WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, February 28, 2023

The Senate met at 11:01 a.m.

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

Prayer was offered by Pastor Paul Coon, Coal Fork United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Caputo, a senator from the thirteenth district.

Pending the reading of the Journal of Monday, February 27, 2023,

At the request of Senator Deeds, 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.

(Senator Weld in the Chair.)

The Senate proceeded to the sixth order of business.

Senators Barrett, Woodrum, and Queen offered the following resolution:

Senate Concurrent Resolution 21—Requesting the Joint Committee on Technology study the feasibility of Digital Identification implementation to allow citizens to access state agency services with a signal sign-on platform.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

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

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

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

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

Com. Sub. for Senate Concurrent Resolution 13, Wyant Brothers WWII Veterans Memorial Road.

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

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

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

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

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

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

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

Com. Sub. for Senate Concurrent Resolution 17, US Navy PO2 Phillip Joseph "PJ" Hainer Memorial Bridge.

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

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

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

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

The Senate reconvened at 11:20 a.m.

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

The Senate resumed business under the seventh order.

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

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

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

The roll being taken, 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 those present and voting having voted in the affirmative, the President declared the resolution (S. R. 37) adopted.

Thereafter, at the request of Senator Woodrum, and by unanimous consent, the remarks by Senators Takubo and Trump regarding the adoption of Senate Resolution 37 were ordered printed in the Appendix to the Journal.

Senate Resolution 43, Designating February 27, 2023, as Rare Disease Awareness Day at Legislature.

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

At the request of Senator Rucker, 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 44, Recognizing 151st anniversary of Glenville State University.

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

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

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

The roll being taken, 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 those present and voting having voted in the affirmative, the President declared the resolution (S. R. 44) adopted.

Thereafter, at the request of Senator Woodrum, and by unanimous consent, the remarks by Senator Martin regarding the adoption of Senate Resolution 44 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

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

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 62 pass?"

On the passage of the bill, the yeas were: Barrett, Boley, Caputo, Chapman, 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, Clements, 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. 62) passed.

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

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

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 422, Requiring public schools to publish curriculum online at beginning of each new school year.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 27, 2023, for amendments to be received on third reading, was read a third time.

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

On page 1, section 27, lines 1-8, by striking out all of subsection (a) and inserting in lieu thereof a new subsection (a), to read as follows:

(a) Each public school shall ensure that the adopted, up-to-date, county adopted classroom curriculum is posted on the school's internet website at the beginning of each school year, or no later than 30 business days after new or revised curriculum is adopted. The state board of education may provide access, or authorize access, to the county-adopted classroom curriculum. Only students, parents, or guardians of the students shall be given the log in information provided to gain access to the online curriculum: *Provided*, That if the public school has no accessible website, the information shall be posted on the website of the appropriate county board of education. For purposes of this section, class curriculum shall include curriculum created pursuant to §18-5A-6 of this code.

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

Engrossed Committee Substitute for Senate Bill 422 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. 422) 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 440, Authorizing DOH pay current obligations from State Road Fund.

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. 440) 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 476, Exempting managed care contracts from purchasing requirements.

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

On the passage of the bill, the yeas were: Azinger, 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. 476) 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 541, Providing for election reforms.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 541 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Martin, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—28.

The nays were: Chapman, Karnes, Maynard, Rucker, and Smith—5.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 541) 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 547, Increasing penalties for drug possession and updating list of offenses.

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

(Senator Tarr in the Chair.)

Pending discussion,

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

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, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Smith—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. 547) 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 547—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416 of the Code of West Virginia, 1931, as amended, all relating to controlled substances violations; increasing sentences for certain controlled substances offenses; making certain offenses ineligible for suspension of sentence or probation, or alternative sentencing; making possession of Schedule I and II narcotics and methamphetamine a felony; expressing legislative intent; authorizing reduction from felony to misdemeanor under certain circumstances; declaring that minimum period of 10 years' incarceration for the offense of drug delivery causing death; requiring inert substances mixed with controlled substances to be considered a controlled substance for purposes of weight measurement; setting forth method for measurement where more than one controlled substance is in a mixture; and modifying sentences for certain offenses.

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 572, Reforming cause of action for public nuisance.

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. 572) 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 573, Relating to child support guidelines and Support Enforcement Commission.

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. 573) 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 650, Allowing physician assistants to own practice.

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. 650) 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 660, Establishing aggravated felony offense of reckless driving resulting in death.

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. 660) 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 666, Placing cap on maximum penalty that may be imposed for first-degree robbery.

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, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Karnes and Weld—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. 666) 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 681, Clarifying that juvenile competency determination process extends to status offenders.

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. 681) 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, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: None.

Absent: Stover—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 681) 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 12:38 p.m., the Senate recessed until 4:30 p.m. today. The Senate reconvened at 4:51 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

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

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

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

The nays were: None.

Absent: Chapman, Stover, and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 732) 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 734, Requiring adoption of cloud computing services by state agencies.

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, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Swope—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 734) 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 739, Relating to moratorium on carbon capture agreements.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, February 27, 2023, for amendments to be received on third reading, 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, with the right to amend on third reading remaining in effect.

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.

On third reading, coming up in regular order, with the unreported Transportation and Infrastructure committee amendment pending, and with the right having been granted on February 13, 2023, for further amendments to be received on third reading, 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, with the right to amend on third reading remaining in effect and with the unreported Transportation and Infrastructure committee amendment pending.

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 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, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Swope—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3308) 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, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: None.

Absent: Stover and Swope—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3308) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

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

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

Com. Sub. for Com. Sub. for Senate Bill 199, Requiring purchases of certain commodities and services from state use program partners.

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 220, Industrial Hemp Development Act.

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

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

Com. Sub. for Senate Bill 468, Continuing Cabwaylingo State Forest Trail System.

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 540, Creating misdemeanor offense of willfully urinating or defecating in public.

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, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar, following consideration of Committee Substitute for Senate Bill 220, already placed in that position.

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

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 Senate Bill 581, Amending provisions of 2023 Farm Bill.

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

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 633, Requiring prompt appearances for persons detained on capiases.

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 read a second time.

On motions of Senators Rucker and Weld, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 2, section 18, lines 23-26, after the word "property:" by striking out the proviso and inserting in lieu thereof a new proviso, to read as follows: *Provided*, That no municipal employee, municipal official, family member of a municipal employee, or family member of a municipal official may benefit from the disposition of municipal property or otherwise purchase municipally owned property that is adjacent to their own property.;

And,

On page 2, section 18, line 30, after the word "transaction." by inserting the words "For the purposes of this subsection, "family member" means spouse, adult child, sibling, parent, grandparent, adult grandchild, or niece or nephew. This includes stepparents, adult stepchildren, stepsiblings, and adoptive relationships."

Following discussion,

The question being on the adoption of the amendments offered by Senators Rucker and Weld to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 634), as amended, was then ordered to engrossment and third reading.

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

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. COURT ACTIONS.

PART VI. PROCEDURES IN CASES OF CHILD NEGLECT OR ABUSE.

§49-4-601b. Substantiation by the department of abuse and neglect; <u>file purging;</u> <u>expungement; exceptions.</u>

- (a) Notwithstanding any provision of this code to the contrary, when the department substantiates an allegation of abuse or and neglect against a person, but there is no judicial finding of abuse or and neglect as a result of the allegation, the department shall provide written notice of the substantiation to the person by certified mail, return receipt requested.
- (b) The individual person against whom an abuse or and neglect allegation has been substantiated, as described in subsection (a) of this section, has the right to contest the substantiation by filing a grievance with the board of review of the department and has the right to appeal the decision of the board of review to the court, in accordance with the provisions of §29A-5-1 et seq. of this code regarding administrative appeals.
- (c) The secretary of the department shall <u>promulgate propose</u> legislative rules <u>for promulgation</u> in accordance with §29A-3-1 *et seq.* of this code, within the applicable time limit to be considered by the Legislature during its regular session in the year 2021, which rules shall include, at a minimum:
- (1) Provisions for ensuring that an individual against whom the department has substantiated an allegation of abuse and neglect, but against whom there is no judicial finding of abuse or and neglect, receives written notice of the substantiation in a timely manner. The written notice must, shall at a minimum, state the following:
- (A) The name of the child the person is alleged to have abused or <u>and</u> neglected, the place or places where the abuse or <u>and</u> neglect allegedly occurred, and the date or dates on which the abuse or <u>and</u> neglect is alleged to have occurred;
- (B) That the person has a right to file a grievance protesting the substantiation of abuse and neglect with the board of review of the department and clear instructions regarding how to file a grievance with the board of review, including a description of any applicable time limits;
- (C) That the person has a right to appeal an adverse decision of the board of review of the department to the courts and notice of any applicable time limits; and
- (D) A description of any public or nonpublic registry on which the person's name will be included as a result of a substantiated allegation of abuse and neglect and a statement that the inclusion of the person's name on the registry may prevent the person from holding jobs from which child abusers are disqualified, or from providing foster or kinship care to a child in the future;
- (2) Provisions for ensuring that a person against whom an allegation of abuse and neglect has been substantiated, but against whom there is no judicial finding of abuse or neglect, may file

a grievance with the department and provisions guaranteeing that any such person <u>he or she</u> will have a full and fair opportunity to be heard; and

- (3) Provisions requiring the department to remove a person's name from an abuse and neglect registry maintained by the department if a substantiation substantiated allegation is successfully challenged in the board of review or in a court.
 - (d) Notwithstanding any provision of this code to the contrary:
- (1) Where any allegation of abuse and neglect is substantiated and a petition for abuse and neglect could be filed and the department does not file a petition, all department records related to the allegation shall be sealed one year after the substantiation determination, unless during the one-year period another allegation of child abuse and neglect against the person is substantiated: *Provided*, That the provisions of this subdivision do not apply to a person against whom an allegation is substantiated but the circumstances do not allow for the filing of a petition for abuse and neglect;
- (2) Where an allegation of child abuse and neglect is substantiated and a petition is filed with the circuit court which does not end in an adjudication that abuse and neglect occurred, the allegation shall be considered to have been unsubstantiated.
- (3) (A) Where an allegation of child abuse and neglect is substantiated and a judicial determination of child abuse and neglect is found, a person may petition the circuit court which found the person to be an abusing parent to have his or her department record sealed after no less than five years have elapsed since the finding of abuse and neglect is rendered: *Provided*, That a petition may not be filed if the person had been the subject of a substantiated allegation of abuse and neglect during the period of time after the finding and prior to the filing of the petition; and
- (B) In its consideration of a petition filed under this subdivision, the court, in its discretion, may look at all relevant factors related to the petition, including, but not limited to, efforts at rehabilitation and family reunification.
- (e) The sealing of a record pursuant to subsection (d) of this section means that any inquiry of the department about a person having a record of child abuse and neglect for purposes of possible employment shall be answered in the negative.
- (f) The secretary is directed to propose legislative rules pursuant to §29A-1-1 et seq. of this code to effectuate the amendments to this section enacted during the 2023 Regular Session of the Legislature.

The bill (Com. Sub. for S. B. 647), as amended, was then 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 referred to the Committee on Rules.

Senate Bill 738, Equipment Right to Repair Act.

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

Senate Bill 740, Relating to compensation and expense reimbursement for members of Legislature.

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

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

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

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

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

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

CHAPTER 19. AGRICULTURE.

ARTICLE 12e. INDUSTRIAL HEMP DEVELOPMENT ACT.

§19-12E-12. Hemp-derived Cannabinoid Regulation Act.

- (a) This section shall be known as the Hemp-derived Cannabinoid Regulation Act.
- (b) The Legislature finds that hemp-derived cannabinoid products can be regulated so as not to interfere with the strict regulation of controlled substances in this state. The purpose of the act is to allow limited, regulated access to naturally occurring hemp-derived cannabinoid products for adults 21 years of age and older.
 - (c) As used in this section:
- (1) "Adulterated" means modified, altered, weakened, lessened, strengthened, or adapted as to purity by the addition of a foreign substance.
- (2) "Alcohol Beverage Control Commissioner" means the Alcohol Beverage Control Commissioner or his or her designees.
 - (3) "Commissioner" means the Commissioner of Agriculture or his or her designees.

- (4) "Contaminated" means made impure and unsafe by biological, chemical, or physical additives.
 - (5)"Department" means the West Virginia Department of Agriculture.
- (6)"Hemp-derived cannabinoid" means a naturally occurring non-synthetic, and unadulterated substance as follows:
- (A) A hemp-derived product containing delta-9 tetrahydrocannabinol in a concentration of three tenths of one percent (0.3%) or less on a dry weight basis;
 - (B) Delta-8 tetrahydrocannabinol;
 - (C) Delta-10 tetrahydrocannabinol;
 - (D) Hexahydrocannabinol;
 - (E) Tetrahydrocannabiphorol (THCp); and
 - (F) Tetrahydrocannabivarin (THCv).
 - (7) "Manufacturer" means a person or entity which grows industrial hemp.
- (8) "Processor" means a person or entity that processes compounds or converts hempderived cannabinoids into a hemp-derived cannabinoid product and distributes, sells, or offers for sale, hemp-derived cannabinoid products in this state on a wholesale basis to a retailer.
- (9) "Retailer" means a person or entity that distributes, offers for sale, or sells hemp-derived products to persons for personal consumption.
- (d) Any person manufacturing, processing, distributing, offering for sale, or selling hempderived cannabinoid products in this state shall be permitted by the commissioner and otherwise authorized to do business in this state. The commissioner may issue manufacturer, processor and retailer permits.
- (e) The Commissioner of Agriculture shall propose legislative rules for promulgation in accordance with §29A-3-1 et seq. of this code that include, but are not limited to:
- (1) Issuing permits to persons who wish to manufacture, handle, process, offer for sale, or sell hemp-derived cannabinoid products;
- (2) Regular sampling and testing of hemp-derived cannabinoid products to determine purity levels;
- (3) Supervision of the hemp-derived cannabinoid products during their manufacture, processing, and sale;
- (4) Assessment of fees that are commensurate with the costs of the Commissioner of Agriculture's activities in permitting, testing, and overseeing the regulation of hemp-derived products;

- (5) Approving the manufacture, production, sale, processing, distributing, and transport of hemp-derived cannabinoid products;
- (6) Developing standards for the labeling of hemp-derived cannabinoid products, including but not limited to, a statement which says "KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION" and "USE OF THIS PRODUCT MAY CAUSE DRUG TESTING TO BE POSITIVE FOR THC";
- (7) Developing requirements that hemp-derived cannabinoid products for retail sale be available only in a restricted access area and not accessible to the general public;
- (8) Developing restrictions on advertising and marketing of hemp-derived cannabinoid products including, but not limited to, precluding advertising of unapproved, illegal products in newspapers or on radio or television;
 - (9) Developing prohibitions on child targeted packaging and shapes and forms of products;
 - (10) Developing administrative rules, procedures, and sanctions for violations of this section.
 - (11) Any other rules and procedures necessary to carry out the purposes of this article.
- (f) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules as are necessary to effectuate the purposes of this article.
- (g) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells hemp-derived cannabinoid products to persons in this state shall employ a neutral age-screening mechanism that verifies that the user is at least 21 years old. The mechanism may include an age-gate, age-screen, or other age-verification mechanism approved by the commissioner.
- (h) Any person offering to distribute or sell hemp-derived cannabinoid products to persons in this state by means other than a direct in-person transaction shall employ an age verification mechanism approved by the commissioner.
- (i) In addition to all other applicable taxes, there is hereby levied an additional tax equal to 15 percent of the retail sales price on each retail sale of hemp-derived cannabinoids for the privilege of engaging in the business of selling hemp-derived cannabinoid products.
- (1) For the privilege of engaging or continuing within this state in the business of the retail sale of hemp-derived cannabinoid products, as defined in subdivision (6), subsection (a) of this section, there is hereby levied upon and collected from every person exercising the privilege a privilege tax.
- (2) The rate of tax imposed by this subsection is 15 percent of the retail sales price of hempderived cannabinoid products sold during the reporting period, depending upon the person's method of accounting for federal income tax purposes. The tax imposed by this subsection shall not be added by the retailer as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer.

- (3) Every person subject to the tax imposed by this subsection shall make quarterly payments under this section for each calendar quarter at the rate prescribed in this subsection on the gross receipts received or accrued for the calendar quarter, depending upon the person's method of accounting for federal income tax purposes. The tax shall be due and payable on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this subsection.
- (4) The taxes imposed by this subsection shall be paid to the Tax Commissioner by electronic funds transfer, unless electronic payment is prohibited by state or federal law. Tax returns required by this subsection shall be filed electronically with the Tax Commissioner.
- (5) If any retailer does not renew its permit, relinquishes its permit, has its permit to operate suspended or revoked, or otherwise ceases selling hemp-derived cannabinoid products then any tax, additions to tax, penalties, and interest imposed by this section and by §11-10-1 et seq. of this code, shall become due and payable immediately and the retailer shall make a final return or returns and pay any tax which is due within 30 days of no longer selling the product or after not renewing its permit, relinquishes its permit, has its permit to operate suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is a lien upon the property of the retailer and of its owners.
- (6) All money received from the tax imposed under this subsection, including any interest and additions to tax paid under §11-10-1 et seq. of this code, less the amount of any refunds, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.
- (7) Persons subject to the tax imposed by this subsection shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this subsection.
- (8) Notwithstanding any provision of §11-10-1 et seq. of this code or of this section to the contrary, the Tax Commissioner, and the commissioner may enter into written agreements pursuant to which the Tax Commissioner shall disclose to designated employees of the department, whether a particular retailer is in good standing with the Tax Commissioner, and the commissioner shall disclose to designated employees of the Tax Commissioner information a retailer provides to the commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 et seq. of this code. To the extent feasible, this information should be shared or exchanged electronically.
- (9) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, any procedural, interpretive, or legislative rules, including emergency rules, as the Tax Commissioner considers necessary or convenient for the efficient administration of taxes imposed by this subsection.
- (A) Funds from the tax imposed by the provisions of subdivision (1) of this subsection and deposited in the Agricultural Fees Fund, shall be divided and deposited as follows:
- (i) Twenty percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8 of this code;

- (ii) Twenty-five percent shall be deposited in the General Revenue Fund;
- (iii) Forty percent shall remain in the Agriculture Fees Fund; and
- (iv) Fifteen percent shall be deposited in the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.
- (B) Notwithstanding any provision in §11-9-1 et seq. of this code to the contrary, each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 et seq. of this code applies to the tax imposed by §16A-9-1 et seq. of this code with like effect as if said act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.
- (C) Notwithstanding any provision of §11-10-1 et seq. of this code, or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 et seq. of this code applies to the tax imposed by §16A-9-1 et seq. with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.
- (j) All fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the Agricultural Fees Fund established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.
- (k)(1) The provisions of this section related to retail sales shall be enforced by the commissioner with the assistance of the Alcohol Beverage Control Commissioner.
- (2) The commissioner and the Alcohol Beverage Control Commissioner shall enter into a memorandum or memoranda of understanding to facilitate their enforcement of this section.
- (I)(1) Any hemp-derived product found in this state in violation of this article is hereby declared contraband and any property interest in the hemp-derived product is vested in the State of West Virginia and is subject to seizure, forfeiture, and destruction.
- (2) Any certified law-enforcement officer in this state is authorized to enforce the criminal provisions of this section, and enforcement agents of the Alcohol Beverage Control Commissioner are authorized to enforce the administrative retailer provisions of this section.
- (3) The Commissioner shall provide the requisite training necessary to enforce the criminal and administrative provisions of this section.
 - (4) The provisions of this subsection are effective from passage.
- (m) Any person who manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product in this state without a permit to do so is guilty of a crime.
- (1) A first violation of this subsection is a misdemeanor, and upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.

- (2) A second or subsequent violation of this subsection is a felony and, upon conviction thereof, a person shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (n)(1) Any person who processes, distributes, sells, or offers to sell any hemp-derived product knowing or having reason to know that the product has been adulterated or contaminated with a toxic or illegal substance is guilty of a felony, and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than two nor more than 10 years, or both fined and imprisoned.
- (2) Each individually contaminated or adulterated packaged container of a hemp-derived cannabinoid product processed, distributed, sold, or offered for sale in violation of this subsection constitutes a separate and distinct violation.
- (o)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any hemp-derived cannabinoid product which has not been approved by the commissioner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 or confined in jail for not more than one year, or both fined and confined.
- (2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (p) Any person who knowingly distributes, offers for sale, or sells a contaminated or adulterated hemp-derived cannabinoid product is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$25,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (q) Any person who knowingly distributes or sells hemp-derived cannabinoid product to a person under the age of 21 is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (r) (1) Any person under the age of 21 who possesses hemp-derived cannabinoid product is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined.
- (2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof shall be fined not more than \$5,000 and imprisoned in a state correctional facility for not less than one nor more than three years, or both fined and imprisoned.

ARTICLE 12F. SELECT PLANT-DERIVED PRODUCT REGULATION ACT.

§19-12F-1. Short title.

This article shall be known as the Select Plant-derived Product Regulation Act.

§19-12F-2. Findings; purpose.

The legislature finds that select plant-derived products, including Kratom, can be regulated so as not to interfere with the strict regulation of controlled substances in this state. The purpose of this article is to allow limited regulated assess to Kratom for adults 21 years of age and older.

§19-12F-3. Definitions.

- (1) "Adulterated" means modified, altered, weakened, lessened, strengthened, or adapted as to purity by the addition of a foreign substance.
- (2) "Alcohol Beverage Control Commissioner" means the Alcohol Beverage Control Commissioner or his or her designee.
 - (3) "Commissioner" means the Commissioner of Agriculture or his or her designee.
- (4) "Contaminated" means made impure and unsafe by biological, chemical, or physical additives.
 - (5) "Department" means the West Virginia Department of Agriculture.
- (6) "Kratom" means a psychoactive preparation that is composed of the crushed or powdered dried leaves of the mitragyna speciosa, a yellow-flowered tropical tree which contains the alkaloids mitragynine and 7-hydroxymitragynine.
- (7) "Kratom product" means a food product, food ingredient, dietary agreement, dietary supplement, or beverage intended or marketed for human consumption containing any part of the leaf of the plant mitragyna speciosa.
 - (8) Manufacture "means a person or entity which grows Kratom for commercial purposes.
- (9) "Processor" means a person or entity that processes, distributes, sells, or offers for sale, kratom or kratom products in this state on a wholesale basis to a retailer.
- (10)"Retailer" means a person or entity that distributes, offers for sale, or sells kratom or kratom products to persons for personal consumption.

§19-12F-4. Processor and retailer permits; regulation.

Any person manufacturing, processing, distributing, offering for sale, or selling kratom or kratom products in this state shall have a permit issued by the commissioner and otherwise authorized to do business in this state. The commissioner may issue manufacturer, processor and retailer permits.

§19-12F-5. Rule-making authority.

- (a) The commissioner shall propose legislative rules for legislative approval in accordance with §29A-3-1 et seq. of this code that include, but are not limited to:
- (1) Issuance of permits to persons who wish to manufacture, process, distribute, offer for sale, or sell kratom;
 - (2) Sampling and testing of kratom to determine purity levels;

- (3) Supervision of the kratom during its manufacture, processing, and sale:
- (4) Assessment of fees that are commensurate with the costs of the Commissioner of Agriculture's activities in permitting, testing, and supervising kratom and the sale of kratom products;
 - (5) The production, processing, sale, possession, distribution, or transport of kratom products;
- (6) Developing standards for the labeling of kratom products to include, at a minimum, a statement which says "KEEP OUT OF REACH OF CHILDREN. CONSULT YOUR PHYSICIAN BEFORE USE IF YOU ARE PREGNANT OR TAKING ANY MEDICATION";
- (7) Developing requirements that kratom and kratom products be available only in a restricted access area not accessible to the general public;
- (9) Developing restrictions on advertising and marketing to preclude advertising of kratom and kratom products in newspapers or on radio and television;
 - (10) Developing prohibitions on child-targeted packaging and shapes and forms of products;
- (11) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may propose legislative rules, in accordance with the provisions of §29A-3-1 et seq. of this code, to effectuate the purposes of this article;
 - (12) Any other rules and procedures necessary to carry out the purposes of this article.
- (b) The Commissioner of Agriculture and the Alcohol Beverage Control Commissioner may, pursuant to §29A-3-15 of this code, promulgate such separate or joint emergency rules as are necessary to effectuate the purposes of this article.

§19-12F-6. Age verification requirements.

- (a) Any website owned, managed, or operated by a person who manufactures, processes, distributes, offers for sale, or sells a product containing kratom or kratom products to persons in this state shall employ a neutral age-screening mechanism that verifies that the user is at least 21 years old, including by using an age-gate, age-screen, or other age-verification mechanism approved by the commissioner.
- (b) Any person offering to distribute or sell kratom or kratom products to persons in this state by means other than a direct in-person transaction shall employ an age-verification mechanism approved by the Commissioner.

§19-12-F-7. Kratom specific taxes; disposition of funds.

- (a) In addition to all other applicable taxes, there is hereby levied an additional tax equal to 15 percent of the retail sales price on each retail sale of kratom and kratom products.
- (1) For the privilege of engaging or continuing within this state in the business of selling kratom and kratom products, as defined in §19-12F-2 of this code there is hereby levied upon and collected from every person exercising the privilege a privilege tax.

- (2) The rate of tax imposed by this section is 15 percent of the retail sales price of kratom and kratom products sold during the reporting period, depending upon its method of accounting for federal income tax purposes. The tax imposed by this section shall not be added by the retailers as a separate charge or line item on any sales slip, invoice, receipt, other statement, or memorandum of the price paid by a customer.
- (b) Every person subject to the tax imposed by this subsection shall make quarterly payments for each calendar quarter at the rate prescribed in subsection (a) of this section on the gross receipts received or accrued for the calendar quarter, depending upon the person's method of accounting for federal income tax purposes. The tax shall be due and payable on the 20th day of January, April, July, and October for the preceding calendar quarter. When the payment of tax is due, the person shall file a tax return in a form prescribed by the Tax Commissioner. The Tax Commissioner may require such forms, schedules, and returns and impose such filing and remittance requirements that are necessary or convenient for the efficient administration of taxes imposed by this section.
- (c) The taxes imposed by this section shall be paid to the Tax Commissioner by electronic funds transfer, unless electronic payment is prohibited by state or federal law. Tax returns required by this section shall be filed electronically with the Tax Commissioner.
- (d) If any retailer does not renew its permit, relinquishes its permit, has its permit suspended or revoked, or otherwise ceases selling kratom or kratom products then any tax, additions to tax, penalties, and interest imposed by this article and by §11-10-1 et seq. of this code shall become due and payable immediately and the retailer shall make a final return or returns and pay any tax which is due within 30 days of no longer selling the product or after not renewing its permit, relinquishing its permit, has its permit to sell suspended or revoked, or otherwise ceasing business. The unpaid amount of any tax is a lien upon the property of the retailer and of its owners.
- (e) All money received from the tax imposed under this section, including any interest and additions to tax paid under §11-10-1 et seq., less the amount of any refunds, shall be deposited into the Agricultural Fees Fund created by §19-1-4c of this code.
- (f) Persons subject to the tax imposed by this section shall provide to the Tax Commissioner any information required by the Tax Commissioner to administer, collect, and enforce the tax imposed by this section.
- (g) Notwithstanding any provision of §11-10-1 et seq. of this code or of this article to the contrary, the Tax Commissioner, and the Commissioner may enter into written agreements pursuant to which the Tax Commissioner will disclose to designated employees of the department, whether a particular retailer is in good standing with the Tax Commissioner, and the commissioner will disclose to designated employees of the Tax Commissioner information a retailer provides to the commissioner pursuant to this code. Tax information disclosed pursuant to a written agreement shall remain confidential in the hands of the receiver and shall not be disclosable under §29B-1-1 et seq. of this code. To the extent feasible, this information should be shared or exchanged electronically.
- (h) The Tax Commissioner may promulgate, in accordance with the provisions of §29A-3-1 et seq. of this code, such procedural, interpretive, or legislative rules, including emergency rules, as the Tax Commissioner considers necessary or convenient for the efficient administration of taxes imposed by this section.

- (i) Funds from the taxes imposed by this section and deposited in the Agricultural Fees Fund and shall be divided as follows:
- (1) Twenty percent shall be transferred to the Fight Substance Abuse Fund created by §60A-9-8;
- (2) Twenty-five percent shall be deposited in the general revenue fund; and (3) Forty percent shall remain in the Agriculture Fees Fund.
- (4) Fifteen percent to the Alcohol Beverage Control Enforcement Fund established by the provisions of §60-7-13 of this code.
- (j) Notwithstanding any provision in §11-9-1 et seq. of this code to the contrary, each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in §11-9-1 et seq. of this code shall apply to the tax imposed by §16A-9-1 et seq. of this code with like effect as if said act were applicable only to the tax imposed by §16A-9-1 et seq. of this code and were set forth in extenso in §16A-9-1 et seq. of this code.
- (k) Notwithstanding any provision of §11-10-1 et seq. of this code or any other provision of this code to the contrary, each and every provision of the West Virginia Tax Procedure and Administration Act set forth in §11-10-1 et seq. of this code, shall apply to the tax imposed by §16A-9-1 et seq. with like effect as if the said West Virginia Tax Procedure and Administration Act were applicable only to the tax imposed by §16A-9-1 et seq. of this code, and were set forth in extenso in §16A-9-1 et seq. of this code.

§19-12F-8 Application and registration fees.

- (a) Applicants for kratom and kratom manufacturer, product processor, and retailer permits shall pay a non-refundable application fee of \$2,500 which shall be deposited with the State Treasurer to the credit of the "Agricultural Fees Fund" established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.
- (b) Processors and retailers shall pay an annual registration fee of \$1000 kratom and hempderived cannabinoid products which shall be deposited with the State Treasurer to the credit of the "Agricultural Fees Fund" established by the provisions of §19-1-4c of this code for the use of the commissioner for administering and enforcing the provisions of this article.

§19-12F-9. Cooperative enforcement agreements.

- (a) The provisions of article related to retail sales shall be enforced by the commissioner and with the assistance of the Alcohol Beverage Control Commissioner.
- (b) The Commissioner and the Alcohol Beverage Control Commissioner may enter into a memorandum or memoranda of understanding to facilitate enforcement of this article.

§19-12F-10. Declaring unlawful products contraband; seizures; forfeitures; and destruction.

(a) Any kratom or kratom product found in this state in violation of this article is hereby declared contraband and any property interest in the kratom or kratom product is vested in the State of West Virginia and is subject to seizure and forfeiture and destruction.

(b) Any certified law enforcement officer in this state may enforce the criminal provisions of this article, and any enforcement agent of the Alcohol Beverage Control Commissioner is authorized to enforce the administrative provisions of this article as it relates to retailers.

§19-12F-11. Criminal violations; penalties.

- (a) Any person who manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product in this state without a permit is guilty of a crime.
- (1) A first violation of this subsection is a misdemeanor, and upon conviction thereof, a person shall be fined not more than \$1,000, confined in jail for not more than one year, or both fined and confined.
- (2) A second or subsequent violation of this subsection is a felony and upon conviction thereof, a person shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years or both fined and imprisoned.
- (b)(1) Any person who manufactures, processes, distributes, sells or offers to sell any kratom or kratom product knowing or having reason to know that the product has been adulterated or contaminated with a toxic or illegal substance is guilty of a felony, and, upon conviction shall be fined not more than \$10,000 or imprisoned in a state correctional facility for not less than two nor more than 10 years or both fined and imprisoned.
- (2) Each individually contaminated or adulterated packaged container of kratom or a kratom product processed, distributed, sold, or offered for sale constitutes a separate and distinct violation of this subsection.
- (c)(1) Any person who knowingly manufactures, processes, distributes, sells, or offers for sale any kratom or kratom product which has not been approved by the Commissioner is guilty of a misdemeanor and, upon conviction thereof shall be fined not less than \$1,000 nor more than \$5,000 or confined in jail for not more than one year, or both fined and confined.
- (2) Notwithstanding the provisions of subdivision (1) of this subsection, a second or subsequent violation of subdivision (1) of this subsection constitutes a felony and any person convicted thereof shall be fined not more than \$5,000 or imprisoned for not less than one nor more than five years or both fined and imprisoned.
- (d) Any person who knowingly manufactures, distributes, offers for sale, or sells contaminated or adulterated kratom or kratom product is guilty of a felony and, upon conviction, shall be fined not less than \$10,000 nor more than \$25,000 or imprisoned for not less than one nor more than five years or both fined and imprisoned.
- (e) Any person who knowingly distributes or sells a kratom or kratom product to a person under the age of 21 is guilty of a felony and upon conviction thereof shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (e) (1) Any person under the age of 21 who possesses kratom or a kratom product is guilty of a misdemeanor and upon conviction, shall be fined not more than \$1,000 or confined in jail for not more than one year or both fined and confined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, second and subsequent violations of subdivision (1) of this subsection constitute a felony and any person convicted thereof shall be fined not more than \$5,000 and imprisoned in a state correctional facility for not less than one nor more than three years or both fined and imprisoned.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

- (a) It is unlawful for any licensee, or agent, employee, or member thereof, on such licensee's premises to:
- (1) Sell, offer for sale, tender, or serve any alcoholic liquors other than by the drink poured from the original package or container, except as authorized in §60-6-8 of this code;
- (2) Authorize or permit any disturbance of the peace, obscene, lewd, immoral, or improper entertainment, conduct, or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine, or device in the nature of a slot machine; any violation of the provisions of §19-12E-12 and §19-12F-1 et seq. of this code and rules promulgated thereunder: however, <u>Provided</u>, <u>That</u> various games, gaming, and wagering conducted by duly licensed persons of the West Virginia State Lottery Commission, charitable bingo games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-20-1 et seq. of this code, and charitable raffle games conducted by a duly licensed charitable or public service organization (or its auxiliaries), pursuant to §47-21-1 et seq. of this code, all of which are permissible on a licensee's licensed premises when operated in accordance with this code and rules promulgated thereunder. A private resort hotel holding a license issued pursuant to §60-7-1 et seq. of this code, may sell, tender, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on the premises licensed under §29-22A-1 et seq. and §29-22C-1 et seq., or §29-25-1 et seq. of this code, during hours of operation authorized by §29-22A-1 et seq. and §29-22C-1 et seq. and §29-22C-1 et seq. of this code;
- (3) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine, or alcoholic liquors on the licensee's premises, by any person less than 21 years of age;
- (4) Sell, give away, or permit the sale of, gift to, or the procurement of any nonintoxicating beer, wine, or alcoholic liquors, for or to any person known to be considered legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;
- (5) Sell, give, or dispense nonintoxicating beer, wine, or alcoholic liquors in or on any licensed premises, or in any rooms directly connected therewith between the hours of 3:00 a.m. and 6:00 a.m. on weekdays, Saturdays, and Sundays, or, between the hours of 3:00 a.m. and 1:00 p.m. in any county upon approval as provided for in §7-1-3ss of this code, on any Sunday; and
- (6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine, or alcoholic liquors, covered by this article, to any person who is less than 21 years of age;

- (7) With the intent to defraud, alter, change, or misrepresent the quality, quantity, or brand name of any alcoholic liquor;
- (8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues-paying member in good standing of the private club or a guest of the member;
- (9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium, or nitrous oxide for purposes of human consumption, except as authorized by the commissioner;
- (10)(A) Employ any person who is less than 16 years of age in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;
- (B) Employ any person who is between 16 years of age and younger than 21 years of age who is not directly supervised by a person aged 21 or over in a position where the primary responsibility for such employment is to sell, furnish, tender, serve or give nonintoxicating beer, wine, or alcoholic liquors to any person; or
 - (11) Violate the provisions of §19-12E-12 or §19-12F-1 et seg. of this code.
 - (11) (12) Violate any reasonable rule of the commissioner.
- (b) It is lawful for any licensee to advertise price and brand in any news media or other means, outside of the licensee's premises.
- (c) Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in jail for a period not to exceed one year, or both fined and imprisoned.

§60-7-13. Revocation or suspension of license; monetary penalty; hearing; assessment of costs; establishment of enforcement fund.

- (a) Upon a determination by the commissioner that a licensee has: (i) Violated the provisions of §11-16-1 *et seq.* of this code or of this chapter; (ii) acted in such a way as would have precluded initial or renewal licensure; or (iii) violated any rule or order promulgated by the commissioner, the commissioner may impose any one or a combination of the following sanctions:
 - (1) Revoke the licensee's license:
 - (2) Suspend the licensee's license;
 - (3) Place the licensee on probationary status for a period not to exceed 12 months; and
- (4) Impose a monetary penalty not to exceed \$1,000 for each violation where revocation is not imposed.
- (b) Any monetary penalty assessed and collected by the commissioner shall be transmitted to the State Treasurer for deposit into the State Treasury to the credit of a special revenue fund designated the Alcohol Beverage Control Enforcement Fund, which is hereby continued. All moneys collected, received, and deposited in the Alcohol Beverage Control Enforcement Fund

shall be kept and maintained for expenditures by the commissioner for the purpose of enforcement of the statutes and rules pertaining to alcoholic liquor, <u>nonintoxicating beer, and the provisions of §19-12E-12 of this code, and §19-12F-1 et seq. of this code,</u> and shall not be treated by the State Treasurer or State Auditor as any part of the general revenue of the state. At the end of each fiscal year all funds in the Alcohol Beverage Control Enforcement Fund in excess of \$20,000 <u>\$100,000</u> shall be transferred to the General Revenue Fund.

- (c) In addition to the grounds for revocation, suspension, or other sanction of a license set forth in §60-7-13(a) of this code, conviction of the licensee of any offense constituting a violation of the laws of this state or of the United States relating to alcoholic liquor, nonintoxicating beer, or gambling shall be mandatory grounds for such sanctioning of a license. Conviction of the licensee of any violation of the laws of this state or of the United States relating to prostitution, or the sale, possession, or distribution of narcotics or controlled substances, shall be mandatory grounds for revocation of the licensee's license for a period of at least one year.
- (d) A licensee shall notify, in a timely manner, emergency medical services or law enforcement if a licensee knows, or has reason to know, of a life-threatening medical emergency occurring on the licensed premises. In addition to the grounds for revocation, suspension, or other sanction of a license set forth in this section, the commissioner may, in his or her discretion, revoke, suspend, or otherwise sanction a licensee for failing to comply with the provisions of this subsection.
- (e) If a life-threatening medical emergency occurs on a licensee's private premises requiring notification of emergency medical services or law enforcement under §60-7-13(d) of this code, the licensee shall notify the Alcohol Beverage Control Administration within 48 hours of the emergency's occurrence. The commissioner may, in his or her discretion, revoke, suspend, or otherwise sanction a licensee for failing to comply with the 48-hour notification requirement.
- (f) As used in this section, a life-threatening medical emergency includes, but is not limited to, respiratory distress or cessation of breathing, severe chest pains, shock, uncontrolled bleeding, poisoning, prolonged unconsciousness, overdose, any complaint or observation which indicates significant head or spinal injury, and life-threatening physical injury caused by a crime of violence against the person occupying or emanating from the licensed premises.

ARTICLE 10. ENFORCEMENT AUTHORITY TO RETAIL SALES OF KRATOM AND HEMP-DERIVED CANNABINOIDS.

§60-10-1. Additional criminal jurisdiction.

The Commissioner is hereby authorized to enforce the provisions of §19-12E-12 and §19-12F-1, et seq., as they relate to retail sales of kratom and hemp-derived cannabinoids.

§60-10-2. General enforcement provisions.

a) For the purpose of enforcing §19-12E-12 and §19-12F-1, et seq., of this code, the Alcohol Beverage Control Commission and the Commissioner of Agriculture may request information from any state agency, Constitutional officer or local agency and, notwithstanding the provisions of §11-10-5d of this code or any other provision of this code, may share information with, and request information from, any federal agency and any agency or Constitutional officer of this or any other state or any local agency thereof.

(b) In addition to any other remedy provided by law, any person may bring an action for appropriate injunctive or other equitable relief for a violation of this article; actual damages, if any, sustained by reason of the violation; and, as determined by the court, interest on the damages from the date of complaint, taxable costs, and reasonable attorney's fees. If the trier of fact find that the violation is flagrant, it may increase recovery to an amount not in excess of three times the actual damages sustained by reason of the violation.

Following discussion.

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

The bill (Com. Sub. for S. B. 220), as amended, was then ordered to engrossment and third reading.

Consideration of Engrossed Committee Substitute for Senate Bill 220 having been concluded, the Senate proceeded to the consideration of

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

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

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

On page 6, section 204, line 131, by striking out the word "7-hydroxymitragynine;";

On page 6, section 204, line 137 by striking out the word "Miragynine;";

And,

Butonitazene;

On page 7, section 204, after line 156 by inserting the words: "Delta-8-tetrahydrocannabinol-O (delta-8-THC-0), Delta-9-tetrahydrocannabinol (delta-9-THC-0) and Synthetic and non-naturally occurring cannabinoids."

On motion of Senator Trump, the following amendments to the bill (Com. Sub. for S. B. 546) were next reported by the Clerk and considered simultaneously:

On page 12, section 204, after line 282, by inserting the following words:

"N-pyrrolidino etonitazene;

Etodesnitazene;

Isotonitazene;

Protonitazene;

Metonitazene;

Metodesnitazene;

Flunitazene;";

And,

On page 28, after line 67, by inserting the word "Xylazine:".

Following discussion,

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

The bill (Com. Sub. for S. B. 546), as amended, was then ordered to engrossment and third reading.

Action as to Engrossed Committee Substitute for Senate Bill 546 having been concluded,

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:

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

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

And,

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

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

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on Finance on February 27, 2023;

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

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 and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 470, Making adoption records accessible for medical purposes.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on February 25, 2023;

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

Respectfully submitted,

Ryan W. Weld, Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 470) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

At the further request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

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

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 22 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the need, or potential need, within the civil justice system for (1) a mechanism for awarding a prevailing party attorney fees and costs in civil tort actions beyond that which is provided for by West Virginia Rules of Civil Procedure 11 and 68; and (2) potential abrogation of the collateral source rule to prevent a plaintiff from recovering damages in tort beyond that which would make him or her whole.

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

Respectfully submitted,

Ryan W. Weld, Vice Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2002, Relating to providing support for families.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2538, Requiring usage of child welfare information technology systems.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney, *Chair*.

The bills, under the original double committee references, were then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

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

Your Committee on Transportation and Infrastructure has had under consideration

Eng. Com. Sub. for House Bill 2218, Distracted Driving 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,

Charles H. Clements, *Chair.*

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

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

Your Committee on Health and Human Resources has had under consideration.

Eng. Com. Sub. for House Bill 2436, Relating to the implementation of an acuity-based patient classification system.

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 J. Maroney, *Chair.*

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

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2587, To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid.

Eng. Com. Sub. for House Bill 2762, Allowing variance in state fire code for certain buildings used solely for emergency equipment storage.

Eng. House Bill 2899, Repealing two sections of code relating to gas utility rates.

Eng. Com. Sub. for House Bill 3210, Relating to the performance of installation of propane gas systems.

Eng. House Bill 3215, Relating to land use.

Eng. Com. Sub. for House Bill 3261, Relating to Social Workers Qualifications.

And,

Eng. Com. Sub. for House Bill 3311, Relating to wine alcohol by volume as compared to beer.

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

Respectfully submitted,

Jack David Woodrum, Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2587, 2762, 3210, 3261, and 3311 and Eng. H. B. 2899 and 3215) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. House Bill 2597, Amending performance evaluations of professional personnel.

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

Respectfully submitted,

Amy N. Grady, 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 2605, Relating to Good Samaritan law.

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

Your Committee on Education has had under consideration

Eng. House Bill 2607, Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time.

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

Respectfully submitted,

Amy N. Grady, Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2607) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator 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. House Bill 2611, To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities.

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

Respectfully submitted,

Michael T. Azinger, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2611) contained in the preceding report from the Committee on Banking and Insurance 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

Eng. Com. Sub. for House Bill 2757, Relating to expanding institutional eligibility for the WV Invests Grant Program.

Eng. House Bill 2839, Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act.

And.

Eng. House Bill 3391, Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals.

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

Respectfully submitted,

Eric J. Tarr, Chair. Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2759, Relating to updating the health care provider tax.

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

Respectfully submitted,

Michael J. Maroney, *Chair.*

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

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 3166, To permit a hospital to hold a patient experiencing a psychiatric emergency for up to 72 hours.

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

Respectfully submitted,

Michael J. Maroney, *Chair.*

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

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

Your Committee on Education has had under consideration

Eng. House Bill 3192, Abolishing the Center for Nursing and transferring its duties and authorities to the Higher Education Policy Commission.

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 Finance.

Respectfully submitted,

Amy N. Grady, Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Education pending.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 3199, Relating to removing the requirement that an ectopic pregnancy be reported.

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

Respectfully submitted,

Michael J. Maroney, *Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 3199) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. House Bill 3547, Increasing the number of personal leave days that county board of education employees may use.

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

Respectfully submitted,

Amy N. Grady, *Chair.*

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

Your Committee on Education has had under consideration

Eng. House Bill 3548, Relating to teacher duty-free lunch and daily planning periods.

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

Respectfully submitted,

Amy N. Grady, Chair.

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

Your Committee on Education has had under consideration

House Concurrent Resolution 11, Relating to Higher Education Consortium for Emerging Energy Technologies.

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

Respectfully submitted,

Amy N. Grady, Chair.

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

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

Eng. Com. Sub. for House Bill 2026—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22A-33a, relating to additional opportunity for municipal police officers or firefighters to transfer into the Municipal Police Officers and Firefighters Retirement System; providing for transfer of assets pertaining to municipal police officers or firefighters; requiring certain computations to be made by the Consolidated Public Retirement Board; requiring certain payments; and terminating liability of the Public Employees Retirement System.

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

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

Eng. Com. Sub. for House Bill 2122—A Bill to amend the Code of West Virginia, 1931, as amended by amending §49-4-701(I), by removing language relating to statements while in custody, and adding thereto a new section designated §62-1A-12; relating to custodial interrogation of a child; requiring the child have contact with legal counsel by certain means; requiring the child have contact with a parent, guardian, legal custodian, or other legally recognized equivalent by certain means; permitting a law-enforcement officer to ask questions reasonably believed to be necessary to protect life or property without requiring contact with counsel, parents, guardians, or other recognized persons; and requiring questions of a child be limited to obtaining such information reasonably believed to be necessary to protect life or property.

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 2305—A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-3A-3 of said code; and to amend and reenact §17C-16-4 of said code, all relating to foreign market vehicles at least 25 years old; defining a term; allowing foreign market vehicles at least 25 years old to be exempted from certain title requirements; providing that foreign market vehicles may be registered upon application and the payment of fees, including an additional fee; exempting foreign market vehicles that are at least 25 years old and titled in this state from safety-inspection requirements.

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

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

Eng. Com. Sub. for House Bill 2860—A Bill to amend and reenact §29-3-5g of the Code of West Virginia, 1931, as amended, relating to providing for the safe disposal of used aqueous film forming foam; defining a term; requiring the State Fire Commission to dispose of used aqueous film forming and other class B fire-fighting foams.

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 from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2900—A Bill to amend and reenact §7-14D-24a of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System; allowing certain retired members to be re-employed without the suspension of annuity benefits; and setting forth conditions for the re-employment of retired members.

Referred to the Committee on Pensions.

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 3211—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-27a, relating to authorizing service credit for unused accrued annual or sick leave days in the West Virginia Municipal Police Officers and Firefighters Retirement System.

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

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

Eng. House Bill 3244—A Bill to amend and reenact §8-33-4b of the Code of West Virginia, 1931, as amended, relating to require the municipal pensions oversight board to propose legislative rules.

Referred to the Committee on Pensions.

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 3254—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-28, relating to establishing the Hershel "Woody" Williams State Military Funeral Honor Guard; authorizing the Honor Guard to render professional military funeral honors under certain circumstances; providing eligibility; providing the adjutant general with certain authority; and 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 3271—A Bill to amend and reenact §18-20-11 of the Code of West Virginia, 1931, as amended, relating to increasing monitoring of special education classrooms; adding that an audio recording device be present in the restroom of a self-contained classroom; requiring that notice of audio recording device be placed on bathroom door; requiring county to monitor school audio recordings for at least 15 minutes every 90 days; and setting forth other review parameters for audio recordings.

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

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

Eng. Com. Sub. for House Bill 3280—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to modifications reducing federal adjusted gross income for certain pension benefits; and authorizing additional modifications for pension benefits paid to Division of Natural Resources police, deputy sheriffs, full-time firefighters, and municipal police officers.

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

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

Eng. House Bill 3299—A Bill to amend and reenact §20-18-5, and §20-18-6 of the Code of West Virginia, 1931, as amended; all relating to Natural Resource Police Officer Retirement System; authorizing the acceptance of gifts and additional contributions; and authorizing transfer of service credit under certain circumstances.

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

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

Eng. Com. Sub. for House Bill 3363—A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended; relating to recognizing the law-enforcement powers of

correctional officers employed by the Division of Corrections and Rehabilitation; providing that such officers are not subject to certain certification requirements; authorizing the commissioner to consult with the Law Enforcement Professional Standards Subcommittee with regard to training; clarifying powers of arrest; and clarifying application of the federal Law Enforcement Officers Safety act to eligible employees.

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 3364—A Bill to amend and reenact §8-33-4a of the Code of West Virginia, 1931, as amended, relating to the issuance of pension funding revenue bonds; and requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds.

Referred to the Committee on Pensions.

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. House Bill 3432—A Bill to amend and reenact §2-2-10 and §2-2-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §4-1-13 of said code, all relating to statutory construction; defining terms; and setting forth authority of the clerks.

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 3445—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to probation and parole; creating earned compliance credits for individuals on probation and parole for certain behaviors and actions to incentivize rehabilitation efforts; authorizing supervising officers to recommend rescinding of credit to the court in certain circumstances; and requiring the Division of Corrections and Rehabilitation and the Division of Probation Services to provide annual reports to the Legislature.

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. House Bill 3519—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Transportation, Division of Motor Vehicles, fund 8787, fiscal year 2023, organization 0802, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Eng. House Bill 3520—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Eng. House Bill 3521—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Division of Health – Maternal and Child Health, fund 8750, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Eng. House Bill 3522—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2023, organization 0310, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Eng. House Bill 3523—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2023, to Miscellaneous Boards and Commissions, Economic Development Authority, fund 8893, fiscal year 2023, organization 0944, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Eng. House Bill 3528—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2023, to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund

5156, fiscal year 2023, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

House Concurrent Resolution 4—Requesting the Division of Highways name bridge number 26-054/00-005.74 () (26A046), (39.88578, -80.72476) locally known as Ireland Bridge, carrying CR 54 over Big Grave Creek in Marshall County the "U.S. Army MSG Jon D. Wayt Memorial Bridge".

House Concurrent Resolution 9—Requesting the Division of Highways name bridge number 20-060/00-036.42 () (20A161), (38.21924, -81.42685) locally known as US 60 KELLY CREEK BRIDGE, carrying US 60 over KELLY CREEK in Kanawha county, the "U. S. Army PFC Walter C. Horner Memorial Bridge".

House Concurrent Resolution 10—Requesting the Division of Highways name a portion of Cabin Creek Road, County Route 79/3, beginning immediately east of the intersection of Cabin Creek Road and Nevada Street at Ohley and ending immediately north of the intersection of Cabin Creek Road and Eskdale Avenue at Eskdale in Kanawha County as the "Shelby 'Cubby' Foster and Robert 'Robbie' Collins Memorial Road.

House Concurrent Resolution 23—Requesting the Division of Highways name Bridge Number: 03-003/00-033.48 () (03A202), (38.06307,-81.57196) locally known as WV 3 WHITE OAK BRIDGE, carrying WV 3 over WHITE OAK CREEK in Boone county, the "U.S. Army SGT Theron Turner Memorial Bridge".

House Concurrent Resolution 34—Requesting the Division of Highways name a bridge bearing the bridge number 02-010/01-001.07 () (02A167) in Berkeley County, as the "William N. "Shug" Kisner Memorial Bridge".

House Concurrent Resolution 40—Requesting the Division of Highways name Bridge Number: 41-001/00-004.14 () (41A261), (37.95885, -81.48386) locally known as DOROTHY BRIDGE, carrying CR 01 over CLEAR FORK in Raleigh County, the "USMC Larry Allen "Crocky" Holstein, Jr. Memorial Bridge".

House Concurrent Resolution 41—Requesting the Division of Highways name bridge number 06-049/00-008.51 () (06A239), locally known as the Decker Adkins Bridge, carrying County Road 49 over Madison Creek in Cabell County, the "U. S. Army PFC Herman H. Lucas Memorial Bridge".

House Concurrent Resolution 42—Requesting the Division of Highways name Bridge Numbers: 28-077/00-010.89 (NB & SB) (28A200, 28A201), (37.38675, -81.05430) locally known as I-77 NB & SB OVER WV 20, carrying IS 77 over Mercer County Route 20 in Mercer, the "U. S. Army SSG William Joseph "Will" Thompson Memorial Bridge".

House Concurrent Resolution 43—Requesting the Division of Highways name Bridge Number: 18-021/22-003.26 () (18A089), {38.83606,-81.67273) locally known as SYCAMORE

BRIDGE #3 (SSWB), carrying CR 21/22 over SYCAMORE CREEK in Jackson county, the "U. S. Navy Quartermaster C. E. 'Red' Landfried Memorial Bridge".

House Concurrent Resolution 44—Requesting the Division of Highways name bridge number 10-041/00-000.29 () (10A065), (37.85603, -81.06700) locally known as Strecherneck Bridge, carrying WV 41 over the CSX Railroad in Fayette County, the "U. S. Army PV2 Harold Richard Plumley Memorial Bridge".

House Concurrent Resolution 45—Requesting the Division of Highways name a portion of road, being the offramp beginning at the Mullins/Sophia Exit on the Coalfields Expressway, to the end of the offramp at its intersection with WV 54 in Mullens, Wyoming County, the "Lewis Joseph D'Antoni Memorial Road".

House Concurrent Resolution 47—Requesting the Division of Highways Bridge Number: 12-042/05-000.09 () (12A051), (39.07204, -79.19234) locally known as Keplinger Bridge, carrying CR 42/05 over South Fork Lunice Creek in Grant County, the "U. S. Army SGT Walter Hedrick Memorial Bridge".

House Concurrent Resolution 49—Requesting the Division of Highways name Bridge Numbers: 16-048/00-024.02 (EB & WB) (16A128, 16A129), (39.04482, -78.73543) locally known as LOST RIVER #1 EB & WB, carrying US 48 over LOST RIVER in Hardy County, the "U. S. Army 1SG Elmer C. Lofton Memorial Bridge".

House Concurrent Resolution 50—Requesting the Division of Highways name Bridge Number: 41-001/04-000.02 () (41A010), (37.95138, -81.43833) locally known as Colcord Bridge, carrying CR 01/04 over Clear Fork in Raleigh County, the "U. S. Army PVT Leon 'Deacon' Stover Memorial Bridge".

The preceding resolutions were 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 3042—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1A-1, all relating to forbidding excessive government limitations on exercise of religion; forbidding government from treating religious conduct more restrictively than any conduct of reasonably comparable risk; forbidding government from treating religious conduct more restrictively than comparable conduct because of alleged economic need or benefit; ensuring that, in all cases where state action is alleged to substantially burden the exercise of religion, that a compelling interest test is mandated, and strict scrutiny is applied; providing remedies; and addressing applicability and construction.

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

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

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

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

Absent: Stover—1.

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

Engrossed Committee Substitute for House Bill 3042 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3042 pass?"

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

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

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3042) passed with its title.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on February 27, 2023:

Senate Bill 673: Senator Stover;

And,

Senate Bill 736: Senator Maynard.

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 27, 2023:

Com. Sub. for Com. Sub. for Senate Bill 91: Senators Hamilton, Oliverio, and Plymale;

Senate Bill 701: Senator Maynard;

Senate Resolution 43: Senators Chapman, Taylor, and Roberts;

And,

Senate Resolution 44: Senator Rucker.

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

On motion of Senator Takubo, at 6:19~p.m., the Senate adjourned until tomorrow, Wednesday, March 1, 2023, at 11~a.m.

SENATE CALENDAR

Wednesday, March 01, 2023 11:00 AM

UNFINISHED BUSINESS

- S. C. R. 21 Requesting Joint Committee on Technology study feasibility of Digital Identification
- S. C. R. 22 Requesting study on need for awarding attorney's fees and recovering damages in civil tort actions
- H. C. R. 11 Relating to Higher Education Consortium for Emerging Energy Technologies

THIRD READING

- Eng. Com. Sub. for Com. Sub. for S. B. 91 Relating to distribution of certain taxes and surcharges to benefit fire departments and emergency medical services providers (Com. amend. and title amend. pending) (With right to amend)
- Eng. Com. Sub. for S. B. 123 Creating enhanced penalties for fleeing officer
- Eng. Com. Sub. for Com. Sub. for S. B. 199 Requiring purchases of certain commodities and services from state use program partners
- Eng. Com. Sub. for S. B. 220 Industrial Hemp Development Act
- Eng. Com. Sub. for S. B. 468 Continuing Cabwaylingo State Forest Trail System
- Eng. Com. Sub. for S. B. 470 Making adoption records accessible for medical purposes (Com. amend. and title amend. pending) (With right to amend)
- Eng. Com. Sub. for S. B. 540 Creating misdemeanor offense of willfully urinating or defecating in public
- Eng. Com. Sub. for S. B. 546 Adding and removing certain compounds from controlled substance list
- Eng. Com. Sub. for S. B. 552 Relating to abortion (With right to amend)
- Eng. Com. Sub. for S. B. 581 Amending provisions of 2023 Farm Bill (With right to amend)
- Eng. Com. Sub. for S. B. 593 Mandating cost of living salary adjustment policy for state employees
- Eng. Com. Sub. for S. B. 633 Requiring prompt appearances for persons detained on capiases
- Eng. Com. Sub. for S. B. 634 Increasing value at which municipal property must be sold through public auction
- Eng. Com. Sub. for S. B. 647 Relating to substantiation of abuse and neglect allegations
- Eng. S. B. 738 Equipment Right to Repair Act.
- Eng. S. B. 739 Relating to moratorium on carbon capture agreements (With right to amend)

- Eng. S. B. 740 Relating to compensation and expense reimbursement for members of Legislature
- 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. (Amend. and title amend. pending) (With right to amend)
- Eng. H. B. 3218 Relating to requiring suicide prevention resources be printed on student identification cards

SECOND READING

- Eng. Com. Sub. for H. B. 2587 To reflect that County Sheriffs will be required to include a breakdown of the distribution of where a citizens taxes will be paid
- Eng. H. B. 2607 Clarify that vehicles with a capacity larger than 10 passengers may be used to transport students provided that no more than 10 passengers may be transported at one time.
- Eng. H. B. 2611 To remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities
- 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)
- Eng. Com. Sub. for H. B. 2762 Allowing variance in state fire code for certain buildings used solely for emergency equipment storage
- Eng. H. B. 2899 Repealing two sections of code relating to gas utility rates
- Eng. H. B. 3199 Relating to removing the requirement that an ectopic pregnancy be reported
- Eng. Com. Sub. for H. B. 3210 Relating to the performance of installation of propane gas systems
- Eng. H. B. 3215 Relating to land use
- Eng. Com. Sub. for H. B. 3261 Relating to Social Workers Qualifications
- Eng. Com. Sub. for H. B. 3311 Relating to wine alcohol by volume as compared to beer

FIRST READING

- Eng. H. B. 2597 Amending performance evaluations of professional personnel
- Eng. Com. Sub. for H. B. 2605 Relating to Good Samaritan law (Com. amend. and title amend. pending)

- Eng. Com. Sub. for H. B. 2757 Relating to expanding institutional eligibility for the WV Invests Grant Program
- Eng. H. B. 2839 Making a technical correction regarding an incorrect fund name and clarifying applicability to mine lands governed by SMCRA and the Abandoned Mine Lands Act
- Eng. H. B. 3391 Establishing filing deadlines for appeals of property tax valuations and issues involving property tax classification and taxability to the West Virginia Office of Tax Appeals
- Eng. H. B. 3547 Increasing the number of personal leave days that county board of education employees may use
- Eng. H. B. 3548 Relating to teacher duty-free lunch and daily planning periods

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Wednesday, March 1, 2023

10 a.m. Agriculture & Natural Resources (Room 208W)

10:50 a.m. Rules (Room 219M)