amend and reenact §6-7-2a of said code; to repeal §9-1-1 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-1 of said code; to repeal §9-2-1a of said code; to amend and reenact §9-2-2, §9-2-5, and §9-2-6, of said code; to repeal §9-2-9 of said code; to amend and reenact §9-2-13 of said code; to amend said code by adding thereto a new section designated, §9-2-14; to amend and reenact §16-1-2, §16-1-3, §16-1-4, and §16-1-6; to amend said code by adding thereto a new section designated, §16-1-22; to amend and reenact §26-1-1, §26-1-2, and §26-1-3; to amend said code by adding thereto a new section, designated §26-1-4; to repeal §26-3-1, §26-3-2, §26-3-3, §26-3-4, and §26-3-5 of said code; to repeal §26-5-1 of said code; to repeal §26-5A-5a of said code; to repeal §26-8-1, §26-8-2, and §26-8-3 of said code; to repeal §26-9-1 and §26-9-2 of said code; to repeal §26-10-1 of said code; to repeal §26-11-1, §26-11-2, §26-11-3, and §26-11-4 of said code; to repeal to amend and reenact §48-18-101 of said code; and to amend and reenact §49-1-106 of said code; all relating to reorganizing the Department of Health and Human Resources.

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

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

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

The nays were: Caputo—1.

Absent: Rucker—1.

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

Engrossed Senate Bill 126 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 126 pass?"

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

The nays were: Caputo—1.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 126) passed with its title.

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

**By Senators Weld, Maroney, Nelson, Takubo, Oliverio, Azinger, Clements, Barrett, Roberts, Woodrum, Queen, Swope, Hamilton, Boley, Smith, Plymale, Woelfel, and Caputo:**

**Senate Bill 127**—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.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

The bill (S. B. 127) was read a second time.

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

On page 2, section 30, line 1, by striking out "2024" and inserting in lieu thereof "2023";

On page 2, section 30, line 5, by striking out "2024" and inserting in lieu thereof "2023";

And,

On page 2, section 30, line 13, by striking out "2024" and inserting in lieu thereof "2023".

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

Engrossed Senate Bill 127 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 127 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 127) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—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. 127) takes effect from passage.

*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 Takubo, and by unanimous consent, the remarks by Senators Weld, Woelfel, Plymale, Maroney, and Oliverio as to the passage of Engrossed Senate Bill 127 were ordered printed in the Appendix to the Journal.

The following communication was reported by the Clerk:



West Virginia House of Delegates

OFFICE OF THE CLERK  
BUILDING 1, SUITE 212  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

STEPHEN J. HARRISON  
CLERK OF THE HOUSE

(304) 340-3200  
STEVE.HARRISON@WVHOUSE.GOV

January 11, 2023

The Honorable Members of the West Virginia Senate  
State Capitol  
Charleston, West Virginia

To The Honorable Members of the West Virginia Senate:

This letter is to inform you the House of Delegates has assembled, with a quorum present, and organized by the election of officers as required by the Constitution and is ready to proceed with the business of this session.

The House of Delegates elected the following officers:

Speaker: The Honorable Roger Hanshaw  
Clerk: The Honorable Stephen J. Harrison  
Sergeant at Arms: The Honorable Marshall Clay  
Doorkeeper: The Honorable Robert Stewart

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Harrison".

Stephen J. Harrison  
Clerk of the House of Delegates

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 1**, Adopting Joint Rules of Senate and House of Delegates.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the adoption of

**Senate Concurrent Resolution 2**, Authorizing payment of expenses for 86th Legislature.

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

**House Concurrent Resolution 1**—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

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

The question being on the adoption of the resolution, the same was put and prevailed.

Whereupon, pursuant to the provisions of House Concurrent Resolution 1, the President appointed as Senate members of the committee to wait upon His Excellency, the Governor, the following:

Senators Boley, Takubo, and Woelfel.

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

**By Senators Smith, Tarr, Azinger, Roberts, Deeds, Boley, Rucker, and Taylor:**

**Senate Bill 128**—A Bill to amend and reenact §15-5-2 and §15-5-6 of the Code of West Virginia, 1931, as amended, all relating generally states of emergency and preparedness; defining terms; clarifying the authority of the Governor and the Legislature to proclaim or declare states of emergency and preparedness; creating two classes of states of preparedness and establishing the criteria therefor; establishing the initial duration of gubernatorially proclaimed states of emergency and preparedness and the requirements for extending same; expanding and clarifying the powers of the Governor as to what he or she may order under proclamations of states of emergency and preparedness; expressly limiting the Governor's authority to order certain actions in an executive order issued pursuant to a proclamation or declaration of a state of emergency or preparedness; clarifying that the declaration of a state of preparedness has the same effect as a declaration of a state of emergency for the purposes of the Emergency Management Assistance Compact and the Statewide Mutual Aid System; and stating that the powers granted as to orders issued under states of emergency do not include the authority to limit the lawful possession and use of firearms and ammunitions.

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

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



On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 128 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 128 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 128) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—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. 128) takes effect from passage.

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

**By Senators Tarr, Smith, and Taylor:**

**Senate Bill 129**—A Bill to amend and reenact §4-11-5 of the Code of West Virginia, 1931, as amended, relating to limiting gubernatorial authority to spend certain amounts of federal funds without appropriation from the Legislature.

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

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

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

The nays were: Caputo and Woelfel—2.

Absent: Rucker—1.

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

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 129 pass?"

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

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

Absent: Rucker—1.

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

Senator Takubo moved that the bill take effect from passage.

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

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

Absent: Rucker—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. 129) takes effect from passage.

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

**By Senators Tarr, Rucker, Azinger, Karnes, Maynard, Deeds, Phillips, Roberts, Woodrum, Swope, Smith, and Taylor:**

**Senate Bill 130**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; relating to prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities, within the scope of his or her employment, from requiring or otherwise compelling a student, teacher, administrator, or other employee to affirm, adopt, or adhere to certain specified concepts; limiting prohibitions; providing that complaints may be filed pursuant to current state board policy; requiring reports of substantiated complaints to the Legislative Oversight Commission on Education Accountability annually; and allowing the state board to promulgate rules.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Oliverio, Phillips, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

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

Absent: Nelson and Rucker—2.

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

Engrossed S. B. 130 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 130 pass?"

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

The nays were: Caputo and Woelfel—2.

Absent: Plymale and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 130) passed with its title.

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

(Senator Clements in the Chair.)

**By Senators Nelson, Woodrum, Jeffries, Phillips, Trump, Deeds, Stuart, Queen, Smith, and Rucker:**

**Senate Bill 131**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-28, relating to municipal fire departments; providing for municipal fire departments to provide service weapons to municipal fire marshal upon retirement in certain circumstances; and allowing the sale of retired service weapons to active and retired fire marshals.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 131 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 131) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio,

Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 131) takes effect from passage.

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

**By Senators Boley, Hamilton, Clements, Grady, Jeffries, Karnes, Nelson, Roberts, Stover, Trump, Weld, Woelfel, Phillips, Plymale, Martin, Rucker, Takubo, Smith, Woodrum, Deeds, Oliverio, Azinger, Stuart, Barrett, and Queen:**

**Senate Bill 132**—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to clarifying the criminal offense of harassment; and clarifying that stalking is a form of harassment.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 132 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 132) passed with its title.

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

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

**By Senators Rucker, Woodrum, Clements, Smith, Maroney, Trump, Azinger, Stuart, Barrett, Phillips, Roberts, and Maynard:**

**Senate Bill 133**—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to adding definition of "ammunition" for purposes of the live fire requirement for obtaining a license to carry a concealed deadly weapon; and clarifying that marked rounds and training ammunition may be used in the required training course.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 133 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 133) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Rucker and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 133) takes effect from passage.

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

(Senator Smith in the Chair.)

**By Senators Jeffries, Caputo, Woelfel, Hamilton, Rucker, Trump, Oliverio, Azinger, Stuart, Roberts, Woodrum, and Queen:**

**Senate Bill 134**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays, if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing for tolling of the statute of limitations; and providing exemptions.

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

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

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

The nays were: None.

Absent: Grady and Rucker—2.

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

Engrossed Senate Bill 134 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 134) passed with its title.

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

**By Senators Weld, Trump, Deeds, Jeffries, and Stuart:**

**Senate Bill 135**—A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Controlled Substances Act; defining and clarifying the phrases "engaged in the illegal use of a controlled substance with another person" and "seek medical assistance"; and establishing criminal penalties.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.



The nays were: None.

Absent: Rucker—1.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

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

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

Following a point of inquiry to the President,

**By Senators Trump, Deeds, Oliverio, Stuart, Phillips, and Woodrum:**

**Senate Bill 136**—A Bill to amend and reenact §62-12-2 and §62-12-9 of the Code of West Virginia, 1931, as amended, all relating generally to judicial treatment of sex offenses; requiring persons convicted of certain offenses to undergo psychological or psychiatric testing and have a treatment plan to be eligible for probation; and expanding the list of offenses for which a defendant has been convicted which precludes the defendant from residing with minor children or having any contact with the victims.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

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

(Senator Takubo in the Chair.)

**By Senators Trump, Woelfel, Phillips, Deeds, Oliverio, Stuart, Clements, and Queen:**

**Senate Bill 137**—A Bill to amend and reenact §61-2-14a and §61-2-14g of the Code of West Virginia, 1931, as amended, all relating generally to the offenses of kidnapping and unlawful restraint; clarifying the distinct elements of the separate offenses; removing redundant language; and making grammatical corrections.

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

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

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

The nays were: None.

Absent: Maroney and Rucker—2.

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

Engrossed Senate Bill 137 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 137 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 137) passed with its title.

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

**By Senators Azinger, Trump, and Clements:**

**Senate Bill 138**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 138 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 138) passed with its title.

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

**By Senators Roberts, Azinger, Boley, Grady, Karnes, Maynard, Phillips, Smith, Tarr, Trump, Woodrum, Takubo, Martin, Deeds, Jeffries, Stuart, Clements, Barrett, Rucker, and Taylor:**

**Senate Bill 139**—A Bill to amend and reenact §18-5-4 of the Code of West Virginia, 1931, as amended, relating to requiring each county board of education to ensure that all of its meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website; requiring each county board to ensure that the audio and video is recorded and that the recording is also available through a link on its website; allowing meeting to continue if the live broadcast experiences a technical interruption in which the stream is discontinued or digitally interrupted; providing exception for executive session; allowing each county board to make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend; requiring the county board, if providing opportunity for the public to address the school board at a meeting, to ensure that any person expressing an interest in speaking has the opportunity in compliance with adopted procedures; requiring that speakers are treated equally; requiring that a draft of the minutes of each public board meeting include a record of the votes cast by each board member on all substantive matters and be posted to the website within two business days; establishing the duration in which the approved minutes shall remain on the website; and removing the option for a county board to join the National School Board Association.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 139 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 139) passed with its title.

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

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 139) takes effect July 1, 2023.

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

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

**By Senators Woelfel, Grady, Caputo, Woodrum, Hamilton, Trump, Deeds, Jeffries, Azinger, Stuart, Barrett, Phillips, and Roberts:**

**Senate Bill 140**—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person's intimate body parts as a means of committing extortion or attempted extortion; defining the phrase "anything of value, or other consideration" to include certain defined sexual acts and defining images of intimate body parts; and setting forth criminal penalties.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 140 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 140) passed with its title.

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

(Senator Phillips in the Chair.)

**By Senators Trump, Hamilton, Oliverio, Jeffries, Stuart, Clements, Barrett, Phillips, and Queen:**

**Senate Bill 141**—A Bill to amend and reenact §5H-1-2 and §5H-1-3 of the Code of West Virginia, 1931, as amended, all relating to adding Division of Corrections and Rehabilitation employees working at institutions managed by the commissioner to the WV Emergency Responders Survivor Benefits Act; defining the qualifying acts for eligibility for payment of survivor benefits for Division of Corrections and Rehabilitation personnel to include, but not be 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; and creating a retroactive effective date of March 14, 2021.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 141) takes effect from passage.

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

**By Senators Trump, Oliverio, Stuart, Clements, Barrett, Phillips, and Woodrum:**

**Senate Bill 142**—A Bill to amend and reenact §44-2-1 and §44-2-29 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-3A-4a and §44-3A-19 of said code; and to amend and reenact §44-4-9 of said code, all relating to the procedure to settle estates of decedents; abolishing the requirement to publish a short form settlement of estates of decedents; providing for short form filing procedure; and updating language and style.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 142 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 142) passed with its title.

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

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

**By Senators Smith, Phillips, Caputo, Woodrum, Jeffries, Hamilton, Trump, Maynard, Rucker, and Taylor:**

**Senate Bill 143**—A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected.

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

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

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

The nays were: None.

Absent: Caputo and Rucker—2.

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



Engrossed Senate Bill 143 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 143) passed with its title.

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

**By Senator Karnes:**

**Senate Bill 144**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-20A-1, §18-20A-2, §18-20A-3, §18-20A-4, §18-20A-5, §18-20A-6, §18-20A-7, §18-20A-8, §18-20A-9, and §18-20A-10, all relating to regulating schools for students with disabilities; defining terms; limiting application of new article; requiring State Board of Education rules for the management and operation of schools for students with disabilities; prohibiting the opening, operating, or conducting of any school for students with disabilities without a license to operate the school issued by the State Superintendent of Schools; allowing the state superintendent or his or her authorized agents to make unannounced inspections of each school for students with disabilities; requiring application for a license to be filed with the state superintendent; requiring each school to submit and maintain a guaranty instrument payable to the State of West Virginia and conditioned to protect the contractual rights of students and other contracting parties; requiring each school to acquire appropriate insurance; providing that neither the state, state board, or state superintendent shall incur any liability from the actions or inactions of a licensed school or any of its employees; allowing a school for students with disabilities to offer education programs serving only the disability categories specifically indicated on its license; allowing state superintendent to establish fees and the methods for collecting such fees for schools as he or she deems necessary to carry out the provisions of the new article; allowing the state superintendent to refuse to issue or renew a license or allowing the state superintendent to revoke or suspend the license of any school for a violation of any provision of this new article or any rule of the state board promulgated pursuant thereto; providing that any person who opens, operates, or conducts any school for students with disabilities without a license is guilty of a misdemeanor and subject to fine and confinement; and requiring the state superintendent to maintain a list of schools for students with disabilities holding valid licenses that must be available to the public.

Referred to the Committee on Education.

(Senator Swope in the Chair.)

**By Senators Grady, Azinger, Karnes, Rucker, Trump, Oliverio, Stuart, Clements, Phillips, Roberts, and Smith:**

**Senate Bill 145**—A Bill to amend and reenact §18-2B-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-19 of said code, all relating to allowing a county

board of education participating in the operation of a multicounty vocational center to withdraw; allowing any county board participating in a multicounty vocational center to determine that a career technical education program be part of the local high school; and modifying provisions pertaining to construction of a comprehensive vocational facility by a county board served by a multicounty vocational technical facility.

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

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

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

The nays were: Caputo—1.

Absent: Rucker—1.

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

Engrossed Senate Bill 145 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

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

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 145) passed with its title.

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

**By Senators Trump, Woelfel, Oliverio, Jeffries, Azinger, Stuart, Phillips, and Maynard: Senate Bill 146**—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.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 146 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 146) passed with its title.

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

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

**By Senators Woelfel, Trump, Plymale, Azinger, Stuart, Barrett, and Phillips:**

**Senate Bill 147**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-6-5a; to amend and reenact §37-6A-5 of said code; and to amend and reenact §55-3A-1 of said code, all relating to residents of recovery residences; creating pilot program for recovery residences located in Cabell County as such residences relate to landlord-tenant law; defining terms; providing that resident of recovery residence may be immediately discharged in certain circumstances; establishing procedures for removing recovery resident; establishing refund process for fees for residency or services paid to recovery residence; requiring return transportation be provided to individual transported to recovery residence from outside State of West Virginia; requiring reporting of certain information to West Virginia Department of Health and Human Resources' Bureau for Behavioral Health; requiring West Virginia Department of Health and Human Resources' Bureau for Behavioral Health to prepare and submit written report to Joint Committee on Government and Finance and specifying

minimum contents; clarifying effect on rights under the West Virginia Fair Housing Act; providing sunset date; requiring award of reasonable attorney's fees against recovery residence in certain instances; and requiring recovery residence file petition for summary relief for wrongful occupation of residential rental property in certain circumstances.

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

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

On suspending the constitutional rule, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

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

Engrossed Senate Bill 147 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 147 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 147) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Jeffries, Maroney, and Rucker—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 147) takes effect from passage.

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

(Senator Woodrum in the Chair.)

**By Senators Swope, Martin, Hamilton, Jeffries, Roberts, Tarr, Woelfel, Woodrum, Trump, Oliverio, Stuart, Clements, Phillips, and Queen:**

**Senate Bill 148**—A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to municipalities required to be represented on county authority boards; and providing that only municipalities with 1,000 or more residents are required to be represented on a county authority board.

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

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

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

The nays were: None.

Absent: Jeffries and Rucker—2.

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

Engrossed Senate Bill 148 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Jeffries and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 148) passed with its title.

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

**By Senators Roberts, Trump, Phillips, Deeds, Azinger, Stuart, Clements, and Maynard: Senate Bill 149**—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempt property from taxation used exclusively for divine worship and the operation of a pre-K school, primary school, middle school, secondary school, daycare center, or church camp for children, which school, daycare center, or church camp is operated by the church which owns the property or is operated by another not-for-profit organization or entity.

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

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

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

The nays were: None.

Absent: Jeffries and Rucker—2.

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

Engrossed Senate Bill 149 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Jeffries and Rucker—2.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 149) passed with its title.

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

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

**By Senator Tarr:**

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

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

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

**By Senator Smith:**

**Senate Joint Resolution 2**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to authorizing the Legislature by general law to exempt veterans who are awarded 100 percent service-connected disability from paying all or part of the ad valorem real property taxes on the property comprising their residences; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Weld:**

**Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Karnes:**

**Senate Joint Resolution 4**—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof, by adding thereto a new section, designated section 23, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Oliverio:**

**Senate Joint Resolution 5**—Proposing an amendment to the Constitution of the State of West Virginia, amending article IX thereof, by adding a new section, designated section 14, relating to permitting the Legislature to redraw and/or combine counties every 100 years as it deems fit; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

The Clerk presented the following communication:

**SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA  
ADMINISTRATIVE OFFICE**

JOSEPH M. ARMSTRONG  
ADMINISTRATIVE DIRECTOR  
PHONE: 304-558-0145  
FAX: 304-558-1212



BUILDING 1, ROOM E-100  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0145  
WWW.COURTSWV.GOV

January 6, 2023

**Via Hand Delivery**

The Honorable Craig P. Blair  
Senate President  
Lt. Governor  
West Virginia State Senate  
Room 229M, Building 1  
State Capitol Complex  
Charleston, WV 25305

The Honorable Roger Hanshaw  
Speaker of the House  
West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
Charleston, WV 25305

The Honorable Mac Warner  
Secretary of State  
Room 157, Building 1  
State Capitol Complex  
Charleston, WV 25305

The Honorable Lee Cassis  
Senate Clerk  
Room 211M, Bldg. 1  
State Capitol Complex  
Charleston, WV 25305

The Honorable Steve Harrison  
Clerk of the House of Delegates  
Room 212M, Bldg. 1  
State Capitol Complex  
Charleston, WV 25305

Gentlemen:

Pursuant to H.B. 2910 from the 2022 Regular Legislative Session, please find enclosed an attested copy of the January 5, 2022 Administrative Order regarding the recommended allocation of magistrates in West Virginia and the report from the National Center for State Courts' regarding magistrate workload in the state.

If you have questions, Keith Hoover, our Deputy Administrative Director & Counsel was primarily responsible for the Administrative Office's contributions to the study. He can be reached at [Keith.Hoover@courtswv.gov](mailto:Keith.Hoover@courtswv.gov) or at (304) 340-2918.

Sincerely,

Joseph M. Armstrong  
Administrative Director

Encl.



CC: The Honorable Charles Trump  
The Honorable Eric Tarr  
The Honorable Mike Woelfel  
The Honorable Moore Capito  
The Honorable Vernon Criss  
The Honorable Doug Skaff  
Berkeley Bentley

Which communication, administrative order, and study were received and referred to the Committee on the Judiciary.

The Senate proceeded to the thirteenth order of business.

Senator Blair (Mr. President) announced appointment of the standing committees of the Senate for this first session of the eighty-sixth Legislature and, at the request of Senator Takubo, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

## **STANDING COMMITTEES OF THE SENATE**

**2023**

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### **AGRICULTURE AND NATURAL RESOURCES**

Senators Hamilton (*Chair*), Stover (*Vice Chair*), Deeds, Grady, Jeffries, Karnes, Phillips, Smith, Stuart, Swope, Taylor, Woodrum, and Woelfel.

### **BANKING AND INSURANCE**

Senators Azinger (*Chair*), Oliverio (*Vice Chair*), Barrett, Boley, Clements, Maroney, Nelson, Queen, Tarr, and Plymale.

### **CONFIRMATIONS**

Senators Boley (*Chair*), Chapman (*Vice Chair*), Azinger, Martin, Phillips, Takubo, Tarr, Weld, and Caputo.

### **ECONOMIC DEVELOPMENT**

Senators Swope (*Chair*), Martin (*Vice Chair*), Chapman, Hamilton, Hunt, Jeffries, Nelson, Oliverio, Queen, Roberts, Stover, Stuart, Tarr, and Plymale.

### **EDUCATION**

Senators Grady (*Chair*), Clements (*Vice Chair*), Azinger, Boley, Chapman, Deeds, Maynard, Oliverio, Roberts, Stover, Taylor, Trump, and Plymale.

### **ENERGY, INDUSTRY, AND MINING**

Senators Smith (*Chair*), Queen (*Vice Chair*), Barrett, Boley, Karnes, Martin, Nelson, Oliverio, Phillips, Stover, Stuart, Swope, Taylor, and Caputo.

### **ENROLLED BILLS**

Senators Woodrum (*Chair*), Roberts (*Vice Chair*), Jeffries, Maynard, and Woelfel.

### **FINANCE**

Senators Tarr (*Chair*), Phillips (*Vice Chair*), Barrett, Boley, Clements, Jeffries, Maroney, Nelson, Oliverio, Queen, Roberts, Smith, Swope, Woodrum, and Plymale.

**GOVERNMENT ORGANIZATION**

Senators Woodrum (*Chair*), Barrett (*Vice Chair*), Hamilton, Hunt, Jeffries, Maroney, Phillips, Queen, Smith, Stuart, Swope, Weld, and Woelfel.

**HEALTH AND HUMAN RESOURCES**

Senators Maroney (*Chair*), Takubo (*Vice Chair*), Azinger, Chapman, Deeds, Grady, Hamilton, Hunt, Jeffries, Roberts, Rucker, Tarr, Weld, and Plymale.

**INTERSTATE COOPERATION**

(*Vacancies*)

**JUDICIARY**

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Chapman, Deeds, Hamilton, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Taylor, Caputo, and Woelfel.

**MILITARY**

Senators Weld (*Chair*), Deeds (*Vice Chair*), Chapman, Clements, Maroney, Smith, Taylor, and Caputo.

**OUTDOOR RECREATION**

Senators Maynard (*Chair*), Taylor (*Vice Chair*), Chapman, Deeds, Grady, Martin, Rucker, Smith, Stover, Stuart, and Caputo.

**PENSIONS**

Senators Nelson (*Chair*), Hunt (*Vice Chair*), Azinger, Barrett, Clements, Grady, Hamilton, Oliverio, Queen, and Plymale.

**RULES**

Senators Blair (*Chair*), Takubo (*Vice Chair*), Azinger, Boley, Grady, Maroney, Nelson, Tarr, Trump, Weld, Woodrum, and Woelfel.

**SCHOOL CHOICE**

Senators Rucker (*Chair*), Maynard (*Vice Chair*), Boley, Deeds, Karnes, Roberts, Woodrum, and Woelfel.

**TRANSPORTATION AND INFRASTRUCTURE**

Senators Clements (*Chair*), Stuart (*Vice Chair*), Barrett, Hunt, Jeffries, Karnes, Oliverio, Phillips, Roberts, Swope, and Plymale.

**WORKFORCE**

Senators Roberts (*Chair*), Jeffries (*Vice Chair*), Karnes, Maroney, Martin, Nelson, Smith, Stover, Tarr, Weld, and Caputo.

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The President then announced the appointment of Senator Takubo, of the County of Kanawha, as the majority leader of the Senate;

Senator Woelfel, of the County of Cabell, as the minority leader of the Senate;

Senator Weld, of the County of Brooke, as the majority whip of the Senate;

Senator Plymale, of the County of Wayne, as the minority whip of the Senate;

And,

Senator Boley, of the County of Pleasants, as President *pro Tempore* of the Senate.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 4 p.m., the Senate recessed until 6:45 p.m. today.

The Senate reconvened at 6:46 p.m.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the Governor, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

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(NOTE: For formal procedure in the joint assembly and the address of His Excellency, the Governor, the Honorable Jim Justice, see the Journal of the House of Delegates for this day.)

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The joint assembly having been dissolved, at 8:37 p.m., the Senate returned to its chamber and resumed its regular session.

### **Executive Communications**

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



*Jim Justice*  
*Governor of West Virginia*

January 11, 2023

EXECUTIVE MESSAGE NO. 1  
FIRST REGULAR SESSION

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

Dear President Blair:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2023.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/fs

Subsequently, Senator Blair (Mr. President) laid before the Senate the aforementioned annual budget bill,

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

**Senate Bill 150**—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

Which was read by its title and referred to the Committee on Finance.

On motion of Senator Takubo, at 8:39 p.m., the Senate adjourned until tomorrow, Thursday, January 12, 2023, at 11 a.m.

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**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2023**

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**Thursday, January 12, 2023**

|        |                         |             |
|--------|-------------------------|-------------|
| 9 a.m. | Education               | (Room 451M) |
| 9 a.m. | Government Organization | (Room 208W) |