

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Monday, February 26, 2024

The Senate met at 10:08 a.m.

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

Prayer was offered by Pastor Gary W. Hall, Mount Olivet Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Amy N. Grady, a senator from the fourth district.

Pending the reading of the Journal of Saturday, February 26, 2024,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Senate Bill 172**, Revising requirements of local school improvement councils.

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

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

On page 6, section 2, line 120 – 122 by striking out the first sentence and inserting in lieu the following:

The state board shall ensure that training in the role and governance of local school improvement councils is provided to principals, county boards, and others the state board determines appropriate, upon employment and every three years thereafter.

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

Engrossed Senate Bill 172, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—29.

The nays were: None.

Absent: Boley, Maroney, Rucker, Smith, and Woelfel—5.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 172) 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. Senate Bill 602**, Cardiac Emergency Response Plan Act.

On motion of Senator Takubo, 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 the remainder of the bill and inserting, in lieu thereof, the following:

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 57. SUDDEN CARDIAC ARREST PREVENTION ACT.**

#### **§16-57-1. Purpose.**

[Repealed]

#### **§16-57-2. Definitions.**

[Repealed]

#### **§16-57-3. Applicability, educational materials, removal from play, and training.**

[Repealed]

#### **§16-57-4. Rulemaking.**

[Repealed]

**CHAPTER 18. EDUCATION.****ARTICLE 5. COUNTY BOARD OF EDUCATION.****§18-5-22e. Cardiac response plans.**

(a) For the purposes of this section, the following terms are defined:

"Cardiac Emergency Response Plan" or "the plan" means a written document that establishes the specific steps to reduce death from cardiac arrest.

"Automated External Defibrillator" means a lightweight, portable device that delivers an electric shock through the chest to the heart.

"School" means any school with an athletic department or organized athletic program under the jurisdiction of a county board of education.

"Sudden Cardiac Arrest" means when the heart malfunctions and stops beating unexpectedly.

(b) A school shall develop a cardiac emergency response plan that provides for the following:

(1) A school with an athletic department or organized athletic program shall develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while attending or participating in an athletic practice or event while on school grounds; and

(2) School staff trained in first-aid, CPR, and automated external defibrillator use that follow evidence-based guidelines including but not limited to licensed coaches, school nurses, and athletic trainers.

(c) Prior to the start of each athletic season, a school subject to this section shall hold an informational meeting for students, parents, guardians, or other persons having care or charge of a student, regarding the warning signs of sudden cardiac arrest for children of all ages.

(d) No student may participate in an athletic activity until the student has submitted to a designated school official, a form signed by the student and the parent, guardian, or other person having care or charge of the student, stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the cardiac emergency response plan developed by the school and posted on its webpage. A completed form shall be submitted each school year in which the student participates in an athletic activity.

(e) No individual may coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the Department of Education.

(f) A student shall not be allowed to participate in an athletic activity if either of the following is the case:

(1) The student is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return after exhibiting syncope or fainting; or

(2) The student experiences syncope or fainting while participating in, or immediately following, an athletic activity.

(g) If a student is not allowed to participate in or is removed from participation in an athletic activity under subsection (f) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

(1) A physician authorized under §30-14-1 et seq. of this code;

(2) A certified nurse practitioner, or certified nurse specialist; or

(3) A physician assistant licensed under §30-3E-1 et seq. and §30-14A-1 et seq. of this code.

(h) School officials shall work directly with local emergency service providers to integrate the plan into the community's EMS responder protocols, which shall include, at a minimum, the following:

(1) Establishing a cardiac emergency response team;

(2) Activating the team in response to a sudden cardiac arrest;

(3) Implementing automated external defibrillator placement and routine maintenance within the school;

(4) Disseminating the plan throughout the school campus;

(5) Maintaining ongoing staff training in CPR/AED use;

(6) Plan for practicing skills learned;

(7) Integrating local EMS with the plan;

(8) Ongoing and annual review and evaluation of the plan; and

(9) Appropriate automated external defibrillator placement.

(i) The State Board of Education may promulgate a legislative rule pursuant §29A-3B-1 et seq. of this code to ensure compliance with this section by county school boards.

(j) A county board of education may accept gifts, grants, and donations, including in-kind donations designated for the purchase of an automatic external defibrillator that meets the standards established by the United States Food and Drug Administration and for the costs incurred to inspect and maintain such device and train staff in the use of such device.;

And,

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

**Eng. Senate Bill 602**—A Bill to repeal §16-57-1, §16-57-2, §16-57-3, and §16-57-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-5-22e; all relating to cardiac response plans; repealing sudden cardiac arrest prevention act; creating cardiac response plans section for county boards of education;

providing definitions; requiring schools to develop an emergency response plan and parameters therefore; requiring informational meetings regarding cardiac arrest; requiring a form be completed by students prior to participation in an athletic activity; requiring annual sudden cardiac arrest training for coaches; setting forth circumstances in which students are not allowed to participate in athletic activities; requiring evaluation by authorized physician, certified nurse practitioner or certified nurse specialist, or a physician assistant before returning to athletic activity; requiring school officials to work directly with local emergency service providers to integrate the plan into the community's EMS responder protocols and setting forth parameters therefore; allowing state board rulemaking; and allowing county boards to accept gifts, grants and donations.

On motion of Senator Takubo, the following amendment to the House of Delegates amendments to the bill (Eng. S. B. 602) was reported by the Clerk and adopted:

On page 3, section 22e, line 41, after the word "under" by inserting the words "§30-3-1 *et seq.* and".

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Senate Bill 602, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley, Maroney, Rucker, and Smith—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. 602) passed with its House of Delegates amended title.

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

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

**Eng. Com. Sub. for House Bill 4706**—A Bill to amend the Code of the West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-2a, relating to creating the utility pole rights-of-way and easement mapping initiative; requiring pole owners to provide information to the Department of Economic Development to map the poles; requiring the Department of Economic Development to create maps with specific information about the poles; requiring confidentiality of information about electrical facilities connected to poles; allowing the Department of Economic Development to provide information to parties who demonstrate the need for the information to determine feasibility of projects; requiring confidentiality agreement of any requestor of the information; and providing exception to reporting if pole owner provides information directly to telecommunications entity.

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

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

**Eng. Com. Sub. for House Bill 5561**—A Bill to amend and reenact §44D-1-103, §44D-4-402, §44D-5-503c, §44D-7-701, §44D-7-704, §44D-7-705, §44D-8B-2, and §44D-10-1011 of the Code of West Virginia, 1931, as amended, all relating to permitting the electronic execution of trusts.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 5569**—A Bill to amend and reenact §30-38A-15 of the Code of West Virginia, 1931, as amended, relating to prohibiting the requirement that appraisers pay for background checks.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 5582**—A Bill to amend and reenact §30-38-1, §30-38-3, §30-38-6, §30-38-7, and §30-38-11 of the Code of West Virginia, 1931, as amended, relating to updating the requirements regarding real estate appraisal licenses.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 5621**—A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to employment protections for employees who are physically attacked, or in reasonable apprehension of being physically attacked, by another person, who is not an employee co-worker, at their place of employment and who uses reasonable and proportionate force to defend themselves or others shall not be subject to adverse actions by their employer, including, but not limited to, termination of their employment solely for the act of such use of reasonable and proportionate force; relating to permissive use of deadly force against an attacker in their place of employment, without a duty to retreat, if the person reasonably believes that he or she or another is in imminent danger of death or serious bodily harm from which he or she or another can only be saved by the use of deadly force against the intruder or attacker.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 5690**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6-9, related to creating a "West Virginia Task Force on Artificial Intelligence"; setting forth the membership of the same; providing for appointment of members; delineating responsibilities of the task force; providing it complete a report and specifying contents of same; and providing a date for termination of the task force.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 5694**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, and §5A-13-6, all relating to the Firearms Industry Nondiscrimination Act; establishing the short title; defining terms; establishing application of act to certain government contracts; prohibiting governmental entities from entering into contracts with any financial institution that discriminates against any firearm entity or firearm trade association; providing that any such prohibited contracts are void; providing an exception for sole-source providers; prohibiting financial institutions who do business or contract with this state from discriminating against a firearm entity or firearm trade association; specifying the applicability of the prohibition; providing a private right of action; stating available remedies in private rights of action; providing for enforcement by the Attorney General; providing that an enforcement action by the Attorney General does not prohibit a private civil action; specifying available remedies in actions brought by the Attorney General; requiring the Attorney General to submit names of financial institutions who violate this law to the Governor and to request that the state terminate any business relationship with those financial institutions; providing a statute of limitations for actions; and providing a safe harbor for financial institutions.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 766**, Relieving railroad companies of liability during parades.

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

**Com. Sub. for Senate Bill 766** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §31-2A-2 of the Code of West Virginia, 1931, as amended, relating to relieving a railroad company of any liability for injury to any person using a crossing during a parade where the train is stopped during the parade.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 766) 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 Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 816**, Truth in Giving Act.

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

**Com. Sub. for Senate Bill 816** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-19A-1, §29-19A-2, §29-19A-3, §29-19A-4, and §29-19A-5, all relating to the Truth in Giving Act; providing a short title and purpose; defining terms; requiring certain information to be disclosed by thrift operators to donors and customers; specifying manner of disclosure; authorizing the Secretary of State to investigate violations; establishing criminal and civil penalties; providing for deposit of recovered funds; and authorizing Secretary of State to promulgate legislative rules.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 816) 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 Weld, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 837**, Reorganizing offices of Public Defender Corporations to conform to circuit reconfiguration.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 837) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.



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

Your Committee on Finance has had under consideration

**Senate Bill 840**, Modifying unemployment benefits.

And,

**Senate Bill 866**, Designating State Treasurer as chairperson of WV Investment Management Board.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Takubo requested unanimous consent that the bills (S. B. 840 and 866) contained in the preceding report from the Committee on Finance be taken up for immediate consideration and read a first time.

Which consent was not granted, Senator Caputo objecting.

Thereafter, Senator Takubo moved that the bills (S. B. 840 and 866) contained in the preceding report from the Committee on Finance be taken up for immediate consideration and read a first time.

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

At the request of Senator Takubo, and by unanimous consent, his aforesated motion was withdrawn.

Senator Takubo then moved that Senate Bill 840 contained in the preceding report from the Committee on Finance be taken up for immediate consideration and read a first time.

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

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

The roll being taken, the yeas were: Azinger, Barrett, Clements, Deeds, Grady, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Caputo, Chapman, Hamilton, Karnes, and Woelfel—5.

Absent: Boley, Maroney, Rucker, and Smith—4.

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

Whereupon, Senate Bill 840 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.

On motion of Senator Takubo, Senate Bill 866 contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Senate Bill 841**, Setting amount of unemployment taxes and benefits.

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

**Com. Sub. for Senate Bill 841** (originating in the Committee on Finance)—A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21A-6-10 of said code, all relating to the amount of unemployment taxes and benefits; removing definitions; modifying the calculation of the taxable wage base; and modifying methodology for calculating the maximum benefit rate.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

Senator Takubo requested unanimous consent that the bill (Com. Sub. for S. B. 841) contained in the preceding report from the Committee on Finance be taken up for immediate consideration and read a first time.

Which consent was not granted, Senator Caputo objecting.

Senator Takubo then moved that the bill (Com. Sub. for S. B. 841) contained in the preceding report from the Committee on Finance be taken up for immediate consideration and read a first time.

Following discussion,

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

The roll being taken, the yeas were: Azinger, Barrett, Clements, Deeds, Grady, Hunt, Jeffries, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—25.

The nays were: Caputo, Chapman, Hamilton, Karnes, and Woelfel—5.

Absent: Boley, Maroney, Rucker, and Smith—4.

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

Whereupon, Senate Bill 841 contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 850**, Updating Consumer Credit and Protection Act.

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

**Com. Sub. for Senate Bill 850** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-6N-1, §46A-6N-4, §46A-6N-6, §46A-6N-7, and §46A-6N-9 of the Code of West Virginia, 1931, as amended, all relating to consumer litigation financing; defining terms; adding term; removing commercial tort claims exclusion from definition of litigation financing; excluding certain non-profit organizations from the definition of litigation financing; prohibiting assignment of litigation financing contract in certain instances; requiring disclosure of third-party litigation financing agreements to parties; clarifying who is to provide disclosure of third-party litigation financing agreements; and establishing cap for the annual fee a litigation financier may charge a natural person.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 850) 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.

The Senate proceeded to the sixth order of business.

Senators Grady, Rucker, and Chapman offered the following resolution:

**Senate Resolution 53**—Designating February 27, 2024, as Domestic Violence Awareness Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 190**, Modifying definition of sexual contact.

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, Caputo, Chapman, Clements, Deeds, Hamilton, Maroney, Nelson, Oliverio, Phillips, Plymale, Queen, Stover, Stuart, Swope, Takubo, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—22.

The nays were: Azinger, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Roberts, and Tarr—9.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 190) passed with its title.

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

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

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Martin—1.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 442) passed with its title.

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 568**, Creating multi-tiered system for school absenteeism.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 568) passed with its title.

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 575**, Assisted Reproduction Act.

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

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

The nays were: Azinger, Karnes, and Taylor—3.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 575) passed with its title.

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

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

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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo—1.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 583) passed.

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

**Eng. Com. Sub. for Senate Bill 583**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to employer liability and damages in civil actions arising out of the operation of commercial motor vehicles; defining terms; establishing cap on noneconomic loss in certain circumstances; providing exceptions to applicability of cap; permitting cap to increase annually to account for inflation; setting forth effective date; providing for applicability to causes of action arising after effective date.

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

On this question, the yeas were: Azinger, Barrett, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—30.

The nays were: Caputo—1.

Absent: Boley, Rucker, and Smith—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 583) takes effect July 1, 2024.

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

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

On third reading, coming up in regular order, with the right having been granted on February 24, 2024, for amendments to be received on third reading, was read a third time.

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

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

#### **ARTICLE 1C. BAIL.**

##### **§62-1C-1a. Pretrial release; types of release; conditions for release; considerations as to conditions of release.**

(a) Subject to the provisions of §62-1C-1 of this code when a ~~person~~ defendant charged with a violation or violations of the criminal laws of this state first appears before a judicial officer:

(1) Except for good cause shown, a judicial officer shall release a ~~person~~ defendant charged with a misdemeanor ~~an~~ offense on his or her own recognizance at the initial appearance unless ~~that person~~ he or she is charged with:

(A) A misdemeanor offense of actual violence or threat of violence against a person;

(B) A misdemeanor offense where the victim was a minor, as defined in §61-8C-1 of this code;

(C) A misdemeanor offense involving the use of a deadly weapon, as defined in §61-7-2 of this code;

(D) A misdemeanor ~~offense~~ violation of the Uniform Controlled Substances Act involving a Schedule I or II narcotic drug or methamphetamine as set forth in chapter 60A of this code;

(E) A misdemeanor offenses of sexual abuse;

(F) A serious misdemeanor traffic offense set forth in §17C-5-1 or §17C-5-2 of this code; or

(G) A misdemeanor offense involving auto tampering; petit larceny; or possession, transfer, or receiving of stolen property when the alleged value of the property involved exceeds \$250.

(2) For the ~~misdemeanor offenses specified listed~~ in this subsection, and all other offenses ~~which that~~ carry a possible penalty of incarceration, ~~the arrested person is entitled to a defendant shall~~ be admitted to bail subject to the least restrictive condition or combination of conditions that the judicial officer determines reasonably necessary to assure that person will appear as required, and ~~which that~~ will not jeopardize the safety of the ~~arrested person~~ defendant, victims, witnesses, or other persons in the community or the safety and maintenance of evidence: Provided, That a magistrate may not release a defendant charged with a felony offense on his or her own recognizance at an initial appearance. Further conditions may include that the ~~person charged defendant~~ shall:

(A) Not violate any criminal law of this state, another state, or the United States;

(B) Remain in the custody of a person designated by the judicial officer who agrees to assume supervision and to report any violation of a release condition to the court, if the designated person is reasonably able to assure the judicial officer that the ~~person~~ defendant will appear as required and will not pose a danger to himself or herself or to the safety of any other person or the community;

(C) Participate in home incarceration pursuant to §62-11B-1 *et seq.* of this code;

(D) Participate in an electronic monitoring program if one is available where the person is charged or will reside;

(E) Maintain employment, or, if unemployed, actively seek employment;

(F) Avoid all contact with an alleged victim of the alleged offense and with potential witnesses and other persons as directed by the court;

(G) Refrain from the use or excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in §60A-1-1 *et seq.* of this code without a prescription from a licensed medical practitioner; or

~~(H) Execute an agreement to forfeit, upon failing to appear as required, property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required. The person charged shall provide the court with proof of ownership, the value of the property, and information regarding existing encumbrances of the property as, in the discretion of the judicial officer, is reasonable and necessary collateral to ensure the subsequent appearance of the person as required;~~

~~(I) Post a cash bond, or execute a bail bond with solvent sureties who will execute an agreement to forfeit an amount reasonably necessary to assure appearance of the person as required. If other than an approved surety, the surety shall provide the court with information regarding the value of its assets and liabilities and the nature and extent of encumbrances against the surety's property. The surety shall have a net worth of sufficiently unencumbered value to pay the amount of the bail bond; or~~

~~(J)(H)~~ Satisfy any other condition that is reasonably necessary to assure the appearance of the ~~person~~ defendant as required and to assure the safety of the ~~arrested person~~ defendant, victims, witnesses, other persons in the community, or the safety and maintenance of evidence.

(3) ~~Proper~~ The considerations in determining whether to release the ~~arrested person~~ defendant ~~on an unsecured bond~~ his or her own recognizance, fixing a reasonable amount of bail, or imposing other reasonable conditions of release ~~are~~ shall be:

(A) The ability of the ~~arrested person~~ defendant to give bail;

(B) The nature, number, and gravity of the offenses;

(C) The potential penalty the ~~arrested person~~ defendant faces;

(D) Whether the alleged acts were violent in nature;

(E) The ~~arrested person's~~ defendant's prior record of criminal convictions and delinquency adjudications, if any;

(F) The character, health, residence, and reputation of the ~~arrested person~~ defendant;

(G) The character and strength of the evidence which has been presented to the judicial officer;

(H) Whether the ~~arrested person~~ defendant is currently on probation, extended supervision, or parole;

(I) Whether the ~~arrested person~~ defendant is already on bail or subject to other release conditions in other pending cases;

(J) Whether the ~~arrested person~~ defendant has been bound over for trial after a preliminary examination;

(K) Whether the ~~arrested person~~ defendant has in the past forfeited bail or violated a condition of release or was ever a fugitive from justice; and

(L) The policy against unnecessary incarceration of ~~arrested persons~~ defendants pending trial set forth in this section.

(b) In all misdemeanors, ~~cash~~ bail may not exceed three times the maximum fine provided for the offense. If the person is charged with more than one misdemeanor, ~~cash~~ bail may not exceed three times the highest combined total maximum fine of the charged offenses for the offenses.

(c) Notwithstanding any provisions of this article to the contrary, whenever a defendant person ~~not subject to the provisions of §62-1C-1 of this code~~ not released on his or her own recognizance pursuant to subsection (a) of this section remains incarcerated after his or her initial appearance, relating to a misdemeanor, ~~due to the inability to meet the requirements of a secured bond~~, a magistrate or judge shall hold a hearing within five days of setting the initial bail to determine if there is a condition or combination of conditions which can meet the considerations set forth in §62-1C-1a(a)(2) of this code.



(d) A judicial officer may upon notice and hearing modify the conditions of release at any time by imposing additional or different conditions.

(e) A prosecuting attorney and defense counsel, unless expressly waived by the defendant, shall appear at all hearings in which ~~bail or bond conditions~~ condition is or are at issue other than the proceeding at which the conditions of release are initially set.

(f) ~~No~~ A judicial officer may not recommend the services of a surety who is his or her relative as that term is defined in §6B-1-3 of this code.

**§62-1C-2. Bail defined; ~~form~~ selection of form by defendant; receipts; right of judicial officer to impose conditions on release.**

(a) Bail is the pretrial release of a defendant from custody upon terms and conditions specified by order of an appropriate judicial officer. Bail shall be set at a monetary amount determined by a judicial officer to provide adequate security for the appearance of a defendant to answer to a specific criminal charge before any court or magistrate at a specific time or at any time to which the case may be continued.

(b) ~~It may take any~~ Except as provided in §62-1C-2(e), a defendant is entitled to and may select one of the following forms for making bail:

(a) ~~The~~ (1) By the deposit by the defendant or by some other person for him or her of cash, in a manner consistent with rules promulgated by the Supreme Court of Appeals;

(2) By executing an agreement to forfeit, upon failing to appear as required, real or personal property of a sufficient unencumbered value, including money, as is reasonably necessary to assure the appearance of the person as required which shall be known as a recognizance. The defendant or person or persons owning the property shall provide the court with proof of ownership, the value of the property, and information regarding existing encumbrances of the property as, in the discretion of the judicial officer, is reasonable and necessary collateral to ensure the subsequent appearance of the defendant as ordered; or

(3) By use of a bail bondsman, as defined in §51-10A-1 of this code, who shall post a cash bond or execute a bail bond with a solvent surety or sureties who will execute an agreement to forfeit an amount reasonably necessary to assure appearance of the defendant as required. If other than an approved surety is used, the surety shall provide the judicial officer with information regarding the value of its assets and liabilities and the nature and extent of encumbrances against the surety's property. The surety shall have a net worth of sufficiently unencumbered value to pay the amount of the bail bond.

~~(b) The written undertaking by one or more persons to forfeit a sum of money equal to the amount of the bail if the defendant is in default for appearance, which shall be known as a recognizance;~~

~~(c) Such other form as the judge of the court that will have jurisdiction to try the offense may determine.~~

(c) All bail shall be received by the clerk of the court, or by the magistrate and, except in case of recognizance, receipts shall be given therefor by him to the surety.

(d) Nothing in this article shall be construed as limiting a circuit court at any stage of a proceeding from imposing any condition or combination of conditions that he or she determines are reasonably necessary to assure that the defendant will appear as required, and that will not jeopardize the safety of the defendant, victims, witnesses, or other persons in the community or the safety and maintenance of evidence pursuant to the provisions of §62-1C-1a of this code, including, but not limited to, release of a defendant on his or her own recognizance.

(e) A magistrate, in his or her discretion, may set a cash only bail, in a manner consistent with rules promulgated by the Supreme Court of Appeals for the following offenses:

(1) Violations of the Uniform Controlled Substances Act for manufacturing, delivering, or possessing with the intent to deliver a Schedule I or II substance as set forth in chapter 60A of this code;

(2) Crimes against a person included in §61-2-1 et seq. of this code;

(3) Sexual offenses included in §61-8B-1 et seq. of this code;

(4) Filming of sexually explicit conduct of minors included in §61-8C-1 et seq. of this code; or

(5) Child abuse crimes included in §61-8D-1 et seq. of this code.

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

Engrossed Committee Substitute for Senate Bill 725 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 725 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo and Chapman—2.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 725) passed.

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

**Eng. Com. Sub. for Senate Bill 725**—A Bill to amend and reenact §62-1C-1a and §62-1C-2 of the Code of West Virginia, 1931, as amended, all relating to pretrial release generally; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; defining terms; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting cash only or property only bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including

releasing defendant on his or her own recognizance; clarifying that a magistrate may not release a defendant charged with a felony offense on his or her own recognizance on initial appearance; providing circumstances when a bail bond is not appropriate; providing circumstances when a magistrate has discretion to set a cash only bond; and making technical corrections.

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

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

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

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

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, Caputo, Chapman, Clements, Hamilton, Hunt, Jeffries, Karnes, Maroney, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Stover, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—25.

The nays were: Azinger, Deeds, Grady, Martin, Roberts, and Stuart—6.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 751) passed.

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

**Eng. Com. Sub. for Senate Bill 751**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §47-21A-1, §47-21A-2, §47-21A-3, §47-21A-4, §47-21A-5, §47-21A-6, §47-21A-7, §47-21A-8, §47-21A-9, §47-21A-10, §47-21A-11, §47-21A-12, §47-21A-13, §47-21A-14, §47-21A-15, §47-21A-16, §47-21A-17, §47-21A-18, §47-21A-19, §47-21A-20, §47-21A-21, §47-21A-22, §47-21A-23, §47-21A-24, §47-21A-25, §47-21A-26, §47-21A-27, §47-21A-28, and §47-21A-29, all relating to creating online charitable raffles; declaring the legislative intent to create a practicable way for charitable and public service organizations to raise funds; defining terms; authorizing certain entities to conduct online raffles without obtaining a license based upon the value of items raffled and cumulative annual gross sales; identifying who may hold a license and what system license holders must use to ensure patrons are located in the State of West Virginia; explaining the authority of the Tax Commissioner to review and grant licenses; identifying the different types of licenses available for online raffles; setting licensing fees and the creation of a special revenue fund; setting forth the procedure for amending information provided on licenses; permitting the Commissioner to engage in regular and emergency rule making; limiting awards on prizes; limiting compensation payable to an operator of an online raffle; limiting amount of expenses payable from proceeds of online raffle revenue; requiring record-keeping and allowing the Commissioner to conduct audits of license holders; defining the scope of permissible advertising for online raffles; allowing platform providers to hold certain licenses; setting criminal penalties for the violation of any provision of this Code;

requiring license holders to file periodic reports with the Commissioner; requiring license applications to be available for public inspections; prohibiting individuals convicted of specific crimes from obtaining a license; providing for civil penalties for violations of this article; and permitting review of civil fines by appeal to the Intermediate Court of Appeals.

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

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

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

At the request of Senator Maynard, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Maynard, the following amendment to the bill was reported by the Clerk and adopted:

On page 7, after line 3 of section 8, by adding thereto a new section, designated section 9, to read as follows:

**§20-20-9. Release of minor participant.**

A parent or guardian of a minor participant may execute a release assuming responsibility for the risks of the minor participant. The release must give notice to the minor participant, and the parent or guardian, of the risks associated with the release.

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

Engrossed Committee Substitute for Senate Bill 774 was then put upon its passage.

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

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 774) passed.

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

**Eng. Com. Sub. for Senate Bill 774**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-20-1, §20-20-2, §20-20-3, §20-20-4, §20-20-5, §20-20-6, §20-20-7, §20-20-8, and §20-20-9, all relating to the creation of the Mountain Bike Responsibility Act; stating a legislative purpose; defining terms; and providing for duties of trail system operators, mountain bicyclists, and passengers on aerial passenger tramways.

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

**Eng. Com. Sub. for Senate Bill 786,** Relating to massage therapy establishments.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 786) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 791,** Modifying membership requirements of Medical Services Fund Advisory Council.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 791) passed with its title.

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

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

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 819) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 842**, Modifying training requirements for county boards of education members.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 842) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 848**, Creating special revenue account within Department of Health.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 848) passed with its title.

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

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

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 851) passed with its title.

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

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

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 859 pass?"

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

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 859) passed with its title.

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

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

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 861 pass?"

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

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 861) passed with its title.

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

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 861) takes effect July 1, 2024.

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

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

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 865) passed.

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

**Eng. Com. Sub. for Senate Bill 865**—A Bill to amend and reenact §5F-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-1-1 of said code, all relating to adding the Educational Broadcasting Commission as a section under the Department of Arts, Culture and History as a separate, but not independent agency; changing the designation of the Division of Culture and History as a separate independent agency to an agency within the Executive Branch as the Department of Arts, Culture, and History; adding the Educational Broadcasting Commission as one of the eight sections within the Department of Arts, Culture, and



History; and adding the Educational Broadcasting Council as one of the citizen commissions existing withing the Department of Arts, Culture, and History.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 865) takes effect from passage.

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

**Eng. Senate Bill 872**, Relating to county fire service fees.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 872) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 872) takes effect from passage.

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

**Eng. Senate Bill 873**, Schedule for tax installment payments.

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, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Rucker, and Smith—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 873) 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 4809**, Health Care Sharing Ministries Freedom to Share 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, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Queen, Roberts, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—29.

The nays were: Caputo and Plymale—2.

Absent: Boley, Rucker, and Smith—3.

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. 4809) 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.

**Com. Sub. for Com. Sub. for Senate Bill 468**, Requiring course in public schools on human development.

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

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

**Com. Sub. for Com. Sub. for Senate Bill 470**, Uniform Special Deposits Act.

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

**Com. Sub. for Com. Sub. for Senate Bill 482**, Relating to rule-making authority of Ethics Commission.

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

**Com. Sub. for Senate Bill 503**, Protecting belief-based student organizations from certain types of discrimination.

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

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

**Com. Sub. for Com. Sub. for Senate Bill 679**, Regulating certain plant-based derivatives, hemp-derived cannabinoid products, and Kratom.

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 and adopted:

On page 5, section 12, line 49, after the word "therewith," by striking out the words "or a product that is unlawful pursuant to 7 U.S.C. §5940".

The bill (Com. Sub. for Com. Sub. for S. B. 679), as amended, was then ordered to engrossment and third reading.

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

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

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

**Com. Sub. for Senate Bill 717**, Prohibiting sale of tobacco products to individuals younger than 21 years of age.

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

**Eng. Senate Bill 732**, Requiring cooperation between law-enforcement agencies and military authorities.

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

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

On page 1, section 7, line 8, by striking out the words "The assistance authorized by subsection (a) of this section may be provided for, but not be limited to, a" and inserting in lieu thereof the word "A".

The bill (S. B. 732), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 769**, Prohibiting certain medical exams on anesthetized patients.

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 8B. SEXUAL OFFENSES.**

### **§61-8B-20. Prohibited examinations.**

(1) No court may order or otherwise require an alleged victim in a prosecution for a sexual offense to submit to or undergo a gynecological or physical examination of the breasts, buttocks, anus, or any part of the sex organs against his or her will.

(2) The refusal of an alleged victim to undergo an examination described in subdivision (1) of this section may not serve as the basis to exclude evidence obtained from other relevant examinations of the victim.

(3) For purposes of this section, the term "sexual offense" means any offense in which sexual intercourse, sexual contact, or sexual intrusion is an essential element, and includes any prosecution under §61-8B-1 *et seq.*, §61-8-12, or §61-8D-5 of this code.

The bill (Com. Sub. for S. B. 769), as amended, was then ordered to engrossment and third reading.

**Senate Bill 803**, Updating definitions for assessment of real property.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:50 a.m., the Senate recessed until 4 p.m. today.

The Senate reconvened at 5:51 p.m. and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

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

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

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

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

On motion of Senator Woodrum, 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 3. ASSESSMENTS GENERALLY.**

**§11-3-25b. Appeal to Office of Tax Appeals.**

(a) In all cases involving appeal to the Office of Tax Appeals from a property tax valuation pursuant to §11-3-15i or §11-3-23a of this code, or from an order of a County Commission sitting as a Board of Equalization and Review pursuant to §11-3-24 of this code, the appeal petition must be filed with the Office of Tax Appeals by March 31 of the property tax year as defined in §11-3-1 of this code to be considered timely filed. If a petition of appeal is not filed with the Office of Tax Appeals by March 31 of the property tax year, then it shall be dismissed as untimely.

(b) In all cases involving appeal to the Office of Tax Appeals from a property tax ruling on taxability or classification by the Tax Commissioner pursuant to §11-3-24a of this code, the appeal petition must be filed within 30 days after receiving written notice of the Tax Commissioner's ruling. If a petition of appeal is not timely filed with the Office of Tax Appeals, then it shall be dismissed.

(c) In all cases involving property tax matters brought before the Office of Tax Appeals pursuant to subsections (a) and (b) of this section, the hearing before the Office of Tax Appeals shall be de novo as provided in §11-10A-10 of this code. Notwithstanding the provisions of §11-10A-10 of this code, a property tax appeal to the Office of Tax Appeals involving valuation, classification, or taxability may be set for hearing within 90 days of the due date of the answer unless continued by order of the Office of Tax Appeals for good cause.

(d) The provisions of this section shall be effective for all property tax appeals to the Office of Tax Appeals made on or after January 1, 2023.

(e) Notwithstanding any provisions of this article to the contrary, failure to file a petition in writing, register a complaint, or request an informal review, as provided in §11-3-15c, §11-3-15d, §11-3-23a, §11-3-24, or §11-3-24a shall not bar the Office of Tax Appeals' jurisdiction to hear any such property tax appeal. This provision is to clarify that the Office of Tax Appeals will have original property tax jurisdiction to hear such appeals.

The bill (S. B. 858), as amended, was then ordered to engrossment and third reading.

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

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

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

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

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

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

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

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

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

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

**Com. Sub. for Com. Sub. for Senate Bill 468**, Requiring course in public schools on human development.

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

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

On page 3, section 9, line 63-66, by striking out all of paragraph (B) and inserting in lieu thereof a new paragraph (B), to read as follows:

(B) The Meet Baby Olivia video developed by Live Action, showing the process of fertilization and every stage of human development inside the uterus, noting significant markers in cell growth and organ development for every significant marker of pregnancy until birth: *Provided*, That the Department of Education shall at all times maintain a downloaded copy of the Meet Baby Olivia video developed by Live Action to distribute to public county schools, teachers, or staff for purposes of viewing the video in accordance with this subsection.

Following extended discussion,

The question being on the adoption of Senator Grady's amendment to the bill, and on this question, Senator Rucker demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Chapman, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Oliverio, Phillips, Roberts, Rucker, Smith, Stuart, Tarr, and Taylor—18.

The nays were: Barrett, Caputo, Hamilton, Maroney, Nelson, Plymale, Queen, Stover, Swope, Takubo, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—15.

Absent: Boley—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Grady's amendment to the bill adopted.

The bill (Com. Sub. for Com. Sub. for S. B. 468), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

**Eng. House Bill 5593**, Relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management.

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

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

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

Your Committee on Transportation and Infrastructure has had under consideration,

**Senate Bill 377**, Exempting certain physicians from specified traffic laws when responding to emergencies.

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

**Com. Sub. for Senate Bill 377** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing that physicians must still exercise due care for safety; and requiring rulemaking by the West Virginia Board of Medicine and West Virginia Board of Osteopathic Medicine.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 377) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 601**, Creating WV Women's Bill of Rights.

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

**Com. Sub. for Senate Bill 601** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §2-2-10 of the Code of West Virginia, 1931, as amended; to amend said code

by adding a new article thereto, designated §16-67-1, §61-67-2, §16-67-3 and §16-67-4; all relating to statutory construction creating the Women's Bill of Rights; providing a short title and statement of purpose; defining terms; establishing rules of construction for statutes and ordinances addressing sex discrimination, sex equality and sex specific benefits or services; declaring state interest in single sex environments; and establishing rules of construction in statutes and ordinances related to the sex of a person or persons; and creating protocols for data collection.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 601) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 618**, Authorizing Division of Forestry to administer certain exchange program.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on February 21, 2024;

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 726**, Moving functions of Information Services and Communications Division into Office of Technology.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*



At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 726) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 755**, Providing safeguards for online sales of tobacco products.

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

**Com. Sub. for Senate Bill 755** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-9E-1, §16-9E-2, §16-9E-3, §16-9E-4, §16-9E-5, §16-9E-6, and §16-9E-7 of the Code of West Virginia, 1931, as amended, all relating to the delivery sales of tobacco products; expanding article to regulate all tobacco products; defining terms; clarifying that delivery sale may be via Internet website or mobile application; clarifying that a delivery sale of delta-8 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, or kratom products is prohibited; raising legal minimum age for delivery sale of tobacco product to 21 years of age; prohibiting delivery sales of tobacco products to underage individuals; requiring delivery sales of tobacco products to comply with certain requirements; prohibiting persons from accepting a purchase order, selling, mailing, delivering, or causing to be delivered certain tobacco products without complying with certain applicable requirements for age verification, shipping, labeling, registration, and reporting; authorizing use of check box for confirming certain purchaser information to make purchase order for delivery sale of tobacco products via Internet website or mobile application if certain criteria met; requiring collection and remission of applicable excise taxes; and establishing criminal penalties for violations of article.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 755) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Senate Bill 822**, Defining terms for forest carbon capture use restrictions of landowners.

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

**Com. Sub. for Senate Bill 822** (originating in the Committee on Finance)—A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended; to amend said code by

adding thereto a new section, designated §11-12-4b; to amend said code by adding thereto a new article, designated §11-12E-1, §11-12E-2, §11-12E-3, and §11-12E-4; and to amend said code by adding thereto a new section, designated §36-4-20, all relating to real property, tax, and registration requirements associated with carbon offset agreements; defining terms; providing exceptions; requiring parties to current and new carbon offset agreements to register with the State Tax Department; requiring reports by Division of Forestry and State Tax Department; authorizing disclosure of information between the Tax Commissioner and Division of Forestry; imposing an excise tax on receipts derived from carbon offset agreements; setting forth reporting requirements; defining "managed timberland" to exclude certain timberland subject to a carbon offset agreement; specifying application of West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; authorizing promulgation of rules; providing legislative findings and declarations; providing that any covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document, which is executed or recorded after the effective date, which effectively prohibits or restricts the development of land and minerals or the harvesting of timber for the purposes of carbon capture, carbon offset, and carbon sequestration is void and unenforceable, unless said covenant, restriction, condition, easement, contract, lease, deed, agreement, option, or other governing document is for an initial maximum term of 20 years or less; and providing that options to renew or continue such arrangements beyond the maximum term of 20 years shall be valid only if the consideration is required to be renegotiated to exercise the option and the option is for a maximum of 20 years or less; and providing exceptions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 822) 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 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:

**Senate Bill 826**, Allowing depository institutions to provide FDIC coverage to county commissions through reciprocal deposit arrangements.

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

**Com. Sub. for Senate Bill 826** (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §7-6-2 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from the bond or security requirement of banking institutions holding funds for a county commission in excess of the amount insured by an agency of the federal government by allowing for the redeposit of the funds through a deposit placement program that meets certain conditions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 826) 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 Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 870**, Restoring Sanity Act.

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

**Com. Sub. for Senate Bill 870** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9b; to amend said code by adding thereto a new section, designated §18-5-29; to amend said code by adding thereto a new article, designated §18B-1G-1, §18B-1G-2, §18B-1G-3, §18B-1G-4, and §18B-1G-5; and to amend said code by adding thereto two new sections, designated §18B-14-5 and §18B-14-6, all relating to Restoring Sanity Act; relating to nondiscrimination; prohibiting a school district, a public charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee of the aforementioned entities from providing instruction in, requiring instruction in, making part of a course, or requiring a statement or affirmation by any employee of certain specified concepts; prohibiting a state institution of higher education or any of its employees from requiring a student or employee to take instruction in, or include in the curriculum of any required course, or require a statement or affirmation by any student or employee that certain specified concepts are factual and accurate or must be held as a belief of the student or employee; defining terms; recognizing that state institutions of higher education have an obligation to prohibit discrimination and have an obligation to protect the right to free speech and expression; clarifying what is not prohibited; establishing public elementary and secondary school complaint and appeal procedures for alleged violations and complaint reporting procedures; requiring each campus to report to the Higher Education Policy Commission or the Council for Community and Technical College Education, a description of any violations; requiring certain information on the complaints filed and reported violations to be reported to the Legislative Oversight Commission on Education Accountability; providing that neither county board or public charter school employees are required to use a student's preferred pronoun when referring to the student if the preferred pronoun is not consistent with the student's biological sex, civilly liable for using a pronoun that is consistent with the biological sex of the student to whom the teacher or employee is referring, or subject to an adverse employment action for not using a student's preferred pronoun if the student's preferred pronoun is inconsistent with the student's biological sex; providing that neither a county board or public charter school is civilly liable if a county board or public charter school employee refers to a student using a pronoun that is inconsistent with the biological sex of the student to whom the employee is referring; prohibiting state institutions of higher education from establishing, sustaining, supporting, or staffing a diversity, equity, and inclusion officer or office; stating what prohibition does not cover or affect; stating what diversity, equity, and inclusion office and diversity, equity, and inclusion officer does not include; requiring a state institution of higher education to file an certify with the Joint

Committee on Education a report of the steps taken by the academic institution of higher education and its staff, administration, and faculty to comply; prohibiting state institutions of higher education from expending certain moneys until a report is filed with the Joint Committee on Education by July 1; requiring reallocation of certain moneys that would have been expended on prohibited diversity, equity, and inclusion offices and officers to merit scholarships for lower-income and middle-income students, first generation college students, or to reduce tuition and mandatory fees for resident students; stating effective date; declaring the policy of the state that the administrations of state institutions of higher education, and their administrative units, be officially neutral with regard to certain widely contested opinions in the state regarding certain issues; defining "diversity training"; prohibiting a diversity statement from ever being required or solicited in certain instances; prohibiting state institutions of higher education from giving preferential consideration to an applicant, student, staff member, or faculty member due to certain opinions expressed or actions taken.

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

Respectfully submitted,

Amy N. Grady,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 870) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Economic Development has had under consideration

**Senate Bill 874** (originating in the Committee on Economic Development)—A Bill to amend and reenact §17-16F-1, §17-16F-3, §17-16F-4, and §17-16F-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §17-16F-10a, §17-16F-10b, and §17-16F-10c, all relating to the West Virginia Division of Multimodal Transportation; providing for legislative findings; modifying definitions; authorizing division to create local port authority districts; authorizing division to propose legislative rules for application process for creation of local port authority districts; providing that political subdivisions and certain joint ventures may create local port authority districts in accordance with a certain procedure; establishing an application and approval process for creation of local port authority districts; directing division to make certain considerations relating to creation of local port authority districts; providing for creation of board of directors for local port authority districts and membership composition; authorizing board to exercise certain powers; and directing board to prepare a certain annual plan.

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

Respectfully submitted,

Glenn D. Jeffries,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 874) contained in the preceding report from the Committee on Economic Development was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Senate Bill 875** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §29-12-15 and §29-12-16, relating to liability or other insurance coverage provided by the Board of Risk and Insurance Management to any entity for which such coverage is permissive under state code; placing a moratorium on providing new or additional property or liability coverage to any entity for which such coverage is permissive under state code except county boards of education, public charter schools, and certain other persons and entities for which coverage by the board is mandatory; and authorizing the board to non-renew insurance coverage to any entity for which such coverage is permissive under state code.

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

Respectfully submitted,

Eric J. Tarr,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 875) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Joint Resolution 10** (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to providing for a homestead exemption for veterans with 90 percent or greater service-connected disabilities; numbering and designating such proposed amendment; and providing a summarized statement of such proposed amendment.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. J. R. 10) 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 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 4786**, Delivery Network Company (DNC) Insurance Model Act.

And has amended same.

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

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

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

Your Committee on Transportation and Infrastructure has had under consideration:

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

And has amended same.

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

Respectfully submitted,

Charles H. Clements,  
*Chair.*

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips and Stuart.

At the request of Senator Stuart, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the anniversary of the Buffalo Creek disaster.

At the request of Senator Takubo, and by unanimous consent, the remarks by Senators Phillips and Stuart were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 6:25 p.m., the Senate adjourned until tomorrow, Tuesday, February 27, 2024, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, February 27, 2024  
11:00 AM**

### **UNFINISHED BUSINESS**

S. R. 53 - Designating February 27, 2024, as Domestic Violence Awareness Day

### **THIRD READING**

Eng. Com. Sub. for Com. Sub. for S. B. 468 - Requiring course in public schools on human development (original similar to HB5075)

Eng. Com. Sub. for Com. Sub. for S. B. 470 - Uniform Special Deposits Act (original similar to HB4913)

Eng. Com. Sub. for Com. Sub. for S. B. 482 - Relating to rule-making authority of Ethics Commission (original similar to HB4957)

Eng. Com. Sub. for S. B. 503 - Protecting belief-based student organizations from certain types of discrimination - (With right to amend)

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

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

Eng. Com. Sub. for S. B. 717 - Prohibiting sale of tobacco products to individuals younger than 21 years of age

Eng. S. B. 732 - Requiring cooperation between law-enforcement agencies and military authorities

Eng. Com. Sub. for S. B. 769 - Prohibiting certain medical exams on anesthetized patients - (Com. title amend. pending)

Eng. S. B. 803 - Updating definitions for assessment of real property

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

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

### **SECOND READING**

Com. Sub. for S. B. 377 - Exempting certain physicians from specified traffic laws when responding to emergencies

Com. Sub. for S. B. 601 - Creating WV Women's Bill of Rights

Com. Sub. for S. B. 618 - Authorizing Division of Forestry to administer certain exchange program - (Com. amend. and title amend. pending)

S. B. 726 - Moving functions of Information Services and Communications Division into Office of Technology

Com. Sub. for S. B. 755 - Providing safeguards for online sales of tobacco products

Com. Sub. for S. B. 766 - Relieving railroad companies of liability during parades

Com. Sub. for S. B. 816 - Truth in Giving Act

Com. Sub. for S. B. 822 - Relating generally to real property, tax, and registration requirements associated with carbon offset agreements

Com. Sub. for S. B. 826 - Creating exemption from bond or security requirement of banking institutions holding certain funds for county commissions

S. B. 837 - Reorganizing offices of Public Defender Corporations to conform to circuit reconfiguration

S. B. 840 - Modifying unemployment benefits

Com. Sub. for S. B. 841 - Setting amount of unemployment taxes and benefits

Com. Sub. for S. B. 850 - Updating Consumer Credit and Protection Act

S. B. 866 - Designating State Treasurer as chairperson of WV Investment Management Board

S. B. 874 - Relating to WV Division of Multimodal Transportation

S. B. 875 - Relating to certain insurance coverage provided by BRIM

S. J. R. 10 - Homestead Exemption for Disabled Veterans Amendment

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

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

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

Eng. H. B. 5593 - Relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management

### **FIRST READING**

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



**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2024**

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**Tuesday, February 27, 2024**

10 a.m.	Education	(Room 451M)
10 a.m.	Government Organization	(Room 208W)