

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
FIFTY-FIRST DAY

Charleston, West Virginia, Thursday, February 29, 2024

The Senate met at 11:09 a.m.

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

Prayer was offered by Dr. D. W. Cummings, Senior Pastor, Bethlehem Apostolic Temple, Wheeling, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Appalachian Children's Chorus from Charleston, West Virginia, accompanied by Daniel Bellamy on the keyboard, proceeded in the singing of "Dream Keeper" and "Country Roads".

Pending the reading of the Journal of Wednesday, February 28, 2024,

At the request of Senator Plymale, 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.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant family members of the Honorable Warren Randolph McGraw, former President of the West Virginia Senate and former Chief Justice of the West Virginia Supreme Court of Appeals, and representatives from Taiwan, privileges of the floor for the day.

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

Senate Concurrent Resolution 33, Requesting Division of Highways to erect signs in Marion County for "Home of Legendary Coach, Nick Saban".

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

Senate Concurrent Resolution 34, Feasibility study of ballot identification and verification measures in statewide elections.

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.

Senate Resolution 56, Memorializing life of Honorable Warren Randolph McGraw Sr.

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

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

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

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, 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 those present and voting having voted in the affirmative, the President declared the resolution (S. R. 56) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Oliverio, Stover, Caputo, and Trump regarding the adoption of Senate Resolution 56 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 11:49 a.m., the Senate recessed to present Senate Resolution 56.

The Senate reconvened at 11:59 a.m. and resumed business under the seventh order.

Senate Resolution 57, Recognizing accomplishments of Hurricane High School Red Hot Show Choir.

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

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

Senate Resolution 58, Designating February 29, 2024, as WV Arts Day.

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

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

Senate Resolution 59, Reaffirming longstanding sisterhood partnership between WV and Taiwan.

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

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

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

The roll being taken, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, 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 those present and voting having voted in the affirmative, the President declared the resolution (S. R. 59) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Plymale and Weld regarding the adoption of Senate Resolution 59 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 12:10 p.m., the Senate recessed to present Senate Resolution 59.

The Senate reconvened at 12:13 p.m. and proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 4086, Authorizing certain agencies of the Department of Commerce to promulgate legislative rules.

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 H. B. 4086) 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. Com. Sub. for H. B. 4086) takes effect from passage.

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

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

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, 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)—33.

The nays were: Caputo—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 H. B. 4233) passed with its title.

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

Eng. House Bill 4814, Relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals.

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. H. B. 4814) passed with its title.

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

Eng. House Bill 4838, Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information.

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. H. B. 4838) passed.

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

Eng. House Bill 4838—A Bill to amend and reenact §18A-2-3 if the Code of West Virginia, 1931, as amended, relating to requiring county boards of education to inform persons, who are hired as long-term substitute teachers, about IEP and 504 plans, detailing their uses and what those long-term substitute teachers should do to implement these plans upon their hiring.

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

Eng. House Bill 5117, Relating generally to waiver of initial licensing fees for certain individuals.

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. H. B. 5117) 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 5122, Relating to civil service for deputy sheriffs.

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 5122 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. Com. Sub. for H. B. 5122) passed.

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

Eng. Com. Sub. for House Bill 5122—A Bill to amend and reenact §7-14-8 and §8-14-12 of the Code of West Virginia, 1931, as amended, all relating to civil service for certain law enforcement officers; renumbering certain subsections; removing upper age restrictions for original appointment as deputy sheriff and reappointment of former deputy sheriff; clarifying requirements for reappointment of former deputy sheriff; and removing upper age restrictions for original appointment as municipal police officer and reappointment of former municipal police officer.

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 5175, Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, 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 H. B. 5175) 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 5395, Relating to judicial review of Board decisions.

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 H. B. 5395) 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. Com. Sub. for H. B. 5395) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 4376, Relating to surgical smoke evacuation.

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

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

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

ARTICLE 3. HOSPITALS AND SIMILAR INSTITUTIONS.

§16B-3-21. Smoke evacuation system required for certain surgical procedures.

(a) As used in this section:

(1) "Energy generating device" means any tool that performs a surgical function using heat, laser, electricity, or another form of energy;

(2) "Smoke evacuation system" means smoke evacuators, laser plume evacuators, or local exhaust ventilators that effectively capture and neutralize surgical smoke at the site of origin and

before the smoke can make ocular contact or contact with the respiratory tract of the occupants of the room; and

(3) "Surgical smoke" means the by-product, including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, and other lung-damaging dust, that results from contact with tissue by an energy generating device.

(b) On or before January 1, 2025, in order to protect operating room nurses, operating room personnel, and patients from the hazards of surgical smoke, the Office of the Inspector General shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code requiring a health care facility licensed under this chapter that utilizes energy generating devices to use a smoke evacuation system during any surgical procedure that is likely to produce surgical smoke.

(c) Any health facility acting by or through its agents or employees that violates subsection (b) of this section shall be punished by a fine of not less than \$1,000 nor more than \$5,000 for each violation.

The bill (Eng. Com. Sub. for H. B. 4376), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4431, Permitting the cremation of unidentified remains.

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

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

On page 1, section 15, line 7, after the word "data" by inserting the words "or biological sample";

And,

On page 1, section 15, line 8, after the word "remains" by inserting the words "including but not limited to teeth, bone, tissue, or blood samples".

The bill (Eng. Com. Sub. for H. B. 4431), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5017, Relating to mobile food establishment reciprocity.

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

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

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

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 2. LOCAL BOARDS OF HEALTH.

§16-2-18. ~~In-state food service permit reciprocity.~~ In-state food service statewide permit.

~~(a) A local or county health department shall issue a mobile food establishment reciprocity permit to a mobile food service establishment that is operating within the State of West Virginia and holds a valid mobile food establishment permit from the vendor's county of residence. The mobile food establishment reciprocity permit shall be valid for the length of time for which the first permit is issued and regardless of the number of days for which the vendor requires the mobile food establishment reciprocity permit.~~

~~(b) No A local or county health department within the state may not charge an additional a fee to any an in-state vendor that has received a mobile food establishment reciprocity permit. but may place conditions upon an issued permit to assure compliance with that health department's rules and standards for the type of permit being issued. Each vendor must provide notice to the local health department with jurisdiction at least 14 days prior to operating within the jurisdiction. A mobile food establishment in compliance with rules of the issuing local or county health department is deemed in compliance in all other counties. The permit must shall be visibly posted while the mobile food establishment is operational.~~

~~(c) The secretary shall review and modernize legislative rules regarding local boards of health fees located in 64 CSR 30 in the next filing period~~

(a) A local or county health department shall issue a mobile food establishment statewide permit to a mobile food service establishment that is operating within the State of West Virginia. The permit will be issued from the vendor's county of residence local or county health department. The mobile food establishment statewide permit shall be valid for the fiscal year in which the permit is issued and regardless of the number of days for which the vendor requires the mobile food establishment.

(b) No local or county health department within the state may charge an additional fee to any in-state vendor that has received a mobile food establishment statewide permit but may place conditions upon an issued permit to assure compliance with that health department's rules and standards for the type of permit being issued. Each vendor must provide notice to the local health department with jurisdiction at least 72 hours prior to operating within the jurisdiction. A mobile food establishment, in compliance with rules of the issuing local or county health department, is deemed in compliance in all other counties. The permit shall be visibly posted while the mobile food establishment is operational.

The bill (Eng. Com. Sub. for H. B. 5017), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5178, Requiring car dealerships in this state to utilize a search engine to determine if buyers of vehicles have valid motor vehicle insurance.

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

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

Eng. House Bill 5237, Prohibiting driving slow in left lane except under certain circumstances.

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 5317, Making it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations.

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

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

By striking out everything after the article heading and inserting in lieu thereof the following:

§17C-16-4. Superintendent of the West Virginia State Police to require periodic 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 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.~~ commercial motor vehicles, as defined in 49 U.S.C. § 31132, which are registered in this state, shall be inspected once each year.

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.

The bill (Eng. Com. Sub. for H. B. 5317), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 5347, Relating to establishing a program for emergency medical services personnel to become certified paramedics.

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

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

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

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-6. Powers and duties of ~~commissioner~~ secretary.

The ~~commissioner~~ secretary has the following powers and duties:

(a) To propose rules for legislative approval, in consultation with the state health officer, in accordance with the provisions of §29A-3-1 *et seq.* of this code: *Provided*, That the rules have been submitted at least 30 days in advance for review by the Emergency Medical Services Advisory Council, who may act only in the presence of a quorum. The rules may include:

(1) Standards and requirements for certification and recertification of emergency medical service personnel, including, but not limited to:

(A) Age, training, testing, and continuing education;

(B) Procedures for certification and recertification, and for denying, suspending, revoking, reinstating, and limiting a certification or recertification;

(C) Levels of certification and the scopes of practice for each level;

(D) Standards of conduct; and

(E) Causes for disciplinary action and sanctions which may be imposed.

(2) Standards and requirements for licensure and licensure renewals of emergency medical service agencies, including:

(A) Operational standards, levels of service, personnel qualifications and training, communications, public access, records management, reporting requirements, medical direction, quality assurance and review, and other requirements necessary for safe and efficient operation;

(B) Inspection standards and establishment of improvement periods to ensure maintenance of the standards;

(C) Fee schedules for licensure, renewal of licensure, and other necessary costs;

(D) Procedures for denying, suspending, revoking, reinstating, or limiting an agency licensure;

(E) Causes for disciplinary action against agencies; and

(F) Administrative penalties, fines, and other disciplinary sanctions which may be imposed on agencies;

(3) Standards and requirements for emergency medical services vehicles, including classifications and specifications;

(4) Standards and requirements for training institutions, including approval or accreditation of sponsors of continuing education, course curricula, and personnel;

(5) Standards and requirements for a State Medical Direction System, including qualifications for a state emergency medical services medical director and regional medical directors, the establishment of a State Medical Policy and Care Committee, and the designation of regional medical command centers;

(6) Provision of services by emergency medical services personnel in hospital emergency rooms;

(7) Authorization to temporarily suspend the certification of an individual emergency medical services provider prior to a hearing or notice if the ~~commissioner~~ secretary finds there is probable cause that the conduct or continued service or practice of any individual certificate holder has or may create a danger to public health or safety: *Provided*, That the ~~commissioner~~ secretary may rely on information received from a physician that serves as a medical director in finding that probable cause exists to temporarily suspend the certification; and

(8) Any other rules necessary to carry out the provisions of this article;

(b) To apply for, receive, and expend advances, grants, contributions, and other forms of assistance from the state or federal government or from any private or public agencies or foundations to carry out the provisions of this article;

(c) To design, develop, and review, in consultation with the state health officer, a Statewide Emergency Medical Services Implementation Plan. The plan shall recommend aid and assistance and all other acts necessary to carry out the purposes of this article:

(1) To encourage local participation by area, county, and community officials, and regional emergency medical services boards of directors; and

(2) To develop a system for monitoring and evaluating emergency medical services programs throughout the state;

(d) To provide professional and technical assistance and to make information available to regional emergency medical services boards of directors and other potential applicants or program sponsors of emergency medical services for purposes of developing and maintaining a statewide system of services;

(e) To assist local government agencies, regional emergency medical services boards of directors, and other public or private entities in obtaining federal, state, or other available funds and services;

(f) To cooperate and work with federal, state, and local governmental agencies, private organizations, and other entities as may be necessary to carry out the purposes of this article;

(g) To acquire in the name of the state by grant, purchase, gift, devise, or any other methods appropriate, real and personal property as may be reasonable and necessary to carry out the purposes of this article;

(h) To make grants and allocations of funds and property so acquired or which may have been appropriated to the agency to other agencies of state and local government as may be appropriate to carry out the purposes of this article;

(i) To expend and distribute by grant or bailment funds and property to all state and local agencies for the purpose of performing the duties and responsibilities of the agency all funds which it may have so acquired or which may have been appropriated by the Legislature of this state;

(j) To develop, in consultation with the state health officer, a program to inform the public concerning emergency medical services;

(k) To review and disseminate information regarding federal grant assistance relating to emergency medical services;

(l) To prepare and submit to the Governor and Legislature recommendations for legislation in the area of emergency medical services;

(m) To review, make recommendations for, and assist, in consultation with the state health officer, in all projects and programs that provide for emergency medical services whether or not the projects or programs are funded through the Office of Emergency Medical Services. A review and approval shall be required for all emergency medical services projects, programs, or services for which application is made to receive state or federal funds for their operation after the effective date of this act;

(n) To cooperate with the Department of Administration, Purchasing Division to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies in accordance with §5A-3-1 *et seq.* of this code:

(1) Any statewide contract established hereunder shall be made available to any emergency medical services agency licensed under §16-4C-6a of this code that is designated to provide emergency response by one or more county emergency dispatch centers.

(2) The office may develop uniform standards for equipment and supplies used by emergency medical services agencies in accordance with §5A-3-1 *et seq.* of this code.

(3) The office shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to effectuate the provisions of this subsection; ~~and~~

(o) To take all necessary and appropriate action to encourage and foster the cooperation of all emergency medical service providers and facilities within this state; and

(p) To establish a program for emergency medical technicians, who, after three years of serving as an emergency medical technician, are eligible for state assistance through the fund established in §16-4C-24 of this code to become a certified paramedic.

§16-4C-10. Procedures for hearing.; ~~right of appeal; judicial review.~~

~~(a) Hearings are governed by the provisions of article five, chapter twenty-nine a of this code §29A-5-1 *et seq.* of this code.~~

~~(b) The commissioner or director may conduct the hearing or elect to have an Administrative Law Judge conduct the hearing.~~

~~(c) If the hearing is conducted by an Administrative Law Judge, the Administrative Law Judge shall prepare a proposed written order at the conclusion of a hearing containing findings of fact and conclusions of law. The proposed order may contain proposed disciplinary actions if the commissioner or director so directs. The commissioner may accept, reject or modify the decision of the Administrative Law Judge.~~

~~(d) The commissioner or director has the authority to administer oaths, examine any person under oath and issue subpoenas and subpoenas duces tecum.~~

~~(e) If, after a hearing, the commissioner or director determines the licensee or holder of a certificate has violated any provision of this article or the legislative rules promulgated pursuant to this article, a formal written decision shall be prepared which contains findings of fact, conclusions of law and a specific description of the disciplinary actions imposed.~~

~~(f) The order of the Commissioner or director is final unless vacated or modified upon judicial review.~~

~~(g) Any licensee or certificate holder adversely affected by a final order made and entered by the commissioner or director is entitled to judicial review. All of the pertinent provisions of section four, article five, chapter twenty-nine-a of this code apply to and govern the review with like effect as if the provisions of the section were set forth herein.~~

~~(h) The judgment of the circuit court is final unless reversed, vacated or modified on appeal to the Supreme Court of Appeals in accordance with the provisions of section one, article six, chapter twenty-nine-a of this code.~~

§16-4C-24. Emergency Medical Services Equipment and Training Fund; establishment of a grant program for equipment and training of emergency medical service providers and personnel.

(a) There is ~~shereby created~~ continued in the State Treasury a special revenue fund to be known as the Emergency Medical Services Equipment and Training Fund. Expenditures from the fund by the Office of Emergency Medical Services and Bureau for Public Health, are authorized from collections. The fund may only be used for the purpose of providing grants to equip emergency medical services providers and train emergency medical services personnel, as defined in §16-4C-3 of this code, and for the program established in §16-4C-6(p). Any balance remaining in the fund at the end of any fiscal year does not revert to the General Revenue Fund but remains in the special revenue fund.

(b) ~~The Commissioner of the Bureau for Public Health~~ secretary shall establish a grant program for equipment, ~~and training of emergency medical services providers and personnel, and~~ and for the program established in §16-4C-6(p). Such grant program shall be open to all emergency medical services personnel and providers, but priority shall be given to rural and volunteer emergency medical services providers.

(c) ~~The Commissioner of the Bureau for Public Health~~ secretary shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program established pursuant to this section and for the program established in §16-4C-6(p).

The bill (Eng. Com. Sub. for H. B. 5347), as amended, was then ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Stuart.

At the request of Senator Stuart, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of a Kanawha County Sheriff's deputy who was shot during an overnight pursuit.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:48 p.m., the Senate recessed until 2:30 p.m. today.

The Senate reconvened at 3:52 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the third order of business.

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

Com. Sub. for Senate Concurrent Resolution 1, US Army PFC Leon Charles Trader Memorial Bridge.

Senate Concurrent Resolution 2, US Army PFC John Henry Trail Memorial Bridge.

Com. Sub. for Senate Concurrent Resolution 4, US Army 2LT Eston Kuhn Memorial Bridge.

Com. Sub. for Senate Concurrent Resolution 5, US Army 1LT Herschel Jarrell Memorial Road.

Com. Sub. for Senate Concurrent Resolution 6, US Army SSG Orland Jackson "Tom" Meikles Memorial Road.

Senate Concurrent Resolution 8, US Army Corporal Clemon Knapp Memorial Bridge.

Com. Sub. for Senate Concurrent Resolution 11, US Marine Corps PFC Noel Harper Fields Memorial Bridge.

Com. Sub. for Senate Concurrent Resolution 12, US Army Private Raymond Lee Perkins Memorial Bridge.

Com. Sub. for Senate Concurrent Resolution 14, US Army PFC William Gorman Memorial Bridge.

Senate Concurrent Resolution 15, Chief Edward "Eddie" Keesecker Memorial Bridge.

Senate Concurrent Resolution 18, Stanley W. and Evelyn C. See Memorial Bridge.

Senate Concurrent Resolution 19, US Army PFC Henry W. Baldwin Memorial Bridge.

Com. Sub. for Senate Concurrent Resolution 22, USMC Major Cornelius Burdette Memorial Road.

Senate Concurrent Resolution 23, US Navy LT Lewis Joseph D'Antoni Memorial Road.

Senate Concurrent Resolution 25, US Army SGT Wyatt K. Hinton Memorial Bridge.

And,

Com. Sub. for Senate Concurrent Resolution 26, US Army Private Clarence William "Buck" Holliday Memorial Road.

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 4010—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-22, relating to providing notification of utility service disruption to its' customers; requiring utilities to have an outage communication plan; and authorizing the Public Service Commission to receive each utility's notification plan.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4258—A Bill to amend and reenact §17-4-8 and §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to use of state road for rail crossing; requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company; and requiring railroad companies to provide alternative entry and exit ways in certain circumstances.

Referred to the Committee on Transportation and Infrastructure; and then 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 4305—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-10-1d, relating to granting in-state resident status to economic development participants for the purpose of determining the rate of tuition to be charged for attendance at state institutions of higher education; establishing criteria that must be met to meet the definition of economic development participant; and setting forth time frame for recognition of resident status.

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 4313—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-1, §49-12-2, §49-12-3, §49-12-4, and §49-12-5 all relating to the Parents' Bill of Rights; creating a short title; providing legislative findings; creating definitions; creating a standard of review; clarifying parental rights; creating a right of action; creating a defense; and providing applicability.

Referred to the Committee on Education; and then 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 4408—A Bill to amend and reenact §16-2D-8 of the Code of West Virginia, 1931, as amended, relating to providing that if an existing intermediate care facility for individuals with intellectual or developmental disabilities voluntarily or involuntarily closes or reduces bed capacity for six continuous months, the certificate of need shall cease and the beds for the facility shall revert to the authority to be redistributed in the same geographic location to a certain other providers; and removing obsolete provisions.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4591—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring immediate verification of partisan election candidates' party affiliation; providing that the Secretary of State shall, upon receipt of certificates of announcements, also verify the residency and correct district of each prospective candidate; and giving individuals seeking to run for public office a 10-day right to appeal to the Supreme Court of Appeals the decisions of the Secretary of State not to verify the potential candidates' certificates of announcements.

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. Rev. Com. Sub. for House Bill 4621—A Bill to amend and reenact §62-1-5 of the Code of West Virginia, 1931, as amended, relating to criminal procedure; preliminary procedure; providing a definition for booking photograph; providing a definition for news-gathering organization; providing a definition for remove-for-pay publication or website; and when a booking photograph of an accused person may be made public or published by the West Virginia Division of Corrections and Rehabilitation and amends to provide that booking photographs are not public records; and amends to provide that law enforcement agencies and the Division of Corrections and Rehabilitation shall not be held liable for release of booking photographs; and amends to provide that a defendant is entitled to a copy of their booking photograph; and amends to provide that any booking photograph that is published, released, or disseminated before a conviction shall include a disclaimer; and amends to provide that law enforcement agencies and the Division of Corrections and Rehabilitation nor any law enforcement agency shall be held liable for good faith inadvertent release of booking photographs; and amends to require "remove for pay publications or websites" to remove a booking photograph and establishes civil liability for remove for pay publications or websites" when they do not remove; and amends that the Division of Corrections and Rehabilitation may disclose a booking photograph to appropriate law enforcement agency or prosecuting attorney's office for investigation, prevention, or prosecution of a crime, or to safeguard the orderly operation of the correctional institution; and amends that a booking photograph may also be disclosed between law enforcement agencies for investigation, public safety, prevention, or prosecution of a crime, or to safeguard the orderly operation of a correctional institution.

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 4700—A Bill to amend and reenact §29-22D-4 and §29-22D-15 of the Code of West Virginia, 1931, as amended, all relating to giving the lottery commission rule making authority to promulgate rules relating to banning certain persons from sports wagering.

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 4709—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-21A-1, §18-21A-2 and §18-21A-3, all relating to establishing a four-year pilot program to provide participating middle schools with an elective course to better prepare fifth through eighth grade students to take advantage of West Virginia's career and technical education programs and to improve students' college and career readiness prior to high school; requiring the state board of education to promulgate a legislative rule, and, if necessary, an emergency rule, to implement the provisions of the pilot program; setting forth what is to be included within the provisions of the rule; and requiring by July 1, 2025, and annually thereafter for the duration of the pilot program, a report from the State Superintendent of Schools to the Legislative Oversight Commission on Education Accountability.

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. House Bill 4721—A Bill to amend and reenact §30-13A-10 of the Code of West Virginia, 1931, as amended, relating to requiring land surveyors to offer to record maps or plats of measured parcels of land made by the surveyor.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4722—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, §11-13NN-7, §11-13NN-8, §11-13NN-9 and §11-13NN-10, all relating to establishing a road or highway infrastructure improvement projects tax credit for taxpayers subject to the tax imposed by West Virginia code §11-13A-3; specifying a short title; specifying legislative findings and purpose for new credit; defining terms; specifying the amount of the credit, application of credit, and carry forward of unused credit; excluding application of any credits against any portion of severance taxes dedicated to counties and municipalities; requiring filing of application for road or highway infrastructure improvement project credit as condition precedent to claiming credit, specifying procedure for application for certification, contents of application and limitation on maximum amount of credits which can be approved; allowing transfer of credits to successors; providing for forfeiture of unused tax credits and redetermination of credit

allowed; providing penalties for failure to maintain records of qualified property; and establishing an effective date.

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

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

Eng. Com. Sub. for House Bill 4734—A Bill amend and reenact §5-5-4b of the Code of West Virginia, 1931, as amended, relating to providing a pay equity salary adjustment and increase to certain employees of the Division of Corrections and Rehabilitation.

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 4784—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-11e, relating to establishing requirements for the commission to approve a siting certificate; defining terms; mandating a minimum setback for the siting of a wind turbine from a property line, residence, paved public road or overhead transmission line of 115kV capacity or greater; and providing methodology for calculation.

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 4812—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to business and occupation or privilege tax imposed by municipalities; and setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a municipality.

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 4822—A Bill to amend and reenact §5B-2-19 of the Code of West Virginia, 1931, as amended, relating to modifying the monetary amount of grants issued under the Certified Sites and Development Readiness Program under the Department of Economic Development.

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

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

Eng. Com. Sub. for House Bill 4883—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases.

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 4919—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to requiring the reinstatement of a Promise Scholarship Award upon meeting certain criteria; and deleting obsolete language.

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 4945—A Bill to amend and reenact §18-9A-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-31-2, §18-31-3, §18-31-5, §18-31-6, §18-31-7, §18-31-8, §18-31-10, and §18-31-11 of said code; and to amend said code by adding thereto a new section, designated §18-31-2a, all relating generally to the Hope Scholarship Program; providing that the annual Hope Scholarship Program appropriation calculation will be based on the estimated number of participating students instead of the number of participating students in the prior year; providing that Hope Scholarship students have certain educational privileges made available to other nonpublic school students; clarifying that Hope Scholarship funds may only be utilized for expenses incurred in a Kindergarten through secondary school education; specifying that a microschoo can be a participating school; permitting the State Treasurer to appear by designee at Hope Scholarship Board meetings; requiring parental agreement to include provisions requiring parents to notify the Board if a student reenrolls in public school or graduates from a secondary school program; clarifying that all records and personally identifying information of a Hope Scholarship student, applicant, or parent is confidential and not subject to disclosure pursuant to the West Virginia Freedom of Information Act; clarifying that a kindergarten-level applicant's Hope Scholarship participation does not commence if the student does not begin kindergarten-level education that school year; clarifying that a public charter school may invoice a Hope Scholarship student for educational services; requiring education service providers conducting background screenings of employees and other persons in contact with students to certify screening results to the board; and clarifying that providers may not assess increased or additional fees against Hope Scholarship students based on participation in the program.

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 4952—A Bill to amend and reenact § 11A-3-55 and §11A-3-59 of the Code of West Virginia, 1931, as amended, relating to providing 120 days to persons who are served notice by purchaser of tax lien to redeem subject property.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4956—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §9-5-34; to amend said code by adding thereto a new section, designated §33-15-24; to amend said code by adding thereto a new section, designated §33-16-20; to amend said code by adding thereto a new section, designated §33-24-15; and to amend said code by adding thereto a new section designated §33-25-23 and to amend said code by adding thereto a new section designated §33-25A-37, all relating to requiring health benefit plan coverage; requiring coverage for medically necessary dental procedures that result from cancer treatment; and explaining scope of procedures covered as a result of certain cancer treatments.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4975—A Bill to amend and reenact §49-2-111c of the Code of West Virginia, 1931, as amended, relating to establishing a foster parent information system; setting forth the requirements of the system; requiring the Department of Human Services to provide analysis, evaluation and reports regarding the system; and deleting obsolete language.

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

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

Eng. House Bill 5039—A Bill to amend and reenact §17C-5-7 and §17C 5 7a of the Code of West Virginia, 1931, as amended, all relating to the procedures for revocation of license relating to refusing a secondary chemical test; providing an arresting officer shall submit certain information to the Commissioner of the Division of Motor Vehicles and the court; providing that at the person's first pre-trial conference or initial preliminary hearing the Court shall conduct a refusal review hearing; providing form for refusal review hearing; providing for entry of a revocation order; and altering obsolete language.

Referred to the Committee on Government Organization; and then 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 5043—A Bill to amend §6B-3-1, §6B-3-2, §6B-3-4, §6B-3-6, and §6B-3-7 of the Code of West Virginia, 1931, as amended, and by adding thereto a new article, designated §6B-3A-1, §6B-3A-2, §6B-3A-3, §6B-3A-4, §6B-3A-5, §6B-3A-6, §6B-3A-7, §6B-3A-8, §6B-3A-9, §6B-3A-10, and §6B-3A-11, all relating to the requirements, prohibitions, and regulation of foreign principals or agents of foreign principals, lobbying by or on behalf of such foreign principals or their agents; providing definitions; amending provisions relating to the

registration and reporting duties of lobbyists; amending provisions relating to the employment of unregistered lobbyists and the duties of lobbyists; establishing criminal liabilities and fines for violations of the requirements applicable to such foreign principals or their agents.

Referred to the Committee on Economic Development; and then 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 January 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 5077—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-5; and to amend and reenact §3-5-13 of the Code of West Virginia, 1931, as amended, relating to the nomination and election of candidates for U.S. Congress; setting forth legislative findings and purpose; defining terms; setting forth residency requirements for candidacy; providing for legal standing to enforce and defend statute; establishing penalties; and clarifying the form and content of the ballot for an election to represent a Congressional district.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5137—A Bill to amend and reenact §12-4A-2 of the Code of West Virginia, 1931, as amended, relating to county board of education finances; authorizing the State Auditor to conduct financial assessments of all county boards of education; requiring each county board of education to be audited at least once every six years; providing for assessment requirements; requiring submission of certain reports to the Joint Committee on Government and Finance; requiring use of the Local Government Purchasing Card Program; authorizing the State Auditor to charge certain fees; and providing an effective date.

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

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

Eng. Com. Sub. for House Bill 5180—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to home-schooled children; removing requirements to submit certain evidence on behalf of home-schooled children; and allowing a delay of transfer to home school from public schools in certain circumstances.

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 5188—A Bill to amend §8-22A-17 of the Code of West Virginia, 1931, as amended, relating to providing certain partial disability benefits for members in the WV Municipal Police Officers and Firefighters Retirement System.

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 5192—A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring the Board of Pharmacy to promulgate rules; permitting the practice of test and treat.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 5194—A Bill to amend and reenact §5A-3-10 of the West Virginia Code, 1931, as amended, relating to requiring certain purchases of commodities and services; requiring the Director of Purchasing to purchase certain goods and services produced and offered for sale by nonprofit workshops; requiring the director to consult with the Committee for the Purchase of Commodities and Services from the Handicapped in making purchasing decisions; and providing that the amendments to this section amended during the 2024 legislative session shall apply to all applicable purchases made on or after July 1, 2025.

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

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

Eng. House Bill 5213—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-3-14j, relating to providing for one free Gold Star Family license plate to a Gold Star spouse.

Referred to the Committee on Military.

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 5241—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-33, relating to requiring the Insurance Commissioner to audit claims under the Public Employees Insurance Act related to post-traumatic stress disorder claims for first responders; and requiring annual reviews and reports to the Interim Joint Health Committee, Interim Committee on PEIA and Insurance, and the Interim Committee on Volunteer Fire Departments and Emergency Medical Services.

Referred to the Committee on Banking and Insurance; 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 5289—A Bill to amend said code by adding thereto a new article, designated §21A-12-1, relating to establishing a partnership between Workforce West

Virginia through its Division of Workforce Development and the West Virginia State Board of Education for the implementation of an educational, interactive platform designed to help students with instruction in the science technology engineering and math (STEM) field with a focus on chemistry and related careers to high schools and technical schools in the state; providing funding; and establishing an implementation plan and reporting.

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 5297—A Bill to amend and reenact §30-3-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-17 of said code, all relating to prohibiting pubertal modulation and hormonal therapy when provided to assist in a gender transition; and removing an expired internal effective date.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 5305—A Bill to amend and reenact §61-11-22a of the Code of West Virginia, 1931, as amended, relating to impaired driving not eligible for deferred adjudication under this code section.

Referred to the Committee on Transportation and Infrastructure; and then 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 January 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 5338—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, §31A-8H-4, and §31A-8H-5, all relating to providing an affirmative legal defense to certain types of businesses against certain types of lawsuits claiming that the business failed to implement reasonable cybersecurity protections and that as a result, a data breach of personal information or restricted information occurred if the business creates, maintains, and complies with a written cybersecurity program that contains administrative, technical, operational, and physical safeguards for the protection of personal information as set forth in this act; describing the requirements of the cybersecurity program; construction of article; and providing immunity in certain circumstances to certain institutions of higher education in this state that offer a cybersecurity assessment program as part of an undergraduate or graduate program relating to cybersecurity to any business in the state.

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

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

Eng. Com. Sub. for House Bill 5340—A Bill to amend and reenact §16-54-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-54-10, all relating to require insurance coverage of a nonopioid drug for a person diagnosed with substance use disorder.

Referred to the Committee on Banking and Insurance; 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 5344—A Bill to amend and reenact §61-8B-5 of the Code of West Virginia, 1931, as amended, relating to creating an offense of relating to sexual assault in the third degree relating to a mentally defective or mentally incapacitated victim and creating criminal penalties and fines relating to said offense; relating to sexual assault in the third degree; relating to creating criminal penalties and fines; and clarifying when a mentally defective victim may be allowed to testify using two-way videoconferencing, or two-way closed circuit television.

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 5349—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1, §19-39-2, and §19-39-3, all relating to establishing requirements of food labels; defining terms; determining what constitutes mislabeling; providing exceptions; and permitting the commissioner to promulgate legislative rules.

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 5355—A Bill to amend the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15A-11-12, relating to the Fire Protection Fund and its use by volunteer and part-volunteer fire companies and departments; making a legislative finding; defining a term; providing that volunteer and part-volunteer fire companies and departments may use monies from the Fire Protection Fund to pay expenses associated with the required implementation of the State Auditor's West Virginia Checkbook fiscal reporting system.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5358—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-14-1, §15A-14-2, §15A-14-3, §15A-14-4, §15A-14-5, §15A-14-6, §15A-14-7, §15A-14-8, and §15A-14-9, all relating to the Corrections and Rehabilitation Ombudsman; authorizing an ombudsman position within the Office of the Inspector General; authorizing review of complaints; providing access to complainants,

facilities, agencies, and records to assist in review; providing cooperation among government departments and agencies; clarifying confidentiality; providing limitations on liability; requiring an annual report; including penalties for noncompliance and retaliation; and providing funding for the program.

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, to take effect July 1, 2024, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 5373—A Bill to amend and reenact §3-10-3; §3-10-4; §3-10-5; §3-10-6; §3-10-7; and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to prohibiting the appointment of an individual to fill a vacant partisan office if that person has not been a member of that party for one year and requiring appointments be made from the political party with which the individual vacating the office was affiliated with at the time of his or her most recent election.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5379—A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code, all relating to cost sharing under health plans; requiring pharmacy benefits managers to include any cost sharing amounts paid by insured or by another person when calculating insured's contribution to any applicable cost sharing requirement; applying certain annual limitation on cost sharing to all health plans issued in this state; preventing insurers, pharmacy benefits managers, and third-party administrators from changing the terms of health plan coverage based on the availability or amount of financial assistance available for a prescription drug; defining terms; providing civil penalties and authorizing restitution; and providing effective date.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 5399—A Bill to repeal §12-4-14a of the Code of West Virginia, 1931, as amended, and to amend and reenact §12-4-14 and §12-4-14b of said code; and to amend and reenact §33-3-33 of said code, all relating to duties of the State Auditor; repealing section creating terminated program; directing state audit functions of volunteer and part-volunteer fire departments to the State Auditor; requiring certain periodic audits; prohibiting distributing state funds to volunteer and part-volunteer fire departments that fail to comply with audit requirements; providing for restitution be paid to volunteer and part-volunteer fire departments double the amount of property unlawfully taken; requiring posting a notice of penalty in volunteer and part-volunteer fire departments; establishing a pilot project of volunteer and part-volunteer fire departments to evaluate implementation of the State Auditor's Checkbook accounting system; clarifying what grants are subject to reporting requirements of the Grant Transparency and Accountability Act; defining terms; and making other technical clarifications.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5405—A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to increasing support and professional development for educators; including numbers of full-time equivalent teachers less than fully certified for teaching an academic core subject for which they are employed; utilizing state aid funding formula allocations to support teacher and leader induction and professional growth; authorizing retention of additional funding beginning with the 2024 – 2025 school year by Department of Education for continued support and expansion of the regional professional cadres program; and adding additional requirements to county boards of education plan for comprehensive system of support for improving professional practice.

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 5432—A Bill to amend and reenact §5A-6-1, §5A-6-3, and §5A-6-4 of the Code of West Virginia, 1931, as amended; and to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of said code, all relating to combining Information Services and Communications Division with the West Virginia Office of Technology; transferring funds from the Information Systems and Communications Division to the Office of Technology; renaming special revenue fund and providing purposes for expenditures; closing funds and transferring unexpended balances; authorizing the Chief Information Officer to conduct requisition reviews; authorizing the Chief Information Officer to collect a fee for services provided to other public bodies; Provide guidance and services to support data retention and electronic discovery of executive agency data in compliance with agency data retention policies and directives; and requiring the Chief Information Officer to provide mail service for state spending units.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with.

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 5437—A Bill to amend and reenact §17-16-6 of the Code of West Virginia, 1931, as amended, relating to imposing a time limit for the Department of Highways to grant an entrance permit for work on a highway; describing the time limit for requested changes; and describing when a permit shall be considered approved.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. Com. Sub. for House Bill 5510—A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for the likelihood of imminent lawless action of a violent nature that could cause bodily harm to the prerequisites for the crime of intimidation and retaliation.

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 5514—A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, 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.

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 5539—A Bill to amend and reenact §46A-2-122 and §55-7-8a of the Code of West Virginia, 1931, as amended, all relating to consumer credit and protection actions; amending definitions; and clarifying that any action for a violation of Chapter 46A of this code shall survive the death of the person entitled to recover or the death of the person liable.

Referred to the Committee on Government Organization; and then 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 5548—A Bill to amend and reenact §5B-1-9 of the Code of West Virginia, 1931, as amended, relating to modifying requirements imposed on any owner, operator, or manager, as applicable, and all concessions and licensees thereof, within a tourism development project or tourism development expansion project within a tourism development project; conforming provisions to existing law redesignating name of public office; and removing redundant provisions relating to severability.

Referred to the Committee on Economic Development; and then 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 5551—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to requiring social workers, psychologists, and professional counselors to complete continuing education requirement on domestic violence or abuse.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5583—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Commissioner of the Division of Highways to issue a special permit to operate or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter over routes designated by the Commissioner of the Division of Highways at night, and during holidays, holiday weekends, Saturdays, and Sundays; and relating to the types of highways that this special permit may be issued.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. House Bill 5594—A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended, relating to exempting the West Virginia School of Osteopathic Medicine, West Virginia University and Marshall University from contracts, agreements, or memorandums of understanding with spending units in state government with exceptions.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5595—A Bill to amend and reenact §14-2-17a of the Code of West Virginia, as amended, all relating to the shortened procedure for road condition claims; establishing process by which the Clerk of the Claims Commission, the Claims Commission, and the Division of Highways expedite certain road condition claims; and requiring the Division of Highways create a line item in the budget to expediate payment for certain road condition claims.

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

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

Eng. Com. Sub. for House Bill 5604—A Bill to amend and reenact §5A-3-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section designated §5A-3-10f, and to amend and reenact §5A-6-2 of said code; and to amend said code by adding thereto a new section, designated §5A-6-4f, all relating generally to procurement by state spending units.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5609—A Bill to amend and reenact §49-5-101 of the Code of West Virginia, 1931, as amended, relating to the confidentiality of records; and providing that the Department of Human Services shall provide information related to child abuse or neglect proceedings, including information relating to the identity of the person reporting or making a complaint of child abuse or neglect, to the Foster Care Ombudsman, or its designee, upon request and acting in the course of their official duties; and providing that the Department of Human Services in cases of a child fatality, or near fatality, due to child abuse or neglect shall release information that includes the identity of a person making a complaint of child abuse or neglect relating to the child fatality, or near fatality, to the Foster Care Ombudsman, or its designee, acting in the course of their official duties.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 5617—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §24-2-1r, relating to authorizing the Public Service Commission to promulgate rules for maintenance, flushing, flow testing, and marking of fire hydrants owned by water utilities; providing for resolution by Public Service Commission whenever portions of standards may conflict; providing a public water utility may use its cash working capital reserve for inspection, testing, maintenance, or replacement of fire hydrants to comply with the standards and rules adopted in this section.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5623—A Bill to amend and reenact §3-3-12 of the Code of West Virginia, 1931, as amended, relating to codifying existing policy of the Secretary of State regarding the verification of absentee ballots; requiring the creation of an electronic absentee by mail ballot tracking system; and requiring certain content to be provided on the electronic absentee by mail ballot tracking system.

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 5632—A Bill to amend and reenact §30-40-4, §30-40-12, and §30-40-17 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Real Estate License Act; adding a definition for "property management"; qualifications for broker's license; and obligations of nonresident brokers.

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 5639—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1 and §12-10-2, all relating to prompt payment of legitimate, uncontested invoices by state agencies providing that registered and qualified vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate, uncontested invoice; providing the rate of interest and manner of calculation; determining the date an invoice is considered received by a state agency; outlining rights of state agencies to receive updated invoices with interest prior to payment; requiring state agencies to explain and calculate interest on the payment claim at the time it is submitted to the State Auditor; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; providing for the definition of a "state agency"; and providing for exceptions.

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 5668—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-30, relating to the creation of the Responsible Gaming and Research Act; creating a short title; providing for gaming data collection and sharing for scholarly purposes, and providing for preparation of the report.

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 5676—A Bill to amend and reenact §44-2-1 of the Code of West Virginia, 1931, as amended, relating to providing guidance for estates not classified as a small estate for proof and determination of debts and claims, establishment of priority, determination of the amount of respective shares of legatees and distributees, and other matters; relating to claims of an unpaid creditors for estates not classified as a small estate and the process to determine the validity of a claim and when a fiduciary commissioner is required to take up the matter of the validity of the claim and when no referral to a fiduciary commissioner may be made; and relating to estates with a value of \$200,000 or less, exclusive of real estate and nonprobate assets, or if it appears to the clerk that there is only one beneficiary and providing that these estates shall not be referred to a fiduciary commissioner after delivery of an appraisal of the assets by the personal representative; relating to claims of an unpaid creditors for estates and the process to determine the validity of a claim and when a fiduciary commissioner is required to take up the matter of the validity of the claim and when no referral to a fiduciary commissioner may be made for estates with a value of \$200,000 or less, exclusive of real estate and nonprobate assets, or if it appears to the clerk that there is only one beneficiary; relating to changing the fee that a fiduciary commissioner may charge an estate for services related to settlement of the estate to \$500, with outlined exceptions; and relating to counties where there are two or more fiduciary commissioners, then referral to these commissioners shall be in rotation, for equal division of work; and providing that for any estate referred to a fiduciary commissioner any fees and costs provided under this section shall be assessed as costs against any requestor or objector who

does not substantially prevail on its claim proportionately according to the number of claimants not substantially prevailing.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 5685—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to the state Medicaid program; adding requirement that the Bureau for Medical Services submit certain waivers and plan amendments that grow total program expenditures \$3 million or more beyond current expenses of the most recent available fiscal year through the legislative rulemaking process; authorizing emergency rules; and requiring the Bureau for Medical Services to study and provide reports to the Legislature, including reports regarding the costs of the program and recommendations to contain costs.

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

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

Eng. House Bill 5697—A Bill to amend and reenact §18-5G-3 and §18-5G-7 of the Code of West Virginia, 1931, as amended, all relating to providing for technical cleanup of certain provisions of the public charter school code provisions.

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 5698—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, §46A-6O-10, §46A-6O-11, §46A-6O-12 and §46A-6O-13, all relating to the Consumer Data Protection Act; inserting establishing a framework for controlling and processing personal data in the state; creating definitions; limiting application to all persons that conduct business in the state and either control or process personal data of at least 100,000 consumers or derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers; providing exemptions; delineating responsibilities and privacy protection standards for data controllers and processors; clarifying standards do not apply to state or local governmental entities; providing exceptions for certain types of data and information governed by federal law; providing that consumers have rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising; providing that the Attorney General has exclusive authority to enforce violations of the law; providing for assistance of the Attorney General in obtaining relief; establishing the Consumer Privacy Fund to support this effort; and providing for construction and an effective date.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the adoption, as amended, of the following resolutions:

House Concurrent Resolution 2, U.S. Army SPC Steven W. Herron Memorial Bridge.

Com. Sub. for House Concurrent Resolution 3, Legg Brothers WWII Veterans Memorial Bridge.

Com. Sub. for House Concurrent Resolution 7, U. S. Navy Radarman 3rd Class Craig W. Haines Memorial Bridge.

House Concurrent Resolution 8, Judy Brothers Memorial Bridge.

Com. Sub. for House Concurrent Resolution 9, Private Jefferson Howell Memorial Road.

House Concurrent Resolution 18, Caldwell Brothers Memorial Bridge.

Com. Sub. for House Concurrent Resolution 19, CPL Thomas Lowell Wines Memorial Bridge.

House Concurrent Resolution 20, SP4 Donnie Lee Hackney Memorial Bridge.

Com. Sub. for House Concurrent Resolution 26, PFC Jerry Lee Bassett Memorial Bridge

House Concurrent Resolution 30, Jack L. Hart Memorial Bridge.

House Concurrent Resolution 32, Sloan Brothers Memorial Bridge.

House Concurrent Resolution 36, Chief Master Sgt. Dan Chandler Bridge.

Com. Sub. for House Concurrent Resolution 39, US Army SP3 Delbert Sherdan "Buck" Huffman Sr. Memorial Bridge.

Com. Sub. for House Concurrent Resolution 40, USMC MSG Edward P. & MP Carl A. McCray Memorial Bridge.

House Concurrent Resolution 44, Frank Walker Mosley Memorial Bridge.

House Concurrent Resolution 53, U. S. Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge.

House Concurrent Resolution 60, Terra Dawn Lewis Memorial Road and Bridge .

House Concurrent Resolution 61, Mollohan Brothers Memorial Bridge.

And,

House Concurrent Resolution 68, U. S. Army Air Force, Major (Ret.) Willis "Scottie" Adams Memorial Bridge.

The Senate proceeded to the fourth order of business.

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 4667, Prohibiting syringe services programs from distributing listed smoking devices.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4667) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 4830, To address the professional development of teachers.

And has amended same.

And,

Eng. Com. Sub. for House Bill 5650, Allow suspended school personnel to enter school property functions open to the public.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 4830 and 5650) 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 Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 4845, To prohibit swatting.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4845) 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 Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 4986, Relating to computer science and cybersecurity instruction for adult learners.

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.

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

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 5091, West Virginia Critical Infrastructure Protection Act.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 5091) 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 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 5151, Relating to defining term fictive kin.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 5151) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 5161, To create a "digital wallet" to keep all certifications/licensure accrued by the person in one place.

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,

Jack David Woodrum,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 5298, Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Eng. H. B. 5298) 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 Woodrum, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 5348, Changing the name of the "Raleigh County Recreation Authority" to the "Raleigh County Parks and Recreation Authority".

And has amended same.

And,

Eng. House Bill 5582, Modifying exceptions for real estate appraisal licensure.

And has amended same.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. H. B. 5348 and 5582) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Eng. House Bill 5569, Requiring an appraiser to pay for a background check required by the AMC as a condition of being added to the AMCs panel of appraisers.

And,

Eng. House Bill 5690, Creating a West Virginia Task Force on Artificial Intelligence.

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

Respectfully submitted,

Jack David Woodrum,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Eng. H. B. 5569 and 5690) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Caputo and Woelfel offered the following resolution:

Senate Resolution 60—Recognizing May 1, 2024, as Purebred Dog Day in West Virginia.

Which, under the rules, lies over one day.

Senator Weld offered the following resolution:

Senate Resolution 61—Encouraging military veterans across the State of West Virginia to volunteer as election workers in the 2024 statewide elections.

Which, under the rules, lies over one day.

The Senate proceeded to the thirteenth order of business.

The following communications were 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 29, 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 President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

S. B. 658, Supplementing and amending appropriations to Department of Administration, Public Defender Services;

And,

Com. Sub. for S. B. 668, Increasing amount of certain controlled substances persons may purchase annually.

These bills are presented to you on this day, February 29, 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 29, 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. 5006, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan;

H. B. 5261, Relating to the definition of small arms for purposes of taxation;

Com. Sub. for H. B. 5267, Relating to the Deputy Sheriff Retirement System;

And,

Com. Sub. for H. B. 5273, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service.

These bills are presented to you on this day, February 29, 2024.

Respectfully submitted,

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 resolutions on February 28, 2024:

Com. Sub. for Senate Joint Resolution 5: Senator Barrett;

Senate Joint Resolution 7: Senator Barrett;

Senate Concurrent Resolution 33: Senators Taylor and Hamilton;

Senate Resolution 57: Senator Grady;

Senate Resolution 58: Senators Chapman, Rucker, and Queen;

And,

Senate Resolution 59: Senators Rucker, Barrett, and Queen.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 4:16, the Senate adjourned until tomorrow, Friday, March 1, 2024, at 11 a.m.

SENATE CALENDAR

**Friday, March 01, 2024
11:00 AM**

UNFINISHED BUSINESS

S. R. 60 - Recognizing May 1, 2024, as Purebred Dog Day

S. R. 61 - Encouraging WV military veterans to volunteer as election workers in 2024 statewide elections

THIRD READING

Eng. Com. Sub. for H. B. 4376 - Relating to surgical smoke evacuation - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4431 - Permitting the cremation of unidentified remains. - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 5017 - Relating to mobile food establishment reciprocity. - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 5178 - Requiring car dealerships in this state to utilize a search engine to determine if buyers of vehicles have valid motor vehicle insurance. - (With right to amend)

Eng. Com. Sub. for H. B. 5317 - Making it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 5347 - Relating to establishing a program for emergency medical services personnel to become certified paramedics - (Com. title amend. pending)

SECOND READING

Eng. Com. Sub. for H. B. 4667 - Prohibiting syringe services programs from distributing listed smoking devices

Eng. Com. Sub. for H. B. 4830 - To address the professional development of teachers. - (Com. amend. pending)

Eng. Com. Sub. for H. B. 4845 - To prohibit swatting - (Com. amend. and title amend. pending) (original similar to HB4920)

Eng. Com. Sub. for H. B. 5091 - West Virginia Critical Infrastructure Protection Act - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 5151 - Relating to defining term fictive kin - (Com. amend. pending)

Eng. H. B. 5237 - Prohibiting driving slow in left lane except under certain circumstances

Eng. H. B. 5298 - Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an

affiliate with a different political party in the subsequent general election - (Com. amend. and title amend. pending)

Eng. H. B. 5348 - Changing the name of the "Raleigh County Recreation Authority" to the "Raleigh County Parks and Recreation Authority" - (Com. title amend. pending)

Eng. H. B. 5569 - Requiring an appraiser to pay for a background check required by the AMC as a condition of being added to the AMCs panel of appraisers.

Eng. H. B. 5582 - Modifying exceptions for real estate appraisal licensure. - (Com. amend. pending)

Eng. Com. Sub. for H. B. 5650 - Allow suspended school personnel to enter school property functions open to the public - (Com. amend. and title amend. pending)

Eng. H. B. 5690 - Creating a West Virginia Task Force on Artificial Intelligence

FIRST READING

Eng. Com. Sub. for H. B. 5432 - To move the essential functions of the Information Services and Communications Division into the Office of Technology.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Friday, March 1, 2024

10:45 a.m.

Transportation & Infrastructure

(Room 451M)