

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
FORTY-EIGHTH DAY

Charleston, West Virginia, Monday, February 27, 2023

The Senate met at 11:01 a.m.

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

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Maroney, a senator from the second district.

Pending the reading of the Journal of Saturday, February 25, 2023,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2016—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to releasing information to facilitate care of a child; providing for qualified disclosure of confidential information between certain entities; requiring the disclosed records to be maintained in compliance with code; and requiring the department to provide electronic access to certain information.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2064—A Bill to amend and reenact §8A-7-3 of the Code of West Virginia, 1931, as amended, and to add thereto a new article, designated §11-13PP-1, §11-13PP-2, §11-13PP-3, §11-13PP-4, §11-13PP-5, §11-13PP-6, §11-13PP-7, §11-13PP-8, §11-

13PP-9, and §11-13PP-10, all relating to the Tourism and Commercial Opportunity Zone Tax and Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating a new species and class of property directed by law; creating definitions; establishing the Tourism and Commercial Opportunity Zone tax and tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax and tax credit review and accountability; creating rules; and providing for an effective date.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2065—A Bill to amend and reenact §11-6F-2 and §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend said code 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, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, all relating generally to taxation for the manufacturing, sale, and use of heavy duty trucks and products associated therewith to encourage economic growth; amending the definition of manufacturing for purposes of special method for appraising qualified capital additions to manufacturing facilities for property tax purposes; amending the formula for calculating the manufacturing investment tax credit amount allowed for manufacturing investment to include heavy duty truck manufacturing; increasing the amount of such allowable credit for said industries; creating the West Virginia Heavy Duty Truck Excise Tax Elimination Act; providing for administration and enforcement of the tax credit; making legislative findings; stating legislative purpose; defining terms; specifying an amount of credit allowable based upon the amount of federal excise tax paid, providing limitations based upon qualified investment amount; providing conditions for qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for carry over and forfeiture of unused tax credits; providing limitations for credits being carried over; allowing transfer of qualified investment property without forfeiture under certain circumstances; requiring identification of qualified investment property and record keeping; providing penalties for failure to keep required records; providing for interpretation and construction; requiring timely filing of application for credit; specifying burden of proof; requiring periodic tax credit review and accountability reports; authorizing rulemaking; making credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; and providing for severability; providing effective date.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2483—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-8i; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to reducing income tax liability for taxpayers who improve certain building facades in historic districts; providing for a tax credit of the replacement cost of historic facades; providing for a reduction in federal adjusted gross

income in certain circumstances for certain replacement costs of historic facades; setting forth conditions; providing for application; and requiring rulemaking.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2567—A Bill to amend and reenact §61-3B-2 and §61-3B-3 of the Code of West Virginia, 1931, as amended, relating to creating a misdemeanor criminal penalty for unlawful trespass into the home of another person; creating a felony criminal penalty for second or subsequent offenses of unlawful trespass into the home of another person; creating affirmative defenses to prosecution; providing a definition; and increasing criminal penalties for certain trespass crimes from misdemeanors to felonies.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2648—A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, and to amend and reenact §16-12-2 of said code; all relating to generally authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed, as modified, and as disapproved by the Legislative Rule-Making Review Committee and as amended by the Legislature and directing certain agencies of the Department of Health and Human Resources to amend current legislative rules; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to procedures pertaining to the Dangerousness Assessment Advisory Board; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to standards for local boards of health; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program - grower and processors; relating to authorizing the Bureau of Public Health to promulgate a legislative rule relating to Medical Cannabis Program – dispensaries; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosures; relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Uniform Bill Database; relating to directing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the Core Behavioral Health Crisis Services System; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human

Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to goals for foster children; relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to deemed head start child care center licenses; relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payers Claims Database - Submission Manual; and relating to authorizing the Department of Health and Human Resources and the Insurance Commissioner to promulgate a legislative rule relating to All-Payer Claims Database – Data Submission Requirements.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2759—A Bill to amend and reenact §11-27-39 of the Code of West Virginia, 1931, as amended, relating to updating the rate of a certain health care provider tax and expand the practitioners eligible for payment fee schedules.

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

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

Eng. Com. Sub. for House Bill 2760—A Bill to amend and reenact §17C-1-6 of the Code of West Virginia, 1931, as amended, relating to permitting firefighters to drive ambulances when both attendants are needed to administer patient care.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3006—A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the "West Virginia Critical Infrastructure Protection Act"; providing for the criminal offense of willfully damaging, destroying, vandalizing, defacing, stealing or tampering with equipment or assets in a critical infrastructure facility causing damage in excess of \$2,500; providing felony penalties for same; providing for forfeiture of items of personal property which are used, have been used, or are intended for use, used in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3013—A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the Jefferson County Commission to levy a special district excise tax; authorizing the special district excise tax for the benefit of the Hill Top House Hotel Economic Opportunity District; setting forth the land area within the special district subject to the special district excise tax; authorizing the commission to create the district and levy the special district excise tax without the approval of the executive director of the development office; authorizing the commission to determine the base district tax, the base tax revenue amount, the gross annual district tax revenue amount and the estimated net annual district tax revenue amount; and requiring the Tax Commissioner to provide the commission with certification of the base tax revenue amount.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 3114—A Bill to amend and reenact §5F-2-8 of the Code of West Virginia, 1931, as amended; relating to requiring the denial of severance pay to probationary employees of Department of Transportation who are terminated for failing or refusing to submit to drug or alcohol screens.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3214—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-25, relating to creation of the "Road Optimization and Assessment Data (R.O.A.D.) Pilot Program"; legislative findings and purpose; Commissioner of Highways to promulgate rules; and specifics to be contained in rules to determine how best to maintain roads and highways.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. Com. Sub. for House Bill 3274—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, all relating to requiring the Bureau of Medical Services to apply for waiver.

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

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

Eng. Com. Sub. for House Bill 3341—A Bill to amend the Code of West Virginia, as amended, by adding thereto a new section, designated §16-9A-11, relating to permitting cigar bars and cigar lounges to operate in West Virginia resorts; and providing for guidelines for resort cigar bars and lounges.

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

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

Eng. Com. Sub. for House Bill 3398—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism.

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

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

Eng. Com. Sub. for House Bill 3409—A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

Referred to the Committee on Finance.

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

Eng. House Bill 3444—A Bill to amend and reenact §4-13A-2 of the Code of West Virginia, 1931, as amended, relating to adding the Cabinet Secretary of Economic Development, or a designee to the West Virginia Semiquincentennial Commission.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3450—A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, all relating to racetrack video lottery; providing for certain transfers to and from the Licensed Racetrack Modernization Fund; specifying eligible purposes for recoupment of funds on deposit in facility modernization account within the Licensed Racetrack Modernization Fund; and modifying the distribution of net terminal income to counties where the video lottery terminals are located.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2023, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3473—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated as §17-2E-10, relating to creating a work group to create

procedures and policies and a plan for the construction of a database with information necessary for infrastructure maintenance and development, providing a date by which a report must be given to the Committee on Technology, and providing an effective date.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. Com. Sub. for House Bill 3479—A Bill to amend and reenact §61-16-1 and §61-16-2 of the Code of West Virginia, 1931, as amended, all relating to unmanned aerial vehicles; adding definitions; requiring compliance with all federal laws and regulations relating to such vehicles; and creating criminal offenses and penalties for certain conduct using an unmanned aerial vehicle.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3493—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-1-21a, relating to the prohibition of certain foreign ownership of land in this state.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3551—A Bill to amend and reenact §5-1-16a of the Code of West Virginia, 1931, as amended, relating to restricting access to criminal history record information of individuals who have been convicted of a crime and pardoned by the Governor and individuals who have been convicted of a crime; providing procedure for obtaining the restriction; outlining crimes for which criminal history restriction is not available; and exceptions.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3552—A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to per diem jail costs; and providing authority for counties to seek reimbursement from certain municipalities for certain per diem costs.

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

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

Eng. House Bill 3556—A Bill to amend the Code of West Virginia, 1931, as amended by creating a new article, §48-28B-1, et seq., relating to establishing a process to recognize and enforce Canadian domestic violence protective orders, relating to providing a short title, relating to providing definitions, relating to enforcement of Canadian domestic violence protective orders by law enforcement, relating to enforcement of Canadian domestic violence protective orders by a court, relating to registration of a Canadian domestic violence protective order, and relating to a severability clause.

Referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

Senator Rucker offered the following resolution:

Senate Resolution 43—Designating February 28, 2023, as Rare Disease Awareness Day at the Legislature.

Which, under the rules, lies over one day.

Senators Queen, Martin, and Stover offered the following resolution:

Senate Resolution 44—Recognizing the 151st anniversary of Glenville State University.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 40, Designating February 27, 2023, as Human Resources Day at Legislature.

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

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

Senate Resolution 41, Recognizing Leadership Berkeley for its services, dedication, and commitment to Berkeley County, WV.

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

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

Senate Resolution 42, Recognizing contributions of AARP WV and its Capitol Advocacy Team of volunteers to betterment of our state and its people.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 267, Updating law regarding prior authorizations.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) passed with its title.

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

Eng. Senate Bill 438, Return to WV Tax Credit Act.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 438) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 522, Allocating percentage of county excise taxes for funding improvements to election administration.

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

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 522) passed with its title.

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

Eng. Com. Sub. for Senate Bill 534, Relating to nonintoxicating beer, nonintoxicating craft beer, cider, wine, and liquor license requirements.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

On motions of Senators Nelson, Barrett, Maroney, Oliverio, Queen, Takubo, Weld, and Caputo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, after the enacting clause by inserting a new section, designated section 26, to read as follows:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-26. Authorizing municipalities to create private outdoor designated areas.

(a) In addition to all other powers and duties conferred by law upon municipalities, municipalities are empowered and authorized pass an ordinance establishing private outdoor designated areas as described in §60-7-8g of this code.

(b) The municipality shall include in the ordinance, at a minimum, all of the following:

(1) Requirements for the purpose of ensuring compliance with all state and municipal laws, and public health and safety within a private outdoor designated area;

(2) The proposed outdoor designated area or proposed licensed premises shall be indicated on a submitted map or survey in sufficient detail to identify the boundaries of the area, subject to the limitations in subsection (b);

(3) A general statement of the nature and types of qualified permit holders that may operate within the proposed outdoor designated area;

(4) That certain public property that is legally demarcated by the ordinance is within the proposed private outdoor designated area and such area is in compliance with the comprehensive

plan or zoning ordinances of the municipality, if the municipality has so adopted, for the consumption of liquor, wine, nonintoxicating beer and nonintoxicating craft beer;

(5) The specific boundaries of the private outdoor designated area, including street addresses;

(6) The number, spacing, and type of signage designating the private outdoor designated area;

(7) The days and hours of operation for the private outdoor designated area which may not be greater than, authorized by §11-16-1 *et seq.* and chapter 60 of the code, but may be less than;

(8) The estimated number of personnel needed to ensure public safety and efficient operations in the private outdoor designated area;

(9) A sanitation plan that will help maintain the appearance and public health of the private outdoor designated area, including the number of restrooms and trash receptacles.

(10) A requirement that liquor, wine, nonintoxicating beer, and nonintoxicating craft beer be served in non-glass containers, not greater than 18 fluid ounces, approved by the municipality and the commissioner as set forth in §60-7-8g; and

(11) Public health and safety measures, and requirements to meet compliance with current health permitting and zoning requirements.

(c) The municipality shall provide to the Commissioner notice of the approval of the private outdoor designated area and identify the qualified permit holders that will be applying for permits set forth in §60-7-8g.

(d) The municipality shall be responsible for ensuring compliance with its ordinances and compliance with all criminal laws associated with the operation of a private outdoor designated area. The municipality shall provide the Commissioner copies of all non-compliance and violations. The Commissioner shall ensure all qualified permit holders operate in accordance with requirements set forth in §11-16-1 *et seq.* and chapter 60 of the code.

(e) The municipality shall have the authority to dissolve a private outdoor designated area by ordinance and further may suspend a private outdoor designated area immediately when in the interest of public safety.;

And,

On page 75 after line 119 by inserting a new section, designated §8g to read as follows:

§60-7-8g. Special permit for a qualified permit holders in a private outdoor designated area; license fee and application; license subject to provisions of article.

(a) There is hereby created a special permit designated Class S4 for a qualified permit holder operating in a private outdoor designated area approved by a municipality as set forth in §8-12-26 of the code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption at a certain public property designated as a private outdoor designated area where multiple private club license type licensees who apply and obtain a qualified permit holder permit shall share liability and responsibility. Each qualified permit holder

may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) Definitions:

(1) "Private outdoor designated area" means public property that has become a legally demarcated area established by a municipal ordinance as set forth in §8-12-26 of the code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

(2) "Qualified permit holder" means the holder of a Class A license issued under §60-7-1 et seq. of this code.

(c) To be eligible for the license authorized by subsection (a) of this section, the qualified permit holder shall:

(1) Operate in a private outdoor designated area created by municipal ordinance as set forth in §8-12-26 of the code, and provide the Commissioner a copy of the certified ordinance from the municipality;

(2) Apply to the commissioner for the special permit prior to operating in an approved private outdoor designated area on an application provided by the Commissioner;

(3) Pay a nonrefundable non-prorated annual license fee of \$100 to the Commissioner;

(4) Be in compliance with all state and federal laws and be in good standing with the Commissioner;

(5) Be approved by the municipality to operate in the private outdoor designated area;

(6) Provide the days and hours of operation in the private designated area which cannot exceed the stated private club hours of operation;

(7) Provide, in conjunction with the municipality, adequate restroom facilities, whether permanent or portable, to serve the members and guests who will be attending the private outdoor designated area;

(8) Provide an executed agreement between all qualified permit holders stating that each qualified permit holder is jointly and severally liable for any improper acts or conduct committed in the operation of the private outdoor designated area in conjunction with operation of their Class A license;

(9) Provide a security plan for the private outdoor designated area indicating: all qualified permit holders' licensed premises where alcohol will be served in approved non-glass containers; all entrances and exits in order to verify members', patrons', and guests' ages, and to assess whether a member, patron, or guest is under 21 years of age or intoxicated; and a plan to provide for the public health and safety of members, patrons, and guests;

(10) Provide a floorplan for the private outdoor designated area indicating a legally demarcated area that is bounded or utilizes signage to safely account for the ingress and egress of members, patrons, and guests who will be within the private outdoor designated area and also be permitted to carry liquor, wine, nonintoxicating beer, and nonintoxicating craft beer on and off

of the qualified permit holders' licensed premises and within the private outdoor designated area when contained in an approved non-glass container. The private outdoor designated area's floorplan does comprise a separate licensed premises authorized only for the lawful consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises when lawfully purchased from a qualified permit holder;

(11) Meet and be subject to all other private club license type requirements;

(12) Provide a plan to prevent members, guests, and patrons from bringing, consuming, or selling alcohol not in an approved non-glass container in the private outdoor designated area; and

(13) Use an age verification system approved by the commissioner.

(c) As set forth in §8-12-26 of the code a municipality may, by ordinance, establish a private outdoor designated area where the municipality may zone, set requirements and establish conditions for safe operation of private outdoor designated area by qualified permit holders.

(d) A municipality shall be responsible for the enforcement of any criminal violations occurring in a private outdoor designated area and shall report such violations to Commissioner for a determination of any violation of §11-16-1 et seq. and chapter 60 of the code.

(e) The Commissioner shall enforce any violations of §11-16-1 et seq. and chapter 60 of the code committed by qualified permit holders against their permit and their Class A license.

(f) A qualified permit holder that is separately authorized for an outdoor dining area or sidewalk dining area may continue to operate those areas in conjunction with the private outdoor designated area subject to the Commissioner's requirements.

(g) A licensee permitted under this section is subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the Commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of for the operation of qualified permit holders in each private outdoor designated area. The Commissioner may revoke or suspend immediately any permit issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, However*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

On motion of Senator Rucker, the following amendments to the bill (Eng. Com. Sub. for S. B. 534) were next reported by the Clerk, considered simultaneously, and adopted:

On page 42, section 2, line 61, by striking out the words "\$750 of" and inserting the word "a";

On page 43, section 2, line 87, by striking out the words "not less than \$200 of" and inserting in lieu thereof the word "a";

On page 45, section 2, line 149, by striking out the words "not less than \$200 of" and inserting in lieu thereof the word "a";

And;

On page 70, section 6, line 12, by striking out "\$4,000" and inserting in lieu thereof "\$2,000."

On motions of Senators Rucker and Trump, the following amendment to the bill (Eng. Com. Sub. for S. B. 534) was next reported by the Clerk and adopted:

On page 31, section 3a, line 16, after the word "volume." by adding the words "Samples may be mixed with each other or with non-alcoholic liquids as long as the total amount of the liquor sampled does not exceed one and one-half ounces."

On motion of Senator Trump, the following amendments to the bill (Eng. Com. Sub. for S. B. 534) were next reported by the Clerk, considered simultaneously, and adopted:

On page 66, section 2, line 676, by striking out the word "associate" and inserting in lieu thereof the word "association";

On page 66, section 2, line 678, after the word "are" by inserting the word "licensed";

On page 67, section 2, line 705, by striking the word "businesses" and inserting in lieu thereof the word "business";

On page 67, section 2, line 706, after the word "all" by inserting the word "licensed";

And,

On page 67, section 2, line 713, after the word "each" by inserting the word "licensed".

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

Engrossed Committee Substitute for Senate Bill 534 was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Clements, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Rucker, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Chapman, Deeds, Grady, Karnes, Maynard, Roberts, and Smith—8.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 534) passed.

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

Eng. Com. Sub. for Senate Bill 534—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-26; to amend and reenact §11-16-3, §11-16-6a, §11-16-6d, §11-16-6f, §11-16-8, §11-16-9 of said code; to amend and reenact §60-3A-3a, and §60-3A-8 of said code; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-7-2, §60-7-2a, §60-7-6, and §60-7-8a of said code; to amend said code by adding thereto a new section designated §60-7-8g; to amend said code by adding thereto a new section, designated §60-8-6g; to amend and reenact §60-8A-5 of said code; and to amend and reenact §61-8-27 of said code; all relating to nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor license requirements; defining terms; authorizing municipalities to

create private outdoor designated areas; creating special permit for Class A licensees who apply to be qualified permit holders to operate in private outdoor designated areas, setting forth requirements, and setting fees; promoting tourism in the state by permitting authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries a limited off-site retail privilege for off-premises consumption sales for nonintoxicating beer manufactured by them and permitting limited complimentary samples at private fair and festivals; providing requirements for the conduct of the sales at private fairs and festivals; requiring payment of taxes, fees and markups, and no license fee; clarifying the nonintoxicating beer growler requirements for contents and sealing; allowing brewer and resident brewer to have additional places of manufacture under one license and based on manufacturing volume capacity; removing limit on nonintoxicating beer or nonintoxicating craft beer which may be included with an order, sale or delivery of multiple meals; allowing commissioner to refuse a license if applicant or manager is not a suitable applicant; increasing number and size of liquor samples that are permitted; requiring manager to be suitable applicant and of good moral character; reducing and modifying food inventory required for private cigar shop, private club bars, and private food truck; allowing a private manufacturer club to have operating food truck or other portable kitchen in lieu of on-premises food preparation facilities; removing acreage requirement for private wedding venue or barn license; clarifying nonintoxicating beer license requirements for persons, trusts and fairs and festivals; clarifying retail liquor outlet license requirements for applicants; clarifying that the statute applying to distilleries and mini-distilleries also applies to micro-distilleries; permitting dually licensed events, and a license fee; creating a private coliseum or center license and specifying license requirements; authorizing private coliseum or center license to conduct a temporary event in conjunction with a private fair and festival licensee and setting forth requirements; setting fees; increasing fee for private fair and festival special license and fee; creating a private food court license and specifying license requirements; lawful admission to dance hall; clarifying dual licensing requirements and authorization for private fair and festivals, requirements, and no license fee; permitting private fairs and festivals to conduct on-premises consumption sales with certain requirements; permitting private fairs and festivals to allow authorized brewers, resident brewers, wineries, farm wineries, distilleries, mini-distilleries, and micro-distilleries to conduct limited off-premises consumption retail sales with certain requirements from the private fair and festival's licensed premises; permitting a private wine restaurant to operate a separately licensed but connected wine specialty shop; and exempting permit holder operating a private outdoor designated area, private coliseum or center licensee, or private food court from prohibition on admitting persons under the age of 18.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 561, Relating to administration of WV Drinking Water Treatment Revolving Fund Act.

On third reading, coming up in regular order, with the right having been granted on February 24, 2023, for amendments to be received on third reading, was read a third time.

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

On page 7, section 7, line 5, after the word "code." by inserting the following: Until such time as the Secretary of the Department of Environmental Protection's rules are promulgated pursuant to this section, West Virginia Rule §64 CSR 49 regarding the Drinking Water Treatment Revolving Fund shall remain effective.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 561 was then put upon its passage.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 561) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 576, Creating Securities Restitution Assistance Fund for victims of securities violations.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 576) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 590, Emergency Medical Services Retirement System Act.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 590) passed with its title.

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

Eng. Com. Sub. for Senate Bill 613, Relating generally to certificates of need.

On third reading, coming up in regular order, with the right having been granted on February 24, 2023, for amendments to be received on third reading, was read a third time.

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

On page 12, section 10, line 17, after the word "one" by inserting the words "fixed-site";

And,

On page 14, section 10, line 63 after the word "center" by changing the period to a colon and inserting the following proviso: *Provided*, That a hospital shall be deemed a trauma center, subject to the provisions of §55-7B-9c of this code, for any and all claims arising out of any medical services provided by a hospital or physician to an individual as a result of birth complications at a birthing center.

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

Engrossed Committee Substitute for Senate Bill 613 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 613 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, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Phillips—2.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) 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, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Phillips—2.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 613) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 628, Revising provisions related to public charter schools.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

On motions of Senators Rucker and Oliverio, the following amendment to the bill was reported by the Clerk and adopted:

On page 11, section 3, lines 51 through 59 by striking out all of subdivision (6) and inserting in lieu thereof a new subdivision (6), to read as follows:

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools. If a public charter school does not sponsor an extracurricular athletic and/or academic interscholastic activity for the students enrolled in the public charter school, the public charter school students may participate on the same basis as other public school students in those activities that are sponsored by the noncharter public school serving the attendance area in which the student resides;.

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

Engrossed Committee Substitute for Senate Bill 628 was then put upon its passage.

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

The nays were: Caputo—1.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 628) passed with its title.

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

Eng. Com. Sub. for Senate Bill 667, Requiring periodic performance audits of WV Secondary Schools Athletic Commission.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 667 pass?"

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

The nays were: Caputo, Hamilton, Plymale, and Woelfel—4.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 667) passed with its title.

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

Eng. Com. Sub. for Senate Bill 677, Clarifying role and responsibilities of State Resiliency Officer.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

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

On page 14, section 3, line 18, by striking out the word "odd-numbered" and inserting lieu thereof the word "even-numbered";

On page 24, section 12, line 22, after the word "provide" by inserting the words "loans or";

On page 25, section 12, line 24, after the word "provide" by inserting the words "loans or";

On page 25, section 12, line 27, after the word "provide" by inserting the words "loans or".

And,

On page 26, section 15, line 5, after the word "Virginia" by striking out the word "Disaster" and inserting in lieu thereof the word "Flood".

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

Engrossed Committee Substitute for Senate Bill 677 was then put upon its passage.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 677) passed with its title.

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

(Senator Weld in the Chair.)

Eng. Senate Bill 679, Requiring Office of Inspector General to promulgate rules concerning location of forensic group homes.

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

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

The nays were: Trump—1.

Absent: Stover and Blair (Mr. President)—2.

So, a majority of all the members present and voting having voted in the affirmative, the Chair declared the bill (Eng. S. B. 679) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: Trump—1.

Absent: Stover and Blair (Mr. President)—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the Chair declared the bill (Eng. S. B. 679) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 688, Allowing BOE to hire retired teachers to assist with tutoring.

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

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 688 pass?"

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 688) passed with its title.

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

Eng. Senate Bill 733, Relating to wildlife licenses and stamps.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 733) passed with its title.

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

Eng. Senate Bill 735, Clarifying department responsible for administration of certain programs.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 735) passed with its title.

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

Eng. Senate Bill 737, Emergency Medical Services Act.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

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

On page 1, section 25, line 4, by striking out the word "workers" and inserting in lieu thereof the words "personnel as that term is defined in §16-4C-3(g) of this code".

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

Engrossed Senate Bill 737 was then put upon its passage.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 737) passed with its title.

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

Eng. Com. Sub. for House Bill 2062, Establish rules and regulations for e-bikes in West Virginia that more closely comport to federal law.

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

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2062) passed with its title.

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

Eng. House Bill 3307, Establishing the West Virginia-Ireland Trade Commission.

On third reading, coming up in regular order, with the unreported Economic Development committee amendment pending, and with the right having been granted on February 25, 2023, for further amendments to be received on third reading, was read a third time.

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

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

ARTICLE 36. WEST VIRGINIA-IRELAND TRADE COMMISSION.

§29-36-1. Findings.

Findings—the Legislature finds that:

Over 15 percent of West Virginia’s population is of Irish descent, which, according to the Irish diplomat Barbara Jones, represents a higher figure than that in Boston or New York City;

The ties that bind Ireland to West Virginia are deep and lasting, reflected on West Virginia’s map from Ireland to Irish Mountain, from Tyrone to Tralee; and

Irish heritage has been the fortunate lot of many great West Virginians, such as philanthropist Bernard P. McDonough, the inventor Michael Owens, and US Senator John Kenna;

Ireland and West Virginia are attempting to reinvent their economies for success in the twenty-first century; and

West Virginians have both historic and practical reasons to desire the building of firmer commercial links with Ireland.

§29-36-2. Establishment of commission; Composition; Appointments; Vacancies.

For these and other reasons, there is hereby established the West Virginia-Ireland Trade Commission. The commission shall consist of 9 members, to be appointed as follows:

(a) Two members of the Senate, who shall be appointed by the President of the Senate, shall have knowledge of or current or past involvement in organizations that promote Irish affairs, or shall have interest in the well-being of trade relations between West Virginia and Ireland; and two members of the House of Delegates, who shall be appointed by the Speaker of the House of Delegates, shall have knowledge of or current or past involvement in organizations that promote Irish affairs, or shall have interest in the well-being of trade relations between West Virginia and Ireland. The legislative members of the commission shall serve during the two-year legislative term in which the appointments are made.

(b) Five members of the commission shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve for a term of four years. The members thus appointed shall include at least one representative from: a public institution of higher education; the West Virginia Chamber of Commerce, or its successor organization; and at least two public members shall represent Irish American communities or interest, neither of whom shall be members of the same political party.

(c) All appointments shall be made no later than July 1, 2023. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment was made.

§29-36-3. Compensation; Meetings; Chair; Records; Quorum.

(a) Members of the commission shall receive the same compensation authorized by law for members of the Legislature for the interim duties for each day, or portion thereof, the member is engaged in the discharge of official duties. All members shall be reimbursed for their actual and necessary expenses incurred in the discharge of official duties, except that mileage shall be reimbursed at the same rate as that authorized for members of the Legislature.

(b) (1) The commission shall meet and hold hearings at the places it designates throughout the State.

(2) The commission shall elect a chair from amongst its members. The chair may appoint from among the commission members subcommittees and subcommittee chairs at their discretion.

(c) The commission shall keep records of all proceedings which shall be public and open to inspection, shall adopt a seal, and shall exercise and perform the duties prescribed by this section.

(d) A majority of the members of the commission shall constitute a quorum for the transaction of the business of the commission.

§29-36-4. Purpose of Commission.

The purpose of the West Virginia-Ireland Trade Commission shall be to:

(1) Advance bilateral trade and investment between West Virginia and Ireland;

(2) Initiate joint action on policy issues of mutual interest to West Virginia and Ireland;

(3) Promote business and academic exchanges between West Virginia and Ireland;

(4) Encourage mutual economic support between West Virginia and Ireland;

(5) Encourage mutual investment in the infrastructure of West Virginia and Ireland; and

(6) Address such other issues as determined by the Commission.

§29-36-5. Reports

The commission shall report its findings, results, and recommendations to the Governor, and the Legislature, within one year of its initial organizational meeting and by February 1st of each succeeding year for the activities of the preceding calendar year. The report shall be in writing

and include recommendations as deemed appropriate by the commission to effectuate its purpose, as provided by this section.

§29-36-6. Funds.

The West Virginia-Ireland Trade Commission shall be authorized to raise funds, through direct solicitation or other fundraising events, alone, or with other groups, and accept gifts, grants, and bequests from individuals, corporations, foundations, governmental agencies, and public and private organizations and institutions, to defray the commission's administrative expenses and to carry out its purposes.

§29-36-7. Effective Date.

This act shall take effect March 17, 2023.

Engrossed House Bill 3307, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3307) passed.

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

Eng. House Bill 3307—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-36-1, §29-36-2, §29-36-3, §29-36-4, §29-36-5, §29-36-6, and §29-36-7, all relating to establishing the West Virginia-Ireland Trade Commission; establishing findings; providing for the composition of commission, appointment of members and filling of vacancies; providing for compensation of commission members; providing for meetings, selection of a chair, maintenance of records, and a quorum; setting forth purposes of the commission; requiring commission to make certain reports, findings, and recommendations to Governor and Legislature; providing for acceptance of funds by commission; and providing an effective date.

Senator Takubo moved that the bill take effect March 17, 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, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3307) takes effect March 17, 2023.

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

Eng. House Bill 3340, To revise the West Virginia Tax Increment Financing Act.

On third reading, coming up in regular order, with the right having been granted on February 25, 2023, for amendments to be received on third reading, was read a third time.

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

On page 14, section 7, line 114, by striking out the word "and";

On page 14, section 7, line 115, after the word "Office" by striking out the period and inserting the words "and obtain the formal consent of the governing body of any Class I, II, III, or IV municipality a portion of which is located within the boundaries of the development or redevelopment district.";

And,

On pages 14-15, section 7, lines 117-120, by striking out the words "No consent or approval from the local levying bodies having the power to levy taxes on property within the development or redevelopment district shall be required in order to amend such order or ordinance for the purposes herein described, aside from the county commission or the governing body of the municipality which is amending such order or ordinance.".

Following discussion,

The question being on the adoption of Senator Martin's amendments to the bill, and on this question, Senator Martin demanded the yeas and nays.

Following a point of inquiry to the President, with resultant response thereto,

The roll being taken, the yeas were: Chapman, Hamilton, Hunt, Karnes, Martin, Maynard, Smith, Stuart, and Woelfel—9.

The nays were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—24.

Absent: Stover—1.

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

Engrossed House Bill 3340 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Chapman, Karnes, Martin, Maynard, Smith, and Woelfel—6.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3340) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Chapman, Karnes, Martin, Maynard, Smith, and Woelfel—6.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3340) takes effect from passage.

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

Eng. House Bill 3428, Relating to the West Virginia Business Ready Sites Program.

On third reading, coming up in regular order, with the unreported Economic Development committee amendment pending, and with the right having been granted on February 25, 2023, for further amendments to be received on third reading, was read a third time.

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

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

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1n. West Virginia Business Ready Sites Program.

(a) The Legislature finds and declares that:

(1) Presently, West Virginia's available industrial sites lack competitiveness with industrial sites in surrounding states due in part to the lack of presently constructed, adequate utility infrastructure serving sites having industrial potential;

(2) Having construction-ready industrial sites with adequately developed utility infrastructure will increase the state's potential to attract new industrial projects to the state and advance the state's economic development efforts;

(3) Incentivizing utilities to construct adequate public utility infrastructure and provide services to sites identified as having industrial potential will increase the likelihood that such sites are developed; and

(4) Responsibly increasing the number of industrial sites with adequate and fully developed utility services is in the public interest of the state.

(b) Definitions. – For the purpose of this section:

(1) "Industrial Development Agency" means any individual, incorporated organization, foundation, association, private incorporated entity, or agency to whose members or shareholders no profit inures, which has as its primary function the promotion, encouragement, and development of industrial, commercial, manufacturing, and tourist enterprises or projects in this state;

(2) "Industrial Development Site" means a land development containing a minimum of 50 contiguous acres that is identified by the secretary as having potential for industrial development and that does not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission;

(3) "Secretary" means the Secretary of the Department of Commerce; and

(4) "Utility" means electricity, natural gas, water, or sewage service provided by a public utility regulated by the Public Service Commission.

(c) The secretary shall ~~identify a pilot~~ administer a program known hereafter as "The West Virginia Business Ready Sites Program" for the purpose of promoting economic development in certain areas of the state by facilitating the construction of utility infrastructure necessary to increase the attractiveness of such sites for industrial development within the state.

(d) An industrial development agency may identify a potential industrial development site and apply to the secretary for approval of the site as an industrial development site, including recommendations as to any required criteria for utility service to the site.

(e) Upon receipt of the application, the secretary shall determine whether the potential industrial development site has the attributes to accomplish the public purposes of this section; and, upon determining that the site has such attributes, the secretary may certify the site as an industrial development site subject to, at his or her discretion, all or some of the identified required criteria for utility service and communicate such certification to the Public Service Commission.

(f) After the Public Service Commission receives the certification described in subsection (e) of this section, public utilities that are able to meet the required criteria, if any, may file with the Public Service Commission an application for a multi-year comprehensive plan for infrastructure development to construct public utility infrastructure and provide services to industrial development sites. Subject to commission review and approval, a plan may be amended and updated by the public utility as circumstances warrant. The recovery of costs in support of the plans shall be allowed in the manner set forth in this section if the proposed plans have been found to be prudent and useful.

(g) The application submitted to the Public Service Commission under subsection (f) ~~(e)~~ of this section is in lieu of a proceeding, pursuant to §24-2-11 of this code, and shall contain the following:

(1) A description of the infrastructure program, in such detail as the Public Service Commission prescribes, and the projected annual amount in approximate line sizes and feet, general location, type, and projected installation timing of the facilities that the applicant proposes to replace, construct, or improve;

(2) The projected net cost, on an annual basis, of the replacement, construction, or improvements;

(3) The projected start date for the infrastructure program;

(4) The projected numbers of potential new customers that may be served by the infrastructure program and the projected annual demand for public utility services of the customers;

(5) The projected debt for the infrastructure program funding and the projected capital structure for infrastructure program funding;

(6) A proposed full and timely cost recovery mechanism consistent with this section; and

(7) Other information the applicant considers relevant, or the Public Service Commission requires.

(h) Upon filing of the application, the applicant shall publish, in the form the Public Service Commission directs, which form shall include, but not be limited to, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, the publication area to be each county in which service is provided by the public utility, a notice of the filing of the application, and that the commission shall hold a hearing on the application within 90 days of the notice; unless no substantial opposition to the rate change is received by the commission within one week of the proposed hearing date, in which case the hearing can be waived, and issue a final order within 150 days of the application filing date.

(i) Upon notice and hearing, if required by the Public Service Commission, the commission shall approve the infrastructure program and allow expedited recovery of costs related to the expenditures, as provided in subsection (j) ~~(i)~~ of this section, if the commission finds that the expenditures and the associated rate requirements are just, reasonable, and are not contrary to the public interest. ~~Provided, That the commission may approve infrastructure programs undertaken in connection with a maximum of 10 industrial development sites under this program: Provided, however, That no more than four industrial development sites shall be located in any one congressional district, as such congressional districts are defined in §1-2-3 of this code on the effective date of this section: Provided further, That if the number of congressional districts is reduced to two, that no more than five industrial development sites shall be located in any one congressional district~~

(j) Upon Public Service Commission approval, utilities will be authorized to implement the infrastructure programs and to recover related incremental costs, net of contributions to recovery of return, operation, and maintenance, depreciation and tax expenses directly attributable to the

infrastructure program served by the infrastructure program investments, if any, as provided in the following:

(1) An allowance for return shall be calculated by applying a rate of return to the average planned net incremental increase to rate base attributable to the infrastructure program for the coming year, considering the projected amount and timing of expenditures under the infrastructure program plus any expenditures in previous years of the infrastructure program. The rate of return shall be determined by utilizing the rate of return on equity authorized by the Public Service Commission in the public utility's most recent rate case proceeding or in the case of a settled rate case, a rate of return on equity as determined by the commission, and the projected cost of the public utility's debt during the period of the infrastructure program to determine the weighted cost of capital based upon the public utility's capital structure.

(2) Income taxes applicable to the return allowed on the infrastructure program shall be calculated at the statutory tax rate for inclusion in rates.

(3) Incremental operation and maintenance, depreciation, and property tax expenses directly attributable to the infrastructure program shall be estimated for the upcoming year.

(4) Following Public Service Commission approval of its infrastructure program, a public utility shall place into effect rates that include an increment that recovers the allowance for return, related income taxes at the statutory rate, operation and maintenance, depreciation, and property tax expenses associated with the public utility's estimated infrastructure program investments for the upcoming year, net of contributions to recovery of those incremental costs provided by new customers served by the infrastructure program investments, if any. In each year subsequent to the order approving the infrastructure program and the incremental cost recovery increment, the public utility shall file a petition with the Public Service Commission setting forth a new proposed incremental cost recovery increment based on investments to be made in the subsequent year, plus any under-recovery or minus any over-recovery of actual incremental costs attributable to the infrastructure program investments, for the preceding year.

(5) The facilities installed in an application approved by the Public Service Commission shall be considered used and useful as of the date of construction expenditure for rate recovery.

(k) The public utility may make any accounting accruals necessary to establish a regulatory asset or liability through which actual incremental costs incurred and costs recovered through the rate mechanism are tracked.

(l) Utilities may defer incremental operation and maintenance expenditures attributable to regulatory and compliance-related requirements introduced after the public utility's last rate case proceeding, and not included in the public utility's current rates. In a future rate case, the Public Service Commission may allow recovery of the deferred costs amortized over a reasonable period of time to be determined by the commission, provided the commission finds that the costs were reasonable and prudently incurred and were not reflected in rates in prior rate cases.

~~(m) The provisions of this section shall expire on December 31, 2024. The expiration of this section shall not affect the full and timely cost recovery of constructing a project that is commenced pursuant to this section prior to such date~~

~~(n)~~(m) The provisions of this section are effective upon passage.

Engrossed House Bill 3428, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3428) passed.

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

Eng. House Bill 3428—A Bill to amend and reenact §24-2-1n of the Code of West Virginia, 1931, as amended, relating to the West Virginia Business Ready Sites Program; establishing the West Virginia Business Ready Sites Program as a permanent program; authorizing industrial development agencies to recommend required criteria for utility service to certain industrial development sites; giving Public Service Commission discretion to certify sites based on required criteria for utility service; providing for public utilities that can meet required criteria to apply to Public Service Commission for a certain plan to provide utility services to industrial development sites; waiving public hearing on proposed rate change for utility service to industrial development sites if no substantial opposition is received; eliminating the cap on the number of industrial development sites that may be designated by the Public Service Commission; eliminating certain requirements that industrial development sites be apportioned geographically amongst West Virginia's congressional districts; and eliminating the sunset provision of the West Virginia Business Ready Sites Program.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3428) takes effect from passage.

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

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

On motion of Senator Takubo, at 12:41 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 6:05 p.m. and proceeded to the ninth order of business.

Com. Sub. for Senate Bill 62, Establishing secondary location for racetrack video lottery terminals.

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

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

On page 3, section 12a, lines 48-49, after the word "races:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That the licensed racetrack receives approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On pages 5 and 6, section 12, lines 35-55, by striking out all of subsection (e), and inserting in lieu thereof a new subsection (e), to read as follows:

(e) Notwithstanding any provision in this chapter to the contrary, a licenses racetrack may establish a secondary location for its business, including authorized operational video lottery terminals, at any building owned or leased by the licensed racetrack within the county the licensed racetrack is located: *Provided*, That the licensed racetrack receives approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code. The total amount of locations a licensed racetrack may operate within a county is two locations: *Provided, however*, That if any licensed racetrack relocates operational video lottery terminals outside of a municipality, the municipality may receive the share of funds it received under §29-22A-10 and §29-22A-10b of this code up to the amount received in the fiscal year immediately preceding the relocation of the operational video lottery terminals, and the excess of this amount shall be divided proportionally to the said municipality and the new municipality, if any, based on the revenues generated at each location: *Provided, further*, That the total amount of funds transferred to the municipalities may not exceed the percentage provided under §29-22A-10 and §29-22A-10b of this code: *And provided further*, That any licensed racetrack establishing a secondary location shall continue to operate its original facility and continue to maintain and offer amenities, accommodations, options, and services at the original facility, and shall continue to maintain and offer the same level of amenities, accommodations, options, and services as of the effective date of the amendments to this section enacted during the 2023 regular session of the Legislature. As used in this subsection, amenities, accommodations, options, and services may include, but are not limited to, table games, video lottery terminals, live racing, and sports wagering kiosks offered to the public.;

On page 10, section 3, lines 109-110, after the word "located:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On page 15, section 6, lines 30-31, after the word "location:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows:

Provided, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On page 23, section 8, after line 93, by inserting a new subdivision, designated subdivision (5), to read as follows:

(5) If a licensee who operates a secondary or satellite location fails to apply to renew its license under §19-23-1 *et seq.* and §29-22A-1 *et seq.* of this code until after the license expires, the commission shall renew its license under this article at the time it renews its license under §29-22A-1 *et seq.* of this code provided the licensee has paid the annual license fees required by subsection (g) and subsection (n) of this section, and during the preceding license year the licensee complied with all provisions of this article, all rules adopted by the commission and all final orders of the commission applicable to the licensee.;

On page 24, section 8, lines 124-126, after the word "located:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code.;

On page 25, section 8, lines 142-148, by striking out all of subsection (n), and inserting in lieu thereof a new subsection (n), to read as follows:

(n) *Initial fee and annual renewal fees for secondary or satellite locations.* —

(1) After receiving approval to operate a secondary or satellite location from the State Lottery Commission, the licensed racetrack shall pay an initial fee of \$250,000 to operate the secondary or satellite location.

(2) Upon establishment of a secondary or satellite location, the licensed racetrack shall pay an additional annual fee to the commission in the amount of \$250,000. Annual fees to operate secondary or satellite locations paid pursuant to this subsection shall be included in the annual license fee payment to be made pursuant to subsection (g) of this section.

(3) Any license obtained pursuant to this section, payment of licensing fees as incident to a racetrack's license, payment of initial and annual fees associated with the establishment and operation of a secondary or satellite location, and any required surety bonds allows operation of a secondary or satellite location. Any license issued pursuant to §29-22A-1 *et seq.* of this code, §29-22D-1 *et seq.* of this code, and §19-23-1 *et seq.* of this code would also extend to any secondary or satellite location as those terms are defined in §29-22C-3 of this code. The secondary location is not required to operate a racetrack.;

And,

On pages 26-27, section 15, lines 33-45, by striking out all of section (i), and adding in lieu thereof a new subsection (i), to read as follows:

(i) Notwithstanding any provision of this chapter to the contrary, a licensed racetrack may establish a secondary location for its business at any building owned or leased by the licensed

racetrack within the county the licensed racetrack is located to provide sports wagering kiosks: *Provided*, That the licensed racetrack has received approval from the State Lottery Commission, has received voter approval pursuant to §29-22C-7a of this code, and has paid the initial fee of \$250,000 to the commission to operate a secondary or satellite location pursuant to §29-22D-15(n) of this code. The total amount of locations a licensed racetrack may operate within a county is two locations: *Provided, however*, That any licensed racetrack establishing a secondary location shall continue to operate its original facility and continue to maintain and offer amenities, accommodations, options, and services at such original facility, and shall continue to maintain and offer the same level of amenities, accommodations, options, and services as of the effective date of the amendments to this section enacted during the 2023 regular session of the Legislature. As used in this subsection, amenities, accommodations, options, and services may include, but are not limited to, table games, video lottery terminals, live racing, and sports wagering kiosks offered to the public.

Following discussion,

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

The bill (Com. Sub. for S. B. 62), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 220, Industrial Hemp Development Act.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 422, Requiring public schools to publish curriculum online at beginning of each new school year.

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Com. Sub. for Senate Bill 440, Authorizing DOH pay current obligations from State Road Fund.

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

Com. Sub. for Senate Bill 476, Exempting managed care contracts from purchasing requirements.

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

Com. Sub. for Senate Bill 541, Providing for election reforms.

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

Com. Sub. for Senate Bill 546, Adding and removing certain compounds from controlled substance list.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 547, Increasing penalties for drug possession and updating list of offenses.

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

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

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

ARTICLE 4. OFFENSES AND PENALTIES

§60A-4-401. Prohibited acts; penalties.

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than ~~one year~~ three years nor more than 15 years, or fined not more than ~~\$25,000~~ \$50,000, or both fined and imprisoned; ~~Provided, That any person who violates this section knowing that the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000, or be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both fined and imprisoned;~~

(ii) Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any

substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

~~(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.~~

~~Any person who violates this subsection with respect to:~~

~~(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;~~

~~(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;~~

~~(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;~~

~~(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply. Notwithstanding the provisions of subsection (a) of this section, any person who willfully manufactures, delivers, or possesses with the intent to manufacture or deliver one kilogram or more of heroin, one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, 50 grams or more of methamphetamine, or five grams or more of fentanyl, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than 10 nor more than 30 years, or fined not more than \$100,000, or both fined and imprisoned.~~

~~(c)(1) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor, and disposition may be made under §60A-4-407 of this code, subject to the limitations specified in said section, or upon conviction thereof, the person may be confined in jail not less than 90 days nor more than six months, or fined not more than \$1,000, or both fined and confined: *Provided*, That notwithstanding any other provision of this act to the contrary, any first offense for possession of synthetic cannabinoids as defined by §60A-1-101(d)(32) of this code; 3,4-methylenedioxypyrovalerone (MPVD) and 3,4-methylenedioxypyrovalerone and/or mephedrone as defined in §60A-1-101(f) of this code; or less than 15 grams of marijuana, shall be disposed of under §60A-4-407 of this code.~~

~~(2) Notwithstanding the provisions of subdivision (1) of this subsection, possession of a controlled substance classified in Schedule I or II which is a narcotic drug or which is methamphetamine is a felony, and upon conviction, the person shall be imprisoned in a state correctional facility for not less than one year nor more than five years: *Provided*, That a person~~

charged pursuant to this subdivision may, upon successful completion of a court ordered or approved drug treatment program, have his or her offense revert to a misdemeanor with disposition under subdivision (1) of this subsection: *Provided*, That the modification in law effected by the amendment to this subsection enacted during the 2023 Regular Session of the Legislature is expressly designed to assist in getting persons unlawfully using controlled substances in Schedules I and II which are narcotic drugs or methamphetamine in obtaining treatment for any substance abuse issue they may have; *Provided, however*, That the legislature recommends that courts and prosecuting attorneys, where possible, avail themselves of the full panoply of sentencing alternatives available in code, including but not limited to the provisions of §62-11B-1, et seq., §62-11C-1, et seq. §62-11F-1 et seq. , and §62-13-1, et seq.

(d) It is unlawful for any person knowingly or intentionally:

~~(1) To create, distribute, deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or~~

~~(2) To create, possess, sell, or otherwise transfer any equipment with the intent that the equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled substance, or the container or label of a counterfeit substance or an imitation controlled substance.~~

~~(3) Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined. Any person 18 years old or more who violates subdivision (1) of this subsection and distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than that person is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned.~~

~~(4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who administers or dispenses a placebo.~~

(d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully manufactures or delivers or possesses with intent to manufacture or deliver not less than 100 but fewer than 1,000 grams of heroin, not less than 100 but fewer than 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine, or one gram or more but less than five grams of fentanyl, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than five nor more than twenty years, or fined not more than \$75,000, or both fined and imprisoned.

(e) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(f) Under this section, where one act involves two or more controlled substances, the manufacture, delivery, or possession with intent to manufacture or deliver of each controlled

substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

(g) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;

(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

~~(e)~~ (h) It is unlawful for any person knowingly or intentionally:

(1) To adulterate another controlled substance using fentanyl as an adulterant;

(2) To create a counterfeit substance or imitation controlled substance using fentanyl; or

(3) To cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl.

(4) Any person who violates this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years, or fined not more than \$50,000, or both fined and imprisoned.

(5) For purposes of this section:

(i) A controlled substance has been adulterated if fentanyl has been mixed or packed with it; and

(ii) Counterfeit substances and imitation controlled substances are further defined in §60A-1-101 of this code.

§60A-4-409. Prohibited acts – Transportation of controlled substances into state; penalties.

(a) Except as otherwise authorized by the provisions of this code, it is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.

(b) Any person who violates this section with respect to:

(1) A controlled substance classified in Schedule I or II, which is a narcotic drug, shall be guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than ~~one~~ five years nor more than ~~45~~ 20 years, or fined not more than ~~\$25,000~~ \$50,000 or both fined and imprisoned. ~~Provided, That any person who violates this section knowing that the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000 or imprisoned in a state correctional facility for a definite term of not less than 10 nor more than 20 years, or both fined and imprisoned~~

(2) Any other controlled substance classified in Schedule I, II or III ~~shall be~~ is guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than 10 years, or fined not more than \$15,000, or both: *Provided*, That for the substance marijuana, as scheduled in ~~subdivision (24) subsection (d), §60A-2-204(d)(24)~~ of this code, the penalty, upon conviction of a violation of this subsection, shall be that set forth in subdivision (3) of this subsection.

(3) A substance classified in Schedule IV ~~shall be~~ is guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than five years, or fined not more than \$10,000, or both;

(4) A substance classified in Schedule V ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(c) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine, or five grams or more of fentanyl ~~500 grams of a substance or material containing a measurable amount of methamphetamine~~, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 15 nor more than 30 years.

(d) Notwithstanding the provisions of subsection (b) of this section, any person violating or causing a violation of subsection (a) of this section involving 100 but fewer than 1,000 grams of heroin, not less than ~~500~~ 100 but fewer than ~~5,000~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than 99 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine or ~~not less than 50 grams but fewer than 500 grams of a substance or material containing a measurable amount of methamphetamine~~, or one gram or more but less than five grams of fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 7 nor more than 20 years.

(e) Notwithstanding the provisions of subsection (b) of this section, any person violating or attempting to violate the provisions of subsection (a) of this section involving not less than 10 grams nor more than 100 grams of heroin, not less than ~~50~~ 10 grams nor more than ~~500~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~499~~ one gram nor more than five grams of methamphetamine or not less than ~~20~~ grams nor more than ~~50~~ grams of a substance or material containing a measurable amount of methamphetamine or less than one gram of fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 5 nor more than ~~45~~ 20 years.

(f) The offense established by this section shall be in addition to and a separate and distinct offense from any other offense set forth in this code.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the transportation into the state involves two or more controlled substances, the transportation into the state of each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

~~(5)~~ (i) The sentences provided in this section upon conviction for a violation of this article are mandatory and are not subject to suspension or probation.

§60A-4-414. Conspiracy.

(a) Any person who willfully conspires with one or more persons to commit a felony violation of ~~section four hundred one §60A-4-401 of this article~~ code, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than 10 years: *Provided*, That the provisions of this subsection are inapplicable to felony violations of ~~section four hundred one §60A-4-401 of this article~~ code prohibiting the manufacture, delivery or possession with intent to manufacture or deliver marijuana.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with intent to manufacture or deliver one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine, or ~~five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ five grams or more of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 5 nor more than thirty years.

(c) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with intent to manufacture or deliver not less than 100 but fewer than 1,000 grams of heroin, not less than ~~five hundred~~ 100 but fewer than ~~five thousand~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer

than 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine, or ~~not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ one gram or more but less than five grams of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate~~ an indeterminate sentence of not less than ~~two~~ three nor more than 20 years.

(d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver, possess with intent to manufacture, or deliver not less than 10 grams nor more than 100 grams of heroin, not less than ~~fifty~~ 10 grams nor more than ~~five hundred~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~four hundred ninety nine milligrams~~ one gram nor more than five grams of methamphetamine ~~or not less than twenty grams nor more than fifty grams of a substance or material containing a measurable amount of methamphetamine or less than one gram of fentanyl~~, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate~~ an indeterminate sentence of not less than two nor more than 15 years.

(e) The trier of fact shall determine the quantity of the controlled substance attributable to the defendant beyond a reasonable doubt based on evidence adduced at trial.

(f) The determination of the trier of fact as to the quantity of controlled substance attributable to the defendant in a charge under this section may include all of the controlled substances manufactured, delivered, or possessed with intent to deliver or manufacture by other participants or members of the conspiracy.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the conspiracy involves two or more controlled substances, each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

~~(g)~~ (i) Offenses in this section proscribing conduct involving lesser quantities are lesser included offenses of offenses proscribing conduct involving larger quantities.

~~(h)~~ (j) A person may be charged under the provisions of §61-10-61, of this code for conduct that is charged under this section.

~~(i)~~ (k) Nothing in this section may be construed to place any limitation whatsoever upon alternative sentencing options available to a court.

§60A-4-416. Drug delivery resulting in death; failure to render aid.

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of the provisions of §60A-4-401 of this ~~chapter code~~, for an illicit purpose and the use, ingestion, or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting, or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than ~~three~~ 10 years nor more than ~~45 years~~ 40 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of 10 years of his or her sentence.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, ~~who~~ knowingly fails to seek medical assistance for ~~such~~ the other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than ~~one year~~ two years nor more than ~~five~~ 10 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of two years of his or her sentence.

(c) The sentences provided in this section are mandatory and are not subject to suspension or probation.

The bill (Com. Sub. for S. B. 547), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 572, Reforming cause of action for public nuisance.

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

Com. Sub. for Senate Bill 573, Relating to child support guidelines and Support Enforcement Commission.

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

Com. Sub. for Senate Bill 634, Increasing value at which municipal property must be sold through public auction.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 650, Allowing physician assistants to own practice.

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

Com. Sub. for Senate Bill 660, Establishing aggravated felony offense of reckless driving resulting in death.

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

Com. Sub. for Senate Bill 666, Placing cap on maximum penalty that may be imposed for first-degree robbery.

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

Com. Sub. for Senate Bill 681, Clarifying that juvenile competency determination process extends to status offenders.

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

Senate Bill 732, Prohibiting insurer from imposing copayment for certain services.

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

Senate Bill 734, Requiring adoption of cloud computing services by state agencies.

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

Senate Bill 736, Establishing three-year nontraditional school week pilot project.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 739, Relating to moratorium on carbon capture agreements.

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

At the request of Senator Takubo, and by unanimous consent, the bill was ordered to engrossment and advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 3218, Relating to requiring suicide prevention resources be printed on student identification cards.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3308, Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds.

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

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Senate Bill 123, Creating enhanced penalties for fleeing officer.

Com. Sub. for Senate Bill 540, Creating misdemeanor offense of willfully urinating or defecating in public.

Com. Sub. for Senate Bill 552, Relating to abortion.

Com. Sub. for Senate Bill 581, Amending provisions of 2023 Farm Bill.

Com. Sub. for Senate Bill 633, Requiring prompt appearances for persons detained on capiases.

Com. Sub. for Senate Bill 647, Relating to substantiation of abuse and neglect allegations.

And,

Senate Bill 738, Equipment Right to Repair Act.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 91, Relating to distribution of certain taxes and surcharges to benefit fire departments and emergency medical services providers.

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

Com. Sub. for Com. Sub. for Senate Bill 91 (originating in the Committee on Finance)—A Bill to amend and reenact §29-3E-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-3-14d and §33-3-33 of said code; and to amend and reenact §33-12C-7 of said code, all relating to distribution of certain taxes and surcharges to benefit volunteer and part-volunteer fire departments and emergency medical services providers; defining terms; providing method of allocation and distribution for proceeds of fireworks safety fee deposited in the Fire Protection Fund; eliminating obsolete language; increasing surcharge on fire and casualty policies; providing method of allocation of policy surcharge; requiring the State Fire Marshal provide certain information to the State Treasurer; increasing tax on surplus lines policies; providing method of allocation of surplus lines policy tax; and clarifying requirements for distribution of funds in the Fire Protection Fund.

Without recommendation as to passage.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 91) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Tarr, and by unanimous consent, the bill was rereferred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 199 (originating in the Committee on Government Organization), Requiring purchases of certain commodities and services from state use program partners.

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

Com. Sub. for Com. Sub. for Senate Bill 199 (originating in the Committee on Finance)—A Bill to amend and reenact §5A-1-1 of the West Virginia Code, 1931, as amended; to amend and reenact §5A-3-10 of said code; to amend and reenact §5A-3A-2 of said code; and to repeal §5A-3A-3, §5A-3A-4, §5A-3A-5, and §5A-3A-6 of said code, all relating to requiring purchases of certain commodities and services from state use program partners; revising definitions; updating terms; and requiring Division of Purchasing to purchase certain commodities and services from approved state use program partners if approved state use program partner bid is within five percent of lowest competitor bid.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 199) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Maynard, from the Committee on Outdoor Recreation, submitted the following report, which was received:

Your Committee on Outdoor Recreation has had under consideration

Senate Bill 468, Continuing Cabwaylingo State Forest Trail System.

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

Com. Sub. for Senate Bill 468 (originating in the Committee on Outdoor Recreation)—A Bill to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating to continuing the Cabwaylingo State Forest Trail System and developing the existing Hatfield-McCoy trail system solely for the purpose of providing access to state park and state forest recreational facilities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 468) contained in the preceding report from the Committee on Outdoor Recreation was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 589, Relating to nonpublic kindergarten, elementary, and secondary school education.

And reports the same back without recommendation as to passage.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 589) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, ordered to second reading, and then rereferred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 593, Mandating cost of living salary adjustment policy for state employees.

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

Com. Sub. for Senate Bill 593 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-7; to amend said code by adding thereto a new section, designated §15-2-5a; and to amend said code by adding thereto a new section, designated §18A-4-5c, all relating to mandating executive branch agencies, State Police, and county boards of education develop and report an area market rate salary adjustment policy; stating findings; directing state agencies, State Police,

and county boards of education develop and report an area market rate salary adjustment policy by certain date; establishing mandatory terms to be included in policy; and providing that no private cause of action or right to grievance arises from operation of the policy.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 593) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Bill 740 (originating in the Committee on Rules)—A Bill to amend and reenact §4-2A-2, §4-2A-4, §4-2A-5, §4-2A-6, and §4-2A-7 of the Code of West Virginia, 1931, as amended, all relating to compensation and expense reimbursement for members of the Legislature as recommended by the Citizens Legislative Compensation Commission; modifying the basic compensation to an amount equal to the per capita income in West Virginia; modifying the per diem expense allowance for members of the Legislature when in regular, extended, or extraordinary session; modifying the compensation, per diem expense allowance, and travel reimbursement paid to designated members of the Legislature when not receiving compensation for being in attendance during a regular, extended, or extraordinary session; modifying interim compensation paid to members of the Legislature; authorizing members-elect to the Legislature to receive certain travel reimbursement; and modifying the per diem expense allowance for members of the Legislature who both commute and do not commute.

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 740) contained in the preceding report from the Committee on Rules was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 10, US Army Air Corps PVT Albert J Sutphin Memorial Highway.

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

Com. Sub. for Senate Concurrent Resolution 10 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the "U.S. Army Air Corps PVT Albert J. Sutphin Memorial Highway".

Senate Concurrent Resolution 13, Wyant Brothers Memorial Road.

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

Com. Sub. for Senate Concurrent Resolution 13 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name a portion of road, beginning at north and southbound 21-079/00-101.34 (39.05393, -80.40043) and ending at north and southbound County Overpass 14, carrying Interstate 79 over Rt. 14 in Lewis County, West Virginia, the "Wyant Brothers WWII Veterans Memorial Road".

Senate Concurrent Resolution 16, US Army 1SG James Arnold Browning Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 16 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 23-005/00-004.52 (23A383), (37.85814, -82.07508), locally known as North Shegon Bridge, carrying CR 05 over Mud Fork in Logan County, the "U.S. Army 1SG James Arnold Browning Memorial Bridge".

And,

Senate Concurrent Resolution 17, US Navy HT2 Phillip Joseph "PJ" Hainer Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 17 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 23-007/00-000.78 (23A370), (37.9747, -81.98155), locally known as New Garrett Fork Box Beam, carrying CR 07 over Garrett Fork in Logan County, the "U.S. Navy PO2 Phillip Joseph "P.J." Hainer Memorial Bridge".

With the recommendation that the four committee substitutes be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Blair (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution 37, Recognizing sister-state relationship between WV and Taiwan.

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

Respectfully submitted,

Craig Blair,
Chair ex officio.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. House Bill 2310, Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate.

And has amended same.

Now on third reading, with the right to amend, having been rereferred to the Committee on Transportation and Infrastructure on February 15, 2023;

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

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 2540, Travel Insurance Model Act.

And has amended same.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Banking and Insurance pending.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2638, Authorizing certain agencies of the Department of Administration to promulgate legislative rules.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2640, Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2648, Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Takubo and Maynard.

At the request of Senator Takubo, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the passing of Charlie Mounts, a founding member of Logan Emergency Ambulance Service Authority.

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

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

February 27, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
State Capitol
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bill, authenticated by the signature of the Clerk of each house, and signed by the President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

S. B. 128 - Clarifying authority of Governor and Legislature to proclaim and declare state of emergency and preparedness.

This bill is presented to you on this day, February 27, 2023.

Respectfully submitted, ,

A handwritten signature in blue ink, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Stephen J. Harrison
Clerk of the House of Delegates



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

February 27, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2006, Relating to reorganizing the Department of Health and Human Resources;

And,

Com. Sub. for H. B. 3122, Permitting certain types of rifles using an encapsulated propellant charge that loads from the breech.

These bills are presented to you on this day, February 27, 2023.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate



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

February 27, 2023

The Honorable Jim Justice, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Justice,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the Speaker of the House of Delegates and the President of the Senate, have been examined and found truly enrolled:

Com. Sub. for H. B. 2596, To modify when a nonresident student's transfer may be denied;

And,

Com. Sub. for H. B. 3055, To create a vocational math class for students interested in careers in the trades.

These bills are presented to you on this day, February 27, 2023.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Harrison".

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 25, 2023:

Senate Bill 52: Senator Roberts;

Com. Sub. for Senate Bill 91: Senator Woodrum;

Senate Resolution 40: Senator Rucker;

Senate Resolution 41: Senator Barrett;

And,

Senate Resolution 42: Senator Rucker.

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

On motion of Senator Takubo, at 6:32 p.m., the Senate adjourned until tomorrow, Tuesday, February 28, 2023, at 11 a.m.

SENATE CALENDAR

**Tuesday, February 28, 2023
11:00 AM**

UNFINISHED BUSINESS

- Com. Sub. for S. C. R. 10 - US Army Air Corps PVT Albert J Sutphin Memorial Highway
- Com. Sub. for S. C. R. 13 - Wyant Brothers Memorial Road
- Com. Sub. for S. C. R. 16 - US Army 1SG James Arnold Browning Memorial Bridge
- Com. Sub. for S. C. R. 17 - US Navy HT2 Phillip Joseph "PJ" Hainer Memorial Bridge
- S. R. 37 - Recognizing sister-state relationship between WV and Taiwan
- S. R. 43 - Designating February 27, 2023, as Rare Disease Awareness Day at Legislature
- S. R. 44 - Recognizing 151st anniversary of Glenville State University

THIRD READING

- Eng. Com. Sub. for S. B. 62 - Establishing secondary location for racetrack video lottery terminals
- Eng. Com. Sub. for S. B. 422 - Requiring public schools to publish curriculum online at beginning of each new school year - (With right to amend)
- Eng. Com. Sub. for Com. Sub. for S. B. 440 - Authorizing DOH pay current obligations from State Road Fund
- Eng. Com. Sub. for S. B. 476 - Exempting managed care contracts from purchasing requirements
- Eng. Com. Sub. for S. B. 541 - Providing for election reforms
- Eng. Com. Sub. for S. B. 547 - Increasing penalties for drug possession and updating list of offenses
- Eng. Com. Sub. for S. B. 572 - Reforming cause of action for public nuisance
- Eng. Com. Sub. for S. B. 573 - Relating to child support guidelines and Support Enforcement Commission
- Eng. Com. Sub. for S. B. 650 - Allowing physician assistants to own practice
- Eng. Com. Sub. for S. B. 660 - Establishing aggravated felony offense of reckless driving resulting in death
- Eng. Com. Sub. for S. B. 666 - Placing cap on maximum penalty that may be imposed for first-degree robbery
- Eng. Com. Sub. for S. B. 681 - Clarifying that juvenile competency determination process extends to status offenders
- Eng. S. B. 732 - Prohibiting insurer from imposing copayment for certain services

- Eng. S. B. 734 - Requiring adoption of cloud computing services by state agencies
- Eng. S. B. 739 - Relating to moratorium on carbon capture agreements - (With right to amend)
- Eng. H. B. 2310 - Provide the Division of Motor Vehicles authority to develop an "Antique Fleet" program so that multiple antique motor vehicles may utilize a single registration plate. - (Com. amend. and title amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 3308 - Authorizing PSC consider and issue financing orders to certain utilities to permit the recovery of certain costs through securitization via consumer rate relief bonds

SECOND READING

- Com. Sub. for S. B. 123 - Creating enhanced penalties for fleeing officer
- Com. Sub. for Com. Sub. for S. B. 199 - Requiring purchases of certain commodities and services from state use program partners
- Com. Sub. for S. B. 220 - Industrial Hemp Development Act
- Com. Sub. for S. B. 468 - Continuing Cabwaylingo State Forest Trail System
- Com. Sub. for S. B. 540 - Creating misdemeanor offense of willfully urinating or defecating in public
- Com. Sub. for S. B. 546 - Adding and removing certain compounds from controlled substance list
- Com. Sub. for S. B. 552 - Relating to abortion
- Com. Sub. for S. B. 581 - Amending provisions of 2023 Farm Bill
- Com. Sub. for S. B. 593 - Mandating cost of living salary adjustment policy for state employees
- Com. Sub. for S. B. 633 - Requiring prompt appearances for persons detained on capiases
- Com. Sub. for S. B. 634 - Increasing value at which municipal property must be sold through public auction
- Com. Sub. for S. B. 647 - Relating to substantiation of abuse and neglect allegations
- S. B. 736 - Establishing three-year nontraditional school week pilot project
- S. B. 738 - Equipment Right to Repair Act
- S. B. 740 - Relating to compensation and expense reimbursement for members of Legislature
- Eng. H. B. 3218 - Relating to requiring suicide prevention resources be printed on student identification cards

FIRST READING

- Eng. Com. Sub. for H. B. 2638 - Authorizing certain agencies of the Department of Administration to promulgate legislative rules (original similar to SB307)

Eng. Com. Sub. for H. B. 2640 - Authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules - (Com. amends. and title amend. pending) (original similar to SB309)

Eng. Com. Sub. for H. B. 2648 - Authorizing certain agencies and boards of the DHHR to promulgate a legislative rule - (Com. amend. and title amend. pending) (original similar to SB317)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Tuesday, February 28, 2023

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