

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2025
FIFTY-SEVENTH DAY

Charleston, West Virginia, Wednesday, April 9, 2025

The Senate met at 11:42 a.m.

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

Prayer was offered by Minister Wm. Patrick, Southern Baptist Living Legacy Church, Hershey, Pennsylvania.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ben Queen, a senator from the twelfth district.

Pending the reading of the Journal of Tuesday, April 8, 2025,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 810, Clarifying requirements for administration of anesthesia and chronic pain practice by certain licensed nurses.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for Com. Sub. for House Bill 2217, Relating to penalties for conspiracy to commit murder.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 2360, Clarifying the victims of crimes against law-enforcement officers.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 3030, Administration of the West Virginia Water Pollution Control Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the changed effective date, to take effect July 1, 2025, of

Eng. Com. Sub. for Com. Sub. for House Bill 3089, Mandate the use of WV DMV electronic lien and title system for certain entities and persons.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 24, Requesting Joint Committee on Government and Finance study issues regarding admission to residency programs.

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

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

Senate Concurrent Resolution 25, Requesting Joint Committee on Government and Finance study incentives and policies to fund public libraries.

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

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

Senate Resolution 47, Recognizing Brady Campbell as 2024 recipient of Earl S. Dillard Agent of the Year Award.

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

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

Senate Resolution 48, Designating April 9, 2025, as Cyberbullying Awareness and Prevention Day.

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

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

At the request of Senator Jeffries, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Timothy Fields, a Nitro High School student who passed away on November 16, 2024.

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

The roll being taken, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 48) adopted.

Thereafter, at the request of Senator Martin, and by unanimous consent, the remarks by Senator Jeffries regarding the adoption of Senate Resolution 48 were ordered printed in the Appendix to the Journal.

House Concurrent Resolution 96, Urging West Virginia's members of Congress to ask the President not to cut funding for the Local Food in Schools and Child Care nutrition.

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

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 300, Budget Bill.

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

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

Eng. Senate Bill 937, Supplementing and amending appropriations to Department of Economic Development.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 937) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 937) takes effect from passage.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2002, Establishing One Stop Shop Permitting Process.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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 Com. Sub. for H. B. 2002) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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 Com. Sub. for H. B. 2002) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. Com. Sub. for Com. Sub. for House Bill 2003, Prohibiting Cell phones in class.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Oliverio—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 Com. Sub. for H. B. 2003) passed with its title.

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

Eng. Com. Sub. for House Bill 2011, To supplement, amend, and increase an existing item of appropriation in the aforesaid accounts for the designated spending unit for expenditure during the fiscal year 2025.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2011) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2011) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2026, Budget Bill.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, April 8, 2025, for amendments to be received on third reading, was read a third time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill 300.

Following discussion,

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

Engrossed Committee Substitute for House Bill 2026, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2026) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2026) takes effect from passage.

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

Eng. Com. Sub. for House Bill 2152, Prompt Payment Act of 2025.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2152) passed with its title.

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

Eng. House Bill 2165, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2165) passed.

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

Eng. House Bill 2165—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, and to amend the Code by adding thereto a new section, designated §17A-3-15a, relating to free parking for certain individuals; prohibiting public entities from requiring certain persons with a mobility impairment who are unable to walk from having to pay for accessible parking at parking meters that are inaccessible; defining terms; specifying parameters of prohibition and entitlement for payment exemption; making penalty of false swearing applicable for false certification of inability to access parking meter without unreasonable effort; prohibiting citations; providing for prima facie evidence; providing disabled veterans and veterans who received the Purple Heart may park free at metered parking spaces at any municipality in the state.

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

Eng. House Bill 2444, Relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery 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: Barrett, Boley, Chapman, Charnock, Clements, Fuller, Garcia, Hamilton, Helton, Jeffries, Maynard, Morris, Oliverio, Phillips, Queen, Rose, Rucker, Takubo, Tarr, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—24.

The nays were: Azinger, Bartlett, Deeds, Grady, Hart, Martin, Roberts, Stuart, Taylor, and Thorne—10.

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. 2444) passed with its title.

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

Eng. House Bill 2484, Clarifying the probationary period for paid municipal firefighters.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2484) passed with its title.

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

Eng. House Bill 2776, Requiring Department of Health to report positive Alpha Gal tests to CDC.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Tuesday, April 8, 2025, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Health and Human Resources committee amendment pending.

Eng. Com. Sub. for House Bill 2797, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2797) passed.

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

Eng. Com. Sub. for House Bill 2797—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to who may diagnose post-traumatic stress disorder for a first responder; adding certified nurse practitioners and certified physician assistants to list of professionals; providing requirements for such; and removing sunset clause.

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 2866, Relating to fees and charges for municipality provided fire services.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday, Tuesday, April 8, 2025, for further amendments to be received on third reading, was read a third time.

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

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

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 17. COUNTY FIRE BOARDS.

§7-17-12. County fire service fees; petition; election; dedication; and amendment.

(a) Every county commission which provides fire protection services has plenary power and authority to provide by ordinance for the continuance or improvement of such service, to make regulations with respect thereto, and to impose by ordinance, upon the users of such services, reasonable fire service rates, fees, and charges to be collected in the manner specified in the ordinance.

(b) Any fees imposed under this article are dedicated to the county fire board for the purposes provided in this article.

(c) A county commission can impose by ordinance, upon the users of such service, a reasonable fire service fee, by one of two methods:

(1) Ten percent of the qualified voters shall present a petition duly signed by them in their own handwriting, and filed with the clerk of the county commission, directing that the county commission impose such a fee. The county commission shall not have a lien on any property as security for payments due under the ordinance. Any ordinance enacted under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county in which the county fire board is located. In the event 30 percent of the qualified voters of the county by petition duly signed by them in their own handwriting and filed with the clerk of the county commission within 45 days after the expiration of such publication protest against such ordinance as enacted or amended, the ordinance may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of such county at any primary or general election as the county commission directs. Voting thereon may not take place until after notice of the submission has been given by publication as above provided for the publication of the ordinance after it is adopted. The powers and authority hereby granted to county commissions are in addition to and supplemental to the powers and authority otherwise granted to them by other provisions of this code; or

(2) If the county fire board determines an amendment in the fee imposed in subsection (a) of this section is necessary, it may, by resolution, request the county commission for such a change. Upon receipt of the resolution from the county fire board, the county commission may take such action on the resolution as, in the sole exercise of its discretion, the commission determines is appropriate, including, but not limited to, rejection thereof. If the county commission agrees that an amendment of the fee is necessary, it shall, by ballot referendum, amend the ordinance imposing a fire fee and adopt the changes in the fee it has determined is necessary.

(A) This referendum, to determine whether it is the will of the voters of a county that an amendment to the fire fee is necessary, may be held at any regular primary or general election, or, in conjunction with any other countywide election. Any election at which the question of amending the fire fee is voted upon shall be held at the voting precincts established for holding primary or general elections. All of the provisions of the election laws, when not in conflict with the provisions of this article, shall apply to voting and elections hereunder, insofar as practicable. The county commission shall, not less than 90 days before the election, order that the issue be placed on the ballot and referendum held at the next primary or general election to determine whether it is the will of the voters of the county that a fire fee be amended: *Provided*, That prior to issuing the order, the county commission shall publish the ordinance which must contain the anticipated allocation of any fees or charges and which would be enacted should the referendum succeed as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county in which the county fire board is located.

(B) The ballot, or the ballot labels where voting machines are used, shall have printed thereon substantially the following:

"Shall the county commission be permitted to amend the fire fee in _____ County, West Virginia?

___ For the fee amendment.

___ Against the fee amendment.

(Place a cross mark in the square opposite your choice.)"

(C) If a majority of legal votes cast upon the question be for the fire fee amendment, the county commission shall, after the certification of the results of the referendum, thereafter adopt an ordinance, within 60 days of certification, establishing the fire fee amendment in the county: *Provided*, That such program shall be implemented and operational no later than 12 months following certification. If a majority of the legal votes cast upon the question be against the fire fee amendment, then the policy shall not take effect, but the question may again be submitted to a referendum at any subsequent election in the manner herein provided.

(d) In the event that a municipality situated in the county imposes an ordinance for fire fee or charge pursuant to §8-13-13 of this code which affects county residents who are not residents of the municipality, residents of the affected area of such county may protest the ordinance in the same manner prescribed in subsection (c) of this section. In the event 30 percent of the qualified voters of the affected area of such county, including residents of the municipality attempting to enact the ordinance, by petition duly signed by them in their own handwriting and filed with the clerk of the county commission within 45 days after the expiration of the notice requirement prescribed in §8-13-13 of this code protest against such ordinance as enacted, the ordinance may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the affected area of such county at any primary or general election as the county commission directs. Voting thereon may not take place until after notice of the submission has been given by publication as provided in subsection (c) of this section for the publication of the ordinance for after it is adopted. The powers and authority hereby granted to county commissions are in addition to and supplemental to the powers and authority otherwise granted to them by other provisions of this code.

~~(d)~~(e) In the event that a majority of the votes cast upon a question submitted pursuant to this section at any primary election be against the question, the question may again be submitted to the voters at the next succeeding general election.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13. TAXATION AND FINANCE.

§8-13-13. Special charges for municipal services.

(a) Notwithstanding any charter provisions to the contrary, a municipality which furnishes any essential or special municipal service, including, but not limited to, police and fire protection, parking facilities on the streets or otherwise, parks and recreational facilities, street cleaning, street lighting, street maintenance and improvement, sewerage and sewage disposal, and the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter, has plenary power and authority, subject to the limitations set forth in subsection (b) of this section, ~~has plenary power and authority to~~ provide by ordinance for the installation, continuance, maintenance, or improvement of the service, to make reasonable regulations of the service, and to impose by ordinance upon the users of the service reasonable rates, fees, and charges to be collected in the manner specified in the ordinance. ~~Provided, That no new fire protection fee or charge effective on or after June 30, 2024, may be imposed pursuant to this section on any resident or business situated outside the boundaries of any municipality until June 30, 2025: Provided, however, That this prohibition does not prohibit a municipality from increasing or~~

~~decreasing a fire protection fee or charge, in accordance with this section, in effect prior to June 30, 2024.~~

(b)(1) No new fire protection fee or charge, effective on or after June 30, 2024, may be imposed pursuant to this section on a person or business situated outside of the municipality's boundaries in a county that has imposed a county fire service fee pursuant to §7-17-12 of this code unless the municipality has entered into an intergovernmental agreement, which complies with the limitations set forth in subdivision (2) of this subsection, with the county commission having jurisdiction over any such person or business.

(2) The intergovernmental agreement referenced in subdivision (1) of this subsection must include, but is not limited to, the following terms:

(A) The municipality's fire protection fees and charges shall be limited to those persons and businesses located within first due areas covered by fire protection services sourced out of the municipality; and

(B) The municipality's fire protection fees and charges shall be the same for all persons and businesses located within and outside of the municipality's boundaries; and

(C) Under no circumstances may any person or business be required to pay both a municipal fire protection fee or charge pursuant to this section and a county fire service fee pursuant to §7-17-12 of this code, except for the pro-rata reconciliation during the first year after passage as set forth in paragraph (D) of this subdivision; and

(D) If any persons and businesses located within first due areas have paid their county fire service fee during the first year after the effective date of the amendments to this section enacted during the 2025 Regular Legislative Session, then (i) any municipality's fire protection fees and charges imposed by the municipality shall be limited to the difference, if any, between the county's fire service fee and the municipality's fire protection fees and charges within its municipal boundaries; and (ii) the county shall transfer its fire service fee revenues received from all persons and businesses located within first due areas that are covered by the intergovernmental agreement to the municipality; and

(E) After the first year following the effective date of the amendments to this section enacted during the 2025 Regular Legislative Session, persons and businesses located within first due areas covered by the intergovernmental agreement between the county commission and the municipality shall be subject only to the same municipal fire protection fees and charges which the municipality charges all other residents within its municipal boundaries.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, any municipality may increase or decrease, in accordance with this section, a fire protection fee or charge that was in effect prior to June 30, 2024, so long as such increase or decrease is uniform for all persons and businesses that are subject to the municipality's fire protection fees and charges, whether by residency within municipal boundaries or by being subject controlling intergovernmental agreement.

~~(b)(c)~~ Any sewerage and sewage disposal service and any service incident to the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter is subject to the provisions of Chapter 24 of this code.

~~(c)~~(d) A municipality ~~shall~~ may not have a lien on any property as security for payments due under subsection (a) of this section except as provided in subsection (e) of this section.

~~(d)~~(e) A municipality may enact an ordinance, pursuant to this section, permitting it to file a lien on real property located within the municipal corporate limits for unpaid and delinquent fire, police, or street fees. The ordinance ~~must~~ shall provide an administrative procedure for the municipality's assessment and collection of the fees. The administrative procedure ~~must~~ shall require that, before any lien is filed, the municipality will give notice to the property owner, by certified mail, return receipt requested, that the municipality will file the lien unless the delinquency is paid by a date stated in the notice, which ~~must~~ shall be no less than 90 days from the date the notice is mailed. The administrative procedure ~~must~~ shall include the right to appeal to the circuit court of the county in which the real property is located. The circuit court shall consider the appeal under its general authority, including but not limited to §51-2-2(f) of this code.

~~(e)~~(f) Notwithstanding the provisions of §8-11-4 of this code, any ordinance enacted or substantially amended under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for the publication is the municipality.

~~(f)~~(g) ~~In the event~~ If 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within 45 days after the expiration of the publication, protest against the ordinance as enacted or amended, the ordinance ~~shall~~ may not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting ~~shall~~ may not take place until after notice of the submission is given by publication as provided in subsection (f) of this section.

~~(g)~~(h) The powers and authority granted to municipalities and to the governing bodies of municipalities in this section are in addition and supplemental to the powers and authority named in any charters of the municipalities.

~~(h)~~(i) Notwithstanding any other provisions of this section, if rates, fees, and charges provided in this section are imposed by the governing body of a municipality for the purpose of replacing, and in amounts approximately sufficient to replace in its general fund amounts appropriated to be paid from ad valorem taxes upon property within the municipality, pursuant to an election duly called and held under the Constitution and laws of the state to authorize the issuance and sale of the municipality's general obligation bonds for public improvement purposes, the call for the election shall state that the governing body of the municipality proposes to impose rates, fees, and charges in specified amounts under this section for the use of one or more of the services specified in subsection (a) of this section, which shall be related to the public improvement proposed to be made with the proceeds of the bonds, no notice, publication of notice, or referendum, or election or other condition or prerequisite to the imposition of the rates, fees, and charges shall be required or necessary other than the legal requirements for issuance and sale of the general obligation bonds.

~~(i)~~(j) Payments for rates, fees, and charges due under this section that are postmarked after the due date by which they are owed shall be considered late and may be subject to late fees or penalties: *Provided*, That payments that are received by the municipality after the due date, but that were postmarked on or before the due date shall be considered to be on time and shall not be assessed any late fees or penalties.

On motion of Senator Martin, the following amendments to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2866) were reported by the Clerk, considered simultaneously, and adopted:

On pages 1 through 3, by striking out all of Chapter 7;

On page 5, section 13, line 45, after "residents", by inserting the words "and businesses";

And,

On page 5, section 13, after line 45, by inserting a new paragraph, designated paragraph (F), to read as follows:

(F) The intergovernmental agreement shall expire five years after the agreement becomes effective. The agreement may be renewed for successive additional terms of no more than five years each.

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

Engrossed Committee Substitute for House Bill 2866, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2866) passed.

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

Eng. Com. Sub. for House Bill 2866—A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to fees and charges for municipality-provided fire services; providing that no municipality may impose any new fire protection service fee, effective on or after June 30, 2024, on person or business located in a county that has imposed a fire service fee without an intergovernmental agreement in place between municipality and county commission; establishing required contents of agreement; establishing length of agreement and providing for renewal; and providing exception for increasing existing fees.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2889, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Stuart—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 Com. Sub. for H. B. 2889) passed.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2889—A Bill to amend and reenact §32-4-402 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §32-4-402a, all relating to authorizing the Commissioner of Securities or his or her designee to conduct a fairness hearing for transactions involving the exchange of a security for one or more outstanding securities, claims, or property interests, or partly for cash; expressly authorizing commissioner or designee to conclude whether conditions of exchange are fair; providing exemption from registration and filing requirements; defining terms; providing for fairness hearing application process; providing deadlines and notice requirements; authorizing filing fee; correcting citations; authorizing rules and orders by commissioner; authorizing commissioner to conduct fairness hearings; and authorizing commissioner to recover costs associated with fairness hearing and issuance of findings.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Chapman—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2889) takes effect from passage.

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

Eng. House Bill 2943, Administration of the West Virginia Hazardous Waste Management Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Chapman—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2943) 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 2960, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2960) passed with its title.

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

Eng. Com. Sub. for House Bill 2964, Amending residency requirements for regional airport boards.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 2964) 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 3012, Relating to Lottery Money Distribution.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 3012) 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 3017, Compliance Audits of Tabulating Equipment.

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

On this question, the yeas were: Boley, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Morris, Oliverio, Queen, Roberts, Stuart, Takubo, Tarr, Woodrum, and Smith (Mr. President)—16.

The nays were: Azinger, Barrett, Bartlett, Chapman, Charnock, Hart, Helton, Jeffries, Martin, Maynard, Phillips, Rose, Rucker, Taylor, Thorne, Weld, Willis, and Woelfel—18.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3017) rejected.

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

Eng. Com. Sub. for House Bill 3152, Claims Bill.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 3152) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Garcia—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3152) takes effect from passage.

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

Eng. Com. Sub. for House Bill 3166, Requirements for School Safety Mapping Data.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 3166) passed.

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

Eng. Com. Sub. for House Bill 3166—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18-9F-10a, relating to requiring county boards to create standardized school safety mapping data; setting forth requirements for mapping data; setting forth the dissemination; requiring consultation and agreement of local enforcement; sets forth and cost parameters of data; sets an effective date; and exempting data from disclosure under the Freedom of Information Act.

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 3179, Funding for failing public utilities.

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

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

Eng. Com. Sub. for House Bill 3279, Relating to requirements for WVU and WVSU Board of Governors.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3279 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Hart, Helton, Jeffries, Martin, Maynard, Phillips, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Willis, Woodrum, and Smith (Mr. President)—19.

The nays were: Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Morris, Oliverio, Queen, Takubo, Weld, and Woelfel—15.

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. 3279) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Garcia, Oliverio, and Queen—3.

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. 3279) takes effect from passage.

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

Eng. Com. Sub. for House Bill 3342, Firearms Industry Nondiscrimination Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 3342) 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 3350, Supplemental Appropriation - DCR - Corrections - 0608.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3350) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 3350) takes effect from passage.

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

Eng. House Bill 3361, Supplemental Appropriation - Health, Birth to Three.

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

Senator Queen requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as his wife is a speech therapist.

The Chair replied that any impact on Senator Queen would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3361) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. H. B. 3361) 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 3429, Prequalifying consultants for WVDEP- Abandon Mine Lands.

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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 3429) passed.

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

Eng. Com. Sub. for House Bill 3429—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section designated §22-2-11, relating to providing engineering services under the abandoned mine lands and reclamation act; requiring certain advertisements; establishing a prequalification process for hiring engineering firms; providing prequalification agreement requirements; and providing directives for project assignments.

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

Eng. House Bill 3456, Relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation regarding Stevens Correctional Center.

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 House Bill 3456 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (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. 3456) passed with its title.

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

The Senate proceeded to the ninth order of business.

Eng. House Bill 2120, Relating to forms and disclosures to the Ethics Commission.

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 6B. PUBLIC OFFICERS AND EMPLOYEES;
ETHICS; CONFLICTS OF INTEREST;
FINANCIAL DISCLOSURE.**

ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION; POWERS AND DUTIES; DISCLOSURE OF FINANCIAL INTEREST BY PUBLIC OFFICIALS AND EMPLOYEES; APPEARANCES BEFORE PUBLIC AGENCIES; CODE OF CONDUCT FOR ADMINISTRATIVE LAW JUDGES.

§6B-2-1. West Virginia Ethics Commission created; members; appointment, term of office and oath; compensation and reimbursement for expenses; meetings and quorum.

(a) The West Virginia Ethics Commission is continued. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate.

(b) ~~No~~ A person may not be appointed to the commission or continue to serve as a member of the commission who:

(1) Holds elected or appointed office under the government of the United States, the State of West Virginia, or any of its political subdivisions;

(2) Is a candidate for any political office;

(3) Is otherwise subject to the provisions of this chapter other than by reason of his or her appointment to or service on the commission; or

(4) Holds any political party office or participates in a campaign relating to a referendum or other ballot issue. ~~Provided, That A member may contribute financially to a political campaign, but shall recuse himself or herself from any commission decision involving any candidate or campaign to which he or she contributed.~~

(c) ~~Commencing July 1, 2014,~~ The Ethics Commission ~~shall consist~~ consists of the following nine members, appointed with staggered terms:

(1) One member who served as a member of the West Virginia Legislature;

(2) One member who served as an elected or appointed county official;

(3) One member who served as an elected or appointed municipal official;

(4) One member who served as an elected county school board member;

(5) One member from a rural area; and

(6) Four citizen members.

(d) Any Commission member in office on June 30, 2014, who meets one of the categories for membership set out in subsection (c) of this section, may be reappointed. ~~No~~ Not more than five members of the Commission ~~shall~~ may be of the same political party and ~~no~~ not more than two members ~~shall~~ may be from the same state senatorial district.

(e) ~~After the initial staggered terms,~~ The term of office for a Commission member is five years. ~~No member shall~~ A member may not serve more than two consecutive full or partial terms. ~~No~~ A person may not be reappointed to the commission until at least two years have elapsed after the completion of the second consecutive term. A member may continue to serve until a successor has been appointed and qualified.

(f) All appointments shall be made by the Governor in a timely manner so as not to create a vacancy for longer than 60 days.

(g) Each member ~~must~~ shall be a resident of this state during the appointment term.

(h) Five members of the commission constitutes a quorum.

(i) Each member of the commission shall take and subscribe to the oath or affirmation required pursuant to section five, article IV of the Constitution of West Virginia.

(j) A member may be removed by the Governor for substantial neglect of duty, gross misconduct in office, or a violation of this chapter, after written notice and opportunity for reply.

(k) The commission, as appointed on July 1, 2014, shall meet before August 1, 2014, at a time and place to be determined by the Governor, who shall designate a member to preside at that meeting until a chairperson is elected. At the first meeting, the commission shall elect a chairperson and any other officers as are necessary. The commission shall within 90 days after the first meeting adopt rules for its procedures. The commission may use the rules in place on July 1, 2014, until those rules are amended or revoked.

(l) Members of the commission shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. ~~Provided, That~~ To be eligible for compensation and expense reimbursement, the member ~~must~~ shall participate in a meeting or adjudicatory session. ~~Provided, however, That the member is not eligible for expense reimbursement if he or she does not attend a meeting or adjudicatory session in person.~~

(m) The commission shall appoint an executive director to assist the commission in carrying out its functions in accordance with commission rules and with applicable law. The executive director shall be paid a salary fixed by the commission or as otherwise provided by law. The commission shall appoint and discharge counsel and employees and shall fix the compensation of employees and prescribe their duties. Counsel to the commission shall advise the commission on all legal matters and on the instruction of the commission may commence appropriate civil actions. ~~Provided, That no counsel shall~~ Any commission counsel may not both advise the commission and act in a representative capacity in any proceeding.

(n) The commission may delegate authority to the chairperson or the executive director to act in the name of the commission between meetings of the commission, except that the commission ~~shall~~ may not delegate the power to hold hearings and determine violations to the chairperson or the executive director.

(o) The principal office of the commission shall be in the seat of government, but it or its designated subcommittees may meet and exercise its power at any other place in the state. Meetings of the commission shall be public unless:

(1) They are required to be private by the provisions of this chapter relating to confidentiality; or

(2) They involve discussions of commission personnel, planned or ongoing litigation, and planned or ongoing investigations.

(p) Meetings of the commission shall be upon the call of the chairperson and may be conducted by telephonic or other electronic conferencing means. ~~Provided, That~~

(1) When the commission is acting as a hearing board under this article, or when the Probable Cause Review Board meets to receive an oral response as authorized by this article, members may not participate or vote by telephonic means. ~~Provided, however, That~~ Participation and voting may be permitted if the member attends and participates via video conferencing that allows the witness and the member to observe and communicate with one another.

(2) Members shall be given notice of meetings held by telephone or other electronic conferencing in the same manner as meetings at which the members are required to attend in

person. Telephone or other electronic conferences shall be electronically recorded and the recordings shall be retained by the commission in accordance with its record retention policy.

§6B-2-2. General powers and duties.

(a) The commission may ~~propose rules for promulgation~~ promulgate rules in accordance with the provisions of §29A-1-1 *et seq.* of this code to carry out the purposes of this chapter. ~~Provided, That~~ Any disclosure form, statement, or report required under any provision of this chapter shall be ~~made in a manner prescribed by legislative rule of the commission~~ prescribed by procedural rule and made available on the commission's website.

(b) The commission may initiate or receive complaints and make investigations, as provided in §6B-2-4 of this code, and upon complaint by an individual of an alleged violation of this chapter by a public official or public employee, refer the complaint to the review board as provided in §6B-2-2a of this code. Any person charged with a violation of this chapter is entitled to the administrative hearing process contained in §6B-2-4 of this code.

(c) The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of books, papers, records, or other evidence needed for the performance of the commission's duties or exercise of its powers, including its duties and powers of investigation.

(d) The commission shall, in addition to its other duties:

(1) Prescribe forms for reports, statements, notices, and other documents required by law;

(2) Prepare and publish manuals and guides explaining the duties of individuals covered by this law; and giving instructions and public information materials to facilitate compliance with, and enforcement of, this act; and

(3) Provide assistance to agencies, officials, and employees in administering the provisions of this act.

(e) The commission may:

(1) Prepare reports and studies to advance the purpose of the law;

(2) Contract for any services which cannot satisfactorily be performed by its employees;

(3) Require the Attorney General to provide legal advice without charge to the commission;

(4) Employ additional legal counsel;

(5) Request appropriate agencies of the state to provide any professional assistance the commission may require in the discharge of its duties. ~~Provided, That~~ The commission shall reimburse any agency, other than the Attorney General, the cost of providing assistance; and

(6) Share otherwise confidential documents, materials, or information with appropriate agencies of state government, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or information.

§6B-2-12. Online reporting system.

(a) On or before December 31, 2025, the commission shall develop and make available for public use an electronic lobbyist registration and reporting system that:

(1) Allows a person to register as a lobbyist;

(2) Allows a lobbyist to electronically file any report required to be filed under this chapter;

(3) Permits a lobbyist to create a password-protected account through which the lobbyist can save user information to be automatically populated into reports that are filed through the electronic system; and

(4) Includes a search function by which members of the public can search for information about lobbyists, including all information lobbyists are required to report under §6B-3-1 *et seq.* of this code.

(b) The commission may contract for the development of the system.

(c) The commission shall ensure that the electronic lobbyist registration and reporting system is properly maintained and that any period of downtime or inaccessibility is promptly remediated.

ARTICLE 3. LOBBYISTS.**§6B-3-1. Definitions.**

As used in this article, unless the context clearly indicates otherwise:

(1) "Compensation" means money or any other thing of value received or to be received by a lobbyist from an employer for services rendered;

(2) "Employer" or "lobbyist's employer" means any person who employs or retains a lobbyist;

(3) "Expenditure" means payment, distribution, loan, advance deposit, reimbursement, or gift of money, real or personal property, or any other thing of value; or a contract, promise, or agreement, whether or not legally enforceable;

(4) "Government officer or employee" means a member of the Legislature, a legislative employee, the Governor, and other members of the board of Public Works, heads of executive departments, and any other public officer or public employee under the legislative or executive branch of state government who is empowered or authorized to make policy and perform nonministerial functions. In the case of elected offices included herein, the term "government officer or employee" includes candidates who have been elected but who have not yet assumed office;

(5) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the Legislature and includes any other matters that may be the subject of action by either house or any committee of the Legislature and all bills or resolutions that, having passed both houses, are pending approval or veto by the Governor;

(6) "Lobbying" or "lobbying activity" means the act of communicating with a government officer or employee to promote, advocate, ~~or~~ oppose, or otherwise attempt to influence:

~~(i)(A)~~ The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or

~~(ii)(B)~~ The adoption or rejection of any rule, regulation, legislative rule, standard, rate, fee, or other delegated legislative or ~~quasilegislative~~ quasi-legislative action to be taken or withheld by any executive department;

(7) "Lobbying firm" means any business entity, including an individual contract lobbyist, which meets either of the following criteria:

(A) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of lobbying on behalf of any other person, and any partner, owner, officer, or employee of the business entity;

(B) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any elected state official, agency official, or legislative official for the purpose of lobbying on behalf of any other person;

(8)(A) "Lobbyist" means any individual employed by a lobbying firm or who is otherwise employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of promoting, advocating, opposing, or otherwise attempting to influence:

(i) The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or

(ii) The adoption or rejection of any rule, legislative rule, standard, rate, fee, or other delegated legislative or ~~quasilegislative~~ quasi-legislative action to be taken or withheld by any executive department.

(B) The term "lobbyist" does not include the following persons, who are exempt from the registration and reporting requirements set forth in this article, unless they engage in activities which would otherwise subject them to the registration and reporting requirements:

(i) Persons who limit their lobbying activities to appearing before public sessions of committees of the Legislature, or public hearings of state agencies, ~~are exempt~~;

(ii) Persons who limit their lobbying activities to attending receptions, dinners, parties or other group functions and make no expenditure in connection with such lobbying ~~are exempt~~;

(iii) Persons who engage in news or feature reporting activities and editorial comment as working members of the press, radio, or television and persons who publish or disseminate such news, features, or editorial comment through a newspaper, book, regularly published periodical, radio station, or television station ~~are exempt~~;

(iv) Persons who lobby without compensation or other consideration, other than reimbursement for reasonable travel expenses, for acting as lobbyists, who are not employed by a lobbying firm or lobbyist employer, and whose total expenditures in connection with lobbying activities do not exceed \$150 during any calendar year, ~~are exempt~~. The exemptions contained

in this subparagraph and in subparagraph (ii) are intended to permit and encourage citizens of this state to exercise their Constitutional rights to assemble in a peaceable manner, consult for the common good, instruct their representatives, and apply for a redress of grievances. Accordingly, such persons may lobby without incurring any registration or reporting obligation under this article. Any person exempt under this subparagraph or subparagraph (ii) may at his or her option register and report under this article;

(v) Persons who lobby on behalf of a nonprofit organization with regard to legislation, without compensation, and who restrict their lobbying activities to ~~no~~ not more than 20 days or parts thereof during any regular session of the Legislature, ~~are exempt~~. The Commission may promulgate a legislative rule to require registration and reporting by persons who would otherwise be exempt under this subparagraph, if it determines that such rule is necessary to prevent frustration of the purposes of this article. Any person exempt under this subparagraph may, at his or her option, register and report under this article;

(vi) The Governor, members of the Governor's staff, members of the board of Public Works, officers and employees of the executive branch who communicate with a member of the Legislature on the request of that member, or who communicate with the Legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or which are made in the proper performance of their official duties, ~~are exempt~~;

(vii) Members of the Legislature ~~are exempt~~;

(viii) Persons employed by the Legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties ~~are exempt~~;

(ix) Persons rendering professional services in drafting proposed legislation or in advising or rendering opinions to clients as to the construction and effect of proposed or pending legislation ~~are exempt~~; and

(9) "Person" means any individual, partnership, trust, estate, business trust, association, or corporation; any department, commission, board, publicly supported college or university, division, institution, bureau, or any other instrumentality of the state; or any county, municipal corporation, school district, or any other political subdivision of the state.

§6B-3-2. Registration of lobbyists.

(a) Before engaging in any lobbying activity, ~~or within 30 days after being employed as a lobbyist, whichever occurs first~~, a lobbyist shall register with the Ethics Commission by filing a lobbyist registration statement. The registration statement shall ~~contain information and be in a form prescribed by the Ethics Commission by legislative rule, including, but not limited to~~ include the following information:

(1) The registrant's name, business address, telephone numbers and any temporary residential and business addresses and telephone numbers used or to be used by the registrant while lobbying during a legislative session;

(2) The name, address and occupation or business of the registrant's employer;

(3) A statement as to whether the registrant is employed or retained by his or her employer solely as a lobbyist or is a regular employee performing services for the employer which include, but are not limited to, lobbying;

(4) A statement as to whether the registrant is employed or retained by his or her employer under any agreement, arrangement or understanding according to which the registrant's compensation, or any portion of the registrant's compensation, is or will be contingent upon the success of his or her lobbying activity;

(5) The general subject or subjects, if known, on which the registrant will lobby or employ some other person to lobby in a manner which requires registration under this article; and

(6) An appended written authorization from each of the lobbyist's employers confirming the lobbyist's employment and the subjects on which the employer is to be represented.

(b) Any lobbyist who receives or is to receive compensation from more than one person for services as a lobbyist shall file a separate notice of representation with respect to each person compensating him or her for services performed as a lobbyist. When a lobbyist whose fee for lobbying with respect to the same subject is to be paid or contributed by more than one person, then the lobbyist may file a single statement, in which he or she shall detail the name, business address and occupation of each person paying or contributing to the fee.

(c) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of the change, modification, or termination, furnish full information regarding the change, modification, or termination by filing with the commission an amended registration statement.

(d) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered year and failure to do so terminates his or her authorization to lobby. Until the registration is renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt under ~~paragraph (B), subdivision (7), section one of this article~~ §6B-3-1(8)(B) of this code.

(e) The following public officers or employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyists:

(1) Members of the Legislature;

(2) Members of the Executive Department as referenced in article VII, section one of the Constitution of West Virginia;

(3) Will and pleasure professional employees of the Legislature under the direct supervision of a member of the Legislature;

(4) Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy;

(5) Members of the Supreme Court of Appeals;

(6) Any department secretary of an executive branch department created by the provisions of §5F-1-2 *et seq.* of this code; and

(7) Heads of any state departments or agencies.

(f) The commission shall accept the registration and forms required by this section in electronic or paper format, as desired by the individual submitting the registration or form. The commission shall accept signatures on all forms required by this section in electronic or hand-written ink format, as desired by the individual signing the form. A lobbyist is not required to retain an original, printed form if he or she has a completed electronic form, a photocopy of the original, or completed the requirements of this section through the online registration and reporting system under §6B-2-12 of this code.

§6B-3-4. Reporting by lobbyists.

(a) A registered lobbyist shall file with the commission reports of his or her lobbying activities, signed by the lobbyist. The reports shall be filed ~~three times a~~ four times per year as follows:

(1) On or before ~~May~~ March 15, a lobbyist shall report all lobbying activities in which he or she engaged from January 1 through ~~April 30~~ February 28 or, in the case of leap year, February 29;

(2) On or before May 15, a lobbyist shall report all lobbying activities in which he or she engaged from March 1 through April 30;

~~(2)(3)~~ On or before September 15, a lobbyist shall report all lobbying activities in which he or she engaged from May 1 through August 31; and

~~(3)(4)~~ On or before January 15, a lobbyist shall report all lobbying activities in which he or she engaged from September 1 through December 31.

(b) If the date on which a lobbyist expenditure report is due falls on a Saturday, Sunday, or legal holiday, the report will be considered timely filed if it is postmarked not later than the next business day. If a registered lobbyist files a late report, the lobbyist shall pay the commission a fee of \$10 for each late day, not to exceed a total of \$250. If a registered lobbyist fails to file a report or to pay the required fee for filing an untimely report, the commission may, after written notice sent by certified mail, return receipt requested, suspend the lobbyist's privileges as a registered lobbyist until the lobbyist has satisfactorily complied with all reporting requirements and paid the required fee.

(c) (1) Except as otherwise provided in this section, each report filed by a lobbyist shall show the total amount of all expenditures for lobbying activities made or incurred by on behalf of the lobbyist during the period covered by the report. The report shall also show subtotals segregated according to financial category, including meals and beverages; living accommodations; advertising; travel; contributions; gifts to public officials or employees or to members of the immediate family of a public official or employee; and other expenses or services.

(2) Lobbyists are not required to report the following:

(A) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(B) Any expenses incurred for the lobbyist's own living accommodations;

(C) Any expenses incurred for the lobbyist's own travel to and from public meetings or hearings of the legislative and executive branches; or

(D) Any expenses incurred for telephone and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(d) If a lobbyist is employed by more than one employer, the report shall show the proportionate amount of the expenditures in each category incurred on behalf of each of his or her employers.

(e) The report shall describe the subject matter of the lobbying activities in which the lobbyist has been engaged during the reporting period.

(f) If, during the period covered by the report, the lobbyist made expenditures or expenditures were made or incurred on behalf of the lobbyist in the reporting categories of meals and beverages, living accommodations, travel, gifts or other expenditures, other than for those expenditures governed by subsection (g) of this section, the lobbyist shall report the name of the public official or employee to whom or on whose behalf the expenditures were made, the total amount of the expenditures, and the subject matter of the lobbying activity, if any. ~~Provided, That~~ A registered lobbyist who entertains more than one public official or public employee at a time with meals and beverages complies with the provisions of this section if he or she reports the names of the public officials or public employees entertained and the total amount expended for meals and beverages for all of the public officials or public employees entertained. ~~Provided, however, That~~ Where several lobbyists join in entertaining one or more public officials or public employees at a time with meals and beverages, each lobbyist complies with the provisions of this section by reporting the names of the public officials or public employees entertained and his or her proportionate share of the total amount expended for meals and beverages for all of the public officials or public employees entertained. Under this subsection, no portion of the amount of an expenditure for a dinner, party, or other function sponsored by a lobbyist's employer need be attributed to a particular public official or employee who attends the function if the sponsor has invited to the function all the members of: (1) The Legislature; (2) either house of the Legislature; (3) a standing or select committee of either house; or (4) a joint committee of the two houses of the Legislature. However, the amount spent for the function shall be added to other expenditures for the purpose of determining the total amount of expenditures reported under subdivision (1), subsection (c) of this section. ~~Provided further, That~~ If the expenditure is for a function to which the entire membership of the Legislature has been invited, the lobbyist need only report that fact, the total amount of the expenditure, and the subject matter of the lobbying activity.

(g) If, during the period covered by the report, the lobbyist made expenditures in the reporting categories of meals and beverages, lodging, travel, gifts, and scheduled entertainment for or on behalf of a particular public official or public employee in return for the participation of the public official or employee in a panel or speaking engagement at a meeting, the lobbyist shall report the name of the public official or employee to whom or on whose behalf the expenditures were made and the total amount of the expenditures.

§6B-3.5. Grass roots lobbying campaigns.

~~(4)~~(a) Any person who has made expenditures, not required to be reported under other sections of this chapter, exceeding \$5,000 in the aggregate within any three-month period or exceeding \$1,000 in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated

primarily to influence legislation, ~~shall be~~ is required to register and report, as provided in subsection ~~(2)(b)~~ of this section, as a sponsor of a grass roots lobbying campaign.

~~(2)(b)~~ Within 30 days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the Ethics Commission a registration statement, in such detail as the commission shall prescribe, showing:

~~(a)(1)~~ The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

~~(b)(2)~~ The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

~~(c)(3)~~ The names and addresses of each person contributing \$1,000 or more made for the purpose of furthering the campaign and the aggregate amount contributed;

~~(d)(4)~~ The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

~~(e)(5)~~ The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including, but not limited to, the following: (A) Advertising, segregated by media, and, in the case of large expenditures as provided by legislative rule of the commission of \$5,000 or more, by outlet; (B) contributions; (C) entertainment, including meals and beverages; (D) office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; (E) consultants; and (F) printing and mailing expenses.

~~(3)(c)~~ Every sponsor who has registered under this section shall file reports with the commission, which reports shall be filed for the same time periods required for ~~the filing of~~ lobbyists' reports under the provisions of §6B-3-4 of this code.

~~(4)(d)~~ When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

§6B-3-7. Duties of lobbyists.

A Any person required to register as a lobbyist under this article ~~also has the following is~~ subject to the obligations and prohibitions provided in this section. ~~the violation of which constitutes~~ A violation of any obligation or prohibition may be cause for revocation of his or her lobbyist registration and termination of his or her lobbying privileges. ~~and~~ The violation may subject the person, and the person's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

(1) Any person required to register as a lobbyist shall obtain, preserve, and make available for inspection by the Commission at any time all accounts, bills, receipts, books, papers, and

documents necessary to substantiate the financial reports required to be made under this article for a period of at least two years from the date of the filing of the statement to which those items relate: *Provided*, That if a lobbyist is required under the terms of his or her employment contract to turn any records over to his or her employer, responsibility for the preservation of the records under this subsection shall rest with the employer.

(2) ~~In addition~~ A person required to register as a lobbyist may not:

(A) Engage in any lobbying activity before registering as a lobbyist;

(B) Knowingly deceive or attempt to deceive any government officer or employee as to any fact pertaining to a matter which is the subject of lobbying activity;

(C) Cause or influence the introduction of any legislation for the purpose of thereafter being employed to secure its defeat;

(D) Exercise any undue influence, extortion, or unlawful retaliation upon any government officer or employee by reason of the government ~~officer~~ officer's or employee's position with respect to, or his or her vote upon, any matter which is the subject of lobbying activity;

(E) Exercise undue influence upon any legislator or other privately employed government officer or employee through communications with the person's employer;

(F) Give a gift to any government officer or employee in excess of or in violation of any limitations on gifts set forth in ~~subsection (c), section five, article two of this chapter~~ §6B-2-5(c) of this code, or give any gift, whether lawful or unlawful, to a government officer or employee without the government officer or employee's knowledge and consent.

§6B-3-9. Penalties.

(a) Any person who is required under the provisions of this article to file an application, statement, or report and who willfully and knowingly makes a false statement, conceals a material fact, or otherwise commits a fraud in the application, statement, or report, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in a county or regional jail not more than one year, or both fined and confined.

~~(b) A~~ Any person who is subject to the registration and reporting requirements of this article ~~and who fails or refuses to register, or who fails or refuses to file a required statement or report, or who otherwise violates the provisions of this article,~~ may be the subject of a complaint filed with the Ethics Commission, and may be proceeded against in the same manner and to the same ends as a public officer or public employee under the provisions of this chapter, if he or she:

(1) Fails or refuses to register;

(2) Fails or refuses to file a required statement or report; or

(3) Otherwise violates the provisions of this article,.

(c) ~~A~~ Any person who willfully and knowingly files a false report under the provisions of this article is liable in a civil action to any government officer or employee who sustains damage as a result of the filing or publication of the report.

The bill (Eng. H. B. 2120), as amended, was then ordered to third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2164, To allow for public and private schools in West Virginia to employ security personnel.

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

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

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

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2D. DIVISION OF PROTECTIVE SERVICES.

§15-2D-3. Duties and powers of the director and officers.

(a) The director is responsible for the control and supervision of the division. The director and any officer of the division may carry designated weapons and have the same powers of arrest and law enforcement in Kanawha County as members of the West Virginia State Police as set forth in §15-2-12(b) and §15-2-12(d) of this code. The director and any officer of the division shall also have such powers throughout the State of West Virginia in investigating and performing law-enforcement duties for offenses committed on the Capitol Complex or related to the division's security and protection duties at the Capitol Complex and throughout the state relating to offenses and activities occurring on any property owned, leased, or operated by the State of West Virginia when undertaken at the request of the agency occupying the property: *Provided*, That nothing in this article shall be construed as to obligate the director or the division to provide, or be responsible for providing, security at state facilities outside the Capitol Complex.

(b)(1) The director shall establish a School Safety Unit within the Division of Protective Services. Officers shall be assigned to the School Safety Unit at the discretion of the director. The officers assigned to the School Safety Unit shall primarily be charged to make school safety inspections and to make recommendations to appropriate county school superintendents, principals, or other school administrators, regarding school safety. The officers assigned to the School Safety Unit shall also be authorized to respond to and investigate all school safety matters, in consultation with county boards of education: *Provided*, That any officer of the School Safety Unit shall have statewide jurisdiction and powers of general law enforcement and arrest for violations of law committed in their presence.

(2) The director, in consultation with the Law Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, shall establish minimum recommendations for training for employment, job-entry, and in-service training curricula, and provide written certification, for school safety officers as described in §18-5-52, which training and certification shall be administered and provided in the manner approved by the director. Such training standards may include:

(A) Relevant state and federal laws;

(B) School and personal liability issues;

(C) Security awareness in the school environment;

(D) Mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint;

(E) Disaster and emergency response;

(F) Working with students with disabilities, autism spectrum disorders, mental health needs, substance use disorders, and past traumatic experiences; and

(G) Student behavioral dynamics, including child and adolescent development and brain research. The Division of Protective Services School Safety Unit may establish an advisory committee consisting of local school board, public charter school, and private or religious school representatives and school security personnel to assist in the development of the standards and certification requirements in this subdivision.

(3) For purposes of this section, "school safety officer" means an individual who is employed by a local school board, public charter school, or private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board, public charter school, or private or religious school, and reasonably detaining any individual committing an offense that constitutes a breach of the peace, as defined in §18-5-52, on school property, school buses, or at school-sponsored events, and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

(c) Any officer of the division shall be certified as a law-enforcement officer by the Governor's Committee on Crime, Delinquency, and Correction or may be conditionally employed as a law-enforcement officer until certified in accordance with the provisions of §30-29-5 of this code.

(d) The director may:

(1) Employ necessary personnel, all of whom shall be classified exempt, assign them the duties necessary for the efficient management and operation of the division, and specify members who may carry, without license, weapons designated by the director;

(2) Contract for security and other services;

(3) Purchase equipment as necessary to maintain security at the Capitol Complex and other state facilities. The provisions of §5A-3-3 of this code do not apply to purchases made pursuant to this subdivision;

(4) Establish and provide standard uniforms, arms, weapons, and other enforcement equipment authorized for use by members of the division and shall provide for the periodic inspection of the uniforms and equipment. All uniforms, arms, weapons, and other property furnished to members of the division by the State of West Virginia is and remains the property of the state;

(5) Appoint security officers to provide security on premises owned or leased by the State of West Virginia;

(6) Consistent with the provisions in §15-2D-5 of this code, provide security for the Speaker of the House of Delegates, the President of the Senate, the Governor, or a justice of the Supreme Court of Appeals;

(7) Gather information from a broad base of employees at and visitors to the Capitol Complex to determine their security needs and develop a comprehensive plan to maintain and improve security at the Capitol Complex based upon those needs;

(8) Assess safety and security needs and make recommendations for safety and security at any proposed or existing state facility as determined by the Secretary of the Department of Homeland Security, upon request of the secretary of the department to which the facility is or will be assigned: *Provided*, That records of such assessments, and any other records determined by the Secretary of the Department of Homeland Security to compromise the safety and security at any proposed or existing state facility, including primary and secondary schools, are not public records and are not subject to disclosure in response to a Freedom of Information Act request under §29B-1-1 *et seq.* of this code; and

(9) Enter into an interagency agreement with the Secretary of the Department of Homeland Security and the Secretary of the Department of Administration, which delineates their respective rights and authorities under any contracts or subcontracts for security personnel. A copy of the interagency agreement shall be delivered to the Governor, the President of the Senate, and the Speaker of the House of Delegates, and a copy shall be filed in the office of the Secretary of State and shall be a public record.

(e) The director shall:

(1) Propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code. The rules shall, at a minimum, establish ranks and the duties of officers within the membership of the division.

(2) Consistent with subsection (b) of this section, provide services to all public primary and secondary schools in furtherance of the purposes of the School Safety Unit: *Provided*, That the director may provide services to any private primary and secondary schools in the state upon request.

(3) Deliver a monthly status report to the Speaker of the House of Delegates and the President of the Senate.

(4) Require any service provider whose employees are regularly employed on the grounds or in the buildings of the Capitol Complex, or who have access to sensitive or critical information, to have its employees submit to a fingerprint-based state and federal background inquiry through the state repository, and require a new employee who is employed to provide services on the grounds or in the building of the Capitol Complex to submit to an employment eligibility check through E-verify.

(i) After the contract for such services has been approved, but before any such employees are permitted to be on the grounds or in the buildings of the Capitol Complex or have access to sensitive or critical information, the service provider shall submit a list of all persons who will be physically present and working at the Capitol Complex for purposes of verifying compliance with this section.

(ii) All current service providers shall, within 90 days of the amendment and reenactment of this section by the 80th Legislature, ensure that all of its employees who are providing services on the grounds or in the buildings of the Capitol Complex or who have access to sensitive or critical information submit to a fingerprint-based state and federal background inquiry through the state repository.

(iii) Any contract entered into, amended, or renewed by an agency or entity of state government with a service provider shall contain a provision reserving the right to prohibit specific employees thereof from accessing sensitive or critical information or to be present at the Capitol Complex based upon results addressed from a criminal background check.

(iv) For purposes of this section, the term "service provider" means any person or company that provides employees to a state agency or entity of state government to work on the grounds or in the buildings that make up the Capitol Complex or who have access to sensitive or critical information.

(v) In accordance with the provisions of Public Law 92-544 the criminal background check information will be released to the Director of the Division of Protective Services.

(5) Be required to provide his or her approval prior to the installation of any and all electronic security systems purchased by any state agency which are designed to connect to the division's command center.

(f) Effective July 1, 2017, the Director of Security and security officers of the Department of Arts, Culture, and History shall be made part of, and be under the supervision and direction of, the Division of Protective Services. Security for all Capitol Complex properties of the Department of Arts, Culture, and History shall be the responsibility of the Division of Protective Services.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-52. School safety officers.

(a) Local school boards, public charter schools, and private or religious schools may employ school safety officers, as defined in §15-2D-3, or contract with private security services as set forth in §18-5-53 for the purposes set forth therein.

(b) School safety officers may carry a firearm in the performance of their duties if:

(1) Within 10 years immediately prior to being hired by the local school board or private or religious school he or she:

(A) Was a law-enforcement officer as defined in §30-29-1 in the state with ten years of aggregate years as a law enforcement officer; or

(B) Was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his or her duties were substantially similar to those of a law-enforcement officer as defined in §30-29-1.

(2) He or she retired or resigned from their position as a law-enforcement officer in good standing;

(3) He or she maintains the requirements of and status as an honorably separated or qualified retired law-enforcement officer within the meaning of the Law Enforcement Officers Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C;

(4) He or she obtains and maintains any certification and training required by the Division of Protective Services School Safety Unit pursuant to subdivision §15-2D-3;

(5) Undergoes a background check at his or her expense as required by the Division of Protective Services to verify that the prospective school safety officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm, has been determined by the Director of the Division of Protective Services to be appropriate and capable of discharging the duties as a school safety officer as set forth in a written certification, and has provided the written certification of the Director of the Division of Protective Services to the local school board, public charter school, or private or religious school; and

(6) The local school board, public charter school, or private or religious school grants him or her the authority to carry a firearm in the performance of his duties.

(c) School safety officers may not arrest another person but may notify the appropriate law-enforcement agency and detain another person committing an act which constitutes a breach of the peace in a reasonable manner and for a reasonable period. The detention shall not constitute an arrest nor shall it render the local school board, public charter school, private or religious school, or school safety officer liable to the person detained: *Provided*, That the detention may be no longer than the time required for the earliest of either (1) The determination that no offense constituting a breach of the peace has been committed; or (2) the surrender of the person detained to a certified law-enforcement officer. School safety officers may not interrogate or question a detained minor without the knowledge and consent of the minor's parent, except in the instance of a perceived immediate danger to the health, safety, and welfare of others within the facility, when the parents are not present and/or when the minor attempts self-harm, the questioning is limited to the immediate danger, and the questioning will likely lead to the alleviation or elimination of the immediate danger, and if the person detained is a student and is under the age of 21, their parent or guardian is notified of the detention.

(d) The local school board, public charter school, or private or religious school shall be responsible for the costs of providing the necessary equipment for school safety officers to adequately perform their duties.

(e) For purposes of this section:

(1) "Breach of the peace" means:

(A) A felony;

(B) Any action or potential crime involving physical injury or a threat of physical injury to another person;

(C) Any action or potential crime involving destruction of school property or property located on the school premises; or

(D) Any act committed where the school safety officer has reason to believe that a person is likely to cause serious harm to himself, herself, or to others.

(2) "School safety officer" has the same meaning as that term is defined in §15-2D-3.

(f) A local school board and public charter school shall, and a private or religious school may, cooperate with the School Safety Unit established in §15-2D-3 to the fullest extent practicable to assist the unit in fulfilling its duties, including, but not limited to, providing data on all safety and security measures for school facilities.

(g) Nothing in this section shall be construed as limiting or superseding the provisions of §61-7-11a authorizing a private school to allow possession of a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility.

(h) A local school board, public charter school, or a private or religious school employing a school safety officer shall maintain insurance coverage which:

(1) Shall include adequate insurance for liability, property loss, and the personal injury of students and other personnel; and

(2) May include coverage from the Board of Risk and Insurance Management pursuant to §29-12-5a, if applicable.

(i) Eight hours of the mandatory 16 hours of in-service training for law enforcement officers may be credited when an individual is employed as a school safety officer pursuant to this section.

(j) All school safety officers hired are subject to the Law Enforcement Officers Safety Act ("LEOSA") based on §61-7-11a of this code, subdivision (b)(3) of this section, and subject to the provisions of §18 USC 926C(c).

(k) The liability and responsibility of a school safety officer shall be that of the respective county board of education where that officer is working, regardless of whether that officer is contracted by a third party.

(l) All school safety officers shall train annually with the local county sheriffs' department in the county in which the safety officer is working.

§18-5-53. Contracting with private security as a school safety officer.

(a) Purpose. — County boards of education, public charter schools, and private or religious schools may contract with a private security guard firm licensed pursuant to the provisions of §30-18-1 et seq. of this code to provide the services of a school safety officer as set forth in §18-5-52 of this code.

(b) Definitions. — For purposes of this section, the following words have the following meanings:

"Contract" means an agreement between a county board and a private security provider.

"County board" means the same as that term is defined in §18-1-1 and used in §18-5-1 et seq of this code.

"School safety officer" has the same meaning as that term is defined in §15-2D-3 of this code.

"Security guard firm" has the same meaning as that term is defined in §30-18-1 of this code

(c) Authority. — Notwithstanding the provisions of §61-7-11a or any applicable rule, an employee of a private security guard firm who has contracted with a county school board, public charter schools, or private or religious school may carry weapons upon meeting all the requirements of this section. An employee of a private security guard firm contracting with a county board, public charter school, or private or religious school is not law enforcement and has no authority to arrest. They are to provide services as a school safety officer as set forth in §18-5-52 of this code.

(d) Requirements for participation. — Prior to entering into a contract with a county board, public charter school, or private or religious school, a private security guard firm shall be licensed pursuant to the provisions of §30-18-1 et seq. of this code and is current in any obligation, including taxes, to the State of West Virginia. The county board, public charter school, or private or religious school shall require an applicant to provide proof that any employee of the private security guard firm intended to be used as a school safety officer:

(1) Is a citizen of the United States and the State of West Virginia;

(2) Has received a high school diploma or a high school equivalency diploma;

(3) Has met and passed all the requirements for a concealed carry permit as set forth in §61-7-4;

(4) Has completed and passed all the following training courses and/or examinations:

(A) The Law Enforcement Professional Standards program. The cost of this program is to be paid by the independent contractor;

(B) A fitness for duty examination which shall include a physical examination, vision examination, psychiatric examination, and a pre-employment drug screen within one year of beginning a contract with a county board, public charter school, or a private or religious school and upon initiating a new contract following the expiration of all contract extension options. The cost of these each shall be paid by the private security guard firm;

(C) A firearm and less than lethal use of force course. To maintain firearm proficiency, the independent contractor shall complete yearly training in firearm and less than lethal use of force course; and

(D) Training on crisis de-escalation techniques, disaster and emergency response, bomb threats, performing their duties in the presence of students with disabilities including, but not limited to, students with autism spectrum disorders, and cardiopulmonary resuscitation; and

(6) Any other requirements imposed by the county board, public charter school, or private or religious school which may include, but are not limited to, a pre-employment written examination and a pre-employment polygraph exam. A county board, public charter school, or private or

religious school may also require a private security guard firm to carry appropriate liability insurance at his or her expense.

(e) Exclusions from participation. — Any of the following shall preclude an employee of private security guard firm from participation as a school safety officer:

(1) There is credible evidence of illegal drug use by the employee of the private security guard firm in the preceding five-year period; or

(3) A disqualifying criminal offense. These shall include, but are not limited to:

(A) Domestic violence as set forth in §61-2-28;

(B) Driving under the influence as set forth in §17C-5-2;

(C) Child abuse as set forth in §61-8D-1 et seq.;

(D) Unlawful manufacture, delivery, or possession with intent to deliver any controlled substance as set forth in §60A-4-1 et seq.; and

(E) Any other misdemeanor or felony conviction deemed exclusionary for contracting with the independent contractor by the county board.

(f) Insurance coverage. —

A county board, public school, or private or religious school contracting for the services of a private security guard firm shall maintain adequate insurance for liability, property loss, and the personal injury of students and other personnel to the extent permitted by the Board of Risk and Insurance Management pursuant to §29-12-5a in addition to any appropriate liability insurance coverage required by subdivision (d)(6) of this section.

(g) Miscellaneous. —

(1) In contracting for the services set forth in this section, county boards or public charter school is may not be subject to purchasing requirements set forth in §5A-3-1 et seq.

(2) Nothing in this section entitles any employee of a private security guard firm for participation in the public employee insurance plan, workers' compensation, additional state retirement credited to employment as a West Virginia Guardian, or any other state-sponsored or -offered state benefit plan.

(4) Notwithstanding any other provision of this code or federal law to the contrary, nothing in this section shall be construed to create an employer-and-employee relationship between a county school board, public charter school, or a private or public school.

§18-5-54. Public school West Virginia Guardian Program.

(a) Purpose. — County boards of education may contract with an independent contractor who is a former state trooper, former deputy sheriff, former state fire marshal, former Department of Natural Resources police officer, former municipal police officer, or former federal law-enforcement officer to provide West Virginia Guardian services as that term is defined in this section. The purpose of the contract is to provide public safety and/or security on public school

grounds and buildings. Any county board may contract with as many independent contractors as the board considers necessary.

(b) Definitions. — For purposes of this section, the following words have the following meanings:

"Contract" means an agreement between a county board and an independent contractor who has been certified by the county sheriff relating to the procurement of public safety or security services.

"County board" means the same as that term is defined in §18-1-1 and used in §18-5-1 et seq.

"Independent contractor" means the same as that term is used in §21-5I-4.

"Public safety or security" means the protection of students, faculty, and staff of a public school from violence, exposure to weapons, and threats on school grounds.

"Former deputy sheriff" means the same as that term is used in §7-14C-1, but who has retired from service.

"Former municipal police officer" means the same as that term is used in §8-22A-2 and includes officers who were members pursuant to the provisions of §8-22A-16, but who are retired from service.

"Former natural resources police officer" means the same as that term is used in §20-18-2, but who is retired from service.

"Former state fire marshal" means the same as that term is used in §15A-10-1 et seq., but who is retired from service.

"Former state trooper" means a state police officer employed pursuant to the provisions of §15-2-1 et seq., or §15-2A-1 et seq. and who has retired pursuant to the provisions of §15-2-27 or §15-2A-6 of this code.

"Former federal law-enforcement officer" means a federal law-enforcement officer employed pursuant to the provisions of §15-10-5(b), who was classified as a Criminal Investigation Series 1811 investigator, and who has retired from service.

"West Virginia Guardian" means an independent contractor certified by the county sheriff as meeting the qualifications set forth in this section and who is under contract to a county board for the purposes of providing public safety and/or security on school grounds. Persons contracted to provide these services shall include a retired state trooper, a retired state fire marshal, a retired Department of Natural Resources police officer, a former municipal police officer, a retired federal law-enforcement officer, or a retired deputy sheriff. A West Virginia Guardian is considered an authorized individual for purposes of the Gun-Free School Zones Act of 1990, 18 U.S.C. §921 and §922.

(c) Authority. — Notwithstanding the provisions of §61-7-11a or any applicable rule, an independent contractor acting as a West Virginia Guardian may carry weapons upon meeting all the requirements of this section. A West Virginia Guardian is not law enforcement and has no

authority to arrest. They are to provide public safety and/or security to protect life and property as set forth in this section. Guardians shall wear apparel that makes them readily identifiable as a Guardian while performing the duties as set forth in in this section.

(d) Requirements for participation. — Prior to entering into a contract with a West Virginia Guardian, the Guardian shall apply for a permit from the county sheriff of the county in which the Guardian will provide services to the county board and, at that time, pay a fee of \$50. The county sheriff shall require an applicant to provide proof that he or she:

(1) Is a citizen of the United States and the State of West Virginia;

(2) Has received a high school diploma or a high school equivalency diploma;

(3) Has met and passed all the requirements for a concealed carry permit as set forth in §61-7-4;

(4) Has completed and passed all the following training courses and/or examinations:

(A) The Law Enforcement Professional Standards program. The cost of this program is to be paid by the independent contractor;

(B) A fitness for duty examination which shall include a physical examination, vision examination, psychiatric examination, and a pre-employment drug screen within one year of beginning a contract with a county board and upon initiating a new contract following the expiration of all contract extension options. The cost of these each shall be paid by the independent contractor;

(C) A firearm and less than lethal use of force course. To maintain firearm proficiency, the independent contractor shall complete yearly training in firearm and less than lethal use of force course; and

(D) Training on crisis de-escalation techniques, disaster and emergency response, bomb threats, performing their duties in the presence of students with disabilities including, but not limited to, students with autism spectrum disorders, and cardiopulmonary resuscitation.

(5) Is retired from his or her employment as a state trooper, a deputy sheriff, a municipal officer, a Division of Natural Resources police officer, a State Fire Marshal, or federal law enforcement;

(6) Is current in any obligation, including taxes, to the State of West Virginia; and

(7) Any other requirements imposed by the county board which may include, but are not limited to, a pre-employment written examination and a pre-employment polygraph exam. A county board may also require an independent contractor to carry appropriate liability insurance at his or her expense.

The permit application fee received by the sheriff shall be deposited by the sheriff into a guardian program fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this fund are to be expended by the sheriff to pay the costs associated with issuing Guardian permits. Any surplus in the fund on hand at the end of each fiscal year may be expended

for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

Meeting all of the requirements as set forth in this subsection does not guarantee a contract will be extended to the applicant. The county sheriff may, in his or her reasonable judgment, decline to certify to a county board a person as eligible for participation as a guardian.

(e) Exclusions from participation. — Any of the following shall preclude an independent contractor from participation as a West Virginia Guardian:

(1) Having not retired from either service to the State of West Virginia as a state trooper, a municipal police officer, a Department of Natural Resources police officer, a former State Fire Marshal, or a deputy sheriff or service as a federal law-enforcement officer;

(2) There is credible evidence of illegal drug use by the independent contractor in the preceding five-year period; or

(3) A disqualifying criminal offense. These shall include, but are not limited to:

(A) Domestic violence as set forth in §61-2-28;

(B) Driving under the influence as set forth in §17C-5-2;

(C) Child abuse as set forth in §61-8D-1 et seq.;

(D) Unlawful manufacture, delivery, or possession with intent to deliver any controlled substance as set forth in §60A-4-1 et seq.; and

(E) Any other misdemeanor or felony conviction deemed exclusionary for contracting with the independent contractor by the county board.

(f) Insurance coverage. —

A county board contracting for the services of a West Virginia Guardian shall maintain adequate insurance for liability, property loss, and the personal injury of students and other personnel to the extent permitted by the Board of Risk and Insurance Management pursuant to §29-12-5a in addition to any appropriate liability insurance coverage required by subdivision (d)(7) of this section.

(g) Miscellaneous. —

(1) In contracting for the services set forth in this section, county boards may not be subject to purchasing requirements set forth in §5A-3-1 et seq.

(2) Nothing in this section requires a county board to enter into a contract for guardian services. Participation by a county board is voluntary and subject to the availability of county funds. Any county board that opts to participate shall do so at its own expense and any additional funds provided by county entities or private donations. The provisions of this section place no obligation for the state to appropriate money for the purposes set forth in this section.

(3) As an independent contractor, a West Virginia Guardian is not eligible for participation in the public employee insurance plan, workers' compensation, additional state retirement credited

to employment as a West Virginia Guardian, or any other state-sponsored or -offered state benefit plan.

(4) Notwithstanding any other provision of this code or federal law to the contrary, nothing in this section shall be construed to create an employer-and-employee relationship.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(l) of this code, are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.

(b) (1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility; or

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.

(2) This subsection does not apply to:

(A) ~~A Any person currently employed as a law-enforcement officer, employed by a federal, state, county, or municipal law enforcement agency chief executive, or pre-certified law-enforcement officer as those terms are defined in §30-29-1 of this code, whether on or off duty;~~

(B) Any probation officer appointed pursuant to §62-12-5 of this code or state juvenile probation officer appointed pursuant to §49-4-719 of this code, in the performance of his or her duties;

(C) Any home confinement supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in performance of his or her official duties;

(E) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C(c), carries that firearm in a concealed manner, and has on his or her person official identification in accordance with that act;

(F) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(G) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(H) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(I) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

(J) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

(K) Any person, 21 years old or older, who has a valid concealed handgun permit. That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided, That:*

(i) When he or she is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; ~~or~~

(ii) When he or she is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle; or

(L) A school safety officer as defined in §15-2D-3 authorized to carry a firearm and who meets the requirements set forth in §15-2D-3 and §18-5-52.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff, or municipal police agency.

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward it to the Division of Motor Vehicles.

(e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code, and if the person does not act to appeal the conviction within the time periods described in §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to

believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

On motion of Senator Grady, the following amendments to the Finance committee amendment to the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2164) were reported by the Clerk, considered simultaneously, and adopted:

On page 19, section 11a, after line 41, by inserting a new paragraph (I), to read as follows:

"(I) Air rifles and rimfire rifles possessed for the purpose of shooting teams to the extent permitted pursuant to §18-2-46;"

And,

By re-lettering the remaining paragraphs.

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

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2164), as amended, was then ordered to third reading.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 1:14 p.m., the Senate recessed until 6 p.m. today.

The Senate reconvened at 6:34 p.m. and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Com. Sub. for House Bill 2167, Relating to public charter schools code provisions.

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

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

Eng. House Bill 2344, Relating generally to traffic safety.

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:

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

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-9a. Approaching ~~authorized-emergency~~ stationary vehicles; penalties.

(a) The driver of any vehicle approaching a stationary ~~authorized-emergency~~ vehicle, when the ~~authorized-emergency~~ stationary vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, emergency flashers or hazard lights, flares, or retroreflective warning sign shall:

(1) Proceed with due caution, yield the right-of-way by making a lane change not adjacent to that of the ~~authorized-emergency~~ stationary vehicle, if possible with regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle and reduce speed to a safe level for road conditions; or

(2) Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed not to exceed 15 miles per hour on any nondivided highway or street and 25 miles per hour on any divided highway depending on road conditions, if changing lanes would be impossible or unsafe.

(b) (1) Any person who violates any subsection of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in the county or regional jail not more than 60 days, or both fined and ~~imprisoned~~ confined.

(2) If violation of this section results in property damage in addition to any other penalty imposed, driving privileges of the persons causing the property damage shall be suspended for 90 days.

(3) If violation of this section results in injury to another person in addition to any other penalty imposed, the driving privileges of the person causing the injury shall be suspended for six months.

(4) If violation of this section results in the death of another person in addition to any other penalty imposed, the driving privileges of the person causing the death shall be suspended for two years.

(5) Any person who violates any provision of this section and while doing so also violates §17C-5-2 of this code is guilty of a misdemeanor and, upon conviction thereof, shall, in addition to the penalties set out in §17C-5-2 of this code and this section, be fined not less than \$1,000 nor more than \$5,000, or confined in ~~the county or regional~~ jail for a period not more than six months, or both fined and ~~imprisoned~~ confined.

At the request of Senator Maynard, unanimous consent being granted, the bill (Eng. H. B. 2344) was laid over one day, retaining its place on the calendar, with the Transportation and Infrastructure committee amendment pending.

Eng. House Bill 2402, Relating to providing access to medical records; providing access to a minor's medical record.

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

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

Eng. House Bill 2479, Relating to Management and control of county authority vested in board.

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

Eng. Com. Sub. for House Bill 2491, Relating to conditions on holding online raffles.

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

Eng. Com. Sub. for House Bill 2528, To permit students in Christian schools at the elementary and middle school level to participate in county level sport tournaments.

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

Eng. Com. Sub. for House Bill 2576, NIL Protection Act.

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

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

On page 5, section 5, lines 8 through 13, by striking out all of subsection (c).

Following discussion,

The question being on the adoption of Senator Tarr's amendment to the bill, the same was put and did not prevail.

The bill (Eng. Com. Sub. for H. B. 2576) was then ordered to third reading.

Eng. Com. Sub. for House Bill 2595, Non Profit Athletics Act.

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

Eng. House Bill 2742, Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

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

Eng. Com. Sub. for House Bill 2755, To provide that the West Virginia Board of Education may promulgate rules or policies to be submitted to the Legislature for review.

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

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

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

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

ARTICLE 3B. STATE BOARD OF EDUCATION RULEMAKING.

§29A-3B-1. Findings; definitions.

(a) The Legislature finds:

(1) That section one, article twelve of the West Virginia Constitution, titled "Education", states in relevant part "The Legislature shall provide", which language gives the Legislature primacy of authority over education in the State;

(2) That section one, article twelve of the West Virginia Constitution remains identical today as it was when the constitution was adopted in 1872, where the Legislature exercising its authority under section one, article twelve of "Education", created the four-member West Virginia Board of Examiners in 1905. This was followed by the West Virginia Board of Education in 1908, and then the Legislature abolished that board and created a new State Board of Education in 1919;

(3) That the constitutional amendment of 1958 transferred the already established authority from the elected state superintendent to the West Virginia Board of Education with the same responsibilities for "general supervision" of free schools, and "performing such duties as may be prescribed by law". The amendment kept the same authoritative language of responsibilities as had previously existed for the elected state superintendent under section two, article twelve of the West Virginia Constitution, without adding additional authoritative responsibility in the amendment;

(4) That section one, article twelve of the West Virginia Constitution does not entail the exclusive delegation of rule-making functions to the Legislature, but it does establish the

Legislature as the ultimate authority to approve, amend, or reject rules promulgated by the West Virginia Board of Education under section two, article twelve of the West Virginia Constitution;

(5) That pursuant to section one, article five of the West Virginia Constitution, there are only three branches of government; and

(6) That the Legislature exercises authority over the West Virginia Board of Education pursuant to §18-2-5 of this code.

(b) As used in this article,

~~(a) "Commission" means the Legislative Oversight commission on education accountability created in section eleven, article three-a of this chapter.~~

~~(b) "board" means the West Virginia Board of Education.~~

§29A-3B-8. Adoption of rules.

A rule shall be considered by the board for adoption not later than six months after the close of public comment and a notice of withdrawal or adoption shall be filed in the State Register within that period. Failure to file such notice shall constitute withdrawal and the Secretary of State shall note such failure in the State Register immediately upon the expiration of the six-month period.

A rule may be amended by the board prior to final adoption without further hearing or public comment. No such amendment may change the main purpose of the rule. If the fiscal implications have changed since the rule was proposed, a new fiscal note shall be attached to the notice of filing. Upon adoption of the rule (including any such amendment), the board shall file the text of the adopted rule with its notice of adoption in the State Register. ~~and the same shall be effective on the date specified in the rule or thirty days after such filing, whichever is later.~~

§29A-3B-9. Submission of legislative rules to the Legislative Oversight Commission on Education Accountability. State Board of Education to promulgate rules; submission of legislative rules to the Legislative Oversight Commission on Education Accountability; submission of legislative rules, findings, and recommendations to the Legislature.

(a) Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies, and any new rule so promulgated shall be submitted to the Legislature for its review and approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law, and pursuant to this section.

(b) If, within 15 months, the Legislature does not review and approve, or reject, in whole or in part, the rule as promulgated or amended in the manner prescribed by general law, and pursuant to this section, the rule shall become effective as initially promulgated by the West Virginia Board of Education.

~~(a)~~ (c) When the board proposes a legislative rule it has adopted, the board shall submit the following to the Legislative Oversight Commission on Education Accountability: (1) The full text of the legislative rule as proposed by the board and filed with the office of the Secretary of State, with new language underlined and with language to be deleted from any existing rule stricken through but clearly legible; (2) a brief summary of the content of the legislative rule and a

description and a copy of any existing rule which the agency proposes to amend or repeal; (3) a statement of the circumstances which require the rule; (4) a fiscal note containing all information included in a fiscal note for either chamber of the Legislature and a statement of the economic impact of the rule on the state or its residents; and (5) any other information which the commission may request or which may be required by law.

~~(b)~~ (d) At its discretion, the board may meet the filing requirement of subsection ~~(a)~~ (c) of this section using either of the following methods:

(1) By submitting ~~twenty~~ 20 copies of the proposed rule to the Legislative Oversight Commission on Education Accountability at its offices or at a regular meeting of the commission; or

(2) By submitting the proposed rule electronically to Legislative Oversight Commission on Education Accountability. Proposed rules submitted electronically shall be transmitted in a timely manner, shall contain all required information, and shall be compatible with computer applications in use by the Legislative Oversight Commission on Education Accountability.

~~(c)~~ (e) The ~~commission~~ Legislative Oversight Commission on Education Accountability shall review each proposed legislative rule and, in its discretion, may hold public hearings thereon. Such review shall include, but not be limited to, a determination of:

(1) Whether the board has exceeded the scope of its statutory authority in approving the proposed legislative rule;

(2) Whether the proposed legislative rule is in conformity with the legislative intent of the statute which the rule is intended to implement, extend, apply, interpret, or make specific;

(3) Whether the proposed legislative rule conflicts with any other provision of this code or with any other rule adopted by the same or a different agency;

(4) Whether the proposed legislative rule is necessary to fully accomplish the objectives of the statute under which the proposed rule was promulgated;

(5) Whether the proposed legislative rule is reasonable, especially as it affects the convenience of the general public or of persons particularly affected by it;

(6) Whether the proposed legislative rule could be made less complex or more readily understandable by the general public; and

(7) Whether the proposed legislative rule was promulgated in compliance with the requirements of this article and with any requirements imposed by any other provision of this code.

~~(d) After reviewing the legislative rule, the commission may recommend to the board any changes needed to comply with the legislative intent of the statute upon which the rule is based or otherwise to modify the activity subject to the rule, or may make any other recommendations to the board as it considers appropriate.~~

~~(e) When the board finally adopts a legislative rule, the board shall submit to the Legislative Oversight Commission on Education Accountability at its offices or at a regular meeting of the~~

~~commission six copies of the rule as adopted by the board. The board, at its discretion, may meet the filing requirement contained in this subsection by submitting the legislative rule in electronic format to the Legislative Oversight Commission on Education Accountability. Rules submitted electronically shall be transmitted in a timely manner and shall be compatible with computer applications in use by the Legislative Oversight Commission on Education Accountability.~~

(f) After reviewing the legislative rule, the Legislative Oversight Commission on Education Accountability may shall recommend to that the Legislature: ~~any statutory changes needed to clarify the legislative intent of the statute upon which the rule is based or may make any other recommendations to the Legislature as it considers appropriate.~~

(1) Authorize the promulgation of the legislative rule;

(2) Authorize the promulgation of part of the legislative rule;

(3) Authorize the promulgation of the legislative rule with certain amendments;

(4) Recommend that the proposed rule be withdrawn; or

(5) Reject the proposed rule.

(g) The Legislative Oversight Commission on Education Accountability's submission of legislative rules submitted to them by the West Virginia Board of Education, alongside their findings and recommendations, shall be done in accordance with the procedures, but not the underlying delegating authority of §29A-3-1 et seq. of this code.

§29A-3B-10. Emergency legislative rules; procedure for promulgation; definition.

(a) ~~The board~~ West Virginia Board of Education may, without hearing, find that an emergency exists requiring that emergency rules be promulgated and promulgate the same in accordance with this section. Such emergency rules, together with a statement of the facts and circumstances constituting the emergency, shall be filed in the State Register and shall become effective immediately upon such filing. Such emergency rules may adopt, amend, or repeal any legislative rule, but the circumstances constituting the emergency requiring such adoption, amendment, or repeal shall be stated with particularity and be subject to de novo review by any court having original jurisdiction of an action challenging their validity.

(b) The board shall file ten copies of the rules and of the required statement with the Legislative Oversight Commission on Education Accountability. At its discretion, the board may meet the filing requirement contained in this subsection by submitting the emergency rule electronically to the Legislative Oversight Commission on Education Accountability. Proposed rules submitted electronically shall be transmitted in a timely manner, shall contain all required information and shall be compatible with computer applications in use by the Legislative Oversight Commission on Education Accountability.

(c) An emergency rule shall be effective for not more than ~~fifteen~~ 15 months and shall expire earlier if any of the following occurs:

(1) The board has not previously filed and fails to file a notice of public hearing on the proposed rule within ~~sixty~~ 60 days of the date the proposed rule was filed as an emergency rule; in which case the emergency rule expires on the sixty-first day.

(2) The board has not previously filed and fails to file the proposed rule with the Legislative Oversight Commission on Education Accountability within ~~one hundred eighty~~ 30 days of the date the proposed rule was filed as an emergency rule; in which case the emergency rule expires on the ~~one hundred eighty first~~ thirty-first day.

(3) The board adopts a legislative rule dealing with substantially the same subject matter since such emergency rule was first promulgated and in which case the emergency rule expires on the date the authorized rule is made effective.

(d) Any amendment to an emergency rule made by the board shall be filed in the State Register and does not constitute a new emergency rule for the purpose of acquiring additional time or avoiding the expiration dates in subdivision (1), (2), or (3), subsection (c) of this section.

(e) Once an emergency rule expires due to the conclusion of 15 months or due to the effect of subdivision (1), (2), or (3), subsection (c) of this section, the board may not refile the same or similar rule as an emergency rule.

(f) Emergency legislative rules currently in effect under the prior provisions of this section may be refiled under the provisions of this section.

(g) The provision of this section shall not be used to avoid or evade any provision of this article or any other provisions of this code, including any provisions for legislative review of proposed rules. Any emergency rule promulgated for any such purpose may be contested in a judicial proceeding before a court of competent jurisdiction.

(h) ~~The Legislative Oversight Commission on Education Accountability~~ Within 15 months, the Legislative Oversight Commission on Education Accountability may shall review any emergency rule to determine: (1) Whether the board has exceeded the scope of its statutory authority in promulgating the emergency rule; (2) whether there exists an emergency justifying the promulgation of such rule; and (3) whether the rule was promulgated in compliance with the requirements and prohibitions contained in this section. The commission may recommend to the board, the Legislature, or the Secretary of State such action as it may deem proper.

§29A-3B-11. Legislative review of procedural rules, interpretive rules, and existing legislative rules.

The Legislative Oversight Commission on Education Accountability may review any procedural rules, interpretive rules, or existing legislative rules and may make recommendations concerning such rules to the Legislature, or to the board, or to both the Legislature and the board

The bill (Eng. Com. Sub. for H. B. 2755), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2880, Relating to parent resource navigators.

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

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

Eng. House Bill 2942, Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program.

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

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

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

ARTICLE 34. DEPARTMENT OF ENVIRONMENTAL PROTECTION DESIGN-BUILD PILOT PROGRAM.

§22-34-2. West Virginia Department of Environmental Protection Design-Build Program.

(a) Notwithstanding any provision of this code to the contrary, the secretary of the West Virginia Department of Environmental Protection may expedite the construction of projects by combining the design and construction elements of a project into a single contract as provided in this article.

(b) The secretary shall promulgate procedural rules as the secretary deems to be useful or necessary to carry out the purpose of this article and to implement the intent of the Legislature in accordance with the provisions of §29A-3-1 *et seq.* of this code, which must provide at a minimum:

- (1) The application process for approval of a design-build project;
- (2) The procedure for selecting the most qualified design-builders prior to the release of the invitation for proposals;
- (3) The procedure for the preparation and contents of invitations for proposals;
- (4) The procedure for preparing and submitting proposals;
- (5) The procedure for evaluating proposals;
- (6) The procedure for negotiations between the agency and those submitting proposals prior to the acceptance of a proposal, if any such negotiations are contemplated;
- (7) The procedure for awarding and executing design-build contracts; and
- (8) The procedure for acting on formal protests relating to the solicitation or award of design-build contracts.

(c) A design-build project may be let to contract only in accordance with the secretary's procedural rules promulgated pursuant to the provisions of this article: *Provided*, That only contracts awarded directly by the Department of Environmental Protection may utilize the design-build delivery method authorized pursuant to the provisions of this article: *Provided, however*, design-build delivery projects awarded pursuant to the provisions of this article may not exceed a total aggregate value of ~~\$50~~ \$75 million.

§22-34-5. Report to the Legislature; sunset date.

(a) On or before January 15, 2024, ~~and annually thereafter~~, the secretary shall prepare and submit to the Joint Committee on Government and Finance a written report, which may be transmitted electronically, evaluating the experience of the West Virginia Department of Environmental Protection with each design-built project completed pursuant to the provisions of this article during the prior calendar year, including whether the department realized any cost or time savings, the number and cost of change orders, the quality of work performed, the number of bids received, and other issues the secretary considers appropriate.

(b) The provisions of this article expire and shall have no force and effect after December 31, ~~2025~~ 2027.

The bill (Eng. H. B. 2942), as amended, was then ordered to third reading.

Eng. House Bill 3000, Relating to agency changes and updates to the West Virginia Commercial Feed Law.

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:

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.**§19-14-2. Definitions.**

(a) "Brand name" means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor, guarantor, or manufacturer and distinguishing it from all others.

(b) "Bulk" refers to commercial feed or feed ingredients distributed in nonpackaged form where a label cannot be attached and accompanied by an invoice or delivery slip.

(c) "Commercial feed" means all materials or combinations of materials which are distributed, or intended for distribution, for use as feed or for mixing in feed, unless such materials are specifically exempted, for animals, other than humans, except: (1) Unmixed or unprocessed whole seeds when such whole or unprocessed seeds are not chemically changed or adulterated; (2) unprocessed hay, straw, stover, silage, cobs, husks, hulls, and raw meat when not mixed with other materials and when not adulterated; (3) individual chemical commodities, compounds or substances when such commodities, compounds or substances are not inter-mixed with when not mixed with other materials, and are therefore not adulterated within the meaning of §19-14-10 of this code. The term commercial feed shall include the categories of feed ingredients, customer-formula feeds, pet foods and specialty pet foods.

(d) "Commissioner" refers to the commissioner of agriculture of the State of West Virginia or a duly authorized employee of the commissioner.

(e) "Contract feeder" means a person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract and the commercial feed is supplied, furnished, or provided to the independent contractor and such contractor's remuneration is determined all or in part by feed consumption, mortality, profits, or the amount or quality of the product.

(f) "Customer-formula feed" means a commercial feed that consists of a mixture of commercial feed and/or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

(g) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed; or to supply, furnish, or provide commercial feed to a contract feeder.

(h) "Distributor" means any person who distributes a commercial feed.

(i) "Drug" means any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals, other than humans; and any substance intended to affect the structure or any function of the animal body.

(j) "Feed" means any material consumed, or intended to be consumed, by animals other than humans, or any element of that material that contributes nutrition, taste, or aroma, or otherwise has a technical effect on the consumed material. The term "feed" includes raw materials, ingredients, and finished product.

(k) "Feed ingredient" means each constituent material making up feed, including individual chemical compounds labeled for use as a feed ingredient.

(l) "Guarantor" means any person whose name appears on a label and who is therefore responsible for the product and its labeling.

(m) "Label" means a display of written, printed, or graphic matter printed upon or otherwise affixed to the container in which commercial feed is distributed; or printed upon or otherwise affixed to the invoice, delivery slip, or other shipping document which accompanies bulk shipments of commercial feed or customer-formula feed. All such labels shall be legible and in English.

(n) "Labeling" means and includes all labels as well as all other written, printed, or graphic matter found: (1) upon a commercial feed or any of its containers or wrappers, or (2) accompanying such commercial feed.

(o) "Manufacture" means to grind, mix, blend, package, pack, repackage, repack, or otherwise process a commercial feed for distribution.

(p) "Medicated feed" means any feed which contains one or more drugs. Antibiotics included in a feed growth promotion and/or efficiency level are drug additives and feeds containing such antibiotics are included in the definition of "medicated feed".

(q) "Mineral feed" means a commercial feed designed or intended to supply primarily mineral elements or inorganic nutrients.

(r) "Official sample" means any sample of feed taken by the commissioner in accordance with the provisions of this article and rules promulgated hereunder.

(s) "Percent" or "percentage" means percentage by weights.

(t) "Person" means an individual, partnership, association, fiduciary, firm, company, corporation, or any organized group of persons whether incorporated or not.

(u) "Pet" means dog (*Canis familiaris*) or cat (*Felis catus*).

(v) "Pet food" means any commercial feed manufactured and distributed for consumption by pets.

(w) "Process" means a method used to prepare, treat, convert, or transform materials into feed or feed ingredients. The word "processed" can be used to further describe an ingredient name, so long as the ingredient is not nutritionally altered from the original form of the ingredient.

(x) "Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use and distinguishes it from all other products bearing the same brand name.

(y) "Quantity statement" means the net weight (mass), liquid measure, or count.

(z) "Repack" or "repackaging" means to pack and label a previously manufactured feed.

(aa) "Specialty pet" means any animal normally maintained in a household, such as rodents, ornamental birds, fish, reptiles, amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for food or fur.

(bb) "Specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(cc) "Ton" means a net weight of two thousand pounds avoirdupois.

§19-14-5. Permits; registration.

(a) Permits and registrations shall not be transferrable with respect to persons or locations.

(b) A person must apply for a permit or registration at least 30 days prior to the expiration of the current permit or registration; or at least 30 days prior to the date that the person intends to engage in the business of selling or marketing commercial feed products in this state. All applications shall be accompanied by the required fee. A penalty shall be added to the fee for all permits or registrations that are not applied for or renewed within the time limit.

(c) Persons manufacturing commercial feed or customer-formula feed in this state must obtain a Commercial Feed Manufacturing Permit from the commissioner, except for persons manufacturing feed for only ~~his/her~~ his or her animals on ~~his/her~~ his or her premises, or those producing pet food. Application forms shall be provided by the commissioner and include such information as established by rules. A separate permit shall be obtained for each manufacturing facility or location in this state. Each Commercial Feed Manufacturing Permit application shall be accompanied by the required application fee. Each permit issued shall expire on December 31, next following the date of issue.

(d) Each person distributing commercial feed in West Virginia must obtain a Commercial Feed Distributor Permit from the commissioner, except:

(1) Persons distributing pet food exclusively;

(2) Persons holding a valid Commercial Feed Manufacturing Permit issued by the commissioner; and

(3) Persons holding a Commercial Feed Guarantor Permit issued by the commissioner;

Application forms shall be provided by the commissioner and include such information as established by rules. Each Commercial Feed Distributor Permit application shall be accompanied by the required application fee. Each permit issued shall expire on December 31, next following the date of issue.

(e) Each person whose name appears on the label of a commercial feed or customer-formula feed as guarantor must obtain a Commercial Feed Guarantor Permit from the commissioner for each manufacturing facility or location that distributes feed in or into the state, except those facilities or locations for which a Commercial Feed Manufacturing Permit has already been issued by the commissioner. Application forms shall be provided by the commissioner and include such information as established by rules. Each Commercial Feed Guarantor Permit application shall be accompanied by the required application fee. Each permit issued shall expire on December 31, next following the date of issue.

(f) Pet food in packages over 10 pounds or bulk shall be registered annually. Each application for registration shall be accompanied by the required registration fee. Each registration shall expire on August 31 next following the date of issue: *Provided*, That ~~until June 30, 2027~~, an additional registration fee of \$50 per product shall accompany each application for registration and the additional registration fee shall be deposited into the West Virginia Spay Neuter Assistance Fund for spay and neutering services performed within this state by licensed veterinarians.

(g) Pet food packaged in packages of 10 pounds and under shall be registered annually. Each application for registration shall be accompanied by the required registration fee. Each registration shall expire on December 31, next following the date of issue: *Provided*, That ~~until June 1, 2027~~, an additional registration fee of \$35 per product shall accompany each application for registration and the additional registration fee shall be deposited into the West Virginia Spay Neuter Assistance Fund for spay and neutering services performed within this state by licensed veterinarians.

(h) Specialty pet food shall be registered annually. Each application for registration shall be accompanied by the required registration fee. Each registration shall expire on December 31, next following the date of issue.

(i) A person is not required to register any brand name or product name of commercial feed which is already registered by another person.

(j) Alteration of a pet food or specialty pet food that changes the label requires a new application for registration be made and approved before distribution.

§19-14-10. Adulteration.

Commercial feed or feed ingredients is adulterated:

(1) If it bears or contains any poisonous or deleterious substance, which may render it injurious to human or animal health; unless the substance is not an added substance, in which case such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to human or animal health;

(2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is: (A) A pesticide chemical in or on a raw commodity; or (B) a food additive;

(3) If it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act;

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act: *Provided*, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act;

(5) If it bears or contains any color additive which is unsafe within the meaning of Section 721 of the Federal Food, Drug, and Cosmetic Act;

(6) If it is, or it bears or contains, any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug, and Cosmetic Act;

(7) If it consists, in whole or part, of any filth, putrid, or decomposed substance, or if it is otherwise unfit for feed;

(8) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(9) If it is, in whole or in part, the product of a diseased animal, or of an animal that has died other than by slaughter that is unsafe within the meaning of Section 4042(a)(1) or (a)(2) of the Federal Food, Drug, and Cosmetic Act;

(10) If the container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(11) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act;

(12) If any valuable constituent has been, in whole or in part, omitted or abstracted therefrom or any less valuable substance substituted therefor;

(13) If its composition or quality falls below or differs from that which it is purported or represented to possess by its labeling; or

(14) If it contains a drug, and the methods used in the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the commissioner to assure that the drug meets the requirements of this law as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the commissioner may adopt the current good manufacturing practice regulations for Type A medicated Articles and Type B and Type C Medicated Feeds established under authority of the Federal Food, Drug, and Cosmetic Act.

(15) If it contains viable weed seeds in amounts exceeding the limits which the commissioner shall establish by legislative rule.

§19-14-14. Prohibited acts.

It shall be unlawful:

- (a) To manufacture or distribute any commercial feed that is adulterated or misbranded.
- (b) To adulterate or misbrand any commercial feed.
- (c) To distribute, use, remove, or dispose of commercial feed in violation of an embargo order, or condemnation and confiscation order provided for under this article.
- (d) To manufacture, distribute, or use any commercial feed containing a drug or drugs that cause or may cause residue of the drug or drugs in the edible tissues, milk, or eggs of the animals fed such feed in excess of the acceptable residue levels set by the commissioner by rules.
- (e) To fail or refuse to register pet foods or specialty pet foods.
- (f) To fail or refuse to obtain permits required under this article.
- (g) To fail to make an accurate statement of tonnage.
- (h) To fail to pay inspection fees as required under this article.
- (i) To distribute or knowingly use any commercial feed that has not had an accurate statement of tonnage reported to the commissioner in the previous reporting period.
- (j) To use or imply the name West Virginia Department of Agriculture, or reference any inspection or sample findings made by the West Virginia Department of Agriculture on labels or labeling of commercial feed.
- (k) To interfere with the commissioner's official duties.
- (l) To distribute raw milk for use as commercial feed for any species, unless:

(1) It has been decharacterized using a sufficient quantity of food coloring as designated by the commissioner;

(2) It has been decharacterized using food coloring approved by the U.S. Food and Drug Administration, or in the case of raw milk labeled as organic, approved by the U.S. Department of Agriculture;

(3) It has been decharacterized and the nutritive value of the milk has not been adversely affected by the decharacterization;

(4) The packaging of the raw milk does not resemble that used for the packaging of milk for human consumption;

(5) It is not stored at retail with, or in the vicinity of, milk or milk products intended for human consumption; and

(6) It does not otherwise violate this section.

(m) ~~The distribution of~~ To distribute agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, which are adulterated within the meaning of §19-14-10 of this code.

§19-14-17. Severability.

If any clause, sentence, paragraph, or part of this law shall for any reason be judged invalid by any court of competent jurisdiction, such judgement shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgement shall be rendered.

The bill (Eng. Com. Sub. for H. B. 3000), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3125, To remove restrictions from teachers receiving permanent teaching licenses.

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

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

Eng. Com. Sub. for House Bill 3133, Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures.

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

Eng. Com. Sub. for House Bill 3144, Wireless Infrastructure and Facilities Siting and Co-location.

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

Eng. House Bill 3187, Relating to the West Virginia Task Force on Artificial Intelligence.

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

Eng. House Bill 3272, Relating to eviction proceedings.

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

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

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

ARTICLE 3A. REMEDIES FOR WRONGFUL OCCUPATION OF RESIDENTIAL RENTAL PROPERTY.

§55-3A-1. Petition for summary relief for wrongful occupation of residential rental property.

(a) A person desiring to remove a tenant from residential rental property may apply for ~~such~~ relief to the magistrate court or the circuit court of the county in which ~~such~~ the property is located, by verified petition, setting forth the following:

(1) That he or she is the owner or agent of the owner and as such has a right to recover possession of the property;

(2) A brief description of the property sufficient to identify it;

(3) That the tenant is wrongfully occupying ~~such~~ the property in that the tenant is in arrears in the payment of rent, has breached a warranty or a leasehold covenant, or has deliberately or negligently damaged the property or knowingly permitted another person to do so, and describing ~~such~~ the arrearage, breach, or act or omission; and

(4) A prayer for possession of the property.

(b) ~~Previous to the filing of the petition the person shall request from the court the time and place at which the petitioner shall be heard. The~~ Upon filing the petition, the court shall fix a time for ~~such~~ schedule a hearing, which time shall may not be less than five nor more than 10 judicial days following ~~such request~~ the filing of the petition.

(c) Immediately upon being apprised of the time and place for hearing the petitioner shall cause a notice of the ~~same~~ hearing to be served upon the tenant in accordance with the provisions of Rule 4 of the West Virginia ~~rules of civil procedure~~ Rules of Civil Procedure or by certified mail, return receipt requested. ~~Such~~ The notice shall inform the tenant that any written defense to the petition ~~must~~ may be ~~submitted in writing to filed and served upon~~ the petitioner within five days of the receipt by the tenant of the notice, ~~and in no case later than the fifth day next preceding the date of hearing.~~ Upon receipt of the return of service or the return receipt as the case may be, evidencing service upon the tenant, the petitioner shall file with the court his or her petition and ~~such~~ the proof of service.

The bill (Eng. H. B. 3272), as amended, was then ordered to third reading.

Eng. House Bill 3274, Relating to reports of circuit court proceedings.

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

Eng. House Bill 3275, Update timing for appeals.

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

Eng. House Bill 3373, To extend and revise the sunset provision in the Tourism Development Act to December 31, 2030.

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

Eng. Com. Sub. for House Bill 3440, Relating generally to removing and repealing obsolete provisions under the purview of the State Treasurer's Office.

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

Eng. Com. Sub. for House Bill 3444, Relating to inflammation of the eyes of newborns.

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

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

On page 1, section 13, after line 1, by adding a new section, designation section 14, to read as follows:

§16-3-14. Inflammation of the eyes of the newborn; treatment; opt-out.

(a) Any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from, or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection shall be known as "inflammation of the eyes of the newborn" (ophthalmia neonatorum).

(b) It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant, at childbirth to immediately upon the birth of the child to administer the contents of a single use tube of an ophthalmic ointment containing one percent tetracycline or one half of one percent erythromycin or the equivalent dose of such medication or other appropriate medication for prevention of inflammation of the eyes of the newborn, unless the parent opts out of the treatment.

Following discussion,

The question being on the adoption of Senator Takuob's amendment to the bill (Eng. Com. Sub. for H. B. 3444), and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Clements, Deeds, Garcia, Grady, Hamilton, Morris, Oliverio, Phillips, Queen, Takubo, Tarr, Weld, and Woodrum—13.

The nays were: Azinger, Barrett, Chapman, Charnock, Fuller, Hart, Helton, Martin, Maynard, Roberts, Rose, Rucker, Taylor, Thorne, Willis, and Smith (Mr. President)—16.

Absent: Bartlett, Boley, Jeffries, Stuart, and Woelfel—5.

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

The bill (Eng. Com. Sub. for H. B. 3444) was then ordered to third reading.

Eng. House Bill 3505, Relating to insurance.

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

At the request of Senator Martin, unanimous consent being granted, the bill was referred to the Committee on Rules, with an amendment from the Committee on Health and Human Resources pending.

Eng. House Bill 3515, Relating to appointment of officers of the West Virginia State Police.

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

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

The Senate proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill 2014, Certified Microgrid Program.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips and Helton.

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

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

Eng. Senate Bill 257, Providing protection for property owner when someone visiting private cemetery causes damage to property.

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

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

On page 2, section 1, lines 37 through 41, by striking out the remainder of the Bill and inserting in lieu thereof:

"(g) A private property owner shall not be held liable for any damage to a cemetery on their property when that damage is caused by individuals conducting familial or social visitations to the cemetery. *Provided*, that this limitation on liability shall not apply if the person conducting the visitation is an agent of the private property owner. Individuals conducting familial and social visitations to a cemetery contemplated by this section are liable for any damage they cause."

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

Engrossed Senate Bill 257, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—30.

The nays were: None.

Absent: Bartlett, Boley, Jeffries, and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 257) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 270, Declaring sale and manufacture of firearms essential business during declared emergency.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

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

Be it enacted by the Legislature of West Virginia:

"CHAPTER 15. PUBLIC SAFETY.

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-19a. Possession of firearms during a declared state of emergency.

(a) Notwithstanding any other provision of law to the contrary, the transport, storage, transfer, sale, commerce in, import and export of, distribution, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, and other goods and services directly related to lawful firearm possession, use, storage, repair, maintenance, and training in the use of firearms, are declared to be "essential" businesses and services for the purposes of safety

and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or emergencies of whatever kind or nature.

(b) During a federal or state declared state of emergency, Except as provided in this section, no state agency, political subdivision, county, or municipality, or any elected or appointed official or employee thereof, may, under any governmental authority or color of law exercised as part of any statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or as part of any federal or state declared state of emergency or preparedness of whatever kind or nature:

(1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage, sale, display, or other lawful use of a firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms;

(2) Seize, confiscate, or authorize the seizure or confiscation of any otherwise lawfully possessed firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms unless:

(A) The person acting on behalf of or under the authority of the state, a county, or municipality is:

(i) Defending himself or herself or another from an assault; or

(ii) Arresting a person in actual possession of a firearm or ammunition for a violation of law; or

(B) The firearm or ammunition is being seized or confiscated as evidence of a crime;

(3) Require registration of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms;

(4) Suspend or revoke a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon issued pursuant to §61-7-1 *et seq.* of this code except as expressly authorized in that article;

(5) Willfully refuse to accept an application for a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon, provided the application has been properly completed in accordance with §61-7-1 *et seq.* of this code;

(6) Close or limit the operating hours of any entity engaged in the lawful selling or servicing of any firearm, including any component or accessory, ammunition, ammunition reloading equipment and supplies, or personal weapons other than firearms, ~~unless the closing or limitation of hours applies generally within the jurisdiction of commerce;~~

(7) Close or limit the operating hours of any indoor or outdoor shooting range; or any entity engaged in providing firearms safety training or firearms safety instructor courses, classes, or programs. ~~or~~

(8) Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms; or

(9) Suspend, restrict, or prohibit otherwise lawful hunting or fishing activities, unless the suspension, restriction, or prohibition is consistent with travel restrictions or restrictions on public access to state lands or waters that apply equally with other travel or public access restrictions to state lands or waters within the jurisdiction.

~~(b)~~ (c) The prohibitions of subdivision (1), subsection (a) of this section §15-5-19a(b)(1) do not prohibit the state or an authorized state or local authority from ordering and enforcing an evacuation or general closure of businesses in the affected area during a declared state of emergency.

~~(c)~~ (d)(1) If a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon has been issued to a person pursuant to §61-7-4 of this code, and if the date that the valid and subsisting license would or is scheduled to expire falls within the period of emergency declared by the Governor's executive order or the 14 days immediately preceding that declaration, then, notwithstanding the date of scheduled expiration, the duration of that license is automatically extended for a period of 60 days commencing from the date of the license's scheduled expiration or 30 days commencing from the termination of the state of emergency, whichever is later.

(2) If §15-5-19a(d)(1) of this subsection applies with respect to a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon, then during the extension period described in that section that is applicable to that license, all of the following apply:

(A) The license shall be valid for all purposes under the laws of this state and the person to whom the license was issued shall be considered for all purposes under the laws of this state to be the holder of a valid license to carry a concealed handgun;

(B) The license remains subject to the operation of §61-7-1, et seq., of this code during the extended period of the license and at any other time; and

(C) Except for the date of scheduled expiration, all other conditions, and restrictions otherwise applicable to the license and the license holder continue to apply during the extended period of the license and at any other time.

(e) This section shall not apply to the following:

(1) The authority of a chief administrative officer of a political subdivision with police powers to prohibit the sale, offering for sale, dispensing, or transportation of firearms or other dangerous weapons, ammunition, dynamite, or other dangerous explosives in, to, or from a cordoned-off area when engaged in suppressing a riot or when there is a clear and present danger of a riot as that term is delineated in §15-1D-1, et. seq. of this Code;

(2) The ability of a law-enforcement officer to remove firearms or ammunition from any person pursuant to other lawful authority: *Provided*, That before releasing the individual, the law-enforcement officer shall return to the individual any seized firearms and ammunition, and

components thereof, and any firearms accessories and ammunition-reloading equipment and supplies, unless

(A) the officer takes the individual into physical custody for engaging in criminal activity or for observation, or

(B) seizes the items as evidence pursuant to an investigation for the commission of a crime;
or

(3) A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of firearms, firearm components, or ammunition for firearms may occur: Provided, that the zoning ordinance is consistent with the provisions of §8-12-5a(h)(2) of this Code.

(f)(1) Any individual, person, group, or entity adversely affected by a violation of this section, or by any manner of law, ordinance, rule, regulation, resolution, practice, or other action enacted or enforced in violation of the provisions of this section, may seek relief in an action at law or in equity for damages, injunctive relief, declaratory relief, or other appropriate redress against any state agency, county, municipality, or other political subdivision of this state, or against any elected or appointed official or employee of this state, a county, or municipality or any other political subdivision of this state, that subjects the individual, or causes the individual, to be subjected, to an action prohibited by this section.

(2) Such suit may be filed

(A) in the court having jurisdiction over the county in which the aggrieved person resides, or group or entity is located, or in which the violation occurred, or

(B) in the case of an action by the state or any state agency, in the Circuit Court of Kanawha County.

~~(d)~~ (g) In addition to any other remedy at law or in equity, an individual who is adversely affected by the seizure or confiscation of any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms in violation of this section,

(1) may bring an action for the return of the seized or confiscated property in the circuit court of the county in which that individual resides or in which the seized or confiscated property is located and, except where those weapons have been seized as part of a lawful arrest as provided in §15-5-19a(d)(2), that court shall order the immediate return of the items by the seizing or confiscating governmental office and that office's employed officials; and

(2) that individual shall also be entitled to recover a civil penalty for damages, in the amount of \$5,000 per violation, against any person who violates the seizure or confiscation restrictions in this section.

~~(e)~~ (3) A-prevailing plaintiff in an action brought under this section §15-5-19a(f) or §15-5-19a(g) is also entitled to recover the following:

~~(4)~~ (A) Actual damages, including consequential damages;

~~(2)~~ (B) Court costs and fees; and

~~(3)~~ (C) Reasonable attorney's fees.

(4) And, any award to a prevailing plaintiff under the provisions of §15-5-19a(f) or §15-5-19a(g) may be awarded regardless of whether the law, ordinance, rule, regulation, resolution, practice, or action or the manner of its enforcement is repealed or rescinded, or, expires after the civil action was filed but prior to a final court determination of the action.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 270—A Bill to amend and reenact §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to limiting restrictions of firearms owners during certain states of emergency and other like states; declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies; adding entities engaged in providing firearms safety training, or firearms safety instructor courses, classes, or programs to a list of entities the operation of which may not be restricted by state action in an emergency; limiting restrictions on lawful hunting or fishing activities in an emergency; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; providing enumerated exceptions that would permit limited government action in the regulation of firearms in emergencies in certain narrowly tailored factual scenarios; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 270, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 270) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 464, Creating license plate for recipients of Medal of Valor.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting clause, by striking out the remainder of the committee substitute and inserting in lieu thereof the following:

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

§17A-3-14g. Special registration plates for first responders.

(a) The division may issue special emergency or volunteer registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified paramedic or emergency medical technician, member of a paid fire department, member of the State Fire Commission, the State Fire Marshal, State Fire Marshal assistant, State Fire Administrator, or voluntary rescue squad member may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group, or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subsection shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special initial application fee of \$10, which is in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(b) The division may issue special certified firefighter registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified firefighter may apply for a special license plate that bears the insignia of the profession for any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subsection shall bear the requested insignia pursuant to the provisions of this article. Upon presentation of written evidence of certification as a certified firefighter, certified firefighters are eligible to purchase the special registration plate issued pursuant to this subsection.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit stating that the applicant is justified in having a registration with the requested insignia,

proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees. The firefighter certification department, section, or division of the West Virginia University fire service extension shall notify the commissioner in writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her certification, the commissioner may not issue him or her a license plate under this subsection.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special initial application fee of \$10, which is in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(c) The division may issue special volunteer firefighter registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer firefighter may apply for a special license plate for any Class A vehicle titled in the name of the qualified applicant which bears the insignia of the profession in white letters on a red background. The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia on the left side of the license plate.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit signed by the applicant's fire chief, stating that the applicant is a volunteer firefighter and is justified in having a registration plate with the requested insignia. The applicant must comply with all other laws of this state regarding registration and licensure of motor vehicles and must pay all required fees.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special one-time initial application fee of \$10, which is in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(d) The division may issue special registration plates to applicants supporting law-enforcement officers, to retired members of the West Virginia State Police, and to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency as follows:

(1) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner which recognizes, supports, and honors the men and women of law-enforcement and includes the words Back the Blue. Upon appropriate application, the division shall issue to any member of a municipal police department, sheriff's department, the State Police, or the law-enforcement division of the Division of Natural Resources who has been wounded in the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association, or the Division of Natural Resources a special registration plate for one vehicle titled in the name of the qualified applicant with an insignia appropriately designed by the commissioner.

(2) For special registration plates supporting law-enforcement officers, the division shall charge a special initial application fee of \$10 in addition to all other fees required by this chapter. This special fee shall be collected by the division and deposited in the State Road Fund. An annual fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition to all other fees required by this chapter.

(3) Registration plates issued pursuant to this subsection to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency are exempt from the registration fees otherwise required by the provisions of this chapter. A surviving spouse may continue to use his or her deceased spouse's special registration plate until the surviving spouse dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency may obtain a license plate as described in this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge for the second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition to all other fees required by this chapter.

(4) Upon appropriate application, the division may issue special registration plates designed by the commissioner for any number of vehicles titled in the name of the qualified applicant who offers sufficient proof of being a retired member of the West Virginia State Police. The division shall charge a special initial application fee of \$10 in addition to all other fees required by this chapter. This special fee shall be collected by the division and deposited in the State Road Fund.

(e) The division may issue special plates with an insignia appropriately designed by the commissioner to recipients of the distinguished Medal of Valor awarded under §29-32-1 et seq. of this code to firefighters, law-enforcement officers, and emergency medical services personnel who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty in the performance of their duties as follows:

(1) Any Medal of Valor recipient under §29-32-1 et seq. of this code or their surviving spouse may apply to receive the special registration plate issued pursuant to this subsection for any Class A vehicle titled in the name of the Medal of Valor recipient or their surviving spouse.

(2) The applicant shall present satisfactory proof as determined by the commissioner as evidence of qualification for any plate authorized in this subsection. A surviving spouse may continue to use the license plate of his or her deceased spouse that was issued pursuant to this subsection until the surviving spouse dies, remarries, or does not renew the license plate.

(3) A qualified applicant as provided in paragraph (1) of this subsection may apply for a second license plate as described in this subsection for use on a Class A vehicle titled in the name of the qualified applicant.

(4) Registration plates issued pursuant to this subsection to qualified applicants are exempt from the registration fees otherwise required by the provisions of this chapter. A qualified applicant may obtain a license plate as described in this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge for the second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition to all other fees required by this chapter.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 464—A Bill to amend and reenact §17A-3-14g of the Code of West Virginia, 1931, as amended, relating to the issuance of special plates to recipients of the Distinguished Medal of Valor or their surviving spouse; providing for plate design by Division of Motor Vehicles; specifying fees; exempting certain individuals from registration fees; and providing application and qualification requirements.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 464, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 464) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 537, Establishing WV Mothers and Babies Pregnancy Support Program.

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

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

On page 1, after the enacting clause by striking out the remainder of the bill and inserting in lieu thereof, the following:

Article 66. SUPPORT FOR MOTHERS AND BABIES ACT.

§16-66-2. Establishing the West Virginia Mothers and Babies Pregnancy Support Program.

(a) ~~There is hereby established~~ The West Virginia Mothers and Babies Pregnancy Support Program under the Bureau for Public Health is continued.

(b) A pregnancy help organization is eligible to receive funding from the program, subject to meeting the standards defined by the managing agency.

(c) An abortion industry organization may not receive funding from the program.

(d) (1) The program's funds may be distributed to pregnancy help organizations eligible under this article for the following reasons:

(A) Capital expenditures;

(B) Expenditures associated with adding additional services;

(C) Expenditures associated with meeting the requirements established by relevant licensing, accreditation, or standards setting organizations; and

(D) Training expenditures for pregnancy help organization staff and volunteers.

(2) Except as provided in subdivision (1) of this subsection, funds distributed under the program shall be distributed on a fee per service arrangement with a fee per service and hour arrangement as set by the management agency.

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

Engrossed Senate Bill 537, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 537) passed with its title.

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

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 627, Removing prohibition against leasing state-owned pore spaces underlying lands designated as state parks.

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

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting clause, by striking out the remainder of the committee substitute and inserting in lieu thereof the following:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-22. Authorizing the director to lease and develop pore spaces.

(a) The director may, with the approval in writing of the Secretary of Commerce, lease state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director for underground carbon sequestration: ~~Provided, That the director is prohibited from leasing state-owned pore spaces underlying lands that are designated as state parks.~~ Provided, That the director may not permit

the disturbance of the surface of state park property for any drilling or injection activity. Before entering into a lease, the director shall receive sealed bids therefor, after notice by publication as a Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code, and the publication area for such publication shall be each county in which the affected lands are located, and on the division's main website for a period of at least 14 days prior to entering into any lease pursuant to this section. The pore space development proposal so advertised shall be leased to the highest responsible bidder, who shall give bond for the proper performance of the lease as the director shall designate; but the director may reject any and all bids and re-advertise for bids. The development of pore spaces pursuant to this section shall be consistent with the requirements of §22-11B-1 et seq. of this code. The proceeds arising from any such lease shall be paid to the Treasurer of the State of West Virginia and shall be credited to the division and used exclusively for the purposes of this chapter improvements and maintenance in the state forests, state parks, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director where the leased pore space is located.

(b) Notwithstanding the competitive bidding process established in subsection (a) of this section, the director may, with the approval in writing of the Secretary of the Department of Commerce, directly award a pore space lease when the Secretary of the Department of Commerce and the Secretary of the Department of Economic Development certifies in writing to the director that the lease is a necessary component of an economic development project: *Provided*, That the lease shall afford a market value or greater royalty.

(c) The center of any well pad leased in accordance with subsection (a) for pore space underlying state parks may not be located within two hundred feet of a state park boundary; *Provided*, That the Secretary of the Department of Commerce, in consultation with the Director of the Division of Natural Resources, may waive this requirement after considering the impact of the lessee's proposed well-site location on viewshed, noise, and other possible impediments to the public use and enjoyment of the state park property.;

And,

By striking out the title and substituting therefore a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 627—A Bill to amend and reenact §20-1-22 of the Code of West Virginia, 1931, as amended, relating to removing the prohibition against leasing state-owned pore spaces underlying lands designated as state parks; prohibiting any disturbance of the surface of state park property for any drilling or injection activity; requiring that the proceeds from any leased state-owned pore spaces underlying state forests, state parks, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director be used exclusively where the leased pore space is located; and requiring that the center of any well pad leased for pore space underlying state parks may not be located within two hundred feet of a state park boundary, provided, that the Secretary of the Department of Commerce, in consultation with the Director of the Division of Natural Resources, may waive the setback requirement after considering the impact of the lessee's proposed well-site location on viewshed, noise, and other possible impediments to the public use and enjoyment of the state park property.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 627, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Woodrum, and Smith (Mr. President)—26.

The nays were: Chapman, Hart, Rose, Rucker, and Willis—5.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 627) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2397, Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority.

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

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

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

ARTICLE 5. FISCAL AFFAIRS.

§7-5-4. Payment of money out of county treasury; signing of orders by mechanical or electrical devices; process when two or more designated signatories are family or household members; forgery; penalty.

(a) ~~No money shall~~ Money may not be paid by the sheriff out of the county treasury except upon an order signed by the president ~~of the county commission and clerk of the county court~~ the county clerk, and properly endorsed. ~~Provided, however, That~~ In counties having a population in excess of 50,000 as shown by the last preceding federal census, such signatures ~~and the signature of the sheriff authorizing the payment of such orders by a county depository may be~~ made by means of such mechanical or electrical device as the county court may select. ~~Such~~ The mechanical or electrical device utilized for the making of the signatures of the president and clerk shall be safely kept in the office of the ~~clerk of the county court~~ county clerk so that no one shall have has access ~~thereto~~ except the members of the county court, ~~and the clerk of the county court~~ the county clerk, and such of their respective employees as may be authorized to have access. ~~thereto.~~ Such The mechanical or electrical device utilized for the making of the sheriff's signature ~~of the sheriff~~ shall be safely kept in the ~~office of the~~

~~sheriff~~ sheriff's office so that no one ~~shall have~~ has access ~~thereto~~ except the sheriff and such of his or her deputies as may be authorized to have access. ~~thereto~~

(b) In the event that two or more individuals among the county commission president, sheriff, and county clerk, are family or household members, alternate signatories shall be designated, as follows:

(1) The county commission shall vote to designate another county commissioner who is not a family or household member of any other required signatory to sign for the president;

(2) The chief tax deputy shall sign for the sheriff. If the chief tax deputy is a family or household member of any other signatory, then the county commission shall vote to appoint a resident of the county to serve as a substitute signatory; and

(3) The county clerk is not subject to substitution.

(c) As used in this section, "family or household member" has the same meaning as set forth in §48-27-204 of this code.

(d) If any person, other than the persons authorized ~~so to do~~ shall sign to sign by this section, signs the name of the county commission president, ~~of the county court, the clerk of the county court or the sheriff by the use of any such~~ county clerk, or sheriff, using any mechanical or electrical device, or otherwise, on any warrant, order, or check, or ~~utter or attempt~~ knowingly utters or attempts to employ as true ~~such the~~ the forged warrant, order, or check, ~~knowing the same to be forged he shall be~~ he or she is guilty of a felony and, upon conviction, shall be confined in the penitentiary not ~~less~~ fewer than two years and not more than 10 years.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 2397—A Bill to amend and reenact §7-5-4 of the Code of West Virginia, 1931, as amended, relating to modifying the process for designating signatories for certain expenditures from the county treasury by a county sheriff when two or more of the designated signatories are family or household members.

On motion of Senator Martin, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2397, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B.2397) passed with its House of Delegates amended title.

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

The Senate proceeded to the fourth order of business.

Senator Stuart, 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 2054, Relating to liability of vendors in private farmers markets.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

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

Respectfully submitted,

Mike Stuart,
Chair.

Senator Stuart, 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 2066, Creating a crime for the destruction of first responder equipment.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2066) 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 Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2121, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses.

With amendments from the Committee on Military pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2121) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

With an amendment from the Committee on the Judiciary pending;

And has also amended the same.

And reports the same back with the recommendation that it do pass, as amended by the Committee on the Judiciary to which the bill was first referred; and as last amended by the Committee on Finance.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2267) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 2349, To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone.

And has amended same.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2349) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2351, Relating to compensation for panel attorneys.

With amendments from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2351) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, 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 2358, Relating to postmortem examinations.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2358) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, 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 2511, Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

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

Respectfully submitted,

Mike Stuart,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 2575, Relating to the establishment of a full-time Dementia Services Director position.

With amendments from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2575) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, 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 2634, To double the criminal penalty for anyone found guilty of sexual assault on a minor.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2634) 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 Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 2695, Raleigh and Mason Counties Economic Opportunity Development Districts.

And has amended same.

And,

Eng. House Bill 3492, Relating to municipal economic opportunity development districts.

And has amended same.

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

Respectfully submitted,

Glenn D. Jeffries,
Chair.

At the request of Senator Barrett, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bills contained in the foregoing report from the Committee on Economic Development.

At the further request of Senator Barrett, and by unanimous consent, the bills (Eng. Com. Sub. for H. B. 2695 and Eng. H. B. 3492) were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, 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 2710, Truth in Giving.

Eng. Com. Sub. for House Bill 2816, Relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances.

Eng. House Bill 3162, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party.

Eng. Com. Sub. for House Bill 3167, To require hair follicle drug testing of parents or guardians in cases of substantiated child abuse or neglect of a minor.

Eng. Com. Sub. for House Bill 3294, Enacting the Bank Protections for Eligible Adults from Financial Exploitation Act.

Eng. House Bill 3504, Relating to protecting critical infrastructure; and defining terms.

And,

Eng. House Bill 3513, Relating to standards of liability and insurance requirements in certain civil actions.

And reports the same back without recommendation as to passage; but with the recommendation that they be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. 2710, Eng. Com. Sub. for H. B. 2816, Eng. H. B. 3162, Eng. Com. Sub. for H. B. 3167, Eng. Com. Sub. for H. B. 3294, Eng. H. B. 3504, and Eng. H. B. 3513) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

At the further request of Senator Martin, unanimous consent being granted, the bills were rereferred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2718, Relating to creating a State Advisory Council on Establishing a Military College.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2718) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, 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 2802, Relating to in-service training credits for law-enforcement officers.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

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

Respectfully submitted,

Mike Stuart,
Chair.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2836, Relating to wild animal rehabilitation permits.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2836) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, 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 2961, To amend the law concerning ownership and possession of real property.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

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

Respectfully submitted,

Mike Stuart,
Chair.

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

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 2963, To ensure that the survivor of a merger, reorganization, purchase, or assumption of liabilities of a bank chartered by West Virginia is insured by the Federal Deposit Insurance Corporation.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2963) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, 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 3014, Relating generally to liability of hospital police.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3014) 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 Stuart, 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 3016, Photo voter ID.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

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

Respectfully submitted,

Mike Stuart,
Chair.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3111, To provide pay increases to members of the judiciary.

And has amended same.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3111) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3174, Requiring municipalities take actions when potential customers apply for water and sewer service.

With an amendment from the Committee on Government Organization pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3174) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, 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 3181, Allow all law enforcement officers to purchase gun upon retirement.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3181) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3209, To provide at least one counselor for every 250 students in public schools and public charter schools in this state.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3209) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, 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 3263, Relating to providing notification of utility service disruption to its' customers.

With amendments from the Committee on Transportation and Infrastructure pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Transportation and Infrastructure to which the bill was first referred.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3263) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3297, Establishing the Washington Center for Civics, Culture, and Statesmanship at West Virginia University.

And has amended same.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3297) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, 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 3336, Well Plugging methods.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 8, 2025;

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

Respectfully submitted,

Mike Stuart,
Chair.

Senator Stuart, 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 3338, Allow child witness testify remotely in situations deemed traumatic by judge.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

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

Respectfully submitted,

Mike Stuart,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3344, Relating to the establishment of a grant program to fund the United States Food and Drug Administration's drug development trials with ibogaine.

With an amendment from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3344) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, 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 3411, Relating to commissions; removing the legislative members; and eliminating expired commissions.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3411) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, 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 3412, Relating to exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own rules.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3412) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3424, Removing language regarding short term loans being provided to released inmates for costs related to reentry into the community.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3424) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3517, Relating generally to fiscal emergencies of local governments.

And has amended same.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3517) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

April 9, 2025

The Honorable Patrick Morrisey, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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:

Com. Sub. for S. B. 10, Exempting certain meat processes from consumers sales and service tax;

Com. Sub. for S. B. 22, Applying penalties for nonpayment of royalties under terms of oil and natural gas leases;

Com. Sub. for S. B. 267, Extending time for renewal and restoration of commercial driver's licenses;

Com. Sub. for S. B. 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules;

Com. Sub. for S. B. 459, Requiring county planning commission members be state residents;

Com. Sub. for S. B. 538, Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction;

Com. Sub. for S. B. 573, Relating to restrictions on use or sale of motor vehicles based on power source;

And,

S. B. 828, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

These bills are presented to you on this day, April 9, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lee Cassis", is written above the printed name and title.

Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Martin, at 7:48 p.m., the Senate adjourned until tomorrow, Thursday, April 10, 2025, at 10 a.m.

SENATE CALENDAR

**Thursday, April 10, 2025
10:00 AM**

SPECIAL ORDER OF BUSINESS

Saturday, April 12, 2025 – 11:30 AM

Consideration of executive nominations

THIRD READING

- Eng. H. B. 2120 - Relating to forms and disclosures to the Ethics Commission (original similar to SB479)
- Eng. Com. Sub. for Com. Sub. for H. B. 2164 - To allow for public and private schools in West Virginia to employ security personnel. - (Com. title amend. pending)
- Eng. Com. Sub. for Com. Sub. for H. B. 2167 - Relating to public charter schools code provisions - (Com. amend. pending) - (With right to amend)
- Eng. H. B. 2402 - Relating to providing access to medical records; providing access to a minor's medical record - (Com. amend. pending) - (With right to amend)
- Eng. H. B. 2479 - Relating to Management and control of county authority vested in board
- Eng. Com. Sub. for H. B. 2491 - Relating to conditions on holding online raffles
- Eng. Com. Sub. for H. B. 2528 - To permit students in Christian schools at the elementary and middle school level to participate in county level sport tournaments
- Eng. Com. Sub. for H. B. 2576 - NIL Protection Act
- Eng. Com. Sub. for H. B. 2595 - Non Profit Athletics Act
- Eng. H. B. 2742 - Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.
- Eng. Com. Sub. for H. B. 2755 - To provide that the West Virginia Board of Education may promulgate rules or policies to be submitted to the Legislature for review (original similar to SB705)
- Eng. H. B. 2776 - Requiring Department of Health to report positive Alpha Gal tests to CDC - (Com. amend. pending) - (With right to amend)
- Eng. Com. Sub. for H. B. 2880 - Relating to parent resource navigators - (Com. amend. pending) - (With right to amend)
- Eng. H. B. 2942 - Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 3000 - Relating to agency changes and updates to the West Virginia Commercial Feed Law.

Eng. Com. Sub. for H. B. 3133 - Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures

Eng. Com. Sub. for H. B. 3144 - Wireless Infrastructure and Facilities Siting and Co-location

Eng. Com. Sub. for H. B. 3179 - Funding for failing public utilities

Eng. H. B. 3187 - Relating to the West Virginia Task Force on Artificial Intelligence

Eng. H. B. 3272 - Relating to eviction proceedings

Eng. H. B. 3274 - Relating to reports of circuit court proceedings

Eng. H. B. 3275 - Update timing for appeals

Eng. H. B. 3373 - To extend and revise the sunset provision in the Tourism Development Act to December 31, 2030

Eng. Com. Sub. for H. B. 3440 - Relating generally to removing and repealing obsolete provisions under the purview of the State Treasurer's Office

Eng. Com. Sub. for H. B. 3444 - Relating to inflammation of the eyes of newborns.

Eng. H. B. 3515 - Relating to appointment of officers of the West Virginia State Police - (With right to amend)

SECOND READING

Eng. Com. Sub. for H. B. 2014 - Certified Microgrid Program - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2054 - Relating to liability of vendors in private farmers markets - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2066 - Creating a crime for the destruction of first responder equipment. - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2121 - Deceased Disabled Veteran Real Property Exemption for Widowed Spouses - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2267 - Authorizing Department of Revenue to Promulgate Legislative Rules - (Com. amends. pending)

Eng. H. B. 2344 - Relating generally to traffic safety - (Com. amend. and title amend. pending)

Eng. Com. Sub. for Com. Sub. for H. B. 2349 - To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 2351 - Relating to compensation for panel attorneys - (Com. amends. pending)

Eng. H. B. 2358 - Relating to postmortem examinations - (Com. amend. pending)

Eng. H. B. 2511 - Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places - (Com. amend. pending)

Eng. H. B. 2575 - Relating to the establishment of a full-time Dementia Services Director position. - (Com. amends. pending)

Eng. Com. Sub. for H. B. 2634 - To double the criminal penalty for anyone found guilty of sexual assault on a minor - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2695 - Raleigh and Mason Counties Economic Opportunity Development Districts - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2718 - Relating to creating a State Advisory Council on Establishing a Military College

Eng. H. B. 2802 - Relating to in-service training credits for law-enforcement officers

Eng. Com. Sub. for H. B. 2836 - Relating to wild animal rehabilitation permits

Eng. Com. Sub. for H. B. 2961 - To amend the law concerning ownership and possession of real property - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2963 - To ensure that the survivor of a merger, reorganization, purchase, or assumption of liabilities of a bank chartered by West Virginia is insured by the Federal Deposit Insurance Corporation (original similar to SB665)

Eng. Com. Sub. for H. B. 3014 - Relating generally to liability of hospital police

Eng. Com. Sub. for H. B. 3016 - Photo voter ID. - (Com. amend. pending) (original similar to SB796)

Eng. Com. Sub. for H. B. 3111 - To provide pay increases to members of the judiciary - (Com. amend. pending)

Eng. Com. Sub. for H. B. 3125 - To remove restrictions from teachers receiving permanent teaching licenses

Eng. Com. Sub. for H. B. 3174 - Requiring municipalities take actions when potential customers apply for water and sewer service. - (Com. amend. pending)

Eng. Com. Sub. for H. B. 3181 - Allow all law enforcement officers to purchase gun upon retirement - (Com. amend. pending)

Eng. Com. Sub. for H. B. 3209 - To provide at least one counselor for every 250 students in public schools and public charter schools in this state. (original similar to SB915)

Eng. H. B. 3263 - Relating to providing notification of utility service disruption to its' customers - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 3297 - Establishing the Washington Center for Civics, Culture, and Statesmanship at West Virginia University. - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 3336 - Well Plugging methods

Eng. Com. Sub. for H. B. 3338 - Allow child witness testify remotely in situations deemed traumatic by judge

Eng. H. B. 3344 - Relating to the establishment of a grant program to fund the United States Food and Drug Administration's drug development trials with ibogaine - (Com. amend. pending)

Eng. Com. Sub. for H. B. 3411 - Relating to commissions; removing the legislative members; and eliminating expired commissions - (Com. amend. pending)

Eng. H. B. 3412 - Relating to exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own rules. - (Com. amend. pending)

Eng. H. B. 3424 - Removing language regarding short term loans being provided to released inmates for costs related to reentry into the community (original similar to SB830)

Eng. H. B. 3492 - Relating to municipal economic opportunity development districts. - (Com. amend. and title amend. pending)

Eng. H. B. 3517 - Relating generally to fiscal emergencies of local governments - (Com. amend. and title amend. pending)