

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
FORTY-FIFTH DAY

Charleston, West Virginia, Friday, February 23, 2024

The Senate met at 10:19 a.m.

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

Prayer was offered by the Honorable Ryan W. Weld, a senator from the first district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district, and kindergarten students from Mountain View Elementary School in Hurricane, West Virginia.

Pending the reading of the Journal of Thursday, February 22, 2024,

At the request of Senator Grady, 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 amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Senate Bill 668, Increasing amount of certain controlled substances persons may purchase annually.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, line 3, by removing the words "61 and two-tenths" and inserting the words "86 and four-tenths" in lieu thereof.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 668, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: Azinger, Chapman, Karnes, Maynard, Smith, Stuart, Taylor, and Weld—8.

Absent: None.

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

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

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 4008—A Bill to amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to amending the time required for providing notice of an entry on to land for visiting a grave from ten days to five.

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 4880—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to personal income tax; providing for the gradual elimination of the limitations set forth in §11-21-12(c)(8) of the said Code relating to the decreasing modification for social security benefits received pursuant to specified provisions of Title 42 U.S.C., Chapter 7; making technical corrections to remove obsolete language; and specifying retrospective effect.

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 5020—A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to deferred adjudication and pre-trial diversions for first offense DUI cases.

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 5024—A Bill to amend and reenact §11-21-3, §11-21-4g, §11-21-18, §11-21-30, §11-21-40, §11-21-51, and §11-21-71a of the Code of West Virginia, 1931, as

amended, all relating to the personal income tax by exempting non-grantor trusts administered in this state from the personal income tax.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 5238—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to mandating that all courts provide adjudication records for traffic violations and certain other offenses of juvenile offenders to the Division of Motor Vehicles.

Referred to the Committee on Transportation and Infrastructure.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect March 1, 2024, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 5544—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §20-17A-6, relating to requiring certain reporting from the Mountaineer Trail Network Authority each year and beginning on December 1, 2024.

Referred to the Committee on Economic Development.

Executive Communications

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



Jim Justice
Governor of West Virginia

February 22, 2024

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:

Senate Bill No. Five Hundred Forty-Seven (547), which was presented to me on February 16, 2024.

You will note that I have approved this bill on February 22, 2024.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

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

Senate Bill 190, Modifying definition of sexual contact.

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

Com. Sub. for Senate Bill 190 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-1, §61-8B-3, and §61-8B-5 of the Code of West Virginia, 1931, as amended, all relating to removing the definition of "marriage"; amending the definition of "sexual contact" to remove the exception where the victim is married to the actor; eliminating the marital exception to the offenses of first- and third-degree sexual assault; and removing duplicative language.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 190) contained in the preceding report from the Committee on the Judiciary 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

Senate Bill 442, Providing for immunity for mental health providers who are involved in mental hygiene checks.

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

Com. Sub. for Senate Bill 442 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to standards of liability for mental health professionals providing services in mental hygiene cases involving possible involuntary hospitalization; defining those standards.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 442) contained in the preceding report from the Committee on the Judiciary 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

Senate Bill 496, Prohibiting racial discrimination based on certain hair textures and hairstyles.

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

Com. Sub. for Senate Bill 496 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-21, relating to clarifying that racial discrimination includes discrimination based on certain hair textures and hairstyles historically associated with a particular race; and defining term.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo requested unanimous consent that the bill (Com. Sub. for S. B. 496) contained in the preceding report from the Committee on the Judiciary be taken up for immediate consideration and read a first time.

Which consent was not granted, Senator Rucker objecting.

Thereafter, on motion of Senator Takubo, the bill (Com. Sub. for S. B. 496) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Tarr moved that the bill be referred to the Committee on Finance.

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

The question being on the adoption of Senator Tarr's aforestated motion, and on this question, Senator Tarr demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Chapman, Clements, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Roberts, Rucker, Smith, Stuart, Swope, Tarr, Taylor, Woodrum, and Blair (Mr. President)—22.

The nays were: Barrett, Caputo, Deeds, Hamilton, Maroney, Plymale, Queen, Stover, Takubo, Trump, Weld, and Woelfel—12.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Tarr's aforesaid motion had prevailed.

Whereupon, Committee Substitute for Senate Bill 496 was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 568 (originating in the Committee on Education), Creating multi-tiered system for school absenteeism.

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

Com. Sub. for Com. Sub. for Senate Bill 568 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18-8-2 of the Code of West Virginia, 1931, as amended; to reenact §18-8-4 of the said code; and to amend §49-4-702 of said code, all relating to student absences; amending criminal penalties imposed for failing to attend school without good cause; defining terms; requiring the State Board to implement a System of Support Plan to encourage and promote compulsory school attendance with implementation to be ensured by the county attendance director; requiring the school to make periodic meaningful contact with parents, guardians, or custodians of children who fail to attend school; removing requirement for attendance director and assistant directors to prepare a report for submission by the county superintendent to the State Superintendent of Schools on school attendance; referring to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect; and making referral for the development of a diversion program in truancy offense matters discretionary.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 568) contained in the preceding report from the Committee on the Judiciary 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

Com. Sub. for Senate Bill 575 (originating in the Committee on Health & Human Resources), Assisted Reproduction Act.

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

Com. Sub. for Com. Sub. for Senate Bill 575 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-67-8, §16-67-9, §16-67-10, §16-67-11, §16-67-12, §16-67-13, §16-67-14, §16-67-15, §16-67-16, §16-67-17, § 16-67-18, and 16-67-19, all relating to assisted reproduction; defining terms; setting forth criteria to enter into gestational or genetic surrogacy agreement; requiring surrogacy agreement to be executed; setting forth process for agreement; setting forth content of agreement; setting forth effect of subsequent change in marital status in the agreement; setting forth exclusive and continuing jurisdiction of the court; providing for termination of the surrogacy agreement; providing for parentage as provided under the gestational surrogacy agreement; providing for inspection of documents; providing for parentage of deceased intended parent; providing for order of parentage; providing for the effect of the gestational surrogacy agreement; providing for the requirements to validate a genetic surrogacy agreement; providing for termination of a genetic surrogacy agreement; providing for parentage under a validated genetic surrogacy agreement; providing for the effect of a non-validated genetic surrogacy agreement; providing for the parentage of the child in the event of a deceased parent in a genetic surrogacy agreement; providing for breach of a genetic surrogacy agreement; and declaring that the state will honor surrogacy agreements entered into in other jurisdictions and apply the law of that jurisdiction; creating the criminal offense of commercial surrogate brokering and establishing criminal penalties.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 575) contained in the preceding report from the Committee on the Judiciary 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

Com. Sub. for Senate Bill 583, Relating to employer liability and damages in civil actions involving commercial motor vehicles.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 20, 2024;

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

Com. Sub. for Senate Bill 679 (originating in the Committee on the Judiciary), Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom.

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

Com. Sub. for Com. Sub. for Senate Bill 679 (originating in the Committee on Finance)—A Bill to amend and reenact §11-16-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-12E-12 of said code; to amend and reenact §19-12F-1, §19-12F-3, §19-12F-4, §19-12F-7, §19-12F-8, §19-12F-9, and §19-12F-11 of said code; to amend said code by adding thereto a new section, designated §19-12F-9a; and to amend and reenact §60-7-13 of said code, all relating to regulation of select plant-based derivatives, including hemp-derived cannabinoid products and regulation of kratom; clarifying findings; defining terms; redirecting moneys from monetary penalties assessed by Commissioner of Agriculture to another fund; requiring permits to manufacture, process, distribute, offer to sell, and sell regulated products; prohibiting retailer from adding imposed tax as separate new charge; specifying regulatory authority of the Commissioner of Agriculture and the Alcohol Beverage Control Administration Commissioner; specifying funding requirements for nonintoxicating beer tax revenues; specifying application of the Administrative Procedures Act for certain contested cases; specifying application fees for certain permits; specifying requirements for business registration certificate, nexus, jurisdiction, and taxation relating to remote interstate sales and distribution; imposition of use tax; specifying maintenance of lists by the Commissioner of Agriculture of permittees, approved products and entities, and persons who cease to be permitted; specifying labeling requirements; authorizing use of funds by the Commissioner of Agriculture and Alcohol Beverage Control Administration Commissioner; specifying application of Tax Commissioner's fee; authorizing memoranda of understanding and information sharing between Tax Commissioner, Commissioner of Agriculture, and Alcohol Beverage Control Administration Commissioner; specifying administrative sanctions; authorizing the Alcohol Beverage Control Administration Commissioner to enforce regulation of the product at the retail level; authorizing enforcement actions involving agents of the Alcohol Beverage Control Administration Commissioner and persons acting upon the request, direction, or control of law-enforcement agencies; clarifying Alcohol Beverage Control Administration Commissioner's authority over alcohol licensees selling kratom and hemp-derived cannabinoid products; and specifying transfer of excess Alcohol Beverage Control Enforcement Fund money.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 679) 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 Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 686, Prohibiting actions for damages or attorney's fees in cases involving Board of Risk and Insurance Management.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 686) 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 Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 725, Clarifying conditions for pretrial release and maximum bail amount for certain defendants.

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

Com. Sub. for Senate Bill 725 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1C-1a and §62-1C-2 of the Code of West Virginia, 1931, as amended, all relating to pretrial release generally; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; defining terms; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting cash only or property only bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that a magistrate may not release a defendant charged with a felony offense or specified misdemeanors on his or her own recognizance on initial appearance; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 725) contained in the preceding report from the Committee on the Judiciary 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

Com. Sub. for Senate Bill 751, Creating online charitable raffles.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 19, 2024;

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

Respectfully submitted,

Charles S. Trump IV,
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

Senate Bill 786, Relating to massage therapy establishments.

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

Com. Sub. for Senate Bill 786 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-37-13 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §30-7-14, all relating to changing the date that massage therapy establishments are required to be licensed; setting a maximum license fee; authorizing the executive director of the board to issue an emergency order suspending the operations of a massage therapy establishment under certain conditions; establishing reasonable cause for inspection; setting forth requirements for emergency orders; requiring issuance of a complaint describing required compliance measures; setting forth prohibitions regarding massage establishments under an emergency order; providing penalties for certain violations and providing for appeals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 786) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 791, Modifying membership requirements of Medical Services Fund Advisory Council.

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

Com. Sub. for Senate Bill 791 (originating in the Committee on Finance)—A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated, §9-5-34 all relating to Medicaid; modifying the membership requirements of the Medical Services Fund Advisory Council; augmenting its purpose; requiring that it employ an actuary; requiring certain actions from the Commissioner for the Bureau for Medical Services; and addressing the six-year plan to mitigate long-term financial liabilities.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 791) 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 Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 805, Modifying Medicaid reimbursements for services at residential substance abuse treatment facilities.

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

Com. Sub. for Senate Bill 805 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29a, relating to residential substance use disorder treatment facilities; prohibiting payment to facilities that do not meet certain requirements; requiring licensure; requiring accreditation; requiring the Bureau for Medical Services to make necessary filings; setting forth specific timeframe to obtain licensure and accreditation; stating licensed treatment beds are subject to specific provisions; and providing for rulemaking.

And,

Senate Bill 820, Requiring automatic enrollment of substance abuse disorder population into managed care.

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

Com. Sub. for Senate Bill 820 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-5-29 of the Code of West Virginia, 1931, as

amended, relating to substance abuse; defining terms; requiring the Department of Human Services to develop performance measures; establishing deadlines; requiring reporting; requiring the department to develop a quality withhold program; establishing deadlines; and requiring the department to develop a workplan for automatic day one enrollment to a managed care organization for all Medicaid enrollees.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 805 and 820) contained in the preceding report from the Committee on Health and Human Resources were each taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 813, Allowing students to participate in non-school competitive activities.

And,

Senate Bill 859, Limiting requirements for issuance of professional teaching certificate.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 813 and 859) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Senate Bill 819, Modifying requirements for public water systems or businesses having backflow preventers.

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

Com. Sub. for Senate Bill 819 (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-1-4 and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to the regulation of public water systems; and providing that the Secretary of the Department of Health may not require public water systems or businesses that have backflow prevention assemblies to be inspected more frequently than once in 10 years.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 819) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Senate Bill 842, Modifying training requirements for county boards of education members.

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

Com. Sub. for Senate Bill 842 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, all relating to county boards of education members; increasing the number of annual training hours for county board members; modifying the subjects on which county board members must be trained; authorizing the State Board to require board members to complete additional training upon request from the State Superintendent; adding ex officio members to the county board member training standards review committee; requiring the State Superintendent to make an annual report to the Legislative Oversight Commission on Education Accountability relating to county board member training; increasing compensation for attending meetings; reducing the number of meetings board members may be compensated to attend; and prohibiting county board members from receiving compensation if training requirements are not met.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 842) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 848, Creating special revenue account within Department of Health.

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

Com. Sub. for Senate Bill 848 (originating in the Committee on Finance)—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §16-1-22d, relating to creating a special revenue account within the State Treasury; placing special revenue account designated the Office of the Inspector General Reimbursement Fund within Department of Health; providing for the purpose of the account; and designating revenue sources for the account.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 848) 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 Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 853, Requiring Fire Commission promulgate standards for propane tank installation in certain homes.

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

Com. Sub. for Senate Bill 853 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §15A-10-15 of the Code of West Virginia, 1931, as amended, relating to the performance of installation of fuel gas systems; directing the Fire Commission to propose rules for legislative approval for the installation of propane fuel tanks at certain dwellings; providing for the State Fire Marshal to enforce propane fuel tank rules; and defining propane fuel tanks for purposes of this section.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Randy E. Smith,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 853) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, ordered to second reading, and, under

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

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

Your Committee on Government Organization has had under consideration

Senate Bill 858, Clarifying filing requirements and deadlines in property tax cases.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 858) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Senate Bill 861, Increasing support and professional development for educators.

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,

Amy N. Grady,
Chair.

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

At the request of Senator Takubo, and by unanimous consent, the bill (S. B. 861) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4233, Non-binary not permitted on birth certificates.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 4320, Relating to access for minor children's medical records.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4874, Relating to fatality and mortality review team.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 4933, Relating to Medicaid dental coverage.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bill was introduced, read by its title, and referred to the appropriate committee:

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

Senate Bill 871—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Veterans' Assistance, Veterans' Facilities Support Fund, fund 6703, fiscal year 2024, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024.

Referred to the Committee on Finance.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 4933, Relating to Medicaid dental coverage.

Having been reported from the Committee on Health and Human Resources and, under the original double committee reference, referred to the Committee on Finance in earlier proceedings today.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of Engrossed Committee Substitute for House Bill 4933.

The Senate again proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

Senate Bill 872 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-17-12 of the Code of West Virginia, 1931, as amended, relating to county fire service fees; expanding authority of county commission after receipt of resolution from county fire

board; and providing for amendment of fire fee by ballot referendum upon county commission determination that amendment of fee is necessary.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 872) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 873 (originating in the Committee on Finance)—A Bill to amend and reenact §11-13A-9 of the Code of West Virginia 1931, as amended, relating to due date for certain installment payments.

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

Respectfully submitted,

Eric J. Tarr,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 873) 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.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 30, Honoring Hershel "Woody" Williams as one of two WV statues in National Statuary Hall Collection.

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 laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Resolution 6, Honoring life of Edith Levy, Holocaust survivor.

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 rereferred to the Committee on Rules.

Senate Resolution 52, Designating February 23, 2024, as WV Motorsports Day.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 167, Establishing statewide health and safety fee for tourism and recreational activities by county commissions.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 22, 2024, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for Senate Bill 167 was then put upon its passage.

Pending discussion,

(Senator Rucker in the Chair.)

Pending discussion,

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

The question being "Shall Engrossed Committee Substitute for Senate Bill 167 pass?"

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

The nays were: Azinger, Chapman, Martin, and Maynard—4.

Absent: None.

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. 167) 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 188, Mountain Homes Act.

On third reading, coming up in regular order, with the right having been granted on yesterday, Thursday, February 22, 2024, for amendments to be received on third reading, was read a third time.

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

On page 8, section 8, line 2, after the words "by the" by inserting the words "Economic Development Authority".

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 188 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, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—32.

The nays were: Karnes and Martin—2.

Absent: None.

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. 188) 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 225, Establishing revocation of authority for spending by agency in support of challenge to WV law.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 562, Expanding employment and training requirements necessary for SNAP benefits.

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

Pending discussion,

Senator Caputo moved that the bill be rereferred to the Committee on Finance.

Following discussion,

The question being on the adoption of Senator Caputo's aforestated motion, and on this question, Senator Caputo demanded the yeas and nays.

The roll being taken, the yeas were: Caputo and Woelfel—2.

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

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Caputo's aforesaid motion had not prevailed.

The question now being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 562 pass?"

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

The nays were: Caputo and Woelfel—2.

Absent: None.

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. 562) 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 603, Solid Waste Management Act.

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

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

The nays were: Phillips—1.

Absent: None.

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. 603) passed.

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

Eng. Com. Sub. for Senate Bill 603—A Bill to amend and reenact §22-15-2 of the Code of West Virginia, 1931, as amended, relating to amending definition of "commercial solid waste facility"; amending definition to exclude solid waste facility that accepts solid waste collected by facility's owner or operator, who is a Public Service Commission-certificated common carrier, for consolidation and subsequent transportation to disposal or recycling facility; providing that such facility comply with bonding and pre-siting notice requirements; and providing that such facility be located on site that contains a mixed waste processing and resource recovery facility that possesses a solid waste facility permit issued by Department of Environmental Protection.

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 685, Continuing and updating Board of Risk and Insurance Management.

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

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

Eng. Senate Bill 712, Reducing minimum age for State Police cadet.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 712 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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 712) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 712) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 746, Modifying composition of Regional Jail and Correctional Facility Authority Board.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 746) 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 778, Amending certain qualifying offenses to enhance sentences of repeat offenders.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

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. 778) 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 806, Removing certain required reports to Legislative Oversight Commission on Education Accountability.

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, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 806) 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 815, Requiring annual analysis of contracts from DHS and Bureau for Social Services.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 815) 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 844, Redesignating Educational Broadcasting Authority as Educational Broadcasting Commission.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 844 pass?"

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

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

Absent: None.

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. 844) passed with its title.

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

Eng. Com. Sub. for House Bill 4850, Removing the sunset clause from Oil and Gas Personal Property Tax.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 4850 pass?"

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

The nays were: Caputo, Chapman, Clements, Karnes, Maynard, and Weld—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4850) passed with its title.

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

Eng. Com. Sub. for House Bill 5057, To raise the threshold for nominal referral fees from \$25 to \$100.

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

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

The nays were: Chapman, Maroney, Martin, and Maynard—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 5057) passed with its title.

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

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

Eng. Com. Sub. for Senate Bill 225, Establishing revocation of authority for spending by agency in support of challenge to WV law.

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

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 306, Equipment Right to Repair Act.

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

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

On page 5, section 9, line 1, after "2024" by inserting the words "and shall have no further force and effect on and after July 1, 2027".

The bill (Com. Sub. for S. B. 306), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 348, Updating definition of "electioneering communication" to be consistent with FEC.

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

Senate Bill 452, Designating certain water and wastewater facilities as emergency project.

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

Com. Sub. for Com. Sub. for Senate Bill 493, Relating to use of criminal records as disqualification from authorization to practice particular profession.

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

Senate Bill 650, Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University.

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

Senate Bill 653, Supplementing and amending appropriations to School Building Authority, School Construction Fund.

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

Senate Bill 657, Expiring funds from Excess Lottery Revenue Fund to General Revenue.

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

Com. Sub. for Senate Bill 742, Updating retirement eligibility for certain sheriffs.

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

Senate Bill 760, Modifying length of service for certain employees to obtain credit for retirement.

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

Com. Sub. for Senate Bill 774, Mountain Bike Responsibility Act.

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

Senate Bill 782, Defining deadlines for local permits and extensions for property development or improvement.

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

Com. Sub. for Senate Bill 824, Increasing membership of WV Motorsport Committee.

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

Senate Bill 827, Providing definition for regional distribution and dismantling center of salvage yards.

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

Com. Sub. for Senate Bill 851, Establishing requirements for contingency fee agreements between political subdivisions and private attorneys.

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

Senate Bill 864, Clarifying reporting requirements of Grant Transparency and Accountability Act.

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

Com. Sub. for Senate Bill 865, Changing reference to Curator of Department of Arts, Culture, and History to secretary.

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

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

Eng. Com. Sub. for House Bill 4809, Health Care Sharing Ministries Freedom to Share Act.

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

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

Eng. House Bill 5268, Relating to the enhanced recovery of oil and natural gas in horizontal wells.

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

Eng. Com. Sub. for House Bill 5540, Relating to fentanyl prevention and awareness Education (Laken's Law).

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

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

On page 1, section 1, line 7, after the word "of" by striking out the remainder of the sentence and inserting the words "FDA-approved opioid reversal agents;"

The bill (Eng. Com. Sub. for H. B. 5540), as amended, was then ordered to third reading.

Eng. House Bill 5549, Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them.

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

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

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

ARTICLE 4. CORRECTIONS MANAGEMENT.

~~§15A-4-15. Manufacture of license plates, road signs or markers; securing signs and markers when federal government reimburses state for cost thereof.~~

~~For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this state and road signs or markers of any description for state roads, the commissioner is hereby authorized and empowered on behalf of the state, to establish and operate a plant for the manufacture of the license plates and road signs or markers in his or her institution.~~

~~It shall be unlawful for any state official or employee to manufacture or obtain the license plates, road signs, or markers otherwise than as herein specified: Provided, That the Commissioner of Highways may originally secure road signs or markers from sources other than that provided herein.~~

(a) The commissioner is hereby authorized and empowered to establish and operate a plant in his or her institution for the manufacture of road signs and markers of any description for state roads and of license plates.

(b) The Commissioner of Motor Vehicles shall secure all license plates from the division: Provided, That the Commissioner of Motor Vehicles may secure license plates from alternative

sources if the division is unable to provide a six-month supply of license plates due to a shortage of resources, labor, or other circumstance beyond the control of the division.

(c) The Commissioner of Highways may obtain road signs and markers of any description for state roads from the division.

The bill (Eng. H. B. 5549), as amended, was then ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Oliverio.

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

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

February 23, 2024

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 President of the Senate and the Speaker of the House of Delegates, has been examined and found truly enrolled:

S. B. 507, Relating to repeal of WV EDGE.

This bill is presented to you on this day, February 23, 2024.

Respectfully submitted,

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

Lee Cassis
Clerk of the Senate

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



STEPHEN J. HARRISON
CLERK OF THE HOUSE

West Virginia House of Delegates

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

(304) 340-3200

STEVE.HARRISON@WVHOUSE.GOV

February 23, 2024

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

Dear Governor Justice,

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

H. B. 4594, Relating to extending managed care;

H. B. 4976, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments;

H. B. 5019, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license;

Com. Sub. for H. B. 5045, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage;

H. B. 5153, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship;

And,

Com. Sub. for H. B. 5157, Relating to contingent increase of tax rate on certain eligible acute care hospitals.

These bills are presented to you on this day, February 23, 2024.

Respectfully submitted,

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

Stephen J. Harrison
Clerk of the House of Delegates

C: The Honorable Lee Cassis
Clerk of the Senate

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on February 22, 2024:

Senate Bill 813: Senator Nelson.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution on February 22, 2024:

Senate Bill 190: Senators Takubo and Caputo;

Senate Bill 347: Senators Boley, Martin, and Roberts;

Senate Bill 418: Senator Taylor;

Senate Bill 496: Senator Woelfel;

Senate Bill 725: Senator Deeds;

Senate Bill 756: Senator Hamilton;

Senate Bill 777: Senator Stuart;

Senate Bill 810: Senator Stuart;

And,

Senate Resolution 52: Senator Rucker.

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

On motion of Senator Takubo, at 12:21 p.m., the Senate adjourned until tomorrow, Saturday, February 24, 2024, at 10 a.m.

SENATE CALENDAR

**Saturday, February 24, 2024
10:00 AM**

UNFINISHED BUSINESS

Com. Sub. for S. C. R. 30 - Honoring Hershel "Woody" Williams as one of two WV statues in National Statuary Hall Collection

THIRD READING

Eng. Com. Sub. for S. B. 225 - Establishing revocation of authority for spending by agency in support of challenge to WV law

Eng. Com. Sub. for S. B. 306 - Equipment Right to Repair Act

Eng. Com. Sub. for S. B. 348 - Updating definition of "electioneering communication" to be consistent with FEC

Eng. S. B. 452 - Designating certain water and wastewater facilities as emergency project

Eng. Com. Sub. for Com. Sub. for S. B. 493 - Relating to use of criminal records as disqualification from authorization to practice particular profession

Eng. S. B. 650 - Supplementing and amending appropriations to Higher Education Policy Commission, Fairmont State University (original similar to HB5450)

Eng. S. B. 653 - Supplementing and amending appropriations to School Building Authority, School Construction Fund (original similar to HB5447)

Eng. S. B. 657 - Expiring funds from Excess Lottery Revenue Fund to General Revenue (original similar to HB5456)

Eng. Com. Sub. for S. B. 742 - Updating retirement eligibility for certain sheriffs (original similar to HB5559, SB729)

Eng. S. B. 760 - Modifying length of service for certain employees to obtain credit for retirement

Eng. Com. Sub. for S. B. 774 - Mountain Bike Responsibility Act

Eng. S. B. 782 - Defining deadlines for local permits and extensions for property development or improvement

Eng. Com. Sub. for S. B. 824 - Increasing membership of WV Motorsport Committee

Eng. S. B. 827 - Providing definition for regional distribution and dismantling center of salvage yards

Eng. Com. Sub. for S. B. 851 - Establishing requirements for contingency fee agreements between political subdivisions and private attorneys

Eng. S. B. 864 - Clarifying reporting requirements of Grant Transparency and Accountability Act

Eng. H. B. 5268 - Relating to the enhanced recovery of oil and natural gas in horizontal wells

Eng. Com. Sub. for H. B. 5540 - Relating to fentanyl prevention and awareness Education (Laken's Law)

Eng. H. B. 5549 - Relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them

SECOND READING

Com. Sub. for S. B. 190 - Modifying definition of sexual contact (original similar to HB5578)

Com. Sub. for S. B. 442 - Providing for immunity for mental health providers who are involved in mental hygiene checks

Com. Sub. for Com. Sub. for S. B. 568 - Creating multi-tiered system for school absenteeism

Com. Sub. for Com. Sub. for S. B. 575 - Assisted Reproduction Act

Com. Sub. for S. B. 583 - Relating to employer liability and damages in civil actions involving commercial motor vehicles - (Com. amend. and title amend. pending)

Com. Sub. for Com. Sub. for S. B. 679 - Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom

S. B. 686 - Prohibiting actions for damages or attorney's fees in cases involving Board of Risk and Insurance Management (original similar to HB5643)

Com. Sub. for S. B. 725 - Clarifying conditions for pretrial release and maximum bail amount for certain defendants

Com. Sub. for S. B. 751 - Creating online charitable raffles - (Com. amend. and title amend. pending)

Com. Sub. for S. B. 786 - Relating to massage therapy establishments

Com. Sub. for S. B. 791 - Modifying membership requirements of Medical Services Fund Advisory Council

S. B. 813 - Allowing students to participate in non-school competitive activities

Com. Sub. for S. B. 819 - Modifying requirements for public water systems or businesses having backflow preventers

Com. Sub. for S. B. 842 - Modifying training requirements for county boards of education members

Com. Sub. for S. B. 848 - Creating special revenue account within Department of Health

S. B. 858 - Clarifying filing requirements and deadlines in property tax cases

S. B. 859 - Limiting requirements for issuance of professional teaching certificate

S. B. 861 - Increasing support and professional development for educators

Com. Sub. for S. B. 865 - Changing reference to Curator of Department of Arts, Culture, and History to secretary

S. B. 872 - Relating to county fire service fees

S. B. 873 - Schedule for tax installment payments

Eng. Com. Sub. for H. B. 4809 - Health Care Sharing Ministries Freedom to Share Act

FIRST READING

Eng. Com. Sub. for H. B. 4233 - Non-binary not permitted on birth certificates

Eng. Com. Sub. for H. B. 4874 - Relating to fatality and mortality review team - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4933 - Relating to Medicaid dental coverage - (Com. amend. and title amend. pending)