

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2023
FIFTIETH DAY

Charleston, West Virginia, Wednesday, March 1, 2023

The Senate met at 11:10 a.m.

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

Prayer was offered by Pastor Lee Swor, Mount Pleasant Baptist Church, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark Hunt, a senator from the eighth district.

Pending the reading of the Journal of Tuesday, February 28, 2023,

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

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

The Senate then proceeded to the third order of business.

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

Eng. House Bill 3527—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, Department of Education, fund 3517, fiscal year 2023, organization 0402, and to the Department of Education, School Building Authority, fund 3514, fiscal year 2023, organization 0404 by supplementing and amending appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

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

Senate Bill 741—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2023, organization 0305, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 742—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Veterans' Assistance, fund 0456, fiscal year 2023, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 743—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, 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.

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

Senate Bill 744—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Economic Development, Office of the Secretary, fund 0256, fiscal year 2023, organization 0307, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 745—A Bill supplementing and amending Chapter eleven, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of federal moneys remaining unappropriated, to the Executive, Governor's Office, Coronavirus State Fiscal Recovery Fund, fund 8823, fiscal year 2023, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 746—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations

of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities, fund 0580, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 747—A Bill making a supplementary appropriation by adding a new item of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 748—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2023, organization 0100 by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 749—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities - State Rail Authority, fund 0506, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 750—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of General Services, fund 0230, fiscal year 2023, organization 0211, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 751—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, 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.

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

Senate Bill 752—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2023, organization 0703, by supplementing and amending appropriations for the fiscal year ending June 30, 2023, by adding a new item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 753—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2023, organization 0603, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 754—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Office of the Secretary, fund 0606, fiscal year 2023, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023, by adding a new item of appropriation.

Referred to the Committee on Finance.

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

Senate Bill 755—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, 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.

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

Senate Bill 756—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Public Transit, fund 0510, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 757—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation

and increasing an existing item of appropriation to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2023, organization 0623, by supplementing and amending appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 758—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2023, organization 0608, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

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

Senate Bill 759—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, as amended, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Transportation, Division of Multimodal Transportation Facilities – Aeronautics Commission, fund 0582, fiscal year 2023, organization 0810, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023.

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 21, Requesting Joint Committee on Technology study feasibility of Digital Identification.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Rules.

Senate Concurrent Resolution 22, Requesting study on need for awarding attorney's fees and recovering damages in civil tort actions.

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

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

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

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.

Senator Takubo announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate second reading calendar **Eng. Com. Sub. for House Bill 3261** and **Eng. Com. Sub. for House Bill 3311**; and from the Senate first reading calendar, **Eng. House Bill 3548**.

The Senate proceeded to the eighth order of business.

Eng. 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.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Tuesday, February 28, 2023, for further amendments to be received on third reading, was read a third time.

At the request of Senator Tarr, as chair of the Committee on Finance, and by unanimous consent, the unreported Finance committee amendment to the bill was withdrawn.

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

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

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3E. FIREWORKS SAFETY.

§29-3E-7. Fireworks safety fee; administration; tax crimes; collections; remittances; deposits; distributions; rules.

(a) In addition to the sales tax, a fireworks safety fee of 12 percent of all sales is levied on retail sales of consumer fireworks in this state. The fee shall be distributed pursuant to the provisions of this subsection. The fee computation under this subsection shall be carried to the third decimal place, and the fee rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less.

The State Tax Commissioner shall disburse all proceeds of the fireworks safety fee into the State Treasury each month in the following manner:

(1) Seventy-five percent shall be deposited into a special account in the State Treasury, designated the Veterans' Facility Support Fund established by the provisions of §9A-1-11 of this code for expenditure on veterans' programs.

(2) Twenty-five percent shall be deposited into a special account in the State Treasury, designated the Fire Protection Fund ~~established in §33-3-33 of this code and shall be allocated and distributed in accordance with that section to each volunteer fire company or department on an equal share basis by the State Treasurer according to the requirements of §33-3-33 of this code.~~

(b) A person who purchases consumer fireworks in a retail transaction shall pay to the retailer the amount of the fee levied by this section, which fee is added to and constitutes a part of the

sale price and is collectible by the retailer who shall account to the state for all fees paid by a purchaser. If the retailer fails to collect the fee or fails to account to the state for the fees paid by a purchaser, then the retailer is liable for the payment of the fee to the state.

(c) A retailer shall remit to the State Tax Commissioner no later than 30 days after the end of each preceding month all moneys collected for such preceding month, pursuant to the requirements of this section, and shall report such collections on forms and in the manner prescribed by the State Tax Commissioner.

(d) All moneys so remitted, net of refunds and adjustments, shall be paid by the State Tax Commissioner into the funds specified in this section.

(e) Each and every provision of the West Virginia Tax Crimes and Penalties Act set forth §11-9-1 *et seq.* of this code applies to the fees imposed pursuant to this article, with like effect as if that act were applicable only to the fees imposed by this article and were set forth in extenso in this article.

(f) The State Tax Commissioner shall propose legislative rules and may promulgate such emergency rules as are necessary to implement the provisions of this article.

CHAPTER 33. INSURANCE.

ARTICLE 3. LICENSING, FEES, AND TAXATION OF INSURERS.

§33-3-14d. Additional fire and casualty insurance premium tax; allocation of proceeds; effective date.

(a) (1) For the purpose of providing additional revenue for municipal policemen's and firemen's pension and relief funds and the Teachers Retirement System Reserve Fund and for volunteer and part-volunteer fire companies and departments, there is hereby levied and imposed an additional premium tax equal to one percent of taxable premiums for fire insurance and casualty insurance policies. For purposes of this section, casualty insurance does not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy.

(2) All moneys collected from this additional tax shall be received by the commissioner and paid by him or her into a special account in the State Treasury, designated the Municipal Pensions and Protection Fund, to be allocated as follows: *Provided*, That on or after January 1, 2010, the commissioner shall pay

(A) Ten percent of the amount collected ~~to~~ shall be deposited in the Teachers Retirement System Reserve Fund created in §18-7A-18 of this code; *Provided*, That if the Teachers Retirement System demonstrates an unfunded liability of 20% or less for two consecutive years, the ten percent of the amount collected provided for in this paragraph shall be deposited instead in the Fire Protection Fund as provided in paragraph (B) of this subdivision.

(B) Twenty-five percent of the amount collected ~~to~~ shall be deposited in the Fire Protection Fund created in section 33 of this article for allocation distribution by the State Treasurer to volunteer and part-volunteer fire companies and departments according to the requirements of §33-3-33 of this code; and

~~65% of the amount collected to the Municipal Pensions and Protection Fund: *Provided, however,* That upon notification by the Municipal Pensions Oversight Board pursuant to the provisions of §8-22-18b of this code, on or after January 1, 2010, or as soon thereafter as the Municipal Pensions Oversight Board is prepared to receive the funds,~~

~~(C) Sixty-five percent of the amount collected by the commissioner shall be deposited in the Municipal Pensions Security Fund created in §8-22-18b of this code the net proceeds of this tax after appropriation thereof by the Legislature is to be distributed in accordance with the provisions of this section, except for distribution from proceeds pursuant to §8-22-18a(d) of this code.~~

~~(b) Municipal Pensions Security Fund allocation and distribution —~~

~~(1) Before August 1 of each year, the treasurer of each municipality in which a municipal policemen's or firemen's pension and relief fund is established shall report to the State Treasurer Municipal Pensions Oversight Board the average monthly number of members who worked at least 100 hours per month and the average monthly number of retired members of municipal policemen's or firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System during the preceding fiscal year. *Provided,* ~~That beginning in the year 2010 and continuing thereafter, the report shall be made to the oversight board created in §8-22-18a of this code. These reports received by the oversight board shall be provided~~ The reports received by the Municipal Pensions Oversight Board shall be provided annually to the State Treasurer by September 1.~~

~~(2) Before September 1 of each calendar year, the State Treasurer, or the Municipal Pensions Oversight Board once in operation, shall allocate and authorize for distribution the revenues in the Municipal Pensions and Protection Fund which were collected during the preceding calendar year for the purposes set forth in this section. Before September 1 of each calendar year, and after the Municipal Pensions Oversight Board has notified the Treasurer and commissioner pursuant to §8-22-18b of this code, the Municipal Pensions Oversight Board shall allocate and authorize for distribution the revenues in the Municipal Pensions Security Fund which were collected during the preceding calendar year for the purposes set forth in this section. In any year the actuarial report required by §8-22-20 of this code indicates no actuarial deficiency exists in the municipal policemen's or firemen's pension and relief fund and that no pension funding revenue bonds of the building commission of such municipality remain outstanding, no revenues may be allocated from the Municipal Pensions and Protection Fund or the Municipal Pensions Security Fund to that fund. The revenues from the Municipal Pensions and Protection Security Fund shall then be allocated to all other pension and relief funds which have an actuarial deficiency. Pension funding revenue bonds include bonds of a municipality's building commission the net proceeds of which were used to fund either or both of a municipality's policemen's or firemen's pension and relief fund or bonds issued to refinance such bonds.~~

~~(3) The Municipal Pensions Oversight Board shall annually review the investment performance of each municipal policemen's or firemen's pension and relief fund. If the municipal pension and relief fund's board fails for three consecutive years to comply with the investment provisions established by §8-22-22a of this code, the oversight board may require the municipal policemen's or firemen's pension and relief fund to invest with the Investment Management Board to continue to receive its allocation of funds from the premium tax. If the municipal pension and relief fund fails to move its investments to the Investment Management Fund within the 18-month drawdown period, provided in §8-22-19(e) of this code, the revenues shall be reallocated to all other municipal policemen's or firemen's pension and relief funds that have drawn down one hundred percent of their allocations.~~

~~(4) The moneys, and the interest earned thereon, in the Municipal Pensions and Protection Fund allocated to volunteer and part volunteer fire companies and departments shall be allocated and distributed quarterly to the volunteer fire companies and departments. Before each distribution date, the State Fire Marshal shall report to the State Treasurer the names and addresses of all volunteer and part volunteer fire companies and departments within the state which meet the eligibility requirements established in §8-15-8a of this code.~~

~~(c) (1) Each municipal pension and relief fund shall have allocated and authorized for distribution a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average monthly number of police officers and firefighters who worked at least one hundred hours per month during the preceding fiscal year. On and after July 1, 1997, from~~

~~(3) The Municipal Pensions Oversight Board shall allocate and distribute the growth in any moneys collected pursuant to a pro rata share of the tax imposed by this section and earnings and interest thereon there shall be allocated and authorized for distribution to each municipal policemen's or municipal firemen's pension and relief fund, a pro rata share of the revenues allocated to municipal policemen's and firemen's pension and relief funds based on the corresponding municipality's average number of police officers and firefighters who worked at least 100 hours per month during the preceding fiscal year and average monthly number of retired police officers and firefighters during the preceding fiscal year. For the purposes of this subsection, the growth in moneys collected and earnings from the tax collected pursuant to this section is determined by subtracting the amount of the tax collected during the fiscal year ending June 30, 1996, from the tax collected during the fiscal year for which the allocation is being made and interest thereon. All moneys received by municipal pension and relief funds under this section may be expended only for those purposes described in §8-22-16 through §8-22-28a of this code. Notwithstanding the foregoing provision of this subdivision, if a municipality has outstanding pension funding revenue bonds and continues to pay the normal cost of its policemen's and firemen's pension and relief funds, then the allocable share of revenues to be allocated which would otherwise have been allocated to a municipal policemen's or firemen's pension and relief fund shall instead be allocated to the trustee of any outstanding pension funding revenue bonds.~~

~~(2) Each volunteer fire company or department shall receive an equal share of the revenues allocated for volunteer and part volunteer fire companies and departments.~~

~~(3) In addition to the share allocated and distributed in accordance with subdivision (1) of this subsection, each municipal fire department composed of full-time paid members and volunteers and part-volunteer fire companies and departments shall receive a share equal to the share distributed to volunteer fire companies under subdivision (2) of this subsection reduced by an amount equal to the share multiplied by the ratio of the number of full-time paid fire department members who are also members of a municipal firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System to the total number of members of the fire department. If a municipality has outstanding pension funding revenue bonds and continues to pay the normal cost of its policemen's and firemen's pension and relief funds, then the share that would otherwise be payable to the municipality's firemen's pension and relief fund pursuant to this subsection shall be paid to the trustee of such outstanding pension funding revenue bonds.~~

~~(d) (4) The allocation and distribution of revenues provided in this section are subject to the provisions of §8-22-20, §8-15-8a, and §8-15-8b of said chapter this code.~~

~~(e) Based upon the findings of an audit by the Treasurer, the Legislature hereby finds and declares that during the period of 1982 through April 27, 2012, allocations from the Municipal Pensions and Protection Fund were miscalculated and errors were made in amounts transferred, resulting in overpayments and underpayments to the relief and pension funds and to the Teachers Retirement System, and that the relief and pension funds and the Teachers Retirement System were not at fault for any of the overpayments and underpayments. The Legislature hereby further finds and declares that any attempt by the Municipal Pension Oversight Board or other entity to recover any of the overpayments would be unjust and create economic hardship for the entities that received overpayments. No entity, including, without limitation, the Municipal Pension Oversight Board, may seek to recover from a relief or pension fund, the Teachers Retirement System or the state any overpayments received from the Municipal Pensions and Protection Fund and the overpayments are not subject to recovery, offset or litigation. Pursuant to the audit by the Treasurer, the amount of \$3,631,846.55 is determined owed to specific relief and pension funds through the period of April 27, 2012. The Treasurer is hereby authorized to transfer the amount of \$3,631,846.55 from the Unclaimed Property Trust Fund to the Municipal Pensions and Protection Fund, which is hereby reopened for the sole purpose of the transfer and remittances pursuant to this subsection, and to use the amount transferred to remit the amounts due to the pension and relief funds. The payment of \$3,631,846.55 to the pension and relief funds is complete satisfaction of any amounts due and no entity, including, without limitation, the Municipal Pension Oversight Board and any pension or relief fund, may seek to recover any further amounts.~~

(c) The Municipal Pensions Oversight Board shall annually review the investment performance of each municipal policemen's or firemen's pension and relief fund. If a municipal pension and relief fund's board fails for three consecutive years to comply with the investment provisions established by §8-22-22a of this code, the oversight board may require the municipal policemen's or firemen's pension and relief fund to invest with the Investment Management Board to continue to receive its allocation of funds from the premium tax. If the municipal pension and relief fund fails to move its investments to the Investment Management Fund within the 18-month drawdown period provided in §8-22-19(e) of this code, the revenues shall be reallocated to all other municipal policemen's or firemen's pension and relief funds that have drawn down 100 percent of their allocations.

§33-3-33. Surcharge on fire and casualty insurance policies to benefit volunteer and part-volunteer fire departments and emergency medical services providers; Public Employees Insurance Agency and municipal pension plans; special fund created; Fire Protection Fund; allocation of proceeds. effective date.

~~(a)(1) For the purpose of providing additional revenue for volunteer fire departments, part-volunteer fire departments and certain retired teachers and the teachers retirement reserve fund, there is hereby authorized and imposed on and after July 1, 1992, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to one percent of the taxable premium for each such policy. After June 30, 2005, the surcharge shall be imposed as specified in subdivisions (2) and (3) of this subsection.~~

~~(2) After June 30, 2005, through December 31, 2005, for the purpose of providing additional revenue for volunteer fire departments, part-volunteer fire departments and to provide additional revenue to the Public Employees Insurance Agency and municipal pension plans, there is hereby authorized and imposed on and after July 1, 2005, on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk~~

~~retention group, a policy surcharge equal to one percent of the taxable premium for each such policy.~~

(a) For the purposes of this section:

(1) "Full-time paid members" means the members of a fire department who are compensated to provide services to the department on a full-time basis and are also members of a municipal firemen's pension and relief fund or the Municipal Police Officers and Firefighters Retirement System.

(2) The "policy surcharge" refers to the surcharge on certain insurance policies imposed by subsection (b) of this section.

(3) "Volunteer fire departments" or "departments" includes volunteer and part-volunteer fire departments and companies, as described in §18-15-1 *et seq.* of this code.

~~(3) (b) After December 31, 2005,~~ For the purpose of providing additional revenue for volunteer fire departments and ~~part-volunteer fire departments~~ emergency medical services providers, there is hereby authorized and imposed on the policyholder of any fire insurance policy or casualty insurance policy issued by any insurer, authorized or unauthorized, or by any risk retention group, a policy surcharge equal to ~~0.055%~~ one percent of the taxable premium for each such policy. The policy surcharge is separate from and in addition to the tax imposed by §33-3-14d of this code.

~~(4) (c)~~ For purposes of this section, casualty insurance ~~may~~ does not include insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction or insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy. The policy surcharge ~~may~~ is not ~~be~~ subject to premium taxes, agent commissions, or any other assessment against premiums.

~~(b) (d)~~ The policy surcharge imposed by this section shall be collected and remitted to the commissioner by the insurer, or in the case of surplus lines coverage, by the surplus lines licensee, or if the policy is issued by a risk retention group, by the risk retention group. The amount required to be collected under this section shall be remitted to the commissioner on a quarterly basis on or before the 25th day of the month succeeding the end of the quarter in which they are collected, except for the fourth quarter for which the surcharge shall be remitted on or before March 1 of the succeeding year. All money from the policy surcharge shall be collected by the commissioner, who shall disburse 77.5 percent of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subsection (f) of this section. The commissioner shall disburse 22.5 percent of the money received from the surcharge into the Emergency Medical Services Equipment and Training Fund established in §16-4C-24 of this code for disbursement in accordance with the provisions of that section.

~~(e) (e)~~ Any person failing or refusing to collect and remit to the commissioner any policy surcharge and whose surcharge payments are not postmarked by the due dates for quarterly filing is liable for a civil penalty of up to \$100 for each day of delinquency, to be assessed by the commissioner. The commissioner may suspend the insurer, broker, or risk retention group until all surcharge payments and penalties are remitted in full to the commissioner.

~~(d) (f)~~ Fire Protection Fund allocation and distribution. —

~~(1) All money from the policy surcharge shall be collected by the Commissioner who shall disburse the money received from the surcharge into a special account in the state Treasury, designated the Fire Protection Fund. The State Treasurer's Office shall distribute the net proceeds of this portion of the tax the portion of the policy surcharge deposited into the Fire Protection Fund pursuant to §33-3-33 of this code, the amount deposited into the Fire Protection Fund pursuant to §29-3E-7 of this code, the amount deposited into the Fire Protection Fund pursuant to §33-3-14d of this code, and the amount deposited into the Fire Protection Fund pursuant to §33-12C-7 of this code, and the interest thereon on a quarterly basis, after appropriation by the Legislature. shall be distributed quarterly. The distributions shall occur on the first day of the months of January, April, July, and October to each eligible volunteer fire company or department, on an equal share basis by the state Treasurer. After June 30, 2005, the money received from the surcharge shall be distributed as specified in subdivisions (2) and (3) of as provided in this subsection.~~

~~(2)(A) After June 30, 2005, through December 31, 2005, all money from the policy surcharge shall be collected by the Commissioner who shall disburse one half of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.~~

~~(B) The remaining portion of moneys collected shall be transferred into the fund in the state Treasury of the Public Employees Insurance Agency into which are deposited the proportionate shares made by agencies of this state of the Public Employees Insurance Agency costs of those agencies, until November 1, 2005. After the October 31, 2005, through December 31, 2005, the remain portion shall be transferred to the special account in the state Treasury, known as the Municipal Pensions and Protection Fund.~~

~~(3) After December 31, 2005, all money from the policy surcharge shall be collected by the Commissioner who shall disburse all of the money received from the surcharge into the Fire Protection Fund for distribution as provided in subdivision (1) of this subsection.~~

~~(4) (2) Before each distribution date to volunteer fire companies or departments, the State Fire Marshal shall report to the State Treasurer:~~

~~(A) The names and addresses of all volunteer and part-volunteer fire companies and departments within the state which meet met the eligibility requirements established in §8-15-8a of this code during the preceding quarter;~~

~~(B) The number of volunteer firefighters and the number of full-time paid members providing services to each volunteer and part-volunteer department during the preceding quarter; and~~

~~(C) A full accounting of each fire department eligible to receive a distribution under this section's revenues and expenditures for the last two calendar years.~~

~~(3) Each eligible volunteer fire department shall receive an equal share of the amount of proceeds to be distributed each quarter: *Provided*, That each part-volunteer department's share will be reduced by a percentage amount equal to the percentage of the members of the fire department who are full-time paid members of the department, according to the report described in subdivision (2) of this subsection. *Provided further, however*, That the pro rata reduction to part-volunteer departments provided for in this subdivision shall not apply to county part-volunteer departments which employ full-time paid county employees.~~

(4) Notwithstanding any other provision of this section, a firefighter department must implement the State Auditor's West Virginia Checkbook fiscal reporting system on or before January 1, 2026, in order to remain eligible to receive any funds pursuant to this section.

~~(e)~~ (g) The allocation, distribution, and use of revenues provided in the Fire Protection Fund are subject to the provisions of §8-15-8a and §8-15-8b of this code.

(h) The State Treasurer may propose legislative rules for legislative approval pursuant to §29A-3-1 et seq. of this code for the auditing of individual fire departments to ensure compliance with the requirements of this section.

ARTICLE 12C. SURPLUS LINE.

§33-12C-7. Surplus lines tax.

(a) In addition to the full amount of gross premiums charged by the insurer for the insurance, every person licensed pursuant to §33-12C-8 of this code shall collect and pay to the commissioner a sum equal to ~~4.55~~ five percent of the gross premiums and gross fees charged, less any return premiums, for surplus lines insurance provided by the licensee pursuant to the license. Where the insurance covers properties, risks, or exposures located or to be performed both in and out of this state and this state is the insured's home state, the sum payable shall be computed on that portion of the gross premiums allocated to this state, plus an amount equal to the portion of the gross premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks or exposures located or to be performed outside of this state, and less the amount of gross premiums allocated to this state and returned to the insured due to cancellation of policy: *Provided*, That the surcharge imposed by ~~section thirty-three, article three of this chapter~~ §33-3-33 of this code on surplus lines policies shall no longer be effective with respect to premium attributable to coverage under such policies for periods after June 30, 2011: *Provided, however*, That ~~42 per cent~~ 16 percent of taxes collected under this subsection with respect to premium attributable to coverage under such policies after June 30, 2011, shall be disbursed into the Fire Protection Fund and distributed in accordance with ~~subsection (d), section thirty-three, article three of this chapter~~ §33-3-33 of this code, four percent of taxes collected under this subsection shall be disbursed into the Emergency Medical Services Equipment and Training Fund established in §16-4C-24 of this code for disbursement in accordance with the provisions of that section, and 88 per cent the remaining 80 percent of the taxes collected under this subsection shall be disbursed in accordance with subdivision (2), subsection (f) of this section. The tax on any portion of the premium unearned at termination of insurance having been credited by the state to the licensee shall be returned to the policyholder directly by the surplus lines licensee or through the producing broker, if any.

(b) The individual insurance producer may not:

(1) Pay directly or indirectly the tax or any portion thereof, either as an inducement to the policyholder to purchase the insurance or for any other reason; or

(2) Rebate all or part of the tax or the surplus lines licensee's commission, either as an inducement to the policyholder to purchase the insurance or for any reason.

(c) The surplus lines licensee may charge the prospective policyholder a fee for the cost of underwriting, issuing, processing, inspecting, service, or auditing the policy for placement with the surplus lines insurer if:

(1) The service is required by the surplus lines insurer;

(2) The service is actually provided by the individual insurance producer or the cost of the service is actually incurred by the surplus lines licensee; and

(3) The provision or cost of the service is reasonable, documented, and verifiable.

(d) The surplus lines licensee shall make a clear and conspicuous written disclosure to the policyholder of:

(1) The total amount of premium for the policy;

(2) Any fee charged;

(3) The total amount of any fee charged; and

(4) The total amount of tax on the premium and fee.

(e) The clear and conspicuous written disclosure required by subdivision (4) of this subsection is subject to the record maintenance requirements of §33-12C-8 of this code.

(f)(1) This tax is imposed for the purpose of providing additional revenue for municipal policemen's and firemen's pension and relief funds and additional revenue for volunteer and part-volunteer fire companies and departments. This tax is required to be paid and remitted, on a calendar year basis and in quarterly estimated installments due and payable on or before the 25th day of the month succeeding the close of the quarter in which they accrued, except for the fourth quarter, in respect of which taxes shall be due and payable and final computation of actual total liability for the prior calendar year shall be made, less credit for the three quarterly estimated payments prior made, and filed with the annual return to be made on or before March 1 of the succeeding year. Provisions of this chapter relating to the levy, imposition, and collection of the regular premium tax are applicable to the levy, imposition, and collection of this tax to the extent that the provisions are not in conflict with this section.

(2) Except as provided in subsection (a) of this section, all taxes remitted to the commissioner pursuant to subdivision (1) of this subsection shall be paid by him or her into a special account in the State Treasury, designated Municipal Pensions and Protection Fund, or pursuant to §8-22-18b of this code, the Municipal Pensions Security Fund, and after appropriation by the Legislature, shall be distributed in accordance with ~~the provisions of subsection (c), section fourteen d, article three of this chapter~~ §33-3-14d of this code. The surplus lines licensee shall return to the policyholder the tax on any unearned portion of the premium returned to the policyholder because of cancellation of policy.

(g) In determining the amount of gross premiums taxable in this state for a placement of surplus lines insurance covering properties, risks, or exposures only partially located or to be performed in this state, the tax due shall be computed on the portions of the premiums which are attributable to properties, risks, or exposures located or to be performed in this state and which relates to the kinds of insurance being placed as determined by reference to an appropriate allocation table.

(1) If a policy covers more than one classification:

(A) For any portion of the coverage identified by a classification on the allocation schedule, the tax shall be computed by using the allocation schedule for the corresponding portion of the premium;

(B) For any portion of the coverage not identified by a classification on the allocation schedule, the tax shall be computed by using an alternative equitable method of allocation for the property or risk;

(C) For any portion of the coverage where the premium is indivisible, the tax shall be computed by using the method of allocation which pertains to the classification describing the predominant coverage.

(2) If the information provided by the surplus lines licensee is insufficient to substantiate the method of allocation used by the surplus lines licensee, or if the commissioner determines that the licensee's method is incorrect, the commissioner shall determine the equitable and appropriate amount of tax due to this state as follows:

(A) By use of the allocation schedule where the risk is appropriately identified in the schedule;

(B) Where the allocation schedule does not identify a classification appropriate to the coverage, the commissioner may give significant weight to documented evidence of the underwriting bases and other criteria used by the insurer. The commissioner may also consider other available information to the extent sufficient and relevant, including the percentage of the insured's physical assets in this state, the percentage of the insured's sales in this state, the percentage of income or resources derived from this state, and the amount of premium tax paid to another jurisdiction for the policy.

(h) The commissioner is authorized to participate in a clearinghouse established through NIMA or in a similar allocation procedure for the purpose of collecting and disbursing to signatory states any funds collected pursuant to this section that are allocable to properties, risks, or exposures located or to be performed outside of this state: *Provided*, That ~~twelve per cent~~ 16 percent of any moneys received from a clearinghouse or through a similar allocation procedure ~~is~~ are subject to the provisions of ~~subsection (d), section thirty three, article three of this chapter §33-3-33(d) of this code, four percent of such moneys are subject to the provisions of §16-4C-24 of this code, and 88 per cent~~ 80 percent of such moneys ~~is~~ are subject to the provisions of subdivision (2), subsection (f) of this section: *Provided, however*, That to the extent other states where portions of the properties, risks, or exposures reside have failed to enter into NIMA or a similar allocation procedure with this state, the net premium tax collected shall be retained by this state and shall be disbursed and distributed in the same manner as moneys received through a clearinghouse or similar allocation procedure.

(i) Collection of tax.

If the tax owed by a surplus lines licensee under this section has been collected and is not paid within the time prescribed, the same shall be recoverable in a suit brought by the commissioner against the surplus lines licensee. The commissioner may charge interest for any unpaid tax, fee, financial assessment or penalty, or portion thereof: *Provided*, That interest may not be charged on interest. Interest shall be calculated using the annual rates which are established by the Tax Commissioner pursuant to §11-10-17a of this code and shall accrue daily.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 91 was then put upon its passage.

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

The nays were: None.

Absent: Stover—1.

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

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

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

Senator Takubo moved that the bill take effect January 1, 2024.

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 Com. Sub. for S. B. 91) takes effect January 1, 2024.

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 123, Creating enhanced penalties for fleeing officer.

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. 123) 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 199, Requiring purchases of certain commodities and services from state use program partners.

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. 199) 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 220, Industrial Hemp Development Act.

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

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

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

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, Deeds, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Clements, Grady, Hamilton, and Martin—4.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 468) 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 470, Making adoption records accessible for medical purposes.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on yesterday, Tuesday, February 28, 2023, for further amendments to be received on third reading, was read a third time.

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

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

CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 22. ADOPTION.

§48-22-303. Content of consent or relinquishment.

(a) A consent or relinquishment as required by the provisions of ~~section 22-301~~ §48-22-301 of this code must be written in plain English or, if the person executing the consent or relinquishment does not understand English, in the person's primary language. The form of the consent or relinquishment shall include the following, as appropriate:

- (1) The date, place and time of the execution of the consent or relinquishment;
- (2) The name, date of birth and current mailing address of the person executing the consent or relinquishment;
- (3) The date, place of birth and the name or pseudonym ("Baby Boy _____ or Baby Girl _____") of the minor child;
- (4) The fact that the document is being executed more than seventy-two hours after the birth of the child;
- (5) If a consent, that the person executing the document is voluntarily and unequivocally consenting to the transfer of legal and physical custody to, and the adoption of the child by, an adoptive parent or parents whose name or names may, but need not be, specified;
- (6) If a relinquishment, that the person executing the relinquishment voluntarily consents to the permanent transfer of legal and physical custody of the child to the agency for the purposes of adoption;

(7) If a consent, that it authorizes the prospective adoptive parents, or if a relinquishment, that it authorizes the agency, to consent to medical treatment of the child pending any adoption proceeding;

(8) That after the consent or relinquishment is signed and acknowledged, it is final and, unless revoked in accordance with the provisions of section 22-305, it may not be revoked or set aside for any other reason;

(9) That the adoption will forever terminate all parental rights, including any right to visit or communicate with the child and any right of inheritance;

(10) That the adoption will forever terminate all parental obligations of the person executing the consent or relinquishment;

(11) That the termination of parental rights and obligations is permanent whether or not any agreement for visitation or communication with the child is subsequently performed;

(12) That the person executing the consent or relinquishment does so of his or her own free will and the consent or relinquishment has not been obtained by fraud or duress;

(13) That the person executing the consent or relinquishment has:

(i) Received a copy of the consent or relinquishment;

(ii) Been provided the information and afforded the opportunity to participate in the voluntary adoption registry, pursuant to the provisions of article 23-101, et seq.;

(iii) Been advised of the availability of counseling;

(iv) Been advised of and provided with copies of the contact preference and personal identifying information disclosure form, and the medical history form established in §48-22-303 of this code, and had the purpose, intent, and utility of those forms explained to them;

~~(iv)~~ (v) Been advised of the consequences of misidentifying the other birth parent; and

~~(v)~~ (vi) If a birth mother, been advised of the obligation to provide the information required by the provisions of section seven of this article in the case of an unknown father;

(14) That the person executing the consent or relinquishment has not received or been promised any money or anything of value for the consent or relinquishment, other than payments authorized by the provisions of section fourteen-h, article two, chapter sixty-one;

(15) Whether the child is an "Indian child" as defined in the Indian Child Welfare Act, 25 U.S.C. §1903;

(16) That the person believes the adoption of the child is in the child's best interest; and

(17) That the person who is consenting or relinquishing expressly waives notice of any proceeding for adoption unless the adoption is contested, appealed or denied.

(b) A consent or relinquishment may provide explicitly for its conditional revocation if:

(1) Another person whose consent or relinquishment is required does not execute the same within a specified period;

(2) A court determines not to terminate another person's parental relationship to the child; or

(3) In a direct placement for adoption, a petition for adoption by a prospective adoptive parent, named or described in the consent, is denied or withdrawn.

(c) A consent or relinquishment shall also include:

(1) If a consent, the name, address, telephone and facsimile numbers of the lawyer representing the prospective adoptive parents; or

(2) If a relinquishment, the name, address, telephone and facsimile numbers of the agency to which the child is being relinquished; and

(3) Specific instructions on how to revoke the consent or relinquishment.

§48-22-803. Definitions, biological parent contact preference and personal identifying information disclosure form, medical history form; immunity from liability.

(a) For purposes of this section, the following words have the ascribed meanings:

(1) "Adult adoptee" means an adoptee who is at least 18 years of age and who has graduated from high school, completed a Test Assessing Secondary Completion program, or has legally withdrawn from secondary schooling;

(2) "Adoption file" means a file or record maintained by the Department of Health and Human Resources, or a similar case file maintained by a clerk of the circuit court of any county, that may contain an original birth certificate, adoption decree of an adoptee, and other personal identifying information regarding either an adopted child or that child's biological parents;

(3) "Biological parent" means an individual whose genetic material was transmitted to a child via natural conception or any assisted-reproductive process or procedure;

(4) "Department of Health and Human Resources" means the Department of Health and Human Resources or any successor agency or agencies;

(5) "Lineal descendant" means a person who by reason of blood or adoption is in the direct line of descent of a person;

(6) "Medical history" means a comprehensive report on the biological parents and any parents of the biological parent, that shall include, but is not limited to, the following: medical history, health status, cause and age at death, height, weight, major diseases, allergies, ear or eye defects, major conditions, or major health problems that may be congenital, familial, or genetic;

(7) "Requestor" means a person who requests an adoption file under this section and is:

(A) The adult adoptee as set forth in this section; or

(B) A lineal descendent of a deceased adult adoptee as set forth in this section to whom the adoption file pertains;

(b) Notwithstanding any other provision of law, a requestor may apply for and the Department of Health and Human Resources shall provide, within 60 days of receipt of a valid request, subject to the provisions, requirements, and exceptions set forth in this section, a noncertified copy of an adult adoptee's original birth certificate, sufficiently redacted such that it removes any personal identifying information related to the adoptee's biological parents: *Provided*, That, if a biological parent has returned a contact preference and personal identifying information disclosure form containing an affirmative grant of consent to the release of personal identifying information, the Department shall release, to either the requestor or an intermediary identified and approved by the biological parent in the contact preference form, a nonredacted, noncertified copy of the adoptee's birth certificate, as well as any personal identifying information for which consent has been granted, such as the biological parent's legal name, current address, phone number, or email address.

(c) An application by a requestor under this section shall be in a form provided by the Department of Health and Human Resources and shall include the following information:

(1) The requestor's current name;

(2) The name of the adult adoptee, both prior to the adoption, if known, and assumed at the time of the adoption, whose file is being requested;

(3) The requestor's address;

(4) The requestor's age and date of birth;

(5) The adult adoptee's date of birth;

(6) The adult adoptee's gender at birth;

(7) Satisfactory proof of identification of the identity of the requestor, as determined by the Department of Health and Human Resources;

(8) A notarized signature;

(9) The requestor's telephone number;

(10) If the requestor is a lineal descendant, a birth certificate or other verifiable documentation evidencing the requestor's relationship to the adoptee; and

(11) Any other information required by the Department of Health and Human Resources necessary to verify the identity of the requestor, locate the relevant records, or provide the adoptee's noncertified copy of original birth certificate or other identifying information to the requestor.

(d) The Department of Health and Human Resources shall develop and make available on its website a form that will be used by requestors to apply for a noncertified copy of an adult adoptee's birth certificate, a medical history form, and a form by which biological parents can express their preference regarding future contact and their willingness to disclose personal identifying information. The Department of Health and Human Resources shall make hard copy forms available to the public.

(1) The contact preference and personal identifying information disclosure form shall provide a biological parent with options, in substantially the following form, from which the biological parent shall select one:

(A) I would like to be contacted. I have completed the contact preference form, the medical history form, and I consent to both the disclosures outlined in these forms and to the filing of the forms with the Department of Health and Human Resources;

(B) I would prefer to be contacted only through an intermediary. I have completed the contact preference form, the medical history form, and I consent to both the disclosures outlined in these forms and to the filing of the forms with the Department of Health and Human Resources; or

(C) Do not contact me or release my personal identifying information. I understand that I may change this preference by filling out another contact preference and personal identifying information form. I have completed the medical history form and consent to the disclosure of my medical information so long as any personal identifying information is redacted;

(2) The contact preference and personal identifying information disclosure form shall inform biological parents that, as a default and without affirmative consent on the part of the biological parent, no personal identifying information will be made available to a requester; only the information provided in the medical history form, with any personal identifying information redacted, shall be provided. The form shall contain language permitting a biological parent to affirmatively consent to the disclosure of each individual piece of personal identifying information, including but not limited to the biological parent's legal name, telephone number, email address, and current address.

(3) The contact preference and personal identifying information disclosure form shall have a place for the biological parent to attest that they are the biological parent of the adoptee to whom the form pertains;

(4) The Department of Health and Human Resources shall provide and make available the forms established by this section to the clerks of the circuit court in every county, and coordinate with the circuit courts and clerks of the circuit court to encourage their dissemination and use in all private adoptions.

(e) The Department of Health and Human Resources shall make available, in any adoption case in which the Department is involved, a copy of the forms established in subsection (d) of this section to the biological parent or parents of a child who is being adopted. The Department shall, at the time the forms are provided, explain the purpose and utility of the forms.

(f) The Department of Health and Human Resources shall file a biological parent's contact preference and personal identifying information disclosure form in the adoption file of the adoptee to whom the form pertains.

(g) When a biological parent of a parent involved in a private adoption completes one of the forms established by this section, that form shall be included, along with any relinquishments or other writings required by §48-22-301 *et seq* of this code, in the adoption file or related case file maintained by the clerk of the circuit court in each county. To the extent practicable, and consistent with the provisions, requirements, and exceptions of this section applicable to the Department of Health and Human Resources, a clerk of the circuit court shall make available, to requestors who can satisfy the requirements of subsection (c) of this section, the medical history

information, contact information, and other personal identifying information for which consent has been affirmatively granted, via return of the relevant form, contained in the adoption file or related case file.

(h) A biological parent may request at any time that the Department of Health and Human Resources remove or modify the contact preference and personal identifying information disclosure form from the adoption file of the adoptee to whom the form pertains. The Department of Health and Human Resources shall remove or modify the contact preference and personal identifying information disclosure form upon request and a sufficient showing of the biological parent's identity.

(i) The Department of Health and Human Resources shall destroy a contact preference and personal identifying information form that has been removed from an adoption file.

(j) The Department of Health and Human Resources may propose legislative rules for promulgation necessary to carry out the purposes of this section in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(k) The Department of Health and Human Resources may charge a fee for issuing a noncertified copy of the original birth certificate. The fee charged shall not exceed the fee for a certified copy of an original birth certificate.

(l) An officer or employee of the Department of Health and Human Resources who, in conformity with the provisions of this section, releases a noncertified copy of a birth certificate, a copy of an adoption file, or any other record or information covered by this section, to a requestor who has provided the identification verifying documentation and satisfied any other requirements set forth in this section, is not criminally or civilly liable for injury, death, loss, or any other harm allegedly arising from the release of that information or copy.

(m) The Department of Health and Human Resources shall track the number of requests under this section for noncertified copies of birth certificates along with requests for biological parent personal identifying information received by the Department, the Department of Health and Human Resources' response time to those requests, and the number of full-time equivalents and/or part-time equivalents assigned to work fulfilling requests for these records. The department shall track this information beginning July 1, 2023, until April 30, 2026, and provide a report to the Legislative Oversight Commission on Health and Human Resources Accountability regarding this information no later than July 1, 2026.

(n) The Department of Health and Human Resources shall consider and study the operation of this section and other potential additional or alternative mechanisms by which adult adoptees or other requestors can obtain access to information about the biological parents of adoptees, to serve interests including but not limited to facilitating the access to the medical records of biological parents for diagnostic medical purposes and conducting genealogical research. The department shall provide a report detailing the results of its study to the Legislature's Joint Standing Committee on the Judiciary no later than July 1, 2024.

(o) Nothing in this section shall be construed to permit disclosure of an adoptee's birth certificate, or other information concerning the adoptee contained in his or her adoption file, to a biological parent of the adoptee.

(p) All documents, records, and information obtained via any of the forms or processes established in this section are to be considered confidential and shall not be subject to disclosure under the provisions of West Virginia's Freedom of Information Act, §29B-1-1 et seq. of this code.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS

§49-4-604. Disposition of neglected or abused children; case plans; dispositions; factors to be considered; reunification; orders; alternative dispositions.

(a) *Child and family case plans.* — Following a determination pursuant to §49-4-602 of this code wherein the court finds a child to be abused or neglected, the department shall file with the court a copy of the child's case plan, including the permanency plan for the child. The term "case plan" means a written document that includes, where applicable, the requirements of the family case plan as provided in §49-4-408 of this code and that also includes, at a minimum, the following:

(1) A description of the type of home or institution in which the child is to be placed, including a discussion of the appropriateness of the placement and how the agency which is responsible for the child plans to assure that the child receives proper care and that services are provided to the parents, child, and foster or kinship parents in order to improve the conditions that made the child unsafe in the care of his or her ~~parent(s)~~ parents, including any reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. §12101 *et seq.*, to parents with disabilities in order to allow them meaningful access to reunification and family preservation services;

(2) A plan to facilitate the return of the child to his or her own home or the concurrent permanent placement of the child; and address the needs of the child while in kinship or foster care, including a discussion of the appropriateness of the services that have been provided to the child.

The term "permanency plan" refers to that part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available. The plan must document efforts to ensure that the child is returned home within approximate ~~time-lines~~ timelines for reunification as set out in the plan. Reasonable efforts to place a child for adoption or with a legal guardian should be made at the same time, or concurrent with, reasonable efforts to prevent removal or to make it possible for a child to return to the care of his or her parent(s) safely. If reunification is not the permanency plan for the child, the plan must state why reunification is not appropriate and detail the alternative, concurrent permanent placement plans for the child to include approximate ~~time-lines~~ timelines for when the placement is expected to become a permanent placement. This case plan shall serve as the family case plan for parents of abused or neglected children. Copies of the child's case plan shall be sent to the child's attorney and parent, guardian or custodian or their counsel at least five days prior to the dispositional hearing. The court shall forthwith proceed to disposition giving both the petitioner and respondents an opportunity to be heard.

(b) *Requirements for a Guardian ad litem.* —

A guardian ad litem appointed pursuant to §49-4-601(f)(1) of this code, shall, in the performance of his or her duties, adhere to the requirements of the Rules of Procedure for Child

Abuse and Neglect Proceedings and the Rules of Professional Conduct and such other rules as the West Virginia Supreme Court of Appeals may promulgate, and any appendices thereto, and must meet all educational requirements for the guardian ad litem. A guardian ad litem may not be paid for his or her services without meeting the certification and educational requirements of the court. The West Virginia Supreme Court of Appeals is requested to provide guidance to the judges of the circuit courts regarding supervision of said guardians ad litem. The West Virginia Supreme Court of Appeals is requested to review the Rules of Procedure for Child Abuse and Neglect Proceedings and the Rules of Professional Conduct specific to guardians ad litem.

(c) *Disposition decisions.* — The court shall give precedence to dispositions in the following sequence:

(1) Dismiss the petition;

(2) Refer the child, the abusing parent, the battered parent, or other family members to a community agency for needed assistance and dismiss the petition;

(3) Return the child to his or her own home under supervision of the department;

(4) Order terms of supervision calculated to assist the child and any abusing parent or battered parent or parents, or custodian which prescribe the manner of supervision and care of the child, and which are within the ability of any parent or parents or custodian to perform;

(5) Upon a finding that the abusing parent, or battered parent or parents, are presently unwilling or unable to provide adequately for the child's needs, commit the child temporarily to the care, custody, and control of the department, a licensed private child welfare agency, or a suitable person who may be appointed guardian by the court. The court order shall state:

(A) That continuation in the home is contrary to the best interests of the child and why;

(B) Whether or not the department has made reasonable efforts, with the child's health and safety being the paramount concern, to preserve the family, or some portion thereof, and to prevent or eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home;

(C) Whether the department has made reasonable accommodations in accordance with the Americans with Disabilities Act of 1990, 42 U. S. C. § 12101 *et seq.*, to parents with disabilities in order to allow them meaningful access to reunification and family preservation services;

(D) What efforts were made or that the emergency situation made those efforts unreasonable or impossible; and

(E) The specific circumstances of the situation which made those efforts unreasonable if services were not offered by the department. The court order shall also determine under what circumstances the child's commitment to the department are to continue. Considerations pertinent to the determination include whether the child should:

(i) Be considered for legal guardianship;

(ii) Be considered for permanent placement with a fit and willing relative; or

(iii) Be placed in another planned permanent living arrangement, but only in cases where the child has attained 16 years of age and the department has documented to the circuit court a compelling reason for determining that it would not be in the best interests of the child to follow one of the options set forth in subparagraphs (i) or (ii) of this paragraph. The court may order services to meet the special needs of the child. Whenever the court transfers custody of a youth to the department, an appropriate order of financial support by the parents or guardians shall be entered in accordance with §49-4-801 through §49-4-803 of this code;

(6) Upon a finding that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future, and, when necessary for the welfare of the child, terminate the parental, custodial and guardianship rights and responsibilities of the abusing parent and commit the child to the permanent sole custody of the nonabusing parent, if there be one, or, if not, to either the permanent guardianship of the department or a licensed child welfare agency. The court may award sole custody of the child to a nonabusing battered parent. If the court shall so find, then in fixing its dispositional order the court shall consider the following factors:

(A) The child's need for continuity of care and caretakers;

(B) The amount of time required for the child to be integrated into a stable and permanent home environment; and

(C) Other factors as the court considers necessary and proper. Notwithstanding any other provision of this article, the court shall give consideration to the wishes of a child 14 years of age or older or otherwise of an age of discretion as determined by the court regarding the permanent termination of parental rights. No adoption of a child shall take place until all proceedings for termination of parental rights under this article and appeals thereof are final. In determining whether or not parental rights should be terminated, the court shall consider the efforts made by the department to provide remedial and reunification services to the parent. The court order shall state:

(i) That continuation in the home is not in the best interest of the child and why;

(ii) Why reunification is not in the best interests of the child;

(iii) Whether or not the department made reasonable efforts, with the child's health and safety being the paramount concern, to preserve the family, or some portion thereof, and to prevent the placement or to eliminate the need for removing the child from the child's home and to make it possible for the child to safely return home, or that the emergency situation made those efforts unreasonable or impossible; and

(iv) Whether or not the department made reasonable efforts to preserve and reunify the family, or some portion thereof, including a description of what efforts were made or that those efforts were unreasonable due to specific circumstances;

(v) Language ordering the Department of Health and Human Resources or a successor agency or agencies to collect and archive in the child's adoption file the legal name, date of birth, telephone number, email address, and Social Security Number of a biological parent or parents whose parental rights have been terminated by a disposition and language authorizing the release of that information as provided by the provisions of §48-22-803 of this code;

(vi) Language authorizing the child's legal guardian, the child once they have obtained the age of majority, or one of the child's lineal descendants, upon a showing of legitimate medical diagnostic need attested to affidavit or other verifiable statement of a licensed medical professional, to request, access, or otherwise obtain the medical records of a biological parent whose parental rights have been terminated by the disposition, and further ordering any such biological parent to cooperate with the acquisition and dissemination of those records upon the showing of legitimate diagnostic medical need; and

(7) For purposes of the court's consideration of the disposition custody of a child pursuant to this subsection, the department is not required to make reasonable efforts to preserve the family if the court determines:

(A) The parent has subjected the child, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent to aggravated circumstances which include, but are not limited to, abandonment, torture, chronic abuse, and sexual abuse;

(B) The parent has:

(i) Committed murder of the child's other parent, guardian or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(ii) Committed voluntary manslaughter of the child's other parent, guardian, or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(iii) Attempted or conspired to commit murder or voluntary manslaughter, or been an accessory before or after the fact to either crime;

(iv) Committed a malicious assault that results in serious bodily injury to the child, the child's other parent, guardian, or custodian, to another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent;

(v) Attempted or conspired to commit malicious assault, as outlined in subparagraph (iv), or been an accessory before or after the fact to the same;

(vi) Committed sexual assault or sexual abuse of the child, the child's other parent, guardian, or custodian, another child of the parent, or any other child residing in the same household or under the temporary or permanent custody of the parent; or

(vii) Attempted or conspired to commit sexual assault or sexual abuse, as outlined in subparagraph (vi), or been an accessory before or after the fact to the same.

(C) The parental rights of the parent to another child have been terminated involuntarily;

(D) A parent has been required by state or federal law to register with a sex offender registry, and the court has determined in consideration of the nature and circumstances surrounding the prior charges against that parent, that the child's interests would not be promoted by a preservation of the family.

(d) As used in this section, "No reasonable likelihood that conditions of neglect or abuse can be substantially corrected" means that, based upon the evidence before the court, the abusing adult or adults have demonstrated an inadequate capacity to solve the problems of abuse or neglect on their own or with help. Those conditions exist in the following circumstances, which are not exclusive:

(1) The abusing parent or parents have habitually abused or are addicted to alcohol, controlled substances or drugs, to the extent that proper parenting skills have been seriously impaired and the person or persons have not responded to or followed through the recommended and appropriate treatment which could have improved the capacity for adequate parental functioning;

(2) The abusing parent or parents have willfully refused or are presently unwilling to cooperate in the development of a reasonable family case plan designed to lead to the child's return to their care, custody and control;

(3) The abusing parent or parents have not responded to or followed through with a reasonable family case plan or other rehabilitative efforts of social, medical, mental health, or other rehabilitative agencies designed to reduce or prevent the abuse or neglect of the child, as evidenced by the continuation or insubstantial diminution of conditions which threatened the health, welfare, or life of the child;

(4) The abusing parent or parents have abandoned the child;

(5) The abusing parent or parents have repeatedly or seriously injured the child physically or emotionally, or have sexually abused or sexually exploited the child, and the degree of family stress and the potential for further abuse and neglect are so great as to preclude the use of resources to mitigate or resolve family problems, or assist the abusing parent or parents in fulfilling their responsibilities to the child; and

(6) The battered parent's parenting skills have been seriously impaired and the person has willfully refused or is presently unwilling or unable to cooperate in the development of a reasonable treatment plan, or has not adequately responded to or followed through with the recommended and appropriate treatment plan.

(e) The court may, as an alternative disposition, allow the parents or custodians an improvement period not to exceed six months. During this period the court shall require the parent to rectify the conditions upon which the determination was based. The court may order the child to be placed with the parents, or any person found to be a fit and proper person, for the temporary care of the child during the period. At the end of the period, the court shall hold a hearing to determine whether the conditions have been adequately improved and at the conclusion of the hearing shall make a further dispositional order in accordance with this section.

(f) The court may not terminate the parental rights of a parent on the sole basis that the parent is participating in a medication-assisted treatment program, as regulated in §16-5Y-1 *et seq.* of this code, for substance use disorder, as long as the parent is successfully fulfilling his or her treatment obligations in the medication-assisted treatment program.

§49-4-607. Consensual termination of parental rights.

(a) An agreement of a natural parent in termination of parental rights is valid if made by a duly acknowledged writing, and entered into under circumstances free from duress and fraud. Where

during the pendency of an abuse and neglect proceeding, a parent offers voluntarily to relinquish of his or her parental rights, and the relinquishment is accepted by the circuit court, the relinquishment may, without further evidence, be used as the basis of an order of adjudication of abuse and neglect by that parent of his or her children;

(b) The Department of Health and Human Resources or successor agency shall, in the event of a voluntary relinquishment that results in the termination of parental rights, collect and archive in the child's adoption file the legal name, date of birth, phone number, email address, and Social Security Number of a biological parent whose parental rights are being terminated via voluntarily relinquishment;

(c) Voluntary relinquishment of parental rights by a biological parent of a child include in the duly acknowledged writing required by subsection (a) of this section language authorizing, and memorializing the consent of the biological parent, to the child's new legal guardian, the child once they have obtained the age of majority, or one of the child's lineal descendants, upon a showing of legitimate medical diagnostic need attested by affidavit or other verifiable statement of a licensed medical professional, to request, access, or otherwise obtain the medical records of a biological parent whose parental rights are being terminated via voluntarily relinquishment.

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

Engrossed Committee Substitute for Senate Bill 470 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. 470) passed.

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

Eng. Com. Sub. for Senate Bill 470—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803; and to amend and reenact §49-4-604 and §49-4-607 of said code, all relating to adoption and parental rights; and, specifically, establishing a procedure for adopted children to obtain a copy of their original birth certificate and certain personal identifying information regarding their biological parents; establishing a process by which biological parents can consent to providing personal identifying information and medical history to children who have been adopted; allowing biological parents to designate a contact preference; directing the Department of Health and Human Resources to administer records, collect personal identifying information, and charge a reasonable fee for the dissemination of noncertified copies of birth certificates; requiring the Department of Health and Human Resources to track certain information and report to the Legislative Oversight Commission on Health and Human Resources Accountability; directing the Department of Health and Human Resources to study the operation and consider alternative mechanisms to provide adoptive

children with access to the medical records of their biological parents; requiring biological parents whose parental rights are terminated to provide personal identifying information to the Department of Health and Human Services; requiring biological parents whose parental rights are terminated to provide authorization to their child's new legal guardian, a child who obtains the age of majority, or their child's lineal descendants, to access their medical records upon a showing of legitimate diagnostic medical need; establishing a requirement that biological parents who seek to voluntarily relinquish their parental rights to provide authorization and consent to their child's new legal guardian, a child who obtains the age of majority, or their child's lineal descendants to access their medical records upon a showing of legitimate diagnostic medical need; and authorizing the Department of Health and Human Resources to promulgate legislative rules related to these provisions.

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

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. 540) 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 546, Adding and removing certain compounds from controlled substance list.

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

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

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

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 28, 2023, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

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

Pending discussion,

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

On the passage of the bill, the yeas were: Azinger, 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, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: Caputo and Plymale—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. 552) 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 581, Amending provisions of 2023 Farm Bill.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 28, 2023, for amendments to be received on third reading, was read a third time.

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

On page 15, after line 21, by adding thereto a new article, designated article 39, to read as follows:

ARTICLE 39. CERTAIN RESTRICTIONS ON OWNERSHIP OF AGRICULTURAL LAND.

§19-39-1. Definitions.

For purposes of this article:

"Agricultural land" means land suitable for use in farming.

"Farming" means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, or the production of livestock. Farming includes the production of timber, forest products, nursery products, or sod. Farming does not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting, or other farm services.

"Foreign business" means a corporation incorporated under the laws of a foreign country, or a business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by nonresident aliens. Legal entities, including, but not limited to, trusts, holding companies, multiple corporations, and other business arrangements do not affect the determination of ownership or control of a foreign business.

"Foreign government" means a government other than the government of the United States, its states, territories, or possessions.

"Nonresident alien" means an individual who is neither a citizen of the United States nor a person lawfully admitted into the United States for permanent residence by the United States immigration and naturalization service: *Provided*, That an individual is lawfully admitted for permanent residence regardless of whether the individual's lawful permanent resident status is conditional.

§19-39-2. Right to acquire nonagricultural land.

A nonresident alien, foreign business, or foreign government may acquire by grant, purchase, devise, or descent, real property, except agricultural land or any interest in agricultural land in this state, and may own, hold, devise, or alienate the real property, and shall incur the same duties and liabilities in relation to the real property as a citizen and resident of the United States.

§19-39-3. Restriction on agricultural land holdings.

(a) A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof shall not purchase or otherwise acquire agricultural land in this state. A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, which owns or holds agricultural land in this state on July 1, 2023, may continue to own or hold the land, but shall not purchase or otherwise acquire additional agricultural land in this state.

(b) A person or entity who acquires agricultural land in violation of this section or who fails to convert the land to purposes other than farming within three years, remains in violation of this section for as long as the person or entity holds an interest in the land.

(c) The restriction set forth in subsection (a) of this section does not apply to the following:

(1) Agricultural land acquired by devise or descent;

(2) A bona fide encumbrance on agricultural land taken for purposes of security; and

(3) Agricultural land acquired by a process of law in the collection of debts, by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed, or by any procedure for the enforcement of a lien or claim on the land, whether created by mortgage or otherwise: *Provided*, That agricultural land so acquired shall be sold or otherwise disposed of within three years after the title is transferred. Pending the sale or disposition, the land shall not be used for any purpose other than farming, and the land shall not be used for farming except under lease to an individual, trust, corporation, partnership, or other business entity not subject to any other restrictions. Agricultural land which has been acquired pursuant to this subdivision shall not be acquired or used by the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof for agricultural research or experimental purposes.

(d) A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary of the alien, business, or government shall not acquire or hold agricultural land in an amount greater than 160 acres: *Provided*, That a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof who lawfully owns over 160 acres on July 1, 2023, may continue to own or hold the land, but shall not purchase or otherwise acquire

additional agricultural land in this state except as provided for in subsection (c) of this section. Pending the development of the agricultural land for purposes other than farming, the land shall not be used for farming except under lease to an individual, trust, corporation, partnership, or other business entity not subject to any other restriction on the increase in agricultural land holdings imposed in this article.

(e) A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof shall not transfer title to or interest in agricultural land to a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof except as provided for in subsection (c) of this section.

§19-39-4. Development of agricultural land acquired for nonfarming purposes.

Development of the agricultural land which is not subject to the restrictions of this article, because the land or interest in the land was acquired for an immediate or pending use other than farming, shall be converted to a purpose other than farming within three years following the acquisition of the agricultural land or the acquisition of the interest in the agricultural land.

§19-39-5. Agricultural land acquired by devise or descent.

A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof which acquires agricultural land or an interest in agricultural land, by devise or descent after July 1, 2023, shall divest itself of all right, title, and interest in the land within three years from the date of acquiring the land or interest. This section shall not require divestment of agricultural land or an interest in agricultural land acquired by devise or descent from a nonresident alien if the land or an interest in the land was acquired by any nonresident alien prior to July 1, 2023.

§19-39-6. Change of status; divestment.

A person or entity which purchases or otherwise acquires agricultural land in this state except by devise or descent after July 1, 2023, and whose status changes so that it becomes a foreign business or nonresident alien subject to this article shall divest itself of all right, title, and interest in the land within three years from the date that its status changed.

§19-39-7. Registration.

A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof which owns an interest in agricultural land within this state on or after July 1, 2023, shall register the agricultural land with the Commissioner of Agriculture. The registration shall be made within 60 days after July 1, 2023, or within 60 days after acquiring the land or the interest in the land, whichever time is the later. The registration shall be in the form and manner prescribed by the commissioner and shall contain the name of the owner and the location and number of acres of the agricultural land by county. If the owner of the agricultural land or owner of the interest in agricultural land is an agent, trustee, or fiduciary of a nonresident alien, foreign business, or foreign government, the registration shall also include the name of any principal for whom that land, or interest in that land, was purchased through an agent.

§19-39-8. Reports.

A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof who acquires agricultural land not subject to the restrictions of section three of this article

because the land was acquired for an immediate or pending use other than farming, shall file a report with the Commissioner of Agriculture before July 1 of each year. The report shall be in the form and manner prescribed by the commissioner and shall contain the following:

(1) The name of the owner of the agricultural land or owner of the interest in the agricultural land;

(2) If the owner of the agricultural land or interest in the agricultural land is an agent, trustee, or fiduciary of a nonresident alien, foreign business, or foreign government, the name of any principal for whom that land or interest in that land was acquired as agent;

(3) The location and number of acres of the agricultural land by city and county;

(4) The date the agricultural land or interest in the agricultural land was acquired;

(5) The immediate or pending use other than farming for which the agricultural land or interest in the agricultural land was acquired and the status of the land's development for the purpose other than farming; and

(6) The present use of the agricultural land.

§19-39-9. Enforcement.

(a) If the Commissioner of Agriculture finds that a nonresident alien, foreign business, foreign government, or an agent, trustee, or other fiduciary thereof has acquired or holds title to or interest in agricultural land in this state in violation of §19-39-3 of this code, has failed to timely register as required under §19-39-7 of this code, or has failed to timely report as required under §19-39-8 of this code, the Commissioner of Agriculture shall report the violation to the Attorney General.

(b) Upon receipt of the report from the Commissioner of Agriculture, the Attorney General may, following a review of the report and any further applicable facts, initiate an action in the circuit court of any county in which the land is located.

(c) If the circuit court finds that the land in question has been acquired or held in violation of §19-39-3 of this code, or has not been properly registered as required under §19-39-7 of this code, or has not been appropriately reported as required under §19-39-8 of this code, it shall enter an order finding a violation exists and shall file a copy of the order with the circuit clerk of the county in which any portion of the land is located. The circuit court shall also cause a copy of the order to be recorded with the county clerk in any county in which a portion of the land is located.

§19-39-10. Escheat.

If the circuit court finds that the agricultural land in question has been acquired in violation of this article or that the land has not been converted to a purpose other than farming within three years as required by §19-39-4 of this code, the circuit court shall enter an order declaring the land escheated to the state, and that title to the land shall be vested in the state in the name of the State Commissioner of Delinquent and Nonentered Lands by decree of the circuit court. Any real estate, acquired by the state under this section, shall be sold as soon as practicably possible in the same manner in which delinquent properties are sold pursuant to §11A-3-45 of this code. The circuit court order shall set forth the minimum bid for which the property will be sold. The proceeds

of the sale shall be used to pay court costs, including the cost of appraisal should one be performed, the costs associated with the Auditor's sale, and any outstanding penalties imposed pursuant to §19-39-11 of this code. The remaining funds, if any, shall be paid to the person or entity divested of the property but only in an amount not exceeding the actual cost paid by the person or entity for the purchase or acquisition of that property. Proceeds remaining after the payment of court costs, costs associated with the auditor's sale, and the payment to the person or entity divested of the property shall be deposited into the general revenue fund of the county or counties in which the land is located in proportion to the part of the land in each county.

§19-39-11. Penalty for failure to timely file.

A civil penalty of not more than \$2,000 shall be imposed for each offense upon a nonresident alien, foreign business, or foreign government, or an agent, trustee, or other fiduciary thereof, who fails to timely file the registration as required under §19-39-7 of this code or has failed to timely report as required under §19-39-8 of this code. Any penalty collected pursuant to this section shall be used by the Commissioner of Agriculture for the benefit of the Cedar Lakes Camp and Conference Center.

Following discussion,

On motion of Senator Plymale, further consideration of the bill (Eng. Com. Sub. for S. B. 581) and Senator Weld's pending amendment were deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 546 already placed in that position.

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

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. 593) 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 633, Requiring prompt appearances for persons detained on capiases.

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. 633) 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 634, Increasing value at which municipal property must be sold through public auction.

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. 634) 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 647, Relating to substantiation of abuse and neglect allegations.

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. 647) 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 647—A Bill to amend and reenact §49-4-601b of the Code of West Virginia, 1931, as amended, relating to substantiation of abuse and neglect allegations; requiring that when an abuse and neglect allegation is substantiated and a child abuse petition could be filed and the department does not do so, records related to the allegation are sealed after one year, absent a new allegation within that year; excluding persons from having records sealed who have a substantiated case but no court case can be filed; requiring that substantiated cases where the court does not adjudicate abuse and neglect be deemed unsubstantiated; allowing a petition to seal a file after five years for persons found to be creating an abusing parent; exceptions; criteria; directing the department to propose legislative rules to effectuate the statutory directive; and defining terms.

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

Eng. Senate Bill 738, Equipment Right to Repair Act.

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

On the passage of the bill, the yeas were: Barrett, Boley, Clements, Deeds, Grady, Hamilton, Hunt, Maroney, Nelson, Phillips, Plymale, Queen, Roberts, Smith, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—23.

The nays were: Azinger, Caputo, Chapman, Jeffries, Karnes, Martin, Maynard, Oliverio, Rucker, and Tarr—10.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 738) 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 February 27, 2023, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 581 already placed in that position.

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

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

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's first reading calendar, following consideration of Engrossed Senate Bill 739 already placed in that position.

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 read a third time.

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

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

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

(a) Every motor vehicle, trailer, semitrailer, pole trailer, and recreational vehicle when driven or moved upon a highway is subject to the registration and certificate of title provisions of this chapter except:

(1) Any vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders, or nonresidents or under a temporary registration permit issued by the division as authorized under this chapter;

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner of the implement and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the Commissioner of the Division of Highways from one point of the owner's land to another part of the owner's land, irrespective of whether or not the tracts adjoin: *Provided*, That the distance between the points may not exceed 35 miles, or for the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for repairs. The exemption in this subdivision from registration and license requirements also applies to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the purpose of moving farm produce and livestock from the farm along a public highway for a distance not to exceed 35 miles to a storage house or packing plant, when the use is a seasonal operation:

(A) The exemptions contained in this section also apply to farm machinery, tractors, and mini-trucks: *Provided*, That the machinery, tractors, and mini-trucks may use the highways in going from one tract of land to another tract of land regardless of whether the land is owned by the same

or different persons. For the purposes of this section, "mini-truck" means a foreign-manufactured import or domestic-manufactured vehicle designed primarily for off-road use and powered by an engine ranging in size from 550cc to 660cc and weighing approximately 1,800 pounds;

(B) Any vehicle exempted under this subsection from the requirements of annual registration certificate and license plates and fees for the registration certificate and license plate may not use the highways between sunset and sunrise unless the vehicle is classified as a Class A motor vehicle with a farm-use exemption under the provisions of §17A-10-1 of this code and has a valid and current inspection sticker as required by the provisions of §17C-16-1 *et seq.* of this code and is traveling from one tract of land to another over a distance of 35 miles or less;

(C) Any vehicle exempted under this section from the requirements of annual registration certificate and license plates may use the highways as provided in this section whether the exempt vehicle is self-propelled, towed by another exempt vehicle or towed by another vehicle required to be registered;

(D) Any vehicle used as an implement of husbandry exempt under this section shall have the words "farm use" affixed to both sides of the implement in 10-inch letters. Any vehicle which would be subject to registration as a Class A or B vehicle if not exempted by this section shall display a farm-use exemption certificate on the lower driver's side of the windshield:

(i) The farm-use exemption certificate shall be provided by the commissioner and shall be issued annually by the assessor of the applicant's county of residence. The assessor shall issue a farm-use exemption certificate to the applicant upon his or her determination pursuant to an examination of the property books or documentation provided by the applicant that the vehicle has been properly assessed as Class I personal property. Nothing in this section or any rule promulgated under the authority of chapter 29A of this code may be construed to require any applicant for a renewal of a farm use exemption certificate to appear personally before any assessor. The assessor shall charge a fee of \$2 for each certificate, which shall be retained by the assessor;

(ii) A farm-use exemption certificate shall not exempt the applicant from maintaining the security required by §17D-1-1 *et seq.* of this code on any vehicle being operated on the roads or highways of this state;

(iii) No person charged with the offense of operating a vehicle without a farm-use exemption certificate, if required under this section, may be convicted of the offense if he or she produces in court, or in the office of the arresting officer, a valid farm-use exemption certificate for the vehicle in question within five days;

(3) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(4) Any vehicle of a type subject to registration which is owned by the government of the United States;

(5) Any wrecked or disabled vehicle towed by a licensed wrecker or dealer on the public highways of this state;

(6) The following recreational vehicles are exempt from the requirements of annual registration, license plates and fees, unless otherwise specified by law, but are subject to the

certificate of title provisions of this chapter regardless of highway use: Motorboats, all-terrain vehicles, utility terrain vehicles, and snowmobiles; and

(7) Any special mobile equipment as defined in §17A-1-1(r) of this code.

(b) Notwithstanding the provisions of subsection (a) of this section:

(1) Mobile homes or manufactured homes are exempt from the requirements of annual registration, license plates and fees;

(2) House trailers may be registered and licensed; and

(3) Factory-built homes are subject to the certificate of title provisions of this chapter.

(c) The division shall title and register low-speed vehicles if the manufacturer's certificate of origin clearly identifies the vehicle as a low-speed vehicle. The division may not title or register homemade low-speed vehicles or retrofitted golf carts and such vehicles do not qualify as low-speed vehicles in this state. In addition to all other motor vehicle laws and regulations, except as specifically exempted below, low-speed vehicles are subject to the following restrictions and requirements:

(1) Low-speed vehicles shall only be operated on private roads and on public roads and streets within the corporate limits of a municipality where the speed limit is not more than 25 miles per hour;

(2) Notwithstanding any provisions in this code to the contrary, low-speed vehicles shall meet the requirements of 49 C.F.R. §571.500 (2003);

(3) In lieu of ~~annual inspection~~ periodic inspection, the owner of a low-speed vehicle shall, upon initial application for registration and each renewal thereafter, certify under penalty of false swearing, that all lights, brakes, tires, and seat belts are in good working condition; and

(4) Any person operating a low-speed vehicle must hold a valid driver's license, not an instruction permit.

§17A-3-2a. Registration of nonresident vehicles.

(a) A nonresident vehicle is not required to be registered pursuant to §17A-3-2 of this code: Provided, That a nonresident vehicle may be registered in this state and be issued a West Virginia registration plate upon payment of all applicable fees to the division. For purposes of this subsection, the receipt and verification requirements of §17A-3-3a of this code do not apply.

(b) For purposes of this section, "nonresident vehicle" means a vehicle titled in this state under the provisions of §17A-4-11 of this code, which is not intended to spend a majority of service time on West Virginia roads, owned by a business whose principal place of business is not in this state, that is not a common carrier, and that maintains a local, national, or international fleet of vehicles.

(c) Nothing in this section subjects a nonresident vehicle to the inspection requirement set forth in §17A-16-4 of this code. A nonresident vehicle is not domiciled in any county in this state, and nothing in this section requires the imposition of personal property taxes within this state pursuant to §11-5-1 et seq. of this code.

(d) The division may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code and may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to accomplish the provisions of this section.

ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.

§17A-6-10d. Special plates for nonprofit corporations engaged in research and development.

(a) Notwithstanding any of the other provisions of this article, a nonprofit corporation engaged in research and development using motor vehicles pursuant to §18B-12-1 *et seq.* of this code and affiliated with institutions of higher education may operate or move a vehicle, either owned or in the possession of the nonprofit corporation upon the highways of this state for purposes of transporting or testing that vehicle without first registering or titling the vehicle and displaying, in a manner prescribed by the commissioner, a special plate issued to the nonprofit corporation as provided in this section.

(b) Any nonprofit corporation as prescribed in subsection (a) of this section may make application to the commissioner upon a form prescribed by him or her for a certificate containing a general distinguishing number and for a special plate or plates. The applicant shall verify that it is a Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, nonprofit corporation and submit sufficient information, as may be required by the commissioner, that it is engaged in research and development of vehicles, special fuels, or equipment for motor vehicles.

(c) The commissioner, upon approving an application, may issue without charge to the applicant, a certificate containing the nonprofit corporation's name and address and its general distinguishing number. The commissioner may also issue without charge, a special plate or plates, as determined by the commissioner as necessary, that must be displayed on the vehicle. Each plate shall also contain a number or symbol distinguishing it from other plates bearing the same general distinguishing number.

(d) The nonprofit corporation that is issued a special plate pursuant to this section must keep written records as required by the commissioner concerning the operation of the vehicle. The records shall be open to inspection by any law-enforcement officer or division employee.

(e) This section does not apply to the use of any other vehicles owned, leased, or operated by the nonprofit corporation.

(f) A nonprofit corporation that has been issued a special plate is not required to comply with the bond or dealer recovery fund otherwise required under this article for that vehicle.

(g) A nonprofit corporation that has been issued a special plate shall furnish information, satisfactory to the commissioner, that the vehicle is covered by an appropriate insurance policy or proof of financial responsibility in amounts not less than the requirements of §17D-4-2 of this code.

(h) Vehicles operated by a nonprofit corporation pursuant to this section are exempt from the annual periodic motor vehicle inspection and the displaying of the certificate of inspection otherwise required by §17C-16-1 *et seq.* of this code. However, a vehicle that has been issued a

special plate pursuant to this section must be safe and may not, in any manner, endanger the driver, other vehicle occupants, other motorists, pedestrians, or the general public.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-3a. Special registration of antique motor vehicles and motorcycles; definition, registration, and use of classic motor vehicles and classic motorcycles; customized antique plates.

(a) The annual registration fee for any antique motor vehicle or motorcycle as defined in this section is \$2. As used in this section:

"Antique motor vehicle" means any motor vehicle which is more than 25 years old and is owned solely as a collector's item.

"Antique military vehicle" means an antique motor vehicle, regardless of the vehicle's size or weight, that was manufactured for use in any country's military forces, and that is maintained to represent its military design and markings accurately, including a trailer meeting the same requirements, but not including a vehicle or trailer currently in service.

"Antique motorcycle" means any motorcycle which is more than 25 years old and is owned solely as a collector's item.

"Classic motor vehicle" means a motor vehicle which is more than 25 years old and is registered pursuant to §17A-10-3 of this code and is used for general transportation.

"Classic motorcycle" means a motorcycle which is more than 25 years old and is registered pursuant to §17A-10-3 of this code and is used for general transportation.

(b) Except as otherwise provided in this section, antique motor vehicles or motorcycles may not be used for general transportation but may only be used for:

(1) Participation in club activities, exhibits, tours, parades, and similar events;

(2) The purpose of testing their operation, obtaining repairs or maintenance, and transportation to and from events as described in subdivision (1) of this subsection; and

(3) Recreational purposes over weekends, beginning on Friday at 12:00 p.m., and ending on the following Monday at 12:00 p.m., and on holidays: *Provided*, That a classic motor vehicle or a classic motorcycle as defined in this section may be registered under the applicable class at the applicable registration fee set forth in §17A-10-3 of this code and may be used for general transportation.

(c) A West Virginia motor vehicle or motorcycle displaying license plates of the same year of issue as the model year of the antique motor vehicle or motorcycle, as authorized in this section, may be used for general transportation purposes if the following conditions are met:

(1) The license plate's physical condition has been inspected and approved by the Division of Motor Vehicles;

(2) The license plate is registered to the specific motor vehicle or motorcycle by the Division of Motor Vehicles;

(3) The owner of the motor vehicle or motorcycle annually registers the motor vehicle or motorcycle and pays an annual registration fee for the motor vehicle or motorcycle equal to that charged to obtain regular state license plates;

(4) The motor vehicle or motorcycle passes ~~an annual safety inspection~~ a periodic safety inspection; and

(5) The motor vehicle or motorcycle displays a sticker attached to the license plate, issued by the division, indicating that the motor vehicle or motorcycle may be used for general transportation.

(d) If more than one request is made for license plates having the same number, the division shall accept only the first application.

(e) The commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code as may be necessary or convenient for the carrying out of the provisions of this section.

(f) Upon appropriate application, together with a special annual fee of \$40, which is in addition to all other fees required by this chapter, there shall be issued to the owner of an antique motor vehicle a special registration plate for an antique motor vehicle titled in the name of the qualified applicant, bearing a combination of letters or numbers requested by that applicant, subject to the approval by the commissioner, and with the maximum number of letters or numbers to be determined by the commissioner.

(g) Upon proper application pursuant to subsection (f) of this section, the commissioner shall approve an alternative registration insignia for an antique military vehicle that is compatible with the vehicle's original markings, including, but not limited to, the display of the vehicle's unique military identification number not to exceed eight characters on the bumper of the vehicle: *Provided*, That nothing in this section exempts the operator of an antique military vehicle from the requirements set forth in §17A-3-13 of this code. Pursuant to this subsection, an antique military vehicle is exempt from the requirement to display a registration plate if the exemption is necessary to maintain the vehicle's accurate military marking.

(h) The commissioner is hereby authorized to develop an antique fleet plate program to enable an owner of five or more antique motor vehicles to use a single registration plate on multiple antique motor vehicles. The owner is required to register with the Division of Motor Vehicles every antique motor vehicle upon which the plate will be displayed. The annual registration fee for an antique fleet plate is \$2 a year per registered antique motor vehicle. The antique fleet plate is valid for one year and must be renewed annually. The antique fleet plate may be used on a newly acquired antique motor vehicle prior to titling: *Provided*, That the owner completes an application for a 30-day temporary digital registration card in the format established by the commissioner and displays such card upon request when operating the vehicle prior to titling and regular registration. The fee for a 30-day temporary digital registration card is \$10, and the commissioner is authorized to charge a convenience fee for electronic submission of the application.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**ARTICLE 16. INSPECTION OF VEHICLES.****§17C-16-4. Superintendent of the West Virginia State Police to require periodical inspection; acceptance of certificate of inspection from another state; suspension of registration of unsafe vehicles.**

(a) The Superintendent of the West Virginia State Police shall ~~once each year~~ require that every motor vehicle, trailer, semitrailer, and pole trailer registered in this state be inspected once every two years and that an official certificate of inspection and approval be obtained for each vehicle; Provided, That the amendments made to this subsection during the 2023 regular session of the Legislature shall become effective on January 1, 2024.

The inspections shall be made and the certificates obtained with respect to the mechanism, brakes, and equipment of every vehicle designated by the superintendent.

The superintendent may make necessary rules for the administration and enforcement of this section and may designate any period or periods during which owners of any vehicles, subject to this section, shall display upon the vehicles certificates of inspection and approval or shall produce the certificates upon demand of any officer or employee of the State Police designated by the superintendent or any police or peace officer when authorized by the superintendent.

(b) The superintendent may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this chapter and may extend the time within which the resident owner of a vehicle which was not in this state during the time an inspection was required must obtain a certificate.

(c) At the request of the superintendent, the Commissioner of the Division of Motor Vehicles may suspend the registration of any vehicle which the superintendent determines is in such an unsafe condition that it constitutes a menace to safety, or which after notice and demand is not equipped as required in this chapter, or for which the vehicle's owner has not obtained the required certificate.

(d) If requested by the owner of the vehicle, the superintendent shall also cause to be inspected a Class A farm use motor vehicle exempt from annual registration certificate and licensing as provided in §17A-3-2 of this code. If the Class A farm use motor vehicle passes the inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle.

§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.

(a) The Superintendent of the State Police is responsible for the inspection as provided in this article and shall prescribe requirements and qualifications for official inspection stations. He or she shall select and designate the stations and shall issue permits for official inspection stations and furnish instructions and all necessary forms for the inspection of vehicles as required in this article and the issuance of official certificates of inspection and approval. The certificate of inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall be serially numbered, and shall properly identify the official inspection station which issued it. A charge of ~~\$3~~ \$6 per sticker shall be charged by the State Police to the inspection station, and the funds received shall be deposited into the State Treasury and credited to the account of the State Police for application in the administration and enforcement of the provisions of this article and

for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. The superintendent may exchange stickers or make refunds to official inspection stations for stickers on hand when permits are revoked or when, for any reason, the stickers become obsolete. The amendments made to this subsection during the 2023 regular session of the Legislature shall become effective on January 1, 2024.

(b) A person shall apply for a permit upon an official form prescribed by the superintendent and the superintendent shall grant permits only when the superintendent is satisfied that the station is properly equipped, ~~and~~ has competent personnel to make the inspections and adjustments, and that the inspections and adjustments will be properly conducted. The superintendent, before issuing a permit, may require the applicant to file a bond with surety approved by the superintendent, conditioned that such applicant, as a station operator, will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of the station operator or employees thereof.

(c) The superintendent shall properly supervise and cause inspections to be made of the stations. Upon finding that a station is not properly equipped or conducted, the superintendent may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or subsequent finding that a station is not properly equipped or conducted, the superintendent shall permanently revoke and require the surrender of the permit. The superintendent may reinstate the permit of any person whose permit was permanently revoked prior to the effective date of this section upon a first finding that a station was not properly equipped or conducted, upon application, at any time after the expiration of six months from the time of revocation and shall reinstate the permit, upon application, after the expiration of one year. He or she shall maintain and post at his or her office and at any other places as he or she may select lists of all stations holding permits and of those whose permits have been suspended or revoked.

§17C-16-6. Assignment, transfer, and posting of official inspection station permit; issuance and record of certificate of inspection; inspection fee.

(a) No permit for an official inspection station shall be assigned or transferred or used at any location other than designated in the permit and every permit shall be posted in a conspicuous place at the station location designated in the permit.

(b) The person operating the station shall issue a certificate of inspection and approval, upon an official form, to the owner of a vehicle upon inspecting the vehicle and determining that its equipment required under this article is in good condition and proper adjustment, but otherwise no certificate shall be issued, except one issued pursuant to section two of this article. When required by the superintendent, a record and report shall be made of every inspection and every certificate issued.

(c) A fee of not more than ~~\$14~~ \$19 may be charged for an inspection and any necessary headlight adjustment to proper focus, not including any replacement parts required, and the issuance of the certificate, but the imposition of the charge is not mandatory. The amendments made to this subsection during the 2023 regular session of the Legislature shall become effective on January 1, 2024.

On motion of Senator Weld, the following amendments to the Transportation and Infrastructure committee amendment to the bill (Eng. H. B. 2310) were reported by the Clerk, considered simultaneously, and adopted:

On page 7, section 3a, line 3, after the words "any motor vehicle" by inserting a comma and the words "regardless of weight,";

And,

On page 8, section 3a, lines 20-21, by striking out the words "over weekends, beginning on Friday at 12:00 p.m., and ending on the following Monday at 12:00 p.m., and on holidays".

The question now being on the adoption of the Transportation and Infrastructure committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed House Bill 2310, as just amended, was then put upon its passage.

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

The nays were: Oliverio—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. H. B. 2310) passed.

At the request of Senator Clements, as chair of the Committee on Transportation and Infrastructure, and by unanimous consent, the unreported Transportation and Infrastructure committee amendment to the title of the bill was withdrawn.

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

Eng. House Bill 2310—A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17A-3-2a; to amend and reenact §17A-6-10d of said code; to amend and reenact §17A-10-3a of said code; and to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code, all relating to motor vehicles; changing the interval of annual mandatory vehicle inspections to inspections every two years; doubling the charge for inspection stickers; increasing the maximum fee for an inspection to \$19 to account for inflation; providing an internal effective date; defining a term; exempting nonresident vehicles from registration requirement; allowing for optional nonresident vehicle registration and issuance of registration plates if applicable fees are paid; clarifying that nonresident vehicles are not subject to personal property taxes or vehicle inspection requirement; authorizing rulemaking by the Division of Motor Vehicles concerning nonresident vehicles; modifying definition and permissible uses of antique motor vehicles; authorizing the Division of Motor Vehicles to create an antique fleet plate program for owners with five or more antique motor vehicles; specifying requirements, validity period of registration, annual registration fee, and fee for temporary digital registration card for antique fleet plate program; and authorizing convenience fee for electronic submission of applications for temporary digital registration cards.

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

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

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. H. B. 3218) passed with its title.

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

The Senate proceeded to the ninth order of business.

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.

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

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.

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

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

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

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

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

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

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

The following amendments to the bill, from the Committee on the Judiciary, were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 1, line 8 by striking out the word "amendments" and inserting in lieu thereof the word "amendment";

On page 2, section 1, line 10, by striking out the semicolon and inserting in lieu thereof a period.

And,

On page 2, section 1, after line 10 by striking out the remainder of the subsection.

The bill (Eng. Com. Sub. for H. B. 2640), as amended, was then ordered to third reading.

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

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

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

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

ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-5-1. Department of Health and Human Resources.

(a) The legislature directs the Department of Health and Human Resources to amend the legislative rule filed in the State Register on April 30, 2021, authorized under the authority of §16-1-4 of this code, relating to the Department of Health and Human Resources (Food Establishments, 64 CSR 17), with the amendment set forth below:

On page 2, by striking out all of subdivision 3.1.h. and inserting in lieu thereof a new subdivision 3.1.h. to read as follows:

3.1.h. Chapter 6, section 6-501.115 is not applicable if the following conditions are met:

3.1.h.1. The dog is prohibited from entering any areas where food is being prepared

3.1.h.2. The dog owner will be asked to leave, if a dog creates a nuisance;

3.1.h.3. The establishment is licensed as a private club, restaurant, coffee shop, brew pub, or micro distillery;

3.1.h.4. The establishment has liability insurance for dog-related incidents;

3.1.h.5. Dog accidents are cleaned and sanitized. Dog waste stations are available. A written procedure shall be established and posted concerning dog accident cleanup; and

3.1.h.6. Signage is present indicating that the establishment is dog friendly.

(b) The legislative rule filed in the State Register on March 8, 2022, authorized under the authority of §27-6A-2 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (procedures pertaining to the Dangerousness Assessment Advisory Board, 64 CSR 26), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2022, authorized under the authority of §16-1-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (standards for local boards of health, 64 CSR 73), is authorized.

(d) The legislative rule filed in the State Register on July 25, 2022, authorized under the authority of §16-12-3 of this code, modified by the Department of Health and Human Resources to meet the objectives of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (medical examiner requirements for postmortem inquiries, 64 CSR 84), is authorized with the following amendments:

On page 14, by striking out all of section 13.5. and inserting in lieu thereof a new section to read as follows:

"13.5. This section applies only to remains of persons whose death have been pronounced within the State of West Virginia or for remains of persons whose deaths have been pronounced in another state and does not have a prior authorization for cremation issued by the state in which the death occurred."

And,

On page 21, subdivision 20.3 by inserting after the last sentence, "To facilitate the efficient and economical recovery of anatomical gifts, the Chief Medical Examiner, shall authorize the presence of persons approved or assigned by the procurement organization to perform duties at the Office of the Chief Medical Examiner necessary to the timely recovery of anatomical gifts including access to electronic medical records and other information necessary to identify a potential donor, evaluate donor eligibility, and obtain authorization for recovery. This position shall be grant funded and provided at no cost to the state."

(e) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources (Medical Cannabis Program - grower and processors, 64 CSR 110), is authorized with the amendment set forth below:

On page 12, subdivision 8.1.d., by striking out the words "not to exceed 180 days" and inserting in lieu thereof the words "not less than 180 days".

(f) The legislative rule filed in the State Register on July 22, 2022, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health and Human Resources

(Medical Cannabis Program - dispensaries, 64 CSR 112), is authorized with the amendment set forth below:

On page 12, subdivision 11.1.d., by striking out the words "not to exceed 180 days" and inserting in lieu thereof the words "not less than 180 days".

(g) The legislative rule filed in the State Register on August 24, 2022, authorized under the authority of §16-29B-8 of this code, relating to the Department of Health and Human Resources (financial disclosure, 65 CSR 13), is authorized.

(h) The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §16-29B-24 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Uniform Bill Database, 65 CSR 34), is authorized.

(i) The legislative rule filed in the State Register on June 22, 2022, authorized under the authority of §16-53-3 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 26, 2022, relating to the Department of Health and Human Resources (development of methodologies to examine needs for substance use disorder treatment facilities within the state, 69 CSR 13), is authorized.

(j) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §16-42-6 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2022, relating to the Department of Health and Human Resources (Core Behavioral Health Crisis Services System, 69 CSR 19), is authorized.

(k) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (child care centers licensing, 78 CSR 01), is authorized.

(l) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §27-17-3 of this code, relating to the Department of Health and Human Resources (minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults and vulnerable and transitioning youth group homes and programs in West Virginia, 78 CSR 03), is authorized.

(m) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, relating to the Department of Health and Human Resources (family child care facility licensing requirements, 78 CSR 18), is authorized.

(n) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (family child care home registration requirements, 78 CSR 19), is authorized with the amendments set forth below:

On page 13, subdivision 9.2.1.a, after the word, "signed" by inserting the words, "and dated";

And,

On page 13, subdivision 9.2.1.a., after the word, "available" by inserting the words, "the date the pet it brought into the home,".

(o) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (informal and relative family child care home registration requirements, 78 CSR 20), is authorized.

(p) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-121 of this code, modified by the Department of Health and Human Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022, relating to the Department of Health and Human Resources (out-of-school-time child care center licensing requirements, 78 CSR 21), is authorized.

(q) The legislative rule filed in the State Register on September 20, 2022, authorized under the authority of §49-2-126 of this code, relating to the Department of Health and Human Resources (goals for foster children, 78 CSR 25), is authorized.

(r) The legislative rule filed in the State Register on July 27, 2022, authorized under the authority of §49-2-115A of this code, relating to the Department of Health and Human Resources (deemed head start child care center licenses, 78 CSR 28), is authorized.

§64-5-2. Department of Health and Human Resources and the Insurance Commissioner.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Department of Health and Human Resources and the Insurance Commissioner (All-Payers Claims Database - Submission Manual, 114A CSR 03), is disapproved.

ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.

64-12-2. Department of Health and Human Resources, the Insurance Commissioner, and the Chair of the Department of Health and Human Resources.

The legislative rule effective April 1, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Secretary of the Department of Health and Human Resources, the Insurance Commissioner, and Chair of the Department of Health and Human Resources (All-Payer Claims Database – Data Submission Requirements, 114A CSR 01), is repealed.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2648) was reported by the Clerk and adopted:

On page 3, section 1, line 46, by striking out the words "access to electronic medical records and other information necessary" and inserting in lieu thereof the words "information provided by the administrative director of the Office of the Chief Medical Examiner being provided with information".

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2648), as amended, was then ordered to third reading.

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

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

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

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

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

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

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

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

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

Eng. House Bill 3215, Relating to land use.

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

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

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

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

Having been removed from the Senate second reading calendar in earlier proceedings today, no further action thereon was taken.

The Senate proceeded to the tenth order of business.

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

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

Eng. Com. Sub. for House Bill 2605, Relating to Good Samaritan law.

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

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

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

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.

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

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.

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

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

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

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

Having been removed from the Senate first reading calendar in earlier proceedings today, no further action thereon was taken.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

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

On motion of Senator Takubo, at 12:37 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 5:01 p.m. and again proceeded to the tenth order of business.

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

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

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 220 pass?"

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 220) 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 220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-12E-12; to amend said code by adding thereto a new article, designated §19-12F-1, §19-12F-2, §19-12F-3, §19-12F-4, §19-12F-5, §19-12F-6, §19-12F-7, §19-12F-8, §19-12F-9, §19-12F-10, and §19-12F-11; to amend and reenact §60-7-12 and §60-7-13 of said code; and to amend said code by adding thereto a new article, designated §60-10-1 and §60-10-2, all relating to further regulation of hemp-derived cannabinoid products and regulation of kratom; creating the Hemp-Derived Cannabinoid Regulation Act; creating the Select Plant-Derived Regulation Act; making legislative findings and declaring the purpose of the acts; defining terms; requiring permits to manufacture, process, distribute, and sell regulated products; vesting regulatory authority in the Commissioner of Agriculture and the Alcohol Beverage Control Commission; granting legislative and emergency rule-making authority to the Commissioner of Agriculture and the Alcohol Beverage Control Commissioner; establishing an internal effective date from passage for purposes of declaring illegal products contraband and authorizing seizure, forfeiture, and destruction; limiting lawful sale of regulated products to persons 21 years of age or older; requiring age verification for internet sales and sales not made face-to-face; creating a fifteen percent tax on retail sales to be collected by the Tax Commissioner quarterly; establishing distribution of tax revenue; authorizing the Alcohol Beverage Control Commissioner to enforce regulation of the product at the retail level; clarifying Alcohol Beverage Control Commissioners authority over alcohol licensees selling Kratom and Hemp-derived cannabinoid products; and creating criminal offenses related to regulated products and establishing criminal penalties therefor.

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

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

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

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

On the passage of the bill, the yeas were: Azinger, 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. 546) passed with its title.

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

Action as to Engrossed Committee Substitute for Senate Bill 546 having been concluded, the Senate proceeded to the consideration of

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

Having been read a third time in earlier proceedings today, and now coming up in deferred order, with Senator Weld's amendment to the bill pending (*shown in the Senate Journal of today, pages 47 to 53, inclusive*), was again reported by the Clerk.

The question being on the adoption of Senator Weld's amendment to the bill.

On motion of Senator Plymale, the following amendments to Senator Weld's amendment to the bill were reported by the Clerk and considered simultaneously:

On page 2, section 3, line 8 by striking out the word "three" and inserting in lieu thereof the word "five";

On page 2, section 3, line 16 by striking out the word "three" and inserting in lieu thereof the word "five";

On page 3, section 3, line 25, by striking out "160" and inserting in lieu thereof "300";

On page 3, section 3, line 26, by striking out "160" and inserting in lieu thereof "300";

On page 3, section 4, line 3, by striking out the word "three" and inserting in lieu thereof the word "five";

On page 3, section 5, line 3, by striking out the word "three" and inserting in lieu thereof the word "five";

On page 4, section 6, line 4, by striking out the word "three" and inserting in lieu thereof the word "five";

And,

On page 6, section 10, line 2, by striking out the word "three" and inserting in lieu thereof the word "five".

Following discussion,

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

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

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

Engrossed Committee Substitute for Senate Bill 581 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. 581) passed.

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

Eng. Com. Sub. for Senate Bill 581—A Bill to amend and reenact §11-1A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1-4 of said code; to amend and reenact §19-2-5 of said code; to amend and reenact §19-2C-1, §19-2C-6a, and §19-2C-10 of said code; to amend and reenact §19-12-2 of said code; to amend and reenact §19-12D-3, §19-12D-4, and §19-12D-5 of said code; to amend and reenact §19-36-2 of said code; to amend said code by adding thereto a new article, designated §19-39-1, §19-39-2, §19-39-3, §19-39-4, §19-39-5, §19-39-6, §19-39-7, §19-39-8, §19-39-9, §19-39-10, and §19-39-11, all relating generally to the 2023 Farm Bill; defining terms; authorizing transfer of land owned by the Department of Agriculture; increasing membership and composition of board of review; compensating board of review members for services; limiting consecutive terms served by board of review members; removing public hearing requirement relating to noxious weed and rule; restricting ownership of agricultural land holdings; providing exceptions to restrictions on ownership of agricultural land holdings; requiring report to be filed with Commissioner of Agriculture in certain circumstances; providing for enforcement of violations of acquisition, registration, and reporting requirements; permitting Attorney General to initiate action in circuit court; requiring Attorney General to make notice filing; directing circuit court to enter an order under certain circumstances; providing for escheat of property to state; directing sale of escheated property; providing civil penalty for failure to meet filing requirements; and providing effective dates.

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

Action as to Engrossed Committee Substitute for Senate Bill 581 having been concluded, the Senate proceeded to the consideration of

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

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

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

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

ARTICLE 11C. MORATORIUM ON TIMBER-RELATED CARBON CAPTURE AGREEMENTS.

§22-11C-1. Legislative findings.

(a) The Legislature hereby finds that there currently exist insufficient and inadequate measures to protect West Virginia citizens from substantial economic harm resulting from agreements being actively sought by entities seeking to alienate resources and real property in this state to benefit from deferrals, reductions, or limitations on the harvesting of timber for carbon offsets, carbon tax credits, and similar benefits with rapidly evolving economic effects.

(b) The Legislature further finds that a moratorium on entering into any contract or other agreement selling, leasing, letting, or otherwise transferring property rights relating to agreements described in paragraph (a) for the limited period of 60 days will allow the Legislature to deliberate and pass laws as may be determined to be necessary to prevent or mitigate substantial economic harm to West Virginia citizens.

§22-11C-2. Sixty-day moratorium on timber-related carbon capture agreements.

For a period of 60 days from the effective date of the legislation passed during the regular session of the Legislature, 2023, establishing this article, it shall be unlawful and prohibited for any contract or agreement to be entered into which includes any provision for the deferral, reduction, or limitation on the harvesting of timber, or otherwise transferring any property rights relating to the harvesting of timber, for property situate in this state relating to the biological means of carbon storage, carbon capture, carbon sequestration, or similar methods of offset for economic or other gain. Any contract or agreement entered into in violation of this article shall be considered null and void.

Following discussion,

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

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

Engrossed Senate Bill 739 was then put upon its passage.

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

The nays were: None.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 739) passed.

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

Eng. Senate Bill 739—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-11C-1 and §22-11C-2, all relating to the declaration of a moratorium for 60 days on entering into contracts or agreements selling, leasing, letting, or otherwise transferring property rights relating to any deferral, reduction, or limitation on the harvesting of timber for carbon storage, carbon capture, carbon sequestration, or similar agreements, in order to give the Legislature time to deliberate and pass laws as may be determined to be necessary to prevent or mitigate substantial economic harm to West Virginia citizens; creating a 60 day moratorium on any contract or agreement for the deferral, reduction, or limitation on the harvesting of timber or otherwise transferring any property right relating to the harvesting of time, for property situate in this state relating to carbon storage, carbon capture, carbon sequestration, or similar methods of offset for economic or other gain; declaring any contract or agreement entered into in violation of the moratorium null and void; and making legislative findings.

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. S. B. 739) takes effect from passage.

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

Consideration of Engrossed Senate Bill 739 having been concluded, the Senate proceeded to the consideration of

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

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 740 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Maroney, Maynard, Nelson, Oliverio, Plymale, Queen, Roberts, Rucker, Swope, Takubo, Tarr, Taylor, Trump, Woelfel, Woodrum, and Blair (Mr. President)—26.

The nays were: Chapman, Karnes, Martin, Phillips, Smith, Stuart, and Weld—7.

Absent: Stover—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 740) passed with its title.

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

Consideration of Engrossed Senate Bill 740 having been concluded,

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. House Bill 2875—A Bill to amend and reenact §49-4-114 of the Code of West Virginia, 1931, as amended, relating to giving circuit court judges the authority to waive the requirement that a party pass a home study performed by DHHR or a third-party evaluator before a child can be placed in the home.

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 2906—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023 in the amount of \$21,550,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2910—A Bill making a supplementary appropriation by adding new items of appropriation and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2023, organization 0221, 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 2915—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2023, in the amount of \$30,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

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 2989—A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; and requiring each medical student that participates in the program to practice in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians.

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 3035—A Bill to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-13; to amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to amend said code by adding thereto a new section, designated §18A-5-9, all relating generally to high quality education programs and school operations; replacing transformative intervention framework with a statewide multi-tiered system of support that addresses both reading and mathematics; requiring identification and monitoring of student progress; requiring use of screener and/or benchmark assessments; providing for assessment system and requiring state board adoption of approved list of not more than three screener assessments and setting forth considerations therefore; requiring that the state board establish of cut scores for screener and/or benchmark assessments; requiring development of best practices document; providing for services to be provided to students exhibiting substantial deficiency; specifying minimum information and notice to parent or guardian; providing for professional learning for certain teachers and assistant teachers and specifying subjects; ensuring certain training and instruction be provided by education preparation programs that prepare candidates seeking licensure for elementary education; authorizing extended year attendance requirement as condition for promotion if certain conditions are met; providing for data from the screening and /or benchmark assessments and other data to be used to inform classroom teacher's recommendation regarding grade level retention; requiring county board implementation; requiring reports by state board; requiring certain legislative appropriation and other funds be used for implementation; requiring retention in third grade of public school student who demonstrates minimal grade level understanding and ability upon recommendation of teacher and student assistance team; providing exceptions; requiring students starting in the fourth grade who score below proficient in English language arts or mathematics on general summative assessment to continue to be provided intervention until grade level proficient; establishing the Grow Your Own West Virginia Pathway to Teaching Program; requiring state

board to promulgate rules to govern the program and grant funds; requiring reporting by state superintendent on program; requiring early childhood classroom assistant teacher in certain grade levels and enrollment levels in said grade levels; removing outdated provisions; increasing ratios of service personnel per student net enrollment in state basic foundation program; requiring early childhood classroom assistant teachers exercise authority and control over students in certain instances and within certain limits; prohibiting assignment of noninstructional duties to early childhood classroom assistant teacher in excess of contractual requirements unless mutually agreed upon; and requiring in-service training for early childhood classroom assistant teachers on responsibilities and appropriate measures for exercising authority and control over students; requiring in-service training for classroom teachers on utilization of early childhood classroom assistant teachers.

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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3066—A supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2022, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2023, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2023 by increasing and decreasing items of appropriation,

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 3072—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation and increasing an existing item of appropriation to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2023, organization 0623, by supplementing and amending 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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3095—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16a; and to amend and reenact §18-9D-3 of said code, all relating to creating special revenue account in the State Treasury known as School Building Authority Agricultural, Vocational and Technical Training Facilities Grant Fund; purposes and fund sources; providing for awarding grants with limitation; authorizing public-private partnerships; authorizing program rules and emergency rules if necessary; providing for project administration under grants by the School Building Authority and School Building Authority and providing for constructing, renovating and/or expanding agricultural, vocational and technical training facilities at West Virginia public schools.

Referred to the Committee on Finance.

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

Eng. House Bill 3146—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto the following new article, designated as §6-9C-1, §6-9C-2, §6-9C-3, §6-9C-4, §6-9C-5, §6-9C-6, §6-9C-7, §6-9C-8, and §6-9C-9, and §6-9C-10, all relating to adopting the Model Public Meetings During Emergencies Act; setting forth short title; defining terms; providing for virtual meetings; providing mechanism for authorization of virtual meetings; setting forth rules for, and conduct of virtual meetings; providing for public observation of, and public participation in, virtual meetings; providing for notice of virtual meetings; providing for rules governing same and exceptions; providing for procedural rules governing conduct of same; and establishing relation to the Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3156—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, by raising the compensation rates of panel attorneys; raise the compensation rates for investigators; and for dismissed or not guilty charge expungement only, providing the panel attorney to continue providing representation after the dismissal to achieve the expungement.

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

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

Eng. Com. Sub. for House Bill 3224—A Bill to amend and reenact §18C-7-3 of the Code of West Virginia, 1931, as amended, relating to adding West Virginia Junior College to the updated list of eligible institutions that may accept PROMISE scholarship recipients.

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 3270— A Bill to amend and reenact §23-4-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-2a, all relating to the deliberate intent exception to the immunities provided under Workers Compensation; clarifying certain definitions of employee; clarifying the proof required for certain claims; clarifying the recoverable amount payable for compensatory damages for noneconomic losses; and requiring a yearly increase in certain limitations for compensatory damages to account for inflation.

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 3315—A Bill to amend and reenact §15-1B-25 of the Code of West Virginia, 1931, as amended, relating generally to readiness enhancement and commission bonuses; authorizing Adjutant General to establish certain bonus programs; requiring a schedule of bonus amounts; and authorizing recoupment of bonus paid under certain circumstances.

Referred to the Committee on Finance.

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

Eng. House Bill 3331—A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §50-1-9c; and to amend and reenact §51-2A-6 of said code, all relating generally to support staff in the family courts and magistrate courts of this state.

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

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

Eng. House Bill 3342—A Bill to amend and reenact §7-12-9a of the Code of West Virginia, 1931, as amended, relating to cooperation between municipal and county economic development authorities.

Referred to the Committee on Economic Development.

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 3360—A Bill to amend and reenact §15A-1-9 of the Code of West Virginia, 1931, as amended, relating to the Department of Homeland Security; and authorizing the Secretary of the Department of Homeland Security to establish within the department an Office of the Inspector General; specifying the authority of the Office of the Inspector General; providing for the appointment of an Inspector General; specifying that the Inspector General will report directly to the Secretary; specifying duties of the Inspector General; providing the procedure for removal of the Inspector General; prohibiting interference with the Inspector General; specifying the Inspector General is classified-exempt; specifying qualifications of the Inspector General; and specifying the Inspector General may propose legislative and procedural rules for promulgation.

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 3369—A Bill to amend and reenact §15-2D-1, §15-2D-2 and §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to creating a School Safety Unit within the Division of Protective Services; making findings, establishing duties and powers of the School Safety Unit; clarifying certain security services of the division; clarifying the confidentiality of certain records; clarifying that certain interagency agreements are discretionary;

clarifying mandatory and discretionary duties of the director relating to the School Safety Unit; and correcting references to the Department of Homeland Security.

Referred to the Committee on Education.

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 3370—A Bill to amend and reenact §20-5A-1 of the code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §20-5A-3; and to amend said code by adding thereto a new section, designated §31-15-8b, all relating to establishing the State Parks Enhancement Loan Insurance Program; authorizing the board of trustees of the West Virginia State Parks and Recreation Endowment Fund to use the fund to facilitate or provide collateral for the program; providing that the program will provide for the guarantee of a loan made to an eligible private entity to be used exclusively for new or existing projects, developments, or attractions on properties of West Virginia State Parks and resorts that are constructed on U.S. Army Corps of Engineers property, wherein such properties and developments have no collateral for loans, and on any other property under the jurisdiction of the Division of Natural Resources, or on a hybrid tourism destination, to encourage economic development and tourism and increasing recreational opportunities; providing for the establishment of requirements and procedures for the issuance of loan insurance; limiting the amount of loan insurance through the program to the amount of the the assets existing in the fund; providing that no amount of the fund's income may be used to provide loan insurance; providing for application and additional procedures or guidelines for the program; requiring approval in writing from secretary of the Department of Commerce, the secretary of the Department of Economic Development, and the secretary of the Department of Tourism to apply for loan insurance; requiring the board of trustees to cooperate with the West Virginia Economic Development Authority and authorizing the board of trustees to utilize the staff and resources of the authority for guidance and assistance in administering the program; providing additional powers and duties to the board of trustees; requiring reporting; and requiring that the West Virginia Economic Development Authority to facilitate the administration of the program and that its executive director make the authority's staff available to provide guidance and assistance for the administration of the program.

Referred to the Committee on Economic Development;

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 3396—A Bill supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2023, organization 0803, for the fiscal year ending June 30, 2023.

Referred to the Committee on Education.

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 3439—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-130, relating to child placing agencies; requiring a policy of insurance; and limiting civil damages or injuries.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3443—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to a development or improvement on land subject to review by the State Historic Preservation Office or by any other agency, office, or component of the Division of Culture and History; establishing the division shall not add any additional impediment to such review beyond those required by applicable Federal laws, rules, or regulations; and granting rule-making authority.

Referred to the Committee on Government Organization.

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

Eng. House Bill 3464—A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-27a of said code, all relating to changes in distribution of racetrack video lottery net terminal income and changes in distribution of lottery racetrack table games adjusted gross receipts; and to restore moneys previously removed from net terminal income and adjusted gross receipts in 2014.

Referred to the Committee on Finance.

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

Eng. House Bill 3559—A Bill to amend and reenact §49-4-201 of the Code of West Virginia, 1931, as amended, all relating to defining a newborn safety device; describing the installation and location of a newborn safety device; granting anonymity to the person placing a child in a newborn safety device; outlining the monitoring of a newborn safety device; requiring the transportation of a child found in a newborn safety device to a hospital or medical facility; waiving rights of notification and standing by the person placing a child in a newborn safety device; granting immunity to the emergency service medical provider who removes the child from the newborn safety device; and removing the anonymity provision if child abuse or neglect are evident.

Referred to the Committee on the Judiciary.

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

Com. Sub. for House Concurrent Resolution 31—Permitting the West Virginia Division of Natural Resources to proceed with procuring bids and interest in companies to place a lodge on the property of Beech Fork Lake.

Referred to the Committee on Economic Development.

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:



Jim Justice
Governor of West Virginia

March 1, 2023

SENATE EXECUTIVE MESSAGE NO. 2
2023 REGULAR SESSION

The Honorable Craig Blair
President, West Virginia Senate
Building 1, Room M-229
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear President Blair:

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on January 11, 2023 as part of my Budget Document for the fiscal year ending June 30, 2024:

General Revenue Fund
Statement of Revenues, Expenditures, and Changes in Cash Balance
(Nearest Dollar)

Actual Beginning Cash Balance July 1, 2022	\$ 1,994,018,233
Less: 31 Day Disbursements (July 1, 2022 - July 31, 2022)	(52,861,583)
Plus: Prior Year Reimbursements (July 1, 2022 - July 31, 2022)	137,305
Less: Prior Year Appropriations Forwarded	(597,407,798)
Less: Cash Balance - Adjustments and Accruals	<u>(451,758)</u>
Accumulated Surplus from FY 2022 @ July 31, 2022	\$1,343,434,399
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	0
Less: FY 2023 Surplus Appropriations (FY 2022 Surplus) (Senate Bill 250) 2022 Regular Session	(793,370,787)
Less: FY 2023 Surplus Supplemental Appropriation to the Division of Highways	

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


OFFICE OF THE GOVERNOR

The Honorable Craig Blair
 SENATE EXECUTIVE MESSAGE NO. 2
 2023 REGULAR SESSION
 Page 2

March 1, 2023

(SB 4002) (2022 4th EX)	(150,000,000)	
Plus: Prior Year Reimbursements (August 1, 2022 – February 27, 2023)	36,566	
Plus: Recommended FY 2023 Surplus Supplemental Appropriation - Expiration of State Excess Lottery Funds to General Revenue Surplus Balance (2023 Regular Session)	30,500,000	
Plus: Recommended FY 2023 Surplus Supplemental Appropriation – Expiration of Lottery Funds to General Revenue Surplus Balance (2023 Regular Session)	21,550,000	
Less: FY 2023 Recommended Various Surplus Supplemental Appropriations (2023 Regular Session)	(451,810,251)	
Unappropriated Surplus Balance @ December 31, 2022		\$339,927
Plus: FY 2023 Revenue Estimate (as revised)	\$4,636,024,000	
Less: FY 2023 Appropriations (FY 2023 Budget Bill) (SB 250) (2022 Regular Session)	(4,635,701,389)	
Plus: FY 2023 Recommended Supplemental Appropriation (Education) (School Aid Formula) (2023 Regular Session)	4,559,900	
Less: FY 2023 Recommended Supplemental Appropriation Various Supplemental Appropriations (2023 Regular Session)	(4,681,766)	
Total Estimated Unappropriated Balance @ June 30, 2023		\$200,745
Plus: FY 2024 Revenue Estimate (as revised 3/1/2023)	\$5,734,000,000	
FY 2024 Appropriations (FY 2024 Budget Bill) (2023 Regular Session)	(4,883,768,346)	
Total Estimated Unappropriated Balance @ June 30, 2024		<u>\$850,231,654</u>
		<u>\$850,772,326</u>

Thank you for your cooperation in this matter.

Sincerely,

 Jim Justice
 Governor

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendment to the Budget Bill, which was referred to the Committee on Finance.

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



Jim Justice
Governor of West Virginia

March 1, 2023

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

Dear Mr. Clerk:

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

Committee Substitute for Senate Bill No. Ten (10), which was presented to me on February 24, 2023.

You will note that I have approved this bill on March 1, 2023.

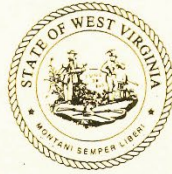
Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia

March 1, 2023

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

Dear Mr. Clerk:

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

Committee Substitute for Senate Bill No. Eighty-Nine (89), which was presented to me on February 23, 2023.

You will note that I have approved this bill on March 1, 2023.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk



Jim Justice
Governor of West Virginia
March 1, 2023

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

Dear Mr. Clerk:

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

Committee Substitute for House Bill No. Two Thousand Eight Hundred Forty-Five (2845), which was presented to me on February 23, 2023.

Committee Substitute for House Bill No. Three Thousand One Hundred Sixty-Four (3164), which was presented to me on February 23, 2023.

You will note that I have approved these bills on March 1, 2023.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Lee Cassis

The Senate proceeded to the fourth order of business.

Senator Trump, 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 2221, Relating to bankruptcy.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Hamilton, from the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration

Eng. House Bill 2309, To require the Division of Forestry to create an online renewal process no later than July 1, 2023.

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

Respectfully submitted,

Bill Hamilton,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 2309) contained in the preceding report from the Committee on Agriculture and Natural Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2548, Relating to temporary identification cards for released inmates.

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,

Charles S. Trump IV,
Chair.

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

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. Com. Sub. for House Bill 2900, Relating to the Deputy Sheriff Retirement System.

And,

Eng. Com. Sub. for House Bill 3364, Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2900 and 3364) contained in the preceding report from the Committee on Pensions were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 3012, To encourage economic development regarding rare earth elements and critical minerals, as defined, by providing temporary severance tax relief.

Eng. Com. Sub. for House Bill 3036, Increasing the number of districts and the limit on approved costs under the BUILD WV Act.

And,

Eng. Com. Sub. for House Bill 3168, Ensuring investment in WV Tourism is competitive with other states and accessible long term.

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

Respectfully submitted,

Glenn D. Jeffries,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3013, Relating to authorizing the Jefferson County Commission to levy a special district excise tax.

And has amended same.

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 (Eng. Com. Sub. for H. B. 3013) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 3111, Creating Infrastructure Ready Jurisdictions.

And,

Eng. House Bill 3387, Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years.

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

Respectfully submitted,

Glenn D. Jeffries,
Chair.

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

Your Committee on Outdoor Recreation has had under consideration

Eng. Com. Sub. for House Bill 3147, To create the Upper Ohio Valley Trail Network.

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,

Mark R. Maynard,
Chair.

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

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. Com. Sub. for House Bill 3148, Relating to financing municipal policemen's and firemen's pension and relief funds.

And,

Eng. Com. Sub. for House Bill 3211, Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Pensions.

Senator Nelson, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. House Bill 3244, Relating to Municipal Pensions Oversight Board proposing legislative rules.

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

Respectfully submitted,

Eric Nelson, Jr.,
Chair.

Senator Trump, 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 3302, To recognize unborn child as distinct victim in a DUI causing death.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3519, Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles.

Eng. House Bill 3520, Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division.

Eng. House Bill 3521, Making a supplementary appropriation to the Division of Health – Maternal and Child Health.

Eng. House Bill 3522, Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources.

Eng. House Bill 3523, Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority.

Eng. House Bill 3527, Supplementing and amending appropriations to Department of Education, School Building Authority.

And,

Eng. House Bill 3528, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. H. B. 3519, 3520, 3521, 3522, 3523, 3527, and 3528) contained in the preceding report from the

Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3556, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips, Tarr, Oliverio, Smith, and Rucker.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:



West Virginia House of Delegates
OFFICE OF THE CLERK
BUILDING 1, SUITE 212
1900 KANAWHA BLVD., EAST
CHARLESTON 25305

STEPHEN J. HARRISON
CLERK OF THE HOUSE

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

March 1, 2023

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

Dear Governor Justice,

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

H. B. 3272, Relating to the operation of private trust companies in West Virginia.

This bill is presented to you on this day, March 1, 2023.

Respectfully submitted,

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

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bill and resolutions on February 28, 2023:

Senate Bill 695: Senator Taylor;

Senate Concurrent Resolution 21: Senator Nelson;

And,

Senate Resolution 37: Senator Nelson.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules and a majority party caucus,

On motion of Senator Takubo, at 6:02 p.m., the Senate adjourned until tomorrow, Thursday, March 2, 2023, at 11 a.m.

SENATE CALENDAR

**Thursday, March 02, 2023
11:00 AM**

THIRD 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. 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. 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 - (With right to amend)
- 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

SECOND READING

- Eng. H. B. 2309 - To require the Division of Forestry to create an online renewal process no later than July 1, 2023
- 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. Com. Sub. for H. B. 2900 - Relating to the Deputy Sheriff Retirement System
- Eng. Com. Sub. for H. B. 3013 - Relating to authorizing the Jefferson County Commission to levy a special district excise tax - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 3364 - Requiring the closure of certain municipal policemen's and firemen's pension and relief funds as condition of issuance of pension funding revenue bonds
- 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. 3519 - Making a supplementary appropriation to the Department of Transportation, Division of Motor Vehicles (original similar to SB703)
- Eng. H. B. 3520 - Making a supplementary appropriation to the Department of Education, State Board of Education – Vocational Division (original similar to SB704)
- Eng. H. B. 3521 - Making a supplementary appropriation to the Division of Health – Maternal and Child Health (original similar to SB705)
- Eng. H. B. 3522 - Making a supplementary appropriation to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources (original similar to SB702)
- Eng. H. B. 3523 - Making a supplementary appropriation to Miscellaneous Boards and Commissions, Economic Development Authority (original similar to SB707)
- Eng. H. B. 3527 - Supplementing and amending appropriations to Department of Education, School Building Authority
- Eng. H. B. 3528 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations
- Eng. H. B. 3547 - Increasing the number of personal leave days that county board of education employees may use

FIRST READING

- Eng. Com. Sub. for H. B. 2221 - Relating to bankruptcy - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 3111 - Creating Infrastructure Ready Jurisdictions
- Eng. Com. Sub. for H. B. 3148 - Relating to financing municipal policemen's and firemen's pension and relief funds
- Eng. Com. Sub. for H. B. 3211 - Relating to authorizing service credit for unused accrued annual or sick leave days for use in determining retirement benefits in the Municipal Police Officer and Firefighter Retirement System

Eng. H. B. 3244 - Relating to Municipal Pensions Oversight Board proposing legislative rules

Eng. Com. Sub. for H. B. 3302 - To recognize unborn child as distinct victim in a DUI causing death - (Com. amend. and title amend. pending)

Eng. H. B. 3387 - Extending the moratorium on the authorization of new convention and visitors bureaus for an additional two years

Eng. H. B. 3556 - Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2023

Thursday, March 2, 2023

9 a.m.	Education	(Room 451M)
9 a.m.	Government Organization	(Room 208W)
10:50 a.m.	Rules	(Room 219M)