

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
FIFTIETH DAY

Charleston, West Virginia, Wednesday, February 28, 2024

The Senate met at 11:11 a.m.

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

Prayer was offered by the Reverend Bret Layton, Superintendent of the West Virginia South District Church of the Nazarene, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rollan A. Roberts, a senator from the ninth district.

Pending the reading of the Journal of Tuesday, February 27, 2024,

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

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

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant family members of the Honorable William Wayne Bailey, Jr., a former senator from the ninth district, privileges of the floor for the day.

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4507—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12o; and to amend said code by adding thereto a new section, designated §11-24-23h, all relating to reducing income tax liability for taxpayers who improve certain building facades in historic districts; providing for a tax credit of the replacement cost of historic facades; providing for a reduction in federal adjusted gross income in certain circumstances for certain replacement costs of historic facades; setting forth conditions; providing for application; and requiring rulemaking.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4548—A Bill to amend and reenact §11-13S-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13Y-5 of said code, all relating to authorizing application of the manufacturing investment tax credit and the manufacturing property tax adjustment credit against personal income tax; defining terms; deleting superannuated language; specifying application of tax credit; specifying effective date; and making stylistic revisions.

Referred to the Committee on Finance.

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

Eng. House Bill 4549—A Bill to amend and reenact §11-15-9n of the Code of West Virginia, 1931, as amended, all relating to the consumers sales and service tax and use tax exemption for qualified purchases of computers and computer software, primary material handling equipment, racking and racking systems, and components, building materials and certain tangible personal property to be incorporated into a qualified, new or expanded warehouse or distribution facility; changing threshold jobs creation number from 300 to 50; and making stylistic changes.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 4667—A Bill to amend and reenact §16-64-3 of the Code of West Virginia, 1931, as amended, relating to syringe services programs; and prohibiting syringe services programs from distributing listed smoking devices.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 4744—A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, requiring non-discretionary procedures; providing for certain strict and non-discretionary requirements; limiting Parkways Authority tolls to the West Virginia Turnpike without legislative authorization; requiring public hearings with fourteen days' notice and show of need for operational or maintenance costs before increasing tolls; subjecting tolls to auditing by the Joint Committee on Government and Finance; and requiring acceptance of credit card payments in lieu of cash.

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

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

Eng. Com. Sub. for House Bill 4753—A Bill to amend the code of West Virginia, 1931, by adding thereto a new section designated, §5-16-7h; to amend said code by adding thereto a new section designated §9-5-34; to amend said code by adding thereto a new section designated §33-15-4x; to amend said code by adding thereto a new section designated §33-16-3aa; to amend said code by adding thereto a new section designated §33-24-7y; to amend said code by adding thereto a new section designated §33-25-8v; and to amend said code by adding thereto a new section designated §33-25A-8y, all relating to providing health insurance coverage concerning biomarker testing.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4829—A Bill to amend and reenact §18A-2-5 of the Code of West Virginia, 1931, as amended, relating to employment of service personnel and removing the requirement for a high school diploma or general education development certificate for school bus drivers and custodians who are 21 years of age or older.

Referred to the Committee on Education.

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

Eng. House Bill 4855—A Bill to amend and reenact §5A-3-3 and §5A-3-18 of the Code of West Virginia, 1931, as amended, all relating to the purchasing division; and requiring the purchasing division contracts to be nonspecific in regards to manufacturers or suppliers of commodities; providing that the director may allow the purchase of a commodity or service from a specific manufacturer or supplier, or bearing a specific trade name or brand, under certain specified conditions.

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 4882—A Bill to amend and reenact §18B-10-1a of the West Virginia Code 1931, as amended, to extend in-state tuition rates to all members and veterans of the National Guard, reserves, and armed forces as well as their spouses and dependents, when they choose to move to West Virginia for the purpose of attending state institutions of higher education.

Referred to the Committee on Military; 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 4963—A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, and §61-3F-5, all relating to prohibiting certain uses of deep fake technology; prohibiting the use of deep fake

technology to influence an election; providing for definitions; explaining manner of violation; providing exceptions and exemptions; providing for a penalty; and allowing injunctive relief.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4967—A Bill to amend and reenact §22-22-1, §22-22-2, §22-22-3, §22-22-4, §22-22-5, §22-22-6, §22-22-7, §22-22-8, §22-22-9, §22-22-10, §22-22-11, §22-22-12, §22-22-13, §22-22-14, §22-22-15, §22-22-16, of the Code of West Virginia, 1931, as amended, to repeal §22-22-17 of said code, and amend and reenact §22-22-18 and §22-22-20, all relating to the administration of the Voluntary Remediation and Redevelopment Act to provide new liability protections for those who wish to purchase and redevelop former industrial properties; defining terms and revising existing definitions; providing for rulemaking; clarifying procedures involving the Brownfields Revolving Fund; revising public notice provisions concerning the fund; providing that the Secretary may limit the liability of lenders, innocent purchasers, landowners, de minimis contributors, or others who have limited responsibility for contamination under the Hazardous Waste Management Act, the Water Pollution Control Act, the Groundwater Protection Act or any other applicable law; providing that bona fide prospective purchasers are not liable for a containment at a brownfield site if defined conditions are met; providing that an innocent land owner who holds title or security interest in a brownfield site are not liable for contamination at a brownfield site if defined conditions are met; providing that a person that owns contiguous real property that is contaminated by a release of a hazardous substance from real property that is not owned by that person is not liable for contamination under defined conditions; providing that the Secretary may require anyone responsible for contamination to remediate sites where substances have been improperly managed; and making non-substantive technical corrections.

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

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

Eng. Com. Sub. for House Bill 4999—A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding the exception to spousal testimonial privilege to include cases of offenses committed against the grandchildren of either spouse, or minor, as defined in §2-2-10 of this code, or any person deemed incompetent by mental disease, defect, or other disability.

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 5025—A Bill to amend and reenact §11-10-17 of the Code of West Virginia, 1931, as amended, relating to eliminating the additional one and one-half percent interest rate for underpayments of tax; and specifying an effective date.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 5031—A Bill to amend and reenact §61-14-1, §61-14-2, and §61-14-7 of the Code of West Virginia, 1931, as amended, all relating to human trafficking, adding a definition for "illegal alien"; general provisions and penalties; and providing that illegal aliens are not eligible for restitution.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 5062—A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to procedures in cases of child neglect or abuse; allowing a guardian ad litem to request the appointment of a court appointed special advocate if that circuit court is serviced by a court appointed special advocate.

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

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

Eng. Com. Sub. for House Bill 5093—A Bill to amend and reenact §48-5-706 of the Code of West Virginia, 1931, as amended, relating to the revision of an order concerning distribution of marital property; and, providing guidelines for the same.

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 5130—A Bill to amend and reenact §61-3B-2 and §61-3B-3 of the Code of West Virginia, 1931, as amended, all relating to increasing fines for criminal trespass; creating criminal penalties; and clarifying protected activities.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 5134—A Bill to amend and reenact §11-13MM-2 and §11-13MM-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the continuation of the disabled veteran real property tax credit for certain widowed spouses.

Referred to the Committee on Military; 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 5151—A Bill to amend and reenact §49-1-206 of the Code of West Virginia, 1931, as amended, relating to adding former foster parents with whom a child has previously been placed to the definition of fictive kin.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 5162—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g; to amend and reenact §21-1E-2 of said Code; to amend and reenact §21-1E-3 of said Code; and to amend and reenact §21-6-2 of said Code, all relating to creating the Youth Apprenticeship Program and expanding registered apprenticeship programs.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 5178—A Bill to amend and reenact §17D-2A-6a of the Code of West Virginia, 1931, as amended, relating to requiring new and used motor vehicle dealerships in this state to utilize a search engine to determine if prospective buyers of vehicles have valid motor vehicle insurance.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 5237—A Bill to amend and reenact §17C-7-1 of the Code of West Virginia, 1931, as amended, relating to requiring operators of vehicles to drive in rightmost portion or lane of roads or highways and exceptions thereto.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 5254—A Bill to amend and reenact §27-5-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §27-5-1b and §27-5-2 of said code; to amend said code by adding thereto a new section, designated §27-5-2b; to amend and reenact §27-5-4 of said code; to amend said code by adding a new article, designated §27-5A-1, §27-5A-2; and §27-5A-3; all relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals; clarifying that mental hygiene evaluations and proceedings may be conducted by video technology; creating a temporary observation release for mental hygiene respondents; clarifying that chief medical officer releases requiring approval of circuit court only apply to forensic

patients; requiring hearings for any commitment period of longer than 90 days and prohibiting any person from being civilly committed to longer than 120 days without a hearing to determine whether the individual continues to meet commitment criteria; removing obsolete language regarding transcripts of proceedings to circuit court of county of residence; restructuring the mental hygiene commissioner system by authorizing new mental hygiene regions; authorizing full-time mental hygiene commissioners employed by the Supreme Court of Appeals; authorizing mental hygiene proceedings and evaluations by video; requiring facilities to provide technology that meets Supreme Court of Appeals specifications; authorizing statewide coverage for mental hygiene evaluations; permitting a mental hygiene commissioner to exclude evaluator testimony based on the West Virginia Rules of Evidence; and requiring each Certified Community Mental Health Center to ensure that at least one examiner is available to provide coverage in each region.

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

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

Eng. House Bill 5280—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, and §11-13NN-7, all relating to creating the West Virginia Short Line Railroad Modernization Act; definitions; tax credit allowed and credit limitations; and review and accountability.

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 5345—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-1b; and to amend and reenact §15-12-2 of said code, all relating to the registration requirements in the Sex Offender Registration Act; providing for definitions; adding a definition for transient residence; relating to establishing a 10 day timeframe by which registrants are required to update their information when there is a change in information; and clarifying how those required to register sex offenders, who have no permanent residence, can satisfy their legal obligation by providing a transient residence within the state.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 5425—A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to clarifying the amount of experience required in the hiring of professional education personnel; and providing that those years of experience gained outside of the county or state shall count towards the required threshold.

Referred to the Committee on Education.

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

Eng. House Bill 5430—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-20, relating to per diem compensation and expenses of newly elected or appointed judicial officers receiving education and training prior to taking the oath of office.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 5435—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-3D-7, establishing the registered apprenticeship to associate of applied science program to be administered by the Council for Community and Technical College Education.

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

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

Eng. Com. Sub. for House Bill 5516—A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8C-1 of said code, all relating to prohibiting the use of deep fake images for the nonconsensual disclosure of private intimate images; prohibiting the unlawful depiction of nude or partially nude minors or minors engaged in sexually explicit conduct; establishing such conduct as criminal offenses, subject to criminal penalties.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 5530—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated, §16-5B-21, relating to requiring a hospital to disclose price and fee information for certain health care services.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 5565—A Bill to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended, relating to requiring the Division of Motor Vehicles to provide an identification card for eligible released inmates.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. Com. Sub. for House Bill 5572—A Bill to amend and reenact §49-2-128 of the Code of West Virginia, 1931, as amended, relating to prohibiting cameras, for the purpose of unattended surveillance or recording, in bedrooms and bathrooms of foster homes; exemptions.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 5613—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-31, relating to requiring the Governor to establish crisis preparedness plans.

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

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

Eng. House Bill 5696—A Bill to amend and reenact §20-17B-2 of the Code of West Virginia, 1931, as amended, relating to lead member county of the Upper Ohio Valley Trail Network Recreation Authority.

Referred to the Committee on Outdoor Recreation.

The Senate proceeded 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:

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

And has amended same.

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

And has amended same.

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

And has amended same.

House Concurrent Resolution 18, Caldwell Brothers Memorial Bridge.

And has amended same.

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

And has amended same.

House Concurrent Resolution 32, Sloan Brothers Memorial Bridge.

And has amended same.

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

And has amended same.

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

And has amended same.

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

And has amended same.

House Concurrent Resolution 61, Mollohan Brothers Memorial Bridge.

And has amended same.

And,

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

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Clements, unanimous consent being granted, the resolutions (H. C. R. 2, Com. Sub. for H. C. R. 3, Com. Sub. for H. C. R. 9, H. C. R. 18, Com. Sub. for H. C. R. 26, H. C. R. 32, Com. Sub. for H. C. R. 39, Com. Sub. for H. C. R. 40, H. C. R. 53, H. C. R. 61, and H. C. R. 68) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The following amendments to the resolutions, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

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

On page 1, in the third Whereas clause, line 10, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars".

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

On page 1, in the third Whereas clause, line 10, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars";

And,

On page 2, in the sixth Whereas clause, line 20, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars".

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

On page 2, in the Resolved clause, line 32, by striking out the words "the "Private" and inserting in lieu thereof the words "in Mineral County, the "Union Army Private";

On page 2, in the first Further Resolved clause, line 34, by striking out the word "Private" and inserting in lieu thereof the words "Union Army Private";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name a section of WV Route 46, locally known as the Beryl Road and Shaw Road extending from the North Branch of the Potomac River at Piedmont WV to the Kantor Cutoff between 39.47994830263841, -79.06627907466128 and 39.427643533576884, -79.09318170874904, in Mineral County, the "Union Army Private Jefferson Howell Memorial Road".

House Concurrent Resolution 18, Caldwell Brothers Memorial Bridge.

On page 2, in the Resolved clause, line 41, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

On page 2, in the first Further Resolved clause, line 43, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge 06-064/00-21.75 (06A243), locally known as Howells Mill Overpass Westbound, carrying I-64 over Mud River and County Route 1 in Cabell County and 06-064/00-2175 (06A242), locally known as Howells Mill Overpass Eastbound, carrying I-64 over Mud River and County Route 1 in Cabell County, the "Caldwell Brothers Veterans Memorial Bridge".

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

On page 1, in the fourth Whereas clause, line 8, by striking out the words "Bronze Stars" and inserting in lieu thereof the words "Bronze Service Stars";

On page 1, in the Resolved clause, line 17, by striking out the word "PFC" and inserting in lieu thereof the words "U.S. Army PFC";

On page 2, in the first Further Resolved clause, line 20, by striking out the word "PFC" and inserting in lieu thereof the words "U.S. Army PFC";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number 52-054/00-000.75 (52A088), (39.56097, -80.72622) locally known as Crow Run Bridge, carrying CR 04 over Crow Run in Wetzel County, as the "U.S. Army PFC Jerry Lee Bassett Memorial Bridge".

House Concurrent Resolution 32, Sloan Brothers Memorial Bridge.

On page 2, in the Resolved clause, line 28, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

On page 2, in the first Further Resolved clause, line 30, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name Bridge Number 44-079/00-029.04 (NB) (44A125), at 38.58216 latitude and -81.21047 longitude and originally known as the Big Sandy Creek N (CSPG) at CR29 & Big Sandy Creek, near Amma, WV in Roane County, the "Sloan Brothers Veterans Memorial Bridge."

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

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

Whereas, On March 28, 1933, Delbert Sherdon "Buck" Huffman Sr. was born in Erwin, West Virginia to Charles Frank and Lettia Huffman. He was the youngest of 9 siblings; and

Whereas, Buck graduated from Fellowsville High School in 1951. After high school, Buck enlisted in the United States Army. Buck was deployed and served in the Korean War in 1956, and he was Honorably Discharged from the United States Army; and

Whereas, Buck immediately reenlisted with the United States Army and continued to serve. In 1965-1966, Buck was deployed to Vietnam for a tour of duty. In 1970-1971, Buck was again deployed to Vietnam for his second tour of duty during that conflict; and

Whereas, Following his return home from his second tour in Vietnam, Buck continued to serve with the United States Army. He was stationed at various military bases across the United States

and Germany. In 1976, after 23 years of service to the United States Army, Buck was honorably discharged and retired from the military; and

Whereas, Buck's warrior spirit and dedication to his country did not go unrecognized. For his service Buck was awarded the following: the Bronze Star Medal, Meritorious Service Medal, Air Medal, Army Commendation Medal, Presidential Unit Citation, Meritorious Unit Commendation, Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Republic of Vietnam Cross of Gallantry with Palm, Republic of Vietnam Campaign Medal, and Expert Badge W/M14 Rifle Bar; and Silver Service was awarded in view of five Bronze Service Stars; and

Whereas, Following his retirement from the Army, Buck continued to support his fellow military veterans through the Kingwood VFW, of which he was a Post Commander. In addition, he was a member of the American Legion and the Disabled American Veterans; and

Whereas, On August 10, 2023, Buck passed away at the age of 90; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SFC Delbert Sherdon "Buck" Huffman Sr. and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 39-050/02-000.89 () (39A113), (39.32593, -79.81876), locally known as the Israel Bridge, carrying CR50/02 over Little Sandy Creek in Preston County, the "U.S. Army SFC Delbert S. "Buck" Huffman Sr. Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army SFC Delbert S. "Buck" Huffman Sr. Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the House forward a copy of this resolution to the Commissioner of the Division of Highways.;

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number 39-050/02-000.89 () (39A113), (39.32593, -79.81876), locally known as the Israel Bridge, carrying CR50/02 over Little Sandy Creek in Preston County, the "U.S. Army SFC Delbert S. "Buck" Huffman Sr. Memorial Bridge".

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

On page 2, in the fifteenth Whereas clause, line 37, by striking out the word "MP" and inserting in lieu thereof the words "U.S. Army CPL";

On page 2, in the Resolved clause, line 42, by striking out the word "MP" and inserting in lieu thereof the words "U.S. Army CPL";

On page 3, in the first Further Resolved clause, line 45, by striking out the word "MP" and inserting in lieu thereof the words "U.S. Army CPL";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number 25-033/02-000.55 () (25A077), (39.48162, -80.07274) locally known as REUBEN RUN BRIDGE, carrying CR 33/02 over REUBEN RUN in Marion County as the "USMC MSG Edward P. & U.S. Army CPL Carl A. McCray Memorial Bridge".

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

On page1, in the second Whereas clause, line 9, by striking out "1944" and inserting in lieu thereof "1943".

House Concurrent Resolution 61, Mollohan Brothers Memorial Bridge.

On page 2, in the Resolved clause, line 11, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

On page 2, in the first Further Resolved clause, line 14, by striking out the words "*Mollohan Bothers Memorial Bridge*" and inserting in lieu thereof the words "Mollohan Brothers Veterans Memorial Bridge";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name Bridge Numbers: 04-079/00-046.18 (NB & SB) (04A103, 04A104) , (38.61716, -80.95085) locally known as SERVIA ICHG N & S, carrying IS 79 over Co 11 in Braxton County, the "Mollohan Brothers Veterans Memorial Bridge".

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

On pages 2 and 3, in the Resolved clause, lines 33 and 34, by striking out the words "Air Force, Major (Ret.)" and inserting in lieu thereof the words " Air Force Major";

On page 3, in the first Further Resolved clause, line 36, by striking out the words "*Mollohan Bothers Memorial Bridge*" and inserting in lieu thereof the words "Air Force, Major (Ret.)" and inserting in lieu thereof the words " Air Force Major";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name Bridge Number: 11-047/00-004.96 (11A128), (39.04623, -80.83061) locally known as COXCAMP CONCRETE BOX BM, carrying WV 47 over COXCAMP FORK in Gilmer County, the "U. S. Army Air Force Major Willis 'Scottie' Adams Memorial Bridge".

The question being on the adoption of the resolutions, as amended, the same was put and prevailed.

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

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:

House Concurrent Resolution 5, George M. Hall Memorial Bridge.

Com. Sub. for House Concurrent Resolution 12, "U. S. Marine Private First class Calvin Lee Loudin Memorial Bridge".

House Concurrent Resolution 14, Assistant Chief David Timothy "Tim" Wilson Memorial Road.

House Concurrent Resolution 16, Thomas Leo Starsick Memorial Bridge.

House Concurrent Resolution 17, Ab and Laura Baisden Bridge.

House Concurrent Resolution 25, U. S. Navy Sonarman First Class William C. Harris Memorial Bridge.

House Concurrent Resolution 27, U. S. Army Sergeant Jerry Lee Harris Memorial Bridge.

House Concurrent Resolution 41, Thurman W. Whisner Memorial Bridge.

House Concurrent Resolution 42, U.S. Army SSG William E. Miller Memorial Bridge.

House Concurrent Resolution 45, Alexander Arbuckle "Abe" McLaughlin Memorial Bridge.

House Concurrent Resolution 46, Jacob "Jack" Taylor Rudolph, Sr. Memorial Bridge.

House Concurrent Resolution 50, Jack A. Hatfield Memorial Bridge.

Com. Sub. for House Concurrent Resolution 62, U.S. Army First Sergeant Clarence Shirley Blake Memorial Bridge.

And,

House Concurrent Resolution 66, U.S. Army SP4 Lonnie "Bill" Walker Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Clements, unanimous consent being granted, the resolutions (H. C. R. 5, Com. Sub. for H. C. R. 12, H. C. R. 14, H. C. R. 16, H. C. R. 17, H. C. R. 25, H. C. R. 27, H. C. R. 41, H. C. R. 42, H. C. R. 45, H. C. R. 46, H. C. R. 50, Com. Sub. for H. C. R. 62, and H. C. R. 66) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

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:

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

And has amended same.

House Concurrent Resolution 8, Judy Brothers Memorial Bridge.

And has amended same.

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

And has amended same.

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

And has amended same.

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

And has amended same.

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

And has amended same.

House Concurrent Resolution 44, Frank Walker Mosley Memorial Bridge.

And has amended same.

And,

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

And has amended same.

And reports the same back with the recommendation that they each be adopted, as amended.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Clements, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. 7, H. C. R. 8, Com. Sub. for H. C. R. 19, H. C. R. 20, H. C. R. 30, H. C. R. 36, H. C. R. 44, and H. C. R. 60) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The following amendments to the resolutions, from the Committee on Transportation and Infrastructure, were reported by the Clerk, considered simultaneously, and adopted:

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

On page 2, in the Resolved clause, line 24, by striking out the words "Radarman 3rd Class" and inserting in lieu thereof "PO3";

On page 2, in the first Further Resolved clause, line 27, by striking out the words "Radarman 3rd Class" and inserting in lieu thereof "PO3";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number 29-013/00-005.67 () (29A078), (39.29672, -78.93246) locally known as RUSSELDALE BRIDGE, carrying CR 13 over PATTERSON CREEK in Mineral County, the "U.S. Navy PO3 Craig W. Haines Memorial Bridge".

House Concurrent Resolution 8, Judy Brothers Memorial Bridge.

On page 1, in the Resolved clause, line 19, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

On page 2, in the first Further Resolved clause, line 23, by striking out the word "Memorial" and inserting in lieu thereof the words "Veterans Memorial";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name a bridge bearing the Bridge Number: 14-050/00-007.31 (14A120), (39.33950, -78.77510) locally known as ROMNEY BRIDGE, carrying US 50 over SOUTH BR POTOMAC RIVER in Hampshire County, the "Judy Brothers Veterans Memorial Bridge".

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

On page 2, in the Resolved clause, line 34, by striking out "CPL" and inserting in lieu thereof the words "U.S. Army CPL";

On page 2, in the first Further Resolved clause, line 37, by striking out "CPL" and inserting in lieu thereof the words "U.S. Army CPL";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number 20-039/00-000.05 (38.4628604688791, -81.5001270435965) locally known as Shady Sadie's Bridge, carrying CR 33 over Little Sandy Creek in Kanawha County, the " U.S. Army CPL Thomas Lowell Wines Memorial Bridge".

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

On page 2, in the Resolved clause, line 26, by striking out "SP4" and inserting in lieu thereof the words "U.S. Army SP4";

On page 2, in the first Further Resolved clause, line 28, by striking out "SP4" and inserting in lieu thereof the words "U.S. Army SP4";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name bridge number: 20-033/00-005.06 (38°33'23.9 - 81°33'45.0) locally known as the Yukon Bridge, carrying CR 33 over the Pocatalico River in Kanawha County, the " U.S. Army SP4 Donnie Lee Hackney Memorial Bridge".

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

On page 2, in the Resolved clause, line 28, by striking out the word "Jack" and inserting in lieu thereof the words "USAF A1C Jack";

On page 2, in the first Further Resolved clause, line 32, by striking out the word "Jack" and inserting in lieu thereof the words "USAF A1C Jack";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name a bridge bearing the Bridge Number: 26-250/00-013.37 () (26A094), (39.84754, -80.55577) locally known as Clouston Bridge, carrying US 250 over North Fork Grave Creek in Marshall County as the "USAF A1C Jack L. Hart Memorial Bridge".

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

On page 2, in the Resolved clause, line 21, by striking out the words "Chief Master Sgt." and inserting in lieu thereof "USAF CMSgt";

On page 2, in the first Further Resolved clause, line 23, by striking out the words "Chief Master Sgt." and inserting in lieu thereof "USAF CMSgt";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name Bridge Number 11642, beginning at 38°27'10N 81°51'38W and ending at 38°27'12"N 81°51'39W, on Bills Creek Road near Scott Depot in Putnam County, the " USAF CMSgt Dan Chandler Bridge".

House Concurrent Resolution 44, Frank Walker Mosley Memorial Bridge.

On page 2, in the Resolved clause, line 35, by striking out the words "County. The "Frank" and inserting in lieu thereof the words "County, the "U.S. Army PFC Frank";

On page 2, in the first Further Resolved clause, line 38, by striking out the word "Frank" and inserting in lieu thereof the words "U.S. Army PFC Frank";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name Bridge Number: 13-060/14-006.39 (13A127), (37.77177, -80.35636) locally known as HARTS RUN BRIDGE, carrying CR 60/14 over HOWARD CREEK in Greenbrier County, the " U.S. Army PFC Frank Walker Mosley Memorial Bridge".

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

On page 2, in the Resolved clause, lines 18 through 21, by striking out the words "a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on W V 2/4, in Braxton County, together with the little bridge in front of the Providence Baptist Church the "Terra Dawn Lewis Memorial Road and" and inserting in lieu thereof the words "the bridge over Copen Run in front of Providence Baptist Church on Arnett Road, approximately 170 feet from the intersection of Arnett Road and Copen Road on WV 2/4, in Braxton County, the "Terra Dawn Lewis Memorial";

On page 2, in the first Further Resolved clause, lines 23 and 24, by striking out the words "at both ends identifying the portion of road as the "Terra Dawn Lewis Memorial Road and" and inserting in lieu thereof the words "identifying the bridge as the "Terra Dawn Lewis Memorial ";

And,

By striking out the title and substituting in lieu thereof a new title to read as follows:

Requesting the Division of Highways name the bridge over Copen Run in front of Providence Baptist Church on Arnett Road, approximately 170 feet from the intersection of Arnett Road and Copen Road on WV 2/4, in Braxton County, the "Terra Dawn Lewis Memorial Bridge".

The question being on the adoption of the resolutions, as amended, the same was put and prevailed.

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

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:

House Concurrent Resolution 11, VFD Gregory Linn Haught Memorial Bridge.

House Concurrent Resolution 15, USMC Private Timith Daley Nunn Memorial Bridge.

Com. Sub. for House Concurrent Resolution 22, "U.S. Army Corporal William Edgar Hancock Memorial Bridge".

House Concurrent Resolution 23, Cody J. Mullens Memorial Bridge.

House Concurrent Resolution 28, Karantonis Brothers Armed Forces Memorial Bridge.

House Concurrent Resolution 29, U.S. Army Sgt Thomas Lawson Memorial Bridge.

Com. Sub. for House Concurrent Resolution 33, U. S. Army PFC Gale Hall Memorial Bridge.

Com. Sub. for House Concurrent Resolution 34, U.S. Army Staff Sgt. Harlie Steven Gabbert Memorial Bridge.

House Concurrent Resolution 35, Gulf War Veteran's Memorial Bridge.

House Concurrent Resolution 51, U. S. Army Colonel Merlin C. Kerns Memorial Bridge.

And,

House Concurrent Resolution 59, Asa H. Kisamore, Jr. Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

At the request of Senator Clements, unanimous consent being granted, the resolutions (H. C. R. 11, H. C. R. 15, Com. Sub. for H. C. R. 22, H. C. R. 23, H. C. R. 28, H. C. R. 29, Com. Sub. for H. C. R. 33, Com. Sub. for H. C. R. 34, H. C. R. 35, H. C. R. 51, and H. C. R. 59) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

The Senate proceeded to the sixth order of business.

Senators Caputo and Oliverio offered the following resolution:

Senate Concurrent Resolution 33—Requesting the Division of Highways to erect two supplemental signs along each side of Interstate 79 below existing signage at the northern and southern entry points of Marion County, the first pair of signs at the border of Marion and Monongalia counties around mile marker 142.5, the second pair of signs at the border of Marion and Harrison counties around mile marker 129.5 proclaiming "Home of Legendary Coach - Nick Saban".

Which, under the rules, lies over one day.

Senators Stover, Blair (Mr. President), Azinger, Barrett, Boley, Caputo, Chapman, Clements, Deeds, Grady, Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and Woodrum offered the following resolution:

Senate Resolution 56—Memorializing the life of the Honorable Warren Randolph McGraw, Sr., former member of the West Virginia House of Delegates, former President of the West Virginia Senate, former Chief Justice of the West Virginia Supreme Court of Appeals, statesman, and dedicated public servant.

Which, under the rules, lies over one day.

Senator Tarr offered the following resolution:

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

Which, under the rules, lies over one day.

Senators Blair (Mr. President), Takubo, Trump, Tarr, Grady, and Woodrum offered the following resolution:

Senate Resolution 58—Designating February 29, 2024, as West Virginia Arts Day at the Legislature.

Which, under the rules, lies over one day.

Senator Blair (Mr. President) offered the following resolution:

Senate Resolution 59—Reaffirming the longstanding sisterhood partnership between West Virginia and Taiwan.

Which, under the rules, lies over one day.

Petitions

Senator Blair (Mr. President) presented a petition from Angela Vance and 1,316 AARP members, requesting the elimination of West Virginia's state tax on Social Security income.

Referred to the Committee on Finance.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned 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 Concurrent Resolution 34 (originating in the Committee on the Judiciary)—Requesting the Joint Standing Committee on the Judiciary study the feasibility of ballot identification and verification measures in statewide elections held in West Virginia.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

The Senate proceeded to the seventh order of business.

Senate Resolution 54, Recognizing Leadership Berkeley for its service, dedication and commitment to Berkeley County.

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

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

Senate Resolution 55, Memorializing life of Honorable William Wayne Bailey, Jr.

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

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

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 55) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Oliverio, Plymale, Stover, and Trump regarding the adoption of Senate Resolution 55 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, at 12:02 p.m., the Senate recessed to present Senate Resolution 55.

The Senate reconvened at 12:07 p.m. and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 377, Exempting certain physicians from specified traffic laws when responding to emergencies.

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

Senator Takubo requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a physician.

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

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

The nays were: None.

Absent: Maroney and Woelfel—2.

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. 377) 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 601, Creating WV Women's Bill of Rights.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 27, 2024, for amendments to be received on third reading, was reported by the Clerk.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Caputo, Clements, Deeds, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Swope, Takubo, Tarr, Trump, Weld, Woodrum, and Blair (Mr. President)—27.

The nays were: Chapman, Hamilton, Stover, Stuart, and Taylor—5.

Absent: Maroney and Woelfel—2.

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. 618) passed.

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

Eng. Com. Sub. for Senate Bill 618—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-37-1, §22-37-2, §22-37-3, §22-37-4, §22-37-5, §22-37-6, §22-37-7, and §22-37-8, all relating to authorizing Division of Forestry to administer Forest Management Exchange Program; outlining scope of Forest Management Exchange Program; and providing program requirements for Forest Management Exchange Program.

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

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

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 726) passed with its title.

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

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 726) 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 755, Providing safeguards for online sales of tobacco products.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 27, 2024, for amendments to be received on third reading, was read a third time.

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

On page 2, section 1, line 15, after the word "of" by striking out the remainder of the proviso and inserting in lieu thereof the words "any THC, as that term is defined in §19-12E-3 of this code, any hemp-derived cannabinoid, as that term is defined in §19-12E-12 of this code, or any kratom or kratom product, as those terms are defined in §19-12F-3 of this code, is prohibited."

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

Engrossed Committee Substitute for Senate Bill 755 was then put upon its passage.

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 755) passed.

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

Eng. Com. Sub. for Senate Bill 755—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 THC, hemp-derived cannabinoid, kratom, or kratom product 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.

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 766, Relieving railroad companies of liability during parades.

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 766) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 766) takes effect from passage.

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

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

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Tuesday, February 27, 2024, for further amendments to be received on third reading, was read a third time.

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

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-29a. Prohibition against payments to certain residential substance use disorder facilities; Requirement for licensure and accreditation; and rulemaking.

(a) Effective January 1, 2026, unless otherwise mandated by federal law or regulation, neither the Bureau for Medical Services, nor any managed care organization contracted to provide services on behalf of the bureau, shall reimburse providers for services rendered on or after January 1, 2026, at a residential substance use disorder treatment facility unless:

At the time treatment was rendered, the facility site was actively:

(A) Licensed by the West Virginia Office of Health Facility Licensure and Certification; and

(B) Accredited by the Commission on Accreditation of Rehabilitation Facilities International (CARF), the Joint Commission, or Det Norske Veritas (DNV) to operate an inpatient facility that provides behavioral health services.

(b) No later than October 1, 2025, the Bureau for Medical Services shall make all necessary filings with the Centers for Medicare and Medicaid Services and submit for public comment any changes to its provider manual that are necessary to ensure the ability to enforce the provisions of subsection (a) of this code section.

(c) Residential substance use disorder facilities shall obtain both licensure and accreditation by January 1, 2026. Any new residential substance use disorder facility established and operational after the effective date of this section shall comply with the provisions of this section within one year of its start of operations. During the first year of operations, this section shall not apply to the facility so long as the facility is actively seeking accreditation by CARF International, the Joint Commission, or DNV to operate an inpatient facility that provides behavioral health services.

(d) Notwithstanding the non-reimbursement dates pursuant to subsection (a) of this section, any facility that is ineligible from applying for the accreditation requirements pursuant to paragraph (a)(1)(B) of this section due to not being in operation at a new site for a sufficient period, or a change in ownership, but otherwise meets all legal requirements and eligibility standards to be reimbursed by the Bureau for Medical Services for residential substance use disorder treatment services after January 1, 2026, shall be provided one year from the commencement of operations at the new site, or operations under new ownership, to become fully accredited. Following the expiration of the one-year period, the facility shall be ineligible for reimbursement from the Bureau for Medical Services for such services until such time as it meets the accreditation standards.

(e) All licensed substance abuse treatment beds are subject to the provisions of §16-2D-9(5) of this code.

(f) The Office of the Inspector General shall propose or amend a rule for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the provisions of this section.

(g) The Bureau for Medical Services shall prepare a report to the Legislative Oversight Commission on Health and Human Resources Accountability on or before December 31, 2030. That report shall provide data on the effectiveness of the provisions of this section.

(h) Effective July 1, 2031, the provisions of this section shall expire and have no further force or effect unless continued by act of the Legislature.

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

Engrossed Committee Substitute for Senate Bill 805 was then put upon its passage.

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 805) passed.

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

Eng. Com. Sub. for Senate Bill 805—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29a, relating to residential substance use disorder treatment facilities; prohibiting payment to facilities that do not meet certain requirements; requiring licensure; requiring accreditation; requiring the Bureau for Medical Services to make necessary filings; setting forth specific timeframe to obtain licensure and accreditation; requiring residential substance use disorder treatment facility to obtain accreditation within one year of operation; providing provisions for operation at a new site or new ownership; requiring a report; stating licensed treatment beds are subject to specific provisions; providing for rulemaking; and providing a sunset date.

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 816, Truth in Giving Act.

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

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

The nays were: Martin—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 816) 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 820, Requiring automatic enrollment of substance abuse disorder population into managed care.

On third reading, coming up in regular order, with the unreported Finance committee amendment pending, and with the right having been granted on yesterday, Tuesday, February 27, 2024, for further amendments to be received on third reading, was read a third time.

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

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

~~§9-5-29. Payments to substance use disorder residential treatment facilities based upon performance-based outcomes.~~ Department of Human Services to develop outcome measures for substance use disorder; develop a quality withhold program; and develop and implement plan for day one enrollment of Medicaid enrollees.

(a) For purposes of this section:

"Department" means the ~~Department of Health and Human Resources~~ Department of Human Services.

~~(2) "Evidence-based" means a program or practice that is cost effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended populations.~~

~~(3) "Managed care organizations" "MCOs" means Medicaid managed care organizations a certified health maintenance organization (HMO) that provides health care services to Medicaid members pursuant to an agreement or contract with the Bureau for Medical Services.~~

~~(4) "Performance-based contracting" means structuring all aspects of the service contract around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance. "Quality withhold" means, in a capitated~~

model, having a portion of a rate withheld subject to performance consistent with established quality requirements.

~~(5) "Promising practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.~~

~~(6) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.~~

~~(b) Within three months of effective date, Bureau for Medical Services shall seek an amendment to an existing waiver or waivers from the Centers for Medicare and Medicaid Services to support the pilot program. Within 90 days of Centers for Medicare and Medicaid Services approval, Bureau for Medical Services shall enter into contracts with the MCOs wherein, at a minimum, 15 percent of substance use disorder residential treatment contracts for facilities providing substance use disorder treatment services are paid based upon performance-based measures. The department, shall develop performance outcome measures to be implemented at the provider level for substance use disorder in-patient providers. These provider-level outcome measures will include, but not be limited to, nationally recognized measures of performance outcomes related to substance use disorder in-patient care. The Department will utilize national standards from Hedis and/or Atlas, as well as other standardized measures, in developing the provider-level outcome measures. The measures will be reported to the Legislative Oversight Commission on Health and Human Resources Accountability on or before August 30, 2024, and will be implemented no later than January 1, 2025, from the initial baseline. These measures shall be shared with the managed care organizations to inform contracting decisions.~~

~~(c) The department's contracts with the MCOs shall be developed and implemented in a manner that complies with the applicable provisions of this code and are exempt from §5A-3-1 et seq. of this code. The department, shall develop a managed care quality withhold program based upon nationally recognized measures of performance outcomes, including those related to substance use disorder in-patient care. These measures will be reported to the Legislative Oversight Commission on Health and Human Resources Accountability on or before May 30, 2024, and implemented for baseline July 1, 2024. The baseline year will be to establish new entrant into the market. The capitation withhold will begin July 1, 2025.~~

~~(d) The MCOs shall contract with substance use disorder residential treatment facilities and allow substance use disorder treatment facilities the option to be paid based upon performance-based metrics. Substance use disorder residential treatment facilities that opt for performance-based contracting shall including the following: The department, shall plan for automatic day one enrollment to a managed care organization for all Medicaid enrollees. This workplan shall be presented to the Legislative Oversight Commission on Health and Human Resources Accountability on or before September 30, 2024. The workplan will detail the steps to accomplish this goal, the system changes required, the Center for Medicare and Medicaid Service (CMS) authority changes required along with a detailed timeline of milestones, and a projected completion deadline.~~

~~(1) The use of programs that are evidence-based, research-based, and supported by promising practices, in providing services to patient population, including fidelity and quality assurance provisions.~~

~~(2) The substance use disorder residential treatment facility shall develop a robust post-treatment planning program, including, but not limited to, connecting the patient population to~~

~~community-based supports, otherwise known as wraparound services, to include, but not be limited to, designation of a patient navigator to assist each discharged patient with linkage to medical, substance use, and psychological treatment services; assistance with job placement; weekly communication regarding status for up to three years; and assistance with housing and transportation.~~

~~(3) The department shall create an advisory committee that includes representatives from the Office of Drug Control Policy, the Bureau for Behavioral Health, the Bureau for Medical Services, and the MCO to develop the performance-based metrics for which payment is based that shall include, but are not limited to, the following:~~

~~(A) Whether patient is drug free, 30 days post discharge, six months post discharge, one-year post discharge, two years post discharge, and three years post discharge;~~

~~(B) Whether patient is employed, 30 days post discharge, six months post discharge, one-year post discharge, two years post discharge, and three years post discharge;~~

~~(C) Whether patient has housing, 30 days post discharge, six months post discharge, and one-year post discharge;~~

~~(D) Whether substance use disorder residential treatment facility has arranged medical, substance use, psychological services, or other community-based supports for the patient and whether the patient attended, 30 days post discharge, six months post discharge, one-year post discharge, two years post discharge, and three years post discharge;~~

~~(E) Whether the patient has transportation 30 days post discharge; and~~

~~(F) Whether patient has relapsed and needed any additional substance use disorder treatment, 30 days post discharge, six months post discharge, one-year post discharge, two years post discharge, and three years post discharge.~~

~~(G) A managed care organization does not have an obligation to provide any of the information specified in this section regarding a patient if that patient ceases to be an enrolled member of that particular MCO.~~

~~(e) The substance use disorder residential treatment facility shall report the performance-based metrics to the Office of Drug Control Policy on the first of every month.~~

~~(f) For the three years of implementation of performance-based contracting, the MCO may transfer risk for the provision of services to the substance use disorder residential treatment facility only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the MCO may develop a shared saving methodology through which the substance use disorder residential treatment facility shall receive a defined share of any savings that result from improved performance.~~

~~(g) The department shall hire a full-time employee who will actively monitor the substance use disorder residential treatment facility's compliance with required reporting, monitor contracts executed under this section, and support the advisory committee in determining the best practices and refinement of this pilot.~~

~~(h) The advisory committee shall evaluate this pilot program annually for effectiveness, adjust metrics as indicated to improve quality outcomes, and assess the pilot for continuation.~~

~~(i) The pilot program shall terminate in three years, unless it is recommended for continued evaluation based upon metrics that indicate the effectiveness of this program.~~

~~(j) The department shall conduct actuarial analysis of the pilot program annually and submit this report together with a detailed report of the overall performance of the pilot program, including but not limited to, any performance-based metrics added in the fiscal year, and a recommendation regarding the effectiveness of the program to the Legislative Oversight Commission on Health and Human Resources Accountability by January 15, 2023 and annually thereafter throughout the term of the pilot program.~~

On motion of Senator Takubo, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for S. B. 820) was reported by the Clerk and adopted:

On page 2, section 29, line 31, following the words "outcome measures", by inserting a comma and the words: "and will obtain input from the West Virginia Behavioral Healthcare Providers Association and West Virginia Association of Addiction and Prevention Professionals".

On motion of Senator Weld, the following amendment to the Finance committee amendment to the bill (Eng. Com. Sub. for S. B. 820) was next reported by the Clerk and adopted:

On page 3, section 29, line 47, after the word "enrollees" by inserting the words "who are eligible for managed care".

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

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

Engrossed Committee Substitute for Senate Bill 820 was then put upon its passage.

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 820) passed.

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

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 820—A Bill to amend and reenact §9-5-29 of the Code of West Virginia, 1931, as amended, relating to substance abuse; defining terms; requiring the Department of Human Services to develop performance measures; stating the Department of Human Services will obtain input from specified stakeholders regarding provider-level outcome measures; to receive input establishing deadlines; requiring reporting; requiring the department to develop a quality withhold program; establishing deadlines; and requiring the department to develop a workplan for automatic day one enrollment to a managed care organization for all Medicaid enrollees who are eligible for managed care.

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 822, Relating generally to real property, tax, and registration requirements associated with carbon offset agreements.

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

Pending extended discussion,

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, following consideration of Engrossed Committee Substitute for Senate Bill 601, already placed in that position.

On motion of Senator Takubo, at 12:52 p.m., the Senate recessed for 30 minutes.

The Senate reconvened at 1:30 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 826, Creating exemption from bond or security requirement of banking institutions holding certain funds for county commissions.

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

Senators Trump, Nelson, and Smith requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Trump, Nelson, and Smith would be as members of a class of persons and that they would be required to vote.

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 826) 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 837, Reorganizing offices of Public Defender Corporations to conform to circuit reconfiguration.

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 837) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 837) 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 840, Modifying unemployment benefits.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 27, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 841, Setting amount of unemployment taxes and benefits.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 27, 2024, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, and by unanimous consent, further consideration of the bill was deferred until the conclusion of bills on today's second reading calendar, following consideration of Engrossed Committee Substitute for Senate Bill 822, already placed in that position.

Eng. Com. Sub. for Senate Bill 850, Updating Consumer Credit and Protection Act.

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 850) 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 866, Designating State Treasurer as chairperson of WV Investment Management Board.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 27, 2024, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Senate Bill 866 was then put upon its passage.

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

The nays were: Chapman, Rucker, and Stuart—3.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 866) 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 874, Relating to WV Division of Multimodal Transportation.

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 874) 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 875, Relating to certain insurance coverage provided by BRIM.

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 875) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 875) takes effect from passage.

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

Eng. Com. Sub. for Senate Joint Resolution 6, Incorporation of Churches or Religious Denominations Amendment.

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

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. 6) adopted, as follows:

Eng. Com. Sub. for Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that section 47, article VI thereof, be amended to read as follows:

Article VI. The Legislature.

§47. Incorporation of religious denominations ~~prohibited~~ permitted.

~~No charter of incorporation shall be granted to any church or religious denomination. Provisions may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purposes of such church, or religious denomination. Provisions may also be made by general laws for churches or religious denominations that choose to incorporate.~~

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and designated as the "Incorporation of Churches or Religious Denominations Amendment" and the purpose of the proposed amendment is summarized as follows: "To authorize the incorporation of churches or religious denominations that choose to incorporate."

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

Eng. Senate Joint Resolution 10, Homestead Exemption for Disabled Veterans Amendment.

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

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. S. J. R. 10) adopted, as follows:

Eng. Senate Joint Resolution 10—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.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that section one-b, article X thereof, be amended to read as follows:

ARTICLE X. TAXATION AND FINANCE.

§1b. Property tax limitation and homestead exemption amendment of 1982.

Ad valorem property taxation shall be in accordance with this section and other applicable provisions of this article not inconsistent with this section.

Subsection A — Value; Rate of Assessment; Exceptions

Notwithstanding any other provisions of this Constitution and except as otherwise provided in this section, all property subject to ad valorem taxation shall be assessed at 60 percent of its value, as directed to be ascertained in this section, except that the Legislature may from time to time, by general law agreed to by two thirds of the members elected to each house, establish a higher percentage for the purposes of this paragraph, which percentage shall be uniform as to all classes of property defined in section one of this article, but not more than 100 percent of such value.

Notwithstanding the foregoing, for the first day of July 1982, and the first day of July of each year thereafter until the values may be fixed as a result of the first statewide reappraisal hereinafter required, assessments shall be made under the provisions of current statutory law, which is hereby validated for such purpose until and unless amended by the Legislature. Assessment and taxation in accord with this section shall be deemed to be equal and uniform for all purposes.

Subsection B — Determination of Value

The Legislature shall provide by general law for periodic statewide reappraisal of all property, which reappraisal shall be related for all property to a specified base year which, as to each such reappraisal, shall be uniform for each appraisal for all classes of property and all counties. In such law, the Legislature shall provide for consideration of (1) trends in market values over a fixed period of years prior to the base year, (2) the location of the property, and (3) such other factors and methods as it may determine: *Provided*, That with respect to reappraisal of all property upon the base year of 1980, such reappraisals are deemed to be valid and in compliance with this section: *Provided, however*, That with respect to farm property, as defined from time to time by the Legislature by general law, the determination of value shall be according to its fair and reasonable value for farming purposes, as may be defined by general law.

The results of each statewide appraisal shall, upon completion, be certified and published and errors therein may be corrected, all as provided by general law. The first such statewide appraisal shall be completed, certified, and published on or before the 31st day of March 1985, for use when directed by the Legislature.

The Legislature shall further prescribe by general law the manner in which each statewide reappraisal shall be employed to establish the value of the various separately assessed parcels or interests in parcels of real property and various items of personal property subject to ad valorem property taxation, the methods by which increases and reductions in value subsequent to the base year of each statewide reappraisal shall be ascertained, and require the enforcement thereof.

Subsection C — General Homestead Exemption

Notwithstanding any other provisions of this Constitution to the contrary, the first \$20,000 of assessed valuation of any real property, or of personal property in the form of a mobile home, used exclusively for residential purposes and occupied by the owner, or one of the owners thereof, as his residence who is a citizen of this state and who is 65 years of age or older or is permanently and totally disabled as that term may be defined by the Legislature, shall be exempt from ad valorem property taxation, subject to such requirements, limitations and conditions as shall be prescribed by general law.

Notwithstanding any other provision of this Constitution to the contrary, the Legislature shall have the authority to provide by general law for an exemption from ad valorem property taxation in an amount not to exceed the first \$20,000 of value of any real property, or of personal property in the form of a mobile home, used exclusively for residential purposes and occupied by the owner, or one of the owners thereof, as his residence who is a citizen of this state, and who is under 65 years of age and not totally and permanently disabled: *Provided*, That upon enactment of such general law, this exemption shall only apply to such property in any county in which the property was appraised at its value as of the first day of January 1980, or thereafter, as determined by the Legislature, and this exemption shall be phased in over such period of time not to exceed five years from the date such property was so appraised, or such longer time as the Legislature may determine by general law: *Provided, however*, That in no event shall any one person and his spouse, or one homestead be entitled to more than one exemption under these provisions: *Provided further*, That these provisions are subject to such requirements, limitations and conditions as shall be prescribed by general law.

The Legislature shall have the authority to provide by general law for property tax relief to citizens of this state who are tenants of residential or farm property.

Subsection D — Additional Limitations on Value

With respect to the first statewide reappraisal, pursuant to this section, the resulting increase in value in each and every parcel of land or interest therein and various items of personal property subject to ad valorem property taxation over and above the previously assessed value shall be allocated over a period of 10 years in equal amounts annually.

The Legislature may by general law also provide for the phasing in of any subsequent statewide reappraisal of property.

Subsection E — Levies for Free Schools

In equalizing the support of free schools provided by state and local taxes, the Legislature may require that the local school districts levy all or any portion of the maximum levies allowed under section one of this article which has been allocated to such local school districts.

Within the limits of the maximum levies permitted for excess levies for schools or better schools in sections one and 10 of this article, the Legislature may, in lieu of the exercise of such powers by the local school districts as heretofore provided, submit to the voters, by general law, a statewide excess levy, and if it be approved by the required number of voters, impose such levy, subject however to all the limitations and requirements for the approval of such levies as in the case of a district levy. The law submitting the question to the voters shall provide, upon approval of the levy by the voters, for the assumption of the obligation of any local excess levies for schools then in force theretofore authorized by the voters of a local taxing unit to the extent of such excess levies imposed by the state and so as to avoid double taxation of those local districts. The Legislature may also by general law reserve to the school districts such portions of the power to lay authorized excess levies as it may deem appropriate to enable local school districts to provide educational services which are not required to be furnished or supported by the state. If a statewide excess levy for the support of free schools is approved by the required majority, the revenue from such a statewide excess levy shall be deposited in the state treasury and be allocated first for the local obligations assumed and thereafter for such part of the state effort to support free schools, by appropriation or as the law submitting the levy to the voters shall require, as the case may be.

The defeat of any such proposed statewide excess levy for school purposes shall not in any way abrogate or impair any local existing excess levy for such purpose nor prevent the adoption of any future local excess levy for such purpose.

Subsection F — Implementation

In the event of any inconsistency between any of the provisions of this section and other provisions of this Constitution, the provisions of this section shall prevail. The Legislature shall have plenary power to provide by general law for the equitable application of this article and, as to taxes to be assessed prior to the first statewide reappraisal, to make such laws retroactive to the first day of July 1982, or thereafter.

Subsection G — Homestead exemption for veterans with 90 percent or greater service-connected disabilities

Notwithstanding any other provisions of this Constitution to the contrary, the Legislature by general law may exempt completely from taxation any real property, or personal property in the form of a mobile home, used exclusively for residential purposes and occupied by the owner, or one of the owners thereof, as his or her residence who is a citizen of this state and a veteran of the armed forces of the United States of America and who has a 90 percent or greater service-connected disability as determined by the United States Department of Veterans Affairs or its successor.

Resolved further, That in accordance with the provisions of article eleven, chapter 3 of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered "Amendment 1" and designated as the "Homestead Exemption for Disabled Veterans Amendment" and the purpose of the proposed amendment is summarized as follows: "To provide for a homestead exemption for veterans with at least 90 percent service-connected disabilities."

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 4233, Non-binary not permitted on birth certificates.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was 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 third reading, coming up in regular order, was read a third time and put upon its passage.

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4874) passed.

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

Eng. Com. Sub. for House Bill 4874—A Bill to amend and reenact §61-12A-1, §61-12A-2, §61-12A-3 and §61-12A-4, of the Code of West Virginia, 1931, as amended; and to repeal §61-12A-5 of said code, all relating to fatality and mortality review team; providing team members; providing timeframe for team have meetings; updating the authority of review team; removing the study of certain deaths; removing advisory boards; requiring certain reports; and eliminating required reporting and analysis.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4874) takes effect from passage.

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

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

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4933) passed.

At the request of Senator Takubo, as vice chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the title of the bill was withdrawn.

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

Eng. Com. Sub. for House Bill 4933—A Bill to amend and reenact §9-5-12a of the Code of West Virginia, 1931, as amended, relating to Medicaid dental coverage; providing coverage is limited to \$2,000 per two-year budget period; providing recipients must pay for services over the \$2,000; requiring reporting; and removing expired internal effective date.

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

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4933) 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. House Bill 5593, Relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management.

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

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

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5593) passed.

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

Eng. House Bill 5593—A Bill to amend and reenact §29-12-3 of the Code of West Virginia, 1931, as amended, relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management; continuing the board; providing for voting membership of the board; providing for qualifications of members; providing procedures for appointment of members; providing initial appointment terms of members; providing terms of subsequent appointment of members; providing procedures for vacancy, expiration of terms, and removal of members; providing end date for term of members appointed prior to the effective date of the reenactment of this section; authorizing reappointment of any qualified member appointed prior to the effective date of the reenactment; providing that Insurance Commissioner shall serve as non-voting board secretary; and providing for compensation of board members.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 5593) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

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

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

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

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 4431, Permitting the cremation of unidentified remains.

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

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

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

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

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

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

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

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

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-3. Employment of substitute teachers; and employment of retired teachers as substitutes in areas of critical need and shortage.

(a) The county superintendent, subject to approval of the county board, may employ and assign substitute teachers to any of the following duties:

(1) Fill the temporary absence of any teacher or an unexpired school term made vacant by resignation, death, suspension, or dismissal;

(2) Fill a teaching position of a regular teacher on leave of absence; and

(3) Perform the instructional services of any teacher who is authorized by law to be absent from class without loss of pay, providing the absence is approved by the board of education in accordance with the law.

The substitute shall be a duly certified teacher.

(b) Notwithstanding any other provision of this code to the contrary, a substitute teacher who has been assigned as a classroom teacher in the same classroom continuously for more than one half of a grading period and whose assignment remains in effect two weeks prior to the end of the grading period, shall remain in the assignment until the grading period has ended, unless the principal of the school certifies that the regularly employed teacher has communicated with and assisted the substitute with the preparation of lesson plans and monitoring student progress or has been approved to return to work by his or her physician. For the purposes of this section, teacher and substitute teacher, in the singular or plural, mean professional educator as defined in ~~section one, article one of this chapter~~ §18A-1-1 of this code.

(c) Persons who are hired as long-term substitute teachers shall be provided information by the county board relating to an IEP plan and 504 plan, detailing their uses and what those long-term substitute teachers should do to implement these plans upon their hiring.

~~(e)~~ (d) (1) The Legislature hereby finds and declares that due to a shortage of qualified substitute teachers, a compelling state interest exists in expanding the use of retired teachers to provide service as substitute teachers in areas of critical need and shortage. The Legislature further finds that diverse circumstances exist among the counties for the expanded use of retired teachers as substitutes.

(2) For the purposes of this subsection:

(A) "Area of critical need and shortage for substitute teachers" means an area of certification and training in which the number of available substitute teachers in the county who hold certification and training in that area and who are not retired is insufficient to meet the projected need for substitute teachers; and

(B) "Teacher or substitute teacher" includes speech pathologists, school nurses, and school counselors.

(3) A person receiving retirement benefits under ~~article seven a, chapter eighteen~~ §18-7A-1 et seq. of this code or who is entitled to retirement benefits during the fiscal year in which that person retired may accept employment as a critical needs substitute teacher for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled if the following conditions are satisfied:

(A) The county board adopts a policy recommended by the superintendent to address areas of critical need and shortage for substitute teachers;

(B) The policy sets forth the areas of critical need and shortage for substitute teachers in the county in accordance with the definition of area of critical need and shortage for substitute teachers set forth in subdivision (2) of this subsection;

(C) The policy provides for the employment of retired teachers as critical needs substitute teachers during the school year on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection;

(D) The policy provides that a retired teacher may be employed as a substitute teacher in an area of critical need and shortage for substitute teachers on an expanded basis as provided in this subsection only when no other teacher who holds certification and training in the area and who is not retired is available and accepts the substitute assignment;

(E) The policy is effective for one school year only and is subject to annual renewal by the county board;

(F) The state board approves the policy and the use of retired teachers as substitute teachers on an expanded basis in areas of critical need and shortage for substitute teachers as provided in this subsection; and

(G) Prior to employment of a retired teacher as a critical needs substitute teacher beyond the post-retirement employment limitations established by the Consolidated Public Retirement Board, the superintendent of the affected county submits to the state board in a form approved by the Consolidated Public Retirement Board and the state board, an affidavit signed by the superintendent stating the name of the county, the fact that the county has adopted a policy to employ retired teachers as substitutes to address areas of critical need and shortage, the name or names of the person or persons to be employed as a critical needs substitute pursuant to the policy, the critical need and shortage area position filled by each person, the date that the person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. Upon verification of compliance with this section and the eligibility of the critical needs substitute teacher for employment beyond the post-retirement limit, the state board shall submit the affidavit to the Consolidated Public Retirement Board.

(4) Any person who retires and begins work as a critical needs substitute teacher within the same fiscal year in which that person retired shall lose those retirement benefits attributed to the annuity reserve, effective from the first day of employment as a retiree critical needs substitute teacher in that fiscal year and ending with the month following the date the retiree ceases to perform service as a critical needs substitute teacher.

(5) Retired teachers employed to perform expanded substitute service pursuant to this subsection are considered day-to-day, temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

(6) A retired teacher is eligible to be employed as a critical needs substitute teacher to fill a vacant position without any loss of retirement benefits attributed to the annuity reserve only if the retired teacher's retirement became effective before the first day of July preceding at least the fiscal year during which he or she is employed as a critical needs substitute teacher.

(7) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly employed teacher who is fully certified or permitted for the position.

(8) When a retired teacher is employed as a critical needs substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board.

(9) Until this subsection is expired pursuant to subdivision (10) of this subsection, the state board shall report to the Joint Committee on Government and Finance, prior to February 1 of each year, information indicating the effectiveness of the provisions of this subsection on reducing the critical need and shortage of substitute teachers including, but not limited to, the number of retired teachers, by critical need and shortage area position filled and by county, employed beyond the post-retirement employment limit established by the Consolidated Public Retirement Board, the date that each person gave notice to the county board of the person's intent to retire, and the effective date of the person's retirement. A copy of the report shall also be provided to the Legislative Oversight Commission on Education Accountability.

(10) The provisions of this subsection shall expire on June 30, 2025.

The bill (Eng. H. B. 4838), as amended, was then ordered to third reading.

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

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

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

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

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

Eng. Com. Sub. for House Bill 5122, Relating to civil service for deputy sheriffs.

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

Eng. Com. Sub. for House Bill 5175, Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission.

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

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

On second reading, coming up in regular order, was 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 5347, Relating to establishing a program for emergency medical services personnel to become certified paramedics.

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 5395, Relating to judicial review of Board decisions.

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 7. CLAIM PROCEDURE.

§21A-7-17. Finality of board's decision — Judicial review.

The decision of the board shall be final and benefits shall be paid or denied in accordance therewith, unless a claimant, last employer, or other interested party appeals to the ~~circuit court of Kanawha County~~ Intermediate Court of Appeals within ~~thirty~~ 30 days after mailing of notification of the board's decision: *Provided*, That, in cases relating to a disqualification under ~~subdivision (4) of section three of article six~~ §21A-6-3(4) of this code, the decision of the board shall be final and benefits shall be paid or denied in accordance therewith, unless a claimant, last employer, or other interested party appeals to the ~~circuit court of Kanawha County~~ Intermediate Court of Appeals within ~~twenty~~ 20 days after mailing of notification of the board's decision.

Parties to the proceedings before the board shall be made defendants in any such appeal; and the commissioner shall be a ~~necessary~~ an interested party to with the discretionary authority to appear in any such judicial review.

§21A-7-20. Board a necessary party to judicial action; legal counsel.

[Repealed.]

The bill (Eng. Com. Sub. for H. B. 5395), as amended, was then ordered to third reading.

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

Senate Concurrent Resolution 21, US Army MSG James E. Jackson Jr. Memorial Road.

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

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

On line 5, following the word "in" by striking "New York City" and inserting in lieu thereof "Talcott, West Virginia".

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

The question being on the adoption of the resolution, as amended by the House of Delegates, the same was put and prevailed.

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

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

On motion of Senator Takubo, at 2:10 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:35 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 200, Budget Bill.

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

Com. Sub. for Senate Bill 200 (originating in the Committee on Finance)—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

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. 200) 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, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

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

The nays were: None.

Absent: Boley, Hunt, Maroney, and Woelfel—4.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Committee Substitute for Senate Bill 200 was then 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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Maroney, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 200) 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, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Takubo, Tarr, Taylor, Trump, Weld, Woodrum, and Blair (Mr. President)—31.

The nays were: None.

Absent: Boley, Maroney, and Woelfel—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. 200) takes effect from passage.

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

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

Your Committee on Agriculture and Natural Resources has had under consideration

Eng. Com. Sub. for House Bill 4911, Relating to the sale of raw milk.

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,

Bill Hamilton,
Chair.

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

Senator Takubo announced that in the meeting of the Committee on Rules previously held, the committee, in accordance with Rule 17 of the Rules of the Senate, had ordered Engrossed Committee Substitute for Senate Bill 601 to the foot of the Senate second reading calendar.

Senator Takubo announced that in the same meeting, the Committee on Rules, in accordance with Rule 17 of the Rules of the Senate, had removed from the Senate third reading calendar, Engrossed Committee Substitute for Senate Bill 822.

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

Eng. Com. Sub. for Senate Bill 822, Relating generally to real property, tax, and registration requirements associated with carbon offset agreements.

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

Eng. Com. Sub. for Senate Bill 841, Setting amount of unemployment taxes and benefits.

On third reading, coming up in deferred order, with the right having been granted on yesterday, Tuesday, February 27, 2024, for amendments to be received on third reading, was read a third time.

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

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

ARTICLE 1A. DEFINITIONS.

§21A-1A-28. Wages; average annual wage; threshold wage.

(a) "Wages" means all remuneration for personal service, including commissions, gratuities customarily received by an individual in the course of employment from persons other than the employing unit, as long as such gratuities equal or exceed an amount of not less than \$20 each month and which are required to be reported to the employer by the employee, bonuses and the cash value of all remuneration in any medium other than cash except for agricultural labor and domestic service. The term "wages" includes remuneration for service rendered to the state as a member of the state National Guard or Air National Guard only when serving on a temporary basis pursuant to a call made by the Governor under §15-1D-1 and §15-1D-2 of this code.

(b) The term "wages" does not include:

(1) That part of the remuneration which, after remuneration equal to ~~\$8,000~~ \$10,000 ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage~~ is paid during a calendar year to an individual by an employer or his or her predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purposes of this section, the term "employment" includes service constituting employment under any unemployment compensation law of another state; or which as a condition for full tax credit against the tax imposed by the federal Unemployment Tax Act is required to be covered under this chapter; and, except that for the purposes of §21A-6-1, §21A-6-10, §21A-6-11, and §21A-6-13 of this code, all remuneration earned by an individual in employment shall be credited to the individual and included in his or her computation of base period wages: *Provided*, That the remuneration paid to an individual by an employer with respect to employment in another state or other states upon which contributions were required of and paid by such employer under an unemployment compensation law of such other state or states shall be included as a part of the remuneration equal to the amounts of ~~\$8,000~~ \$10,000 ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage herein referred to~~ In applying such limitation on the amount of remuneration that is taxable, an employer shall be accorded the benefit of all or any portion of such amount which may have been paid by its predecessor or predecessors: *Provided, however*, That if the definition of the term "wages" as contained in Section 3306(b) of the Internal Revenue Code of 1954, as amended, is amended to include remuneration in excess of ~~\$8,000~~ \$10,000 ~~or, after the amendment and reenactment of this section during the 2009 legislative session, the threshold wage~~ paid to an individual by an employer under the federal Unemployment Tax Act during any calendar year, wages for the purposes of this definition shall include remuneration paid in a calendar year to an individual by an employer subject to this chapter or his or her predecessor with respect to employment during any calendar year up to an amount equal to the amount of remuneration taxable under the federal Unemployment Tax Act;

(2) The amount of any payment made (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) to, or on behalf of, an individual in its employ or any of his or her dependents, under a plan or system established by an employer which makes provision for individuals in its employ generally (or for such individuals and their dependents), or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents) on account of: (A) Retirement; or (B) sickness or accident disability payments made to an employee under an approved state workers' compensation law; or (C) medical or hospitalization expenses in connection with sickness or accident disability; or (D) death;

(3) Any payment made by an employer to an individual in its employ (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment made by an employer on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability to, or on behalf of, an individual in its employ after the expiration of six calendar months following the last calendar month in which such individual worked for such employer;

(5) Any payment made by an employer to, or on behalf of, an individual in its employ or his or her beneficiary: (A) From or to a trust described in Section 401(a) which is exempt from tax under Section 501(a) of the federal Internal Revenue Code at the time of such payments unless such

payment is made to such individual as an employee of the trust as remuneration for services rendered by such individual and not as a beneficiary of the trust; or (B) under or to an annuity plan which, at the time of such payment, is a plan described in Section 403(a) of the federal Internal Revenue Code;

(6) The payment by an employer of the tax imposed upon an employer under Section 3101 of the federal Internal Revenue Code with respect to remuneration paid to an employee for domestic service in a private home or the employer of agricultural labor;

(7) Remuneration paid by an employer in any medium other than cash to an individual in its employ for service not in the course of the employer's trade or business;

(8) Any payment (other than vacation or sick pay) made by an employer to an individual in its employ after the month in which he or she attains the age of 65 if he or she did not work for the employer in the period for which such payment is made;

(9) Payments, not required under any contract of hire, made to an individual with respect to his or her period of training or service in the armed forces of the United States by an employer by which such individual was formerly employed; and

(10) Vacation pay, severance pay or savings plans received by an individual before or after becoming totally or partially unemployed but earned prior to becoming totally or partially unemployed: *Provided*, That the term totally or partially unemployed does not include: (A) Employees who are on vacation by reason of the request of the employees or their duly authorized agent, for a vacation at a specific time, and which request by the employees or their agent is acceded to by their employer; (B) employees who are on vacation by reason of the employer's request provided they are so informed at least 90 days prior to such vacation; or (C) employees who are on vacation by reason of the employer's request where such vacation is in addition to the regular vacation and the employer compensates such employee at a rate equal to or exceeding their regular daily rate of pay during the vacation period.

(c) The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commissioner, except for remuneration other than cash for services performed in agricultural labor and domestic service.

~~(d) "Average annual wage" means the state's average annual wage which is computed on or before September 30 of the year immediately preceding the rate year and is the total remuneration paid by employers as reported on contribution reports on or before that date with respect to all employment during the four consecutive calendar quarters ending on June 30 of that year divided by the average monthly number of individuals performing services in employment during the same four calendar quarters as reported on the contribution reports.~~

~~"Threshold wage" means the wage amount the employer pays unemployment taxes on for each person in his or her employ during a calendar year. On and after the effective date of the amendment and reenactment of this chapter by the Legislature in 2009, the threshold wage will be \$12,000: *Provided*, That when the moneys in the unemployment fund reach \$220 million on February 15 of any year, the threshold wage thereafter will be reduced to \$9,000: *Provided, however*, That each year thereafter the threshold wage shall increase or decrease by the same percentage that the state's average wage increases or decreases~~

ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.**§21A-6-1d. Jobs and Reemployment Act.**

(a) In addition to compliance with all other eligibility requirements, an individual shall be eligible and shall remain eligible for unemployment benefits only if he or she actively seeks, and continues to seek, work by conducting at least four work search activities weekly, defined as:

(1) Registering for work with the state's labor exchange system, placement firm, temporary work agencies, or educational institution with job placement offices;

(2) Logging on and looking for work in the state's labor exchange or other online job matching system;

(3) Using reemployment services in job centers or completing similar online or self-service activities, including, but not limited to, obtaining and using labor market and career information, participating in Reemployment Services and Eligibility Assessment activities, participating in skills assessment for occupational matching, instructional workshops, or other specialized activities;

(4) Completing job applications for employers that have, or are reasonably expected to have, job openings, or following through on job referrals or job development attempts, as directed by Workforce West Virginia staff;

(5) Applying for or participating in employment and training services provided by partner programs in job centers;

(6) Participating in work-related networking events, such as job clubs, job fairs, industry association events, or networking groups;

(7) Making contacts with, or in-person visits to, employers that have, or are reasonably expected to have, job openings;

(8) Taking a civil service examination;

(9) Going on interviews with employers, either in-person or virtually; or

(10) Performing any other work search activities prescribed or allowed by rules promulgated by Workforce West Virginia.

(b) The commissioner shall:

(1) Require an individual, at the time of application for unemployment benefits and weekly thereafter, to provide proof of all his or her work search activities;

(2) Verify submissions of proof of work search activities by individuals applying for or receiving unemployment benefits; and

(3) Determine any individual who fails to perform work search activities or provide proof of work search activities as required by this section ineligible to receive unemployment benefits unless the individual can reasonably explain his or her failure to do so or timely remedy the failure to provide proof of his or her work search activity.

(c) The commissioner shall have discretion to determine the sufficiency of the proof of work search activities submitted, the explanation of a failure to submit such proof, the provision of such proof after an inaccuracy in the proof provided is identified, and whether an individual has otherwise complied with the requirements of this section.

(d) The commissioner shall, utilizing existing resources:

(1) Establish a process by which Workforce West Virginia will share open positions submitted to or posted by the Division of Personnel or any other state-administered job board by employers directly with individuals applying for or receiving unemployment benefits; and

(2) Establish a process by which, for the purpose of helping individuals applying for or receiving unemployment benefits secure suitable work, Workforce West Virginia shall refer individuals applying for or receiving unemployment benefits to such open positions, including facilitating contact between employers and those individuals, and monitoring whether those individuals are sufficiently responsive to a referral.

(e) An individual applying for or receiving unemployment benefits who receives referrals from Workforce West Virginia to a job or jobs considered to be suitable, as that term is defined in this chapter, shall apply for that job or those jobs within one-week of receiving the referrals and accept employment in suitable work if offered.

(f) Employers shall report the refusal of any individual who is receiving unemployment benefits and who receives job referrals from Workforce West Virginia to accept an offer of employment to the commissioner. The report shall be made in writing in a manner prescribed by the commissioner and shall be signed by the employer. The report shall become part of the file of the individual's claim for benefits.

(g) Individuals receiving unemployment benefits who accept a referral to a part-time open position or otherwise accept part-time employment for which the wages are less than his or her weekly benefit rate shall continue to receive unemployment benefits without reduction for those wages for the duration of his or her benefits period.

(h) With the exception of individuals who have received or been served with a summons for jury duty or are serving on a jury in any court of this state, the United States, or any state of the United States; are receiving vocational training as described in the provisions of §21A-6-4 of this code; or who are members in good standing of a union that refers its members to employment from a union hall; all individuals applying for or receiving unemployment benefits shall be subject to the requirements of this section, including, but not limited to, individuals who are seasonally unemployed or laid off subject to recall by their employer.

(i) Workforce West Virginia shall notify individuals seeking benefits, at the time an initial claim is filed and at any other time during the benefit year that the requirements substantively change, of the obligation to actively seek work. Delivery of the notification shall be made by the method selected by the individual seeking benefits, and may include United States mail, email, online mailbox, or text message. The notification shall include, at a minimum, the types of work search activities that are acceptable; the number of work search activities that are required in any week; the requirement that work search activities be documented; and the requirement to apply, and accept if offered, suitable jobs referred by the agency.

(j) The commissioner shall promulgate rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code.

(k) The provisions of this section shall become effective January 1, 2025.

§21A-6-10. Benefit rate — total unemployment; annual computation and publication of rates.

~~(a) Each eligible individual who is totally unemployed in any week shall be paid benefits with respect to that week at the weekly rate appearing in Column (C) in the benefit table in this section, on the line on which in Column (A) there is indicated the employee's wage class, except as otherwise provided under the term "total and partial unemployment" in §21A-1A-27 of this code. The employee's wage class shall be determined by his or her base period wages as shown in Column (B) in the benefit table. The right of an employee to receive benefits shall not be prejudiced nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages. An individual who is totally unemployed but earns in excess of \$60 as a result of odd job or subsidiary work, or is paid a bonus in any benefit week shall be paid benefits for such week in accordance with the provisions of this chapter pertaining to benefits for partial unemployment.~~

~~(b)(1) The maximum benefit for each wage class shall be equal to twenty six times the weekly benefit rate.~~

~~(2) The maximum benefit rate shall be 66 and two thirds percent of the average weekly wage in West Virginia as determined by the commissioner.~~

~~(c) On July 1 of each year, the commissioner shall determine the maximum weekly benefit rate upon the basis of the formula set forth above and shall establish wage classes as are required, increasing or decreasing the amount of the base period wages required for each wage class by \$150, establishing the weekly benefit rate for each wage class by rounded dollar amount to be 55 percent of one fifty second of the median dollar amount of wages in the base period for such wage class and establishing the maximum benefit for each wage class as an amount equal to twenty six times the weekly benefit rate. Provided, That the commissioner shall may not increase or decrease the maximum weekly benefit rate for the period beginning on the effective date of the amendment and reenactment of this section in the regular session of the Legislature in 2009 until the threshold wage is reduced to \$9,000, as required by §21A-1A-28(d) of this code. The maximum weekly benefit rate, when computed by the commissioner, in accordance with the foregoing provisions, shall be rounded to the next lowest multiple of \$1.~~

~~(d) After he or she has established such wage classes, the commissioner shall prepare and publish a table setting forth such information.~~

~~(e) Average weekly wage shall be computed by dividing the number of employees in West Virginia earning wages in covered employment into the total wages paid to employees in West Virginia in covered employment, and by further dividing said result by 52, and shall be determined from employer wage and contribution reports for the previous calendar year which are furnished to the department on or before June 1 following such calendar year. The average weekly wage, as determined by the commissioner, shall be rounded to the next higher dollar.~~

~~(f) The computation and determination of rates as aforesaid shall be completed annually before July 1 and any such new wage class, with its corresponding wages in base period, weekly~~

~~benefit rate, and maximum benefit in a benefit year established by the commissioner in the foregoing manner effective on July 1 shall apply only to a new claim established by a claimant on and after July 1, and does not apply to continued claims of a claimant based on his or her new claim established before said July 1.~~

~~BENEFIT TABLE~~

A	B	C	MAXIMUM
WAGE	WAGES IN	WEEKLY	MAXIMUM
CLASS	BASE PERIOD	BENEFIT RATE	BENEFIT RATE
Under	\$ 2,200.00	Ineligible	
1	\$2,200.00 — 2,359.99	24.00	624.00
2	2,350.00 — 2,499.99	25.00	650.00
3	2,500.00 — 2,649.99	27.00	702.00
4	2,650.00 — 2,799.99	28.00	728.00
5	2,800.00 — 2,949.99	30.00	780.00
6	2,950.00 — 3,099.99	31.00	806.00
7	3,100.00 — 3,249.99	33.00	858.00
8	3,250.00 — 3,399.99	35.00	910.00
9	3,400.00 — 3,549.99	36.00	936.00
10	3,550.00 — 3,699.99	38.00	988.00
11	3,700.00 — 3,849.99	39.00	1,014.00
12	3,850.00 — 3,999.99	41.00	1,066.00
13	4,000.00 — 4,149.99	43.00	1,118.00
14	4,150.00 — 4,299.99	44.00	1,144.00
15	4,300.00 — 4,449.99	46.00	1,196.00
16	4,450.00 — 4,599.99	47.00	1,222.00
17	4,600.00 — 4,749.99	49.00	1,274.00
18	4,750.00 — 4,899.99	51.00	1,326.00
19	4,900.00 — 5,049.99	52.00	1,352.00

20	5,050.00	5,199.99	54.00	1,404.00
21	5,200.00	5,349.99	55.00	1,430.00
22	5,350.00	5,499.99	57.00	1,482.00
23	5,500.00	5,649.99	58.00	1,508.00
24	5,650.00	5,799.99	60.00	1,560.00
25	5,800.00	5,949.99	62.00	1,612.00
26	5,950.00	6,099.99	63.00	1,638.00
27	6,100.00	6,249.99	65.00	1,690.00
28	6,250.00	6,399.99	66.00	1,716.00
29	6,400.00	6,549.99	68.00	1,768.00
30	6,550.00	6,699.99	70.00	1,820.00
31	6,700.00	6,849.99	71.00	1,846.00
32	6,850.00	6,999.99	73.00	1,898.00
33	7,000.00	7,149.99	74.00	1,924.00
34	7,150.00	7,299.99	76.00	1,976.00
35	7,300.00	7,449.99	78.00	2,028.00
36	7,450.00	7,599.99	79.00	2,054.00
37	7,600.00	7,749.99	81.00	2,106.00
38	7,750.00	7,899.99	82.00	2,132.00
39	7,900.00	8,049.99	84.00	2,184.00
40	8,050.00	8,199.99	85.00	2,210.00
41	8,200.00	8,349.99	87.00	2,262.00
42	8,350.00	8,499.99	89.00	2,314.00
43	8,500.00	8,649.99	90.00	2,340.00
44	8,650.00	8,799.99	92.00	2,392.00
45	8,800.00	8,949.99	93.00	2,418.00

46	8,950.00	9,099.99	95.00	2,470.00
47	9,100.00	9,249.99	97.00	2,522.00
48	9,250.00	9,399.99	98.00	2,548.00
49	9,400.00	9,549.99	100.00	2,600.00
50	9,550.00	9,699.99	101.00	2,626.00
51	9,700.00	9,849.99	103.00	2,678.00
52	9,850.00	9,999.99	104.00	2,704.00
53	10,000.00	10,149.99	106.00	2,756.00
54	10,150.00	10,299.99	108.00	2,808.00
55	10,300.00	10,449.99	109.00	2,834.00
56	10,450.00	10,599.99	111.00	2,886.00
57	10,600.00	10,749.99	112.00	2,912.00
58	10,750.00	10,899.99	114.00	2,964.00
59	10,900.00	11,049.99	116.00	3,016.00
60	11,050.00	11,199.99	117.00	3,042.00
61	11,200.00	11,349.99	119.00	3,094.00
62	11,350.00	11,499.99	120.00	3,120.00
63	11,500.00	11,649.99	122.00	3,172.00
64	11,650.00	11,799.99	124.00	3,224.00
65	11,800.00	11,949.99	125.00	3,250.00
66	11,950.00	12,099.99	127.00	3,302.00
67	12,100.00	12,249.99	128.00	3,328.00
68	12,250.00	12,399.99	130.00	3,380.00
69	12,400.00	12,549.99	131.00	3,406.00
70	12,550.00	12,699.99	133.00	3,458.00
71	12,700.00	12,849.99	135.00	3,510.00

72	12,850.00	12,999.99	136.00	3,536.00
73	13,000.00	13,149.99	138.00	3,588.00
74	13,150.00	13,299.99	139.00	3,614.00
75	13,300.00	13,449.99	141.00	3,666.00
76	13,450.00	13,599.99	143.00	3,718.00
77	13,600.00	13,749.99	144.00	3,744.00
78	13,750.00	13,899.99	146.00	3,796.00
79	13,900.00	14,049.99	147.00	3,822.00
80	14,050.00	14,199.99	149.00	3,874.00
81	14,200.00	14,349.99	150.00	3,900.00
82	14,350.00	14,499.99	152.00	3,952.00
83	14,500.00	14,649.99	154.00	4,004.00
84	14,650.00	14,799.99	155.00	4,030.00
85	14,800.00	14,949.99	157.00	4,082.00
86	14,950.00	15,099.99	158.00	4,108.00
87	15,100.00	15,249.99	160.00	4,160.00
88	15,250.00	15,399.99	162.00	4,212.00
89	15,400.00	15,549.99	163.00	4,238.00
90	15,550.00	15,699.99	165.00	4,290.00
91	15,700.00	15,849.99	166.00	4,316.00
92	15,850.00	15,999.99	168.00	4,368.00
93	16,000.00	16,149.99	170.00	4,420.00
94	16,150.00	16,299.99	171.00	4,446.00
95	16,300.00	16,449.99	173.00	4,498.00
96	16,450.00	16,599.99	174.00	4,524.00
97	16,600.00	16,749.99	176.00	4,576.00

98	16,750.00	16,899.99	177.00	4,602.00
99	16,900.00	17,049.99	179.00	4,654.00
100	17,050.00	17,199.99	181.00	4,706.00
101	17,200.00	17,349.99	182.00	4,732.00
102	17,350.00	17,499.99	184.00	4,784.00
103	17,500.00	17,649.99	185.00	4,810.00
104	17,650.00	17,799.99	187.00	4,862.00
105	17,800.00	17,949.99	189.00	4,914.00
106	17,950.00	18,099.99	190.00	4,940.00
107	18,100.00	18,249.99	192.00	4,992.00
108	18,250.00	18,399.99	193.00	5,018.00
109	18,400.00	18,549.99	195.00	5,070.00
110	18,550.00	18,699.99	196.00	5,096.00
111	18,700.00	18,849.99	198.00	5,148.00
112	18,850.00	18,999.99	200.00	5,200.00
113	19,000.00	19,149.99	201.00	5,226.00
114	19,150.00	19,299.99	203.00	5,278.00
115	19,300.00	19,449.99	204.00	5,304.00
116	19,450.00	19,599.99	206.00	5,356.00
117	19,600.00	19,749.99	208.00	5,408.00
118	19,750.00	19,899.99	209.00	5,434.00
119	19,900.00	20,049.99	211.00	5,486.00
120	20,050.00	20,199.99	212.00	5,512.00
121	20,200.00	20,349.99	214.00	5,564.00
122	20,350.00	20,499.99	216.00	5,616.00
123	20,500.00	20,649.99	217.00	5,642.00

124	20,650.00	20,799.99	219.00	5,694.00
125	20,800.00	20,949.99	220.00	5,720.00
126	20,950.00	21,099.99	222.00	5,772.00
127	21,100.00	21,249.99	223.00	5,798.00
128	21,250.00	21,399.99	225.00	5,850.00
129	21,400.00	21,549.99	227.00	5,902.00
130	21,550.00	21,699.99	228.00	5,928.00
131	21,700.00	21,849.99	230.00	5,980.00
132	21,850.00	21,999.99	231.00	6,006.00
133	22,000.00	22,149.99	233.00	6,058.00
134	22,150.00	22,299.99	235.00	6,110.00
135	22,300.00	22,449.99	236.00	6,136.00
136	22,450.00	22,599.99	238.00	6,188.00
137	22,600.00	22,749.99	239.00	6,214.00
138	22,750.00	22,899.99	241.00	6,266.00
139	22,900.00	23,049.99	243.00	6,318.00
140	23,050.00	23,199.99	244.00	6,344.00
141	23,200.00	23,349.99	246.00	6,396.00
142	23,350.00	23,499.99	247.00	6,422.00
143	23,500.00	23,649.99	249.00	6,474.00
144	23,650.00	23,799.99	250.00	6,500.00
145	23,800.00	23,949.99	252.00	6,552.00
146	23,950.00	24,099.99	254.00	6,604.00
147	24,100.00	24,249.99	255.00	6,630.00
148	24,250.00	24,399.99	257.00	6,682.00
149	24,400.00	24,549.99	258.00	6,708.00

150	24,550.00	24,699.99	260.00	6,760.00
151	24,700.00	24,849.99	262.00	6,812.00
152	24,850.00	24,999.99	263.00	6,838.00
153	25,000.00	25,149.99	265.00	6,890.00
154	25,150.00	25,299.99	266.00	6,916.00
155	25,300.00	25,449.99	268.00	6,968.00
156	25,450.00	25,599.99	269.00	6,994.00
157	25,600.00	25,749.99	271.00	7,046.00
158	25,750.00	25,899.99	273.00	7,098.00
159	25,900.00	26,049.99	274.00	7,124.00
160	26,050.00	26,199.99	276.00	7,176.00
161	26,200.00	26,349.99	277.00	7,202.00
162	26,350.00	26,499.99	279.00	7,254.00
163	26,500.00	26,649.99	281.00	7,306.00
164	26,650.00	26,799.99	282.00	7,332.00
165	26,800.00	26,949.99	284.00	7,384.00
166	26,950.00	27,099.99	285.00	7,410.00
167	27,100.00	27,249.99	287.00	7,462.00
168	27,250.00	27,399.99	289.00	7,514.00
169	27,400.00	27,549.99	290.00	7,540.00
170	27,550.00	27,699.99	292.00	7,592.00
171	27,700.00	27,849.99	293.00	7,618.00
172	27,850.00	27,999.99	295.00	7,670.00
173	28,000.00	28,149.99	296.00	7,696.00
174	28,150.00	28,299.99	298.00	7,748.00
175	28,300.00	28,449.99	300.00	7,800.00

176	28,450.00	28,599.99	301.00	7,826.00
177	28,600.00	28,749.99	303.00	7,878.00
178	28,750.00	28,899.99	304.00	7,904.00
179	28,900.00	29,049.99	306.00	7,956.00
180	29,050.00	29,199.99	308.00	8,008.00
181	29,200.00	29,349.99	309.00	8,034.00
182	29,350.00	29,499.99	311.00	8,086.00
183	29,500.00	29,649.99	312.00	8,112.00
184	29,650.00	29,799.99	314.00	8,164.00
185	29,800.00	29,949.99	315.00	8,190.00
186	29,950.00	30,099.99	317.00	8,242.00
187	30,100.00	30,249.99	319.00	8,294.00
188	30,250.00	30,399.99	320.00	8,320.00
189	30,400.00	30,549.99	322.00	8,372.00
190	30,550.00	30,699.99	323.00	8,398.00
191	30,700.00	30,849.99	325.00	8,450.00
192	30,850.00	30,999.99	327.00	8,502.00
193	31,000.00	31,149.99	328.00	8,528.00
194	31,150.00	31,299.99	330.00	8,580.00
195	31,300.00	31,449.99	331.00	8,606.00
196	31,450.00	31,599.99	333.00	8,658.00
197	31,600.00	31,749.99	335.00	8,710.00
198	31,750.00	31,899.99	336.00	8,736.00
199	31,900.00	32,049.99	338.00	8,788.00
200	32,050.00	32,199.99	339.00	8,814.00
201	32,200.00	32,349.99	341.00	8,866.00

202	32,350.00	32,499.99	342.00	8,892.00
203	32,500.00	32,649.99	344.00	8,944.00
204	32,650.00	32,799.99	346.00	8,996.00
205	32,800.00	32,949.99	347.00	9,022.00
206	32,950.00	33,099.99	349.00	9,074.00
207	33,100.00	33,249.99	350.00	9,100.00
208	33,250.00	33,399.99	352.00	9,152.00
209	33,400.00	33,549.99	354.00	9,204.00
210	33,550.00	33,699.99	355.00	9,230.00
211	33,700.00	33,849.99	357.00	9,282.00
212	33,850.00	33,999.99	358.00	9,308.00
213	34,000.00	34,149.99	360.00	9,360.00
214	34,150.00	34,299.99	361.00	9,386.00
215	34,300.00	34,449.99	363.00	9,438.00
216	34,450.00	34,599.99	365.00	9,490.00
217	34,600.00	34,749.99	366.00	9,516.00
218	34,750.00	34,899.99	368.00	9,568.00
219	34,900.00	35,049.99	369.00	9,594.00
220	35,050.00	35,199.99	371.00	9,646.00
221	35,200.00	35,349.99	373.00	9,698.00
222	35,350.00	35,499.99	374.00	9,724.00
223	35,500.00	35,649.99	376.00	9,776.00
224	35,650.00	35,799.99	377.00	9,802.00
225	35,800.00	35,949.99	379.00	9,854.00
226	35,950.00	36,099.99	381.00	9,906.00
227	36,100.00	36,249.99	382.00	9,932.00

228	36,250.00	36,399.99	384.00	9,984.00
229	36,400.00	36,549.99	385.00	10,010.00
230	36,550.00	36,699.99	387.00	10,062.00
231	36,700.00	36,849.99	388.00	10,088.00
232	36,850.00	36,999.99	390.00	10,140.00
233	37,000.00	37,149.99	392.00	10,192.00
234	37,150.00	37,299.99	393.00	10,218.00
235	37,300.00	37,449.99	395.00	10,270.00
236	37,450.00	37,599.99	396.00	10,296.00
237	37,600.00	37,749.99	398.00	10,348.00
238	37,750.00	37,899.99	400.00	10,400.00
239	37,900.00	38,049.99	401.00	10,426.00
240	38,050.00	38,199.99	403.00	10,478.00
241	38,200.00	38,349.99	404.00	10,504.00
242	38,350.00	38,499.99	406.00	10,556.00
243	38,500.00	38,649.99	408.00	10,608.00
244	38,650.00	38,799.99	409.00	10,634.00
245	38,800.00	38,949.99	411.00	10,686.00
246	38,950.00	39,099.99	412.00	10,712.00
247	39,100.00	39,249.99	414.00	10,764.00
248	39,250.00	39,399.99	415.00	10,790.00
249	39,400.00	39,549.99	417.00	10,842.00
250	39,550.00	39,699.99	419.00	10,894.00
251	39,700.00	39,849.99	420.00	10,920.00
252	39,850.00	39,999.99	422.00	10,972.00
253	40,000.00	40,149.99	423.00	10,998.00

254	40,150.00	and above	424.00	11,024.00
254	40,150.00	40,299.99	425.00	11,050.00
255	40,300.00	40,449.99	427.00	11,102.00
256	40,450.00	40,599.99	428.00	11,128.00
257	40,600.00	40,749.99	430.00	11,180.00
258	40,750.00	40,899.99	431.00	11,206.00
259	40,900.00	41,049.99	433.00	11,258.00
260	41,050.00	41,199.99	434.00	11,284.00
261	41,200.00	41,349.99	436.00	11,336.00
262	41,350.00	41,499.99	438.00	11,388.00
263	41,500.00	41,649.99	439.00	11,414.00
264	41,650.00	41,799.99	441.00	11,466.00
265	41,800.00	41,949.99	442.00	11,492.00
266	41,950.00	42,099.99	444.00	11,544.00
267	42,100.00	42,249.99	446.00	11,596.00
268	42,250.00	42,399.99	447.00	11,622.00
269	42,400.00	42,549.99	449.00	11,674.00
270	42,550.00	42,699.99	450.00	11,700.00
271	42,700.00	42,849.99	452.00	11,752.00
272	42,850.00	42,999.99	454.00	11,804.00
273	43,000.00	43,149.99	455.00	11,830.00
274	43,150.00	43,299.99	457.00	11,882.00
275	43,300.00	43,449.99	458.00	11,908.00
276	43,450.00	43,599.99	460.00	11,960.00
277	43,600.00	43,749.99	461.00	11,986.00
278	43,750.00	43,899.99	463.00	12,038.00

279	43,900.00	44,049.99	465.00	12,090.00
280	44,050.00	44,199.99	466.00	12,116.00
281	44,200.00	44,349.99	468.00	12,168.00
282	44,350.00	44,499.99	469.00	12,194.00
283	44,500.00	44,649.99	471.00	12,246.00
284	44,650.00	44,799.99	473.00	12,298.00
285	44,800.00	44,949.99	474.00	12,324.00
286	44,950.00	45,099.99	476.00	12,376.00
287	45,100.00	45,249.99	477.00	12,402.00
288	45,250.00	45,399.99	479.00	12,454.00
289	45,400.00	45,549.99	480.00	12,480.00
290	45,550.00	45,699.99	482.00	12,532.00
291	45,700.00	45,849.99	484.00	12,584.00
292	45,850.00	45,999.99	485.00	12,610.00
293	46,000.00	46,149.99	487.00	12,662.00
294	46,150.00	46,299.99	488.00	12,688.00
295	46,300.00	46,449.99	490.00	12,740.00
296	46,450.00	46,599.99	492.00	12,792.00
297	46,600.00	46,749.99	493.00	12,818.00
298	46,750.00	46,899.99	495.00	12,870.00
299	46,900.00	47,049.99	496.00	12,896.00
300	47,050.00	47,199.99	498.00	12,948.00
301	47,200.00	47,349.99	500.00	13,000.00
302	47,350.00	47,499.99	501.00	13,026.00
303	47,500.00	47,649.99	503.00	13,078.00
304	47,650.00	47,799.99	504.00	13,104.00

305	47,800.00	47,949.99	506.00	13,156.00
306	47,950.00	48,099.99	507.00	13,182.00
307	48,100.00	48,249.99	509.00	13,234.00
308	48,250.00	48,399.99	511.00	13,286.00
309	48,400.00	48,549.99	512.00	13,312.00
310	48,550.00	48,699.99	514.00	13,364.00
311	48,700.00	48,849.99	515.00	13,390.00
312	48,850.00	48,999.99	517.00	13,442.00
313	49,000.00	49,149.99	519.00	13,494.00
314	49,150.00	49,299.99	520.00	13,520.00
315	49,300.00	49,449.99	522.00	13,572.00
316	49,450.00	49,599.99	523.00	13,598.00
317	49,600.00	49,749.99	525.00	13,650.00
318	49,750.00	49,899.99	526.00	13,676.00
319	49,900.00	50,049.99	528.00	13,728.00
320	50,050.00	50,199.99	530.00	13,780.00
321	50,200.00	50,349.99	531.00	13,806.00
322	50,350.00	50,499.99	533.00	13,858.00
323	50,500.00	50,649.99	534.00	13,884.00
324	50,650.00	50,799.99	536.00	13,936.00
325	50,800.00	50,949.99	538.00	13,988.00
326	50,950.00	51,099.99	539.00	14,014.00
327	51,100.00	51,249.99	541.00	14,066.00
328	51,250.00	51,399.99	542.00	14,092.00
329	51,400.00	51,549.99	544.00	14,144.00
330	51,550.00	51,699.99	546.00	14,196.00

331	51,700.00	51,849.99	547.00	14,222.00
332	51,850.00	51,999.99	549.00	14,274.00
333	52,000.00	52,149.99	550.00	14,300.00
334	52,150.00	52,299.99	552.00	14,352.00
335	52,300.00	52,449.99	553.00	14,378.00
336	52,450.00	52,599.99	555.00	14,430.00
337	52,600.00	52,749.99	557.00	14,482.00
338	52,750.00	52,899.99	558.00	14,508.00
339	52,900.00	53,049.99	560.00	14,560.00
340	53,050.00	53,199.99	561.00	14,586.00
341	53,200.00	53,349.99	563.00	14,638.00
342	53,350.00	53,499.99	565.00	14,690.00
343	53,500.00	53,649.99	566.00	14,716.00
344	53,650.00	53,799.99	568.00	14,768.00
345	53,800.00	53,949.99	569.00	14,794.00
346	53,950.00	54,099.99	571.00	14,846.00
347	54,100.00	54,249.99	573.00	14,898.00
348	54,250.00	54,399.99	574.00	14,924.00
349	54,400.00	54,549.99	576.00	14,976.00
350	54,550.00	54,699.99	577.00	15,002.00
351	54,700.00	54,849.99	579.00	15,054.00
352	54,850.00	54,999.99	580.00	15,080.00
353	55,000.00	55,149.99	582.00	15,132.00
354	55,150.00	55,299.99	584.00	15,184.00
355	55,300.00	55,449.99	585.00	15,210.00
356	55,450.00	55,599.99	587.00	15,262.00

357	55,600.00	55,749.99	588.00	15,288.00
358	55,750.00	55,899.99	590.00	15,340.00
359	55,900.00	56,049.99	592.00	15,392.00
360	56,050.00	56,199.99	593.00	15,418.00
361	56,200.00	56,349.99	595.00	15,470.00
362	56,350.00	56,499.99	596.00	15,496.00
363	56,500.00	56,649.99	598.00	15,548.00
364	56,650.00	56,799.99	599.00	15,574.00
365	56,800.00	56,949.99	601.00	15,626.00
366	56,950.00	57,099.99	603.00	15,678.00
367	57,100.00	57,249.99	604.00	15,704.00
368	57,250.00	57,399.99	606.00	15,756.00
369	57,400.00	57,549.99	607.00	15,782.00
370	57,550.00	57,699.99	608.00	15,808.00
371	57,700.00	57,849.99	611.00	15,886.00
372	57,850.00	57,999.99	612.00	15,912.00
373	58,000.00	58,149.99	614.00	15,964.00
374	58,150.00	58,299.99	615.00	15,990.00
375	58,300.00	58,449.99	617.00	16,042.00
376	58,450.00	58,599.99	619.00	16,094.00
377	58,600.00	58,749.99	620.00	16,120.00
378	58,750.00	58,899.99	622.00	16,172.00
379	58,900.00	59,049.99	623.00	16,198.00
380	59,050.00	59,199.99	625.00	16,250.00
381	59,200.00	59,349.99	626.00	16,276.00
382	59,350.00	59,499.99	628.00	16,328.00

383	59,500.00	59,649.99	630.00	16,380.00
384	59,650.00	59,799.99	631.00	16,406.00
385	59,800.00	59,949.99	633.00	16,458.00
386	59,950.00	60,099.99	634.00	16,484.00
387	60,100.00	60,249.99	636.00	16,536.00
388	60,250.00	60,399.99	638.00	16,588.00
389	60,400.00	60,549.99	639.00	16,614.00
390	60,550.00	60,699.99	641.00	16,666.00
391	60,700.00	60,849.99	642.00	16,692.00
392	60,850.00	60,999.99	644.00	16,744.00
393	61,000.00	61,149.99	645.00	16,770.00
394	61,150.00	61,299.99	647.00	16,822.00
395	61,300.00	61,449.99	649.00	16,874.00
396	61,450.00	61,599.99	650.00	16,900.00
397	61,600.00	61,749.99	652.00	16,952.00
398	61,750.00	61,899.99	653.00	16,978.00
399	61,900.00	62,049.99	655.00	17,030.00
400	62,050.00	62,199.99	657.00	17,082.00
401	62,200.00	62,349.99	658.00	17,108.00
402	62,350.00	62,499.99	660.00	17,160.00
403	62,500.00	62,649.99	661.00	17,186.00
404	62,650.00	and over	662.00	17,212.00

(a) For purposes of this article "average weekly wage" is defined as 1/52nd of an individual's total base period wages from covered employment. For individuals with base period wages of \$53,000 or more, the average weekly wage shall be computed as 1/52nd of \$53,000.

(b) For all valid unemployment compensation claims submitted, the weekly benefit rate shall be calculated as follows:

(1) Throughout the first four-week period of benefits paid, the weekly benefit rate shall be 70% of the individual's average weekly wage rounded to the next lowest multiple of \$1.

(2) Throughout the second four-week period of benefits paid, the weekly benefit rate shall be 65% of the individual's average weekly wage rounded to the next lowest multiple of \$1.

(3) Throughout the third four-week period of benefits paid, the weekly benefit rate shall be 60% of the individual's average weekly wage rounded to the next lowest multiple of \$1.

(4) Throughout the fourth four-week period of benefits paid, the weekly benefit rate shall be 55% of the individual's average weekly wage rounded to the next lowest multiple of \$1.

(5) Throughout the fifth four-week period of benefits paid, the weekly benefit rate shall be 50% of the individual's average weekly wage rounded to the next lowest multiple of \$1.

(6) Throughout the sixth four-week period of benefits paid, the weekly benefit rate shall be 45% of the individual's average weekly wage rounded to the next lowest multiple of \$1.

(c) The maximum benefit shall be total potential benefits payable as determined by 21A-6-10(b).

(d) An individual who is totally unemployed but earns in excess of \$60 as a result of odd job or subsidiary work or is paid a bonus in any benefit week shall be paid benefits for such week in accordance with the provisions of this chapter pertaining to benefits for partial unemployment.

(e) If a balance of benefits remains after an individual receives 24 weeks of unemployment benefits, due to partial unemployment as defined in §21A-6-11, the individual may receive benefit payments at the same weekly benefit rate as the most recent week, until the maximum benefit balance is exhausted.

(f) The right of an employee to receive benefits shall not be prejudiced nor the amount thereof be diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages.

ARTICLE 6A. EXTENDED BENEFITS PROGRAM.

§21A-6A-4. Weekly extended benefit amount.

The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit payable to ~~him~~ the eligible individual during ~~his~~ the first four weeks of the applicable benefit year: *Provided*, That for any week during a period in which federal payments to states under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be reduced by a percentage equivalent to the percentage of the reduction in the federal payment. Such reduced weekly extended benefit amount, if not a full dollar amount, shall be rounded to the nearest lower full dollar amount.

§21A-6A-5. Total extended benefit amount.

The total extended benefit amount payable to an eligible individual with respect to his or her applicable benefit year shall be the least of the following amounts:

(1) Fifty percent of the total amount of regular benefits which were payable to him or her under this chapter in his or her applicable benefit year;

(2) Thirteen times his or her weekly benefit amount which was payable to him or her under this chapter ~~for a week~~ during the first four weeks of total unemployment in the applicable benefit year: *Provided*, That an individual filing for extended benefits through the interstate benefit payment plan and residing in a state where an extended benefit period is not in effect shall be limited to payment for only the first two weeks of such extended benefits: *Provided, however*, That during any fiscal year in which federal payments to states under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970 are reduced under an order issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the total extended benefit amount payable to an individual with respect to his or her applicable benefit year shall be reduced by an amount equal to the aggregate of the reductions under section four, article six-a of this chapter in the weekly amounts paid to the individual.

(3)(A) For weeks beginning in a high unemployment period, subdivision (1) of this section shall be applied by substituting "eighty percent" for "fifty percent" and subdivision (2) of this section shall be applied by substituting "twenty" for "thirteen."

(B) For the purposes of this article, the term "high unemployment period" means any period during which the provisions of subdivision (3), section one of this article would result in a "state >on' indicator" if subdivision (3), section one of this article were applied by substituting "eight percent" for "six and one-half percent."

ARTICLE 6B. SHORT TIME COMPENSATION PROGRAM.

§21A-6B-6. Benefits

(a) The short-time compensation weekly benefit amount shall be the product of the regular weekly unemployment compensation amount for ~~a week~~ the first four weeks of total unemployment as defined in §21A-6-10 multiplied by the percentage of reduction in the individual's usual weekly hours of work.

Following discussion,

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

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

Engrossed Senate Bill 841 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 841 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Clements, Deeds, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Swope, Takubo, Tarr, Taylor, Trump, Woodrum, and Blair (Mr. President)—24.

The nays were: Caputo, Chapman, Grady, Hamilton, Stover, Stuart, and Weld—7.

Absent: Boley, Maroney, and Woelfel—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 841) passed.

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

Eng. Com. Sub. for Senate Bill 841—A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §21A-6-1d and §21A-6-10 of said code; to amend and reenact §21A-6A-4 and §21A-6A-5 of said code; and to amend §21A-6B-6 of said code; all relating to the amount of unemployment taxes and benefits; removing definitions; modifying the calculation of the taxable wage base; modifying methodology for calculating the maximum benefit rate; requiring work search activities to qualify for unemployment benefits; defining what constitutes work search activities; mandating submittal of proof of work search activities; providing for verification of work search activities; granting commissioner of Workforce West Virginia discretion in verification of work search activities; mandating establishment of process to refer individuals seeking unemployment benefits to job opportunities; requiring individuals receiving referrals to suitable work to apply for and accept that work; mandating employers to report refusal of offer of employment to commissioner; allowing individuals who accept part-time non-suitable employment to receive unemployment benefits without reduction for wages under certain circumstances; making certain individuals applying for or receiving unemployment benefits exempt from work search requirements; establishing process for notification of work search activity requirements; requiring rulemaking; setting internal effective date; modifying the total extended benefit amount; and modifying the short-time compensation weekly benefit amount.

Senator Takubo moved that the bill take effect January 1, 2025.

On this question, the yeas were: Azinger, Barrett, Clements, Deeds, Hunt, Jeffries, Karnes, Martin, Maynard, Nelson, Oliverio, Phillips, Plymale, Queen, Roberts, Rucker, Smith, Swope, Takubo, Tarr, Taylor, Trump, Woodrum, and Blair (Mr. President)—24.

The nays were: Caputo, Chapman, Grady, Hamilton, Stover, Stuart, and Weld—7.

Absent: Boley, Maroney, and Woelfel—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. 841) takes effect January 1, 2025.

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 601, Creating WV Women's Bill of Rights.

On third reading, coming up out of regular order, with the right having been granted on yesterday, Tuesday, February 27, 2024, for amendments to be received on third reading, was read a third time.

On motions of Senators Rucker and Trump, following amendment to the bill was reported by the Clerk:

On page 6, section 2, line 25, by striking out all of paragraph (B) and relettering the remaining paragraphs.

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

The question being on the adoption of the amendment offered by Senators Rucker and Trump to the bill, the same was put and prevailed.

On motion of Senator Chapman, the following amendment to the bill (Eng. Com. Sub. for S. B. 601) was reported by the Clerk:

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

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 67. WEST VIRGINIA WOMEN'S BILL OF RIGHTS ACT.

§16-67-1. Short title; purposes; general application.

(a) This act shall be known and may be cited as the "West Virginia Women's Bill of Rights."

(b) The purpose of the West Virginia Women's Bill of Rights is to bring clarity, certainty, and uniformity to the laws of the state regarding sex discrimination, equality of the sexes, and benefits or services specifically provided to males and to females.

(c) The West Virginia Women's Bill of Rights applies wherever West Virginia, or an instrumentality of the state, classifies people on the basis of sex or otherwise defines people as being female or male, women or men, girls or boys; the definitions contained in §16-67-2 of this code apply.

§16-67-2. Definitions of terms used in statutory construction.

(a) Notwithstanding any provision of law to the contrary, with respect to the application of an individual's biological sex pursuant to any state laws, rules, regulations, or official public policies, the following shall apply:

(1) An individual's "sex" means such individual's biological sex, either male or female, at birth;

(2) A "female", when used in reference to a natural person, is an individual who has, had, will have, or would have (but for a developmental anomaly, genetic anomaly, or accident) the reproductive system that at some point produces ova;

(3) A "male" when used in reference to a natural person, means an individual who has, had, will have, or would have (but for a developmental anomaly, genetic anomaly, or accident) the reproductive system that at some point produces sperm;

(4) A "woman" is an adult human of the female sex, and a "man" is an adult human of the male sex;

(5) A "girl" is a human female who has not yet reached adulthood, and a "boy" is a human male who has not yet reached adulthood;

(6) A "mother" is a female parent of a child or children as those terms are defined in this code; a "father" is a male parent of a child or children as those terms are defined in this code;

(7) "Equal" does not mean "same" or "identical" with respect to equality of the sexes;

(8) A person's "sex" is his or her biological sex (either male or female) at birth.

(A) There are only two sexes, and every individual is either male or female;

(B) "Sex" is objective and fixed; and

(C) "Sex" does not include "gender identity" or any other terms intended to convey a person's subjective sense of self; "gender identity" and other subjective terms may not be used as synonyms or substitutes for "sex".

(b) Individuals with "differences in sex development" (also known as "DSD" or "intersex conditions") are not a third sex. Individuals with a congenital and medically verifiable DSD diagnosis must be accommodated consistent with state and federal law.

§16-67-3. Sex discrimination; single-sex environments.

(a) Any state policy, program, or statute that prohibits sex discrimination shall be construed to pertain to females or males.

(b) Because the state has an important interest in preventing unjust discrimination and in maintaining safety, privacy, and fairness, West Virginia and its political subdivisions and instrumentalities may provide separate single-sex environments.

(c) Wherever West Virginia or its political subdivisions or instrumentalities, in fact, provide separate single-sex environments for males and females, the definitions established in §16-67-2 of this code must apply.

§16-67-4. Data collection.

(a) Any public school, public school district, agency, department, or instrumentality of the state that collects vital statistics related to sex for the purpose of complying with state or federal anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic, or other data shall identify each natural person who is part of the collected data set as either male or female as defined in this article.

(b) Compliance with this section shall not require the collection of data regarding sex unless otherwise required by law, and it shall not prevent the collection of additional data points other than biological sex.

§16-67-5. Severability.

If any provision of this article, an amendment made by this article, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this article, the amendments made by this article, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Following extended discussion,

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

The roll being taken, the yeas were: Azinger, Chapman, Clements, Grady, Hunt, Jeffries, Karnes, Martin, Maynard, Phillips, Queen, Roberts, Rucker, Smith, Stover, Stuart, Swope, Tarr, and Taylor—19.

The nays were: Barrett, Caputo, Deeds, Hamilton, Nelson, Oliverio, Plymale, Takubo, Trump, Weld, Woodrum, and Blair (Mr. President)—12.

Absent: Boley, Maroney, and Woelfel—3.

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

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

Engrossed Committee Substitute for Senate Bill 601 was then put upon its passage.

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

The nays were: Caputo and Plymale—2.

Absent: Boley, Maroney, and Woelfel—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. 601) passed.

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

Eng. Com. Sub. for Senate Bill 601—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, and §16-67-5, relating only 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; establishing rules of construction in statutes and ordinances related to the sex of a person or persons; and creating protocols for data collection.

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

Without objection, the Senate returned to the third order of business.

Executive Communications

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



Jim Justice
Governor of West Virginia

February 28, 2024

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

Dear Mr. Clerk:

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

Senate Bill No. Six Hundred Five (605), which was presented to me on February 22, 2024.

Senate Bill No. Six Hundred Six (606), which was presented to me on February 22, 2024.

Senate Bill No. Six Hundred Seven (607), which was presented to me on February 22, 2024.

Senate Bill No. Seven Hundred Ninety (790), which was presented to me on February 22, 2024.

You will note that I have approved these bills on February 28, 2024.

Sincerely,

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

Jim Justice
Governor

JJ/mh

cc: The Honorable Stephen J. Harrison, Clerk

The Senate proceeded to the thirteenth order of business.

At the request of Senator Phillips, unanimous consent being granted, it was ordered that the Journal show had Senator Phillips been present in the chamber on yesterday, Tuesday, February 27, 2024, he would have voted "yea" on the passage of Eng. Com. Sub. for Com. Sub. for Senate Bill 468, Eng. Com. Sub. for Com. Sub. for Senate Bill 470, Eng. Com. Sub. for Com. Sub. for Senate Bill 482, Eng. Com. Sub. for Senate Bill 503, Eng. Com. Sub. for Com. Sub. for Senate Bill 679, Eng. Senate Bill 686, Eng. Senate Bill 732, Eng. Com. Sub. for Senate Bill 769, Eng. Senate Bill 803, Eng. Senate Bill 813, and Eng. Senate Bill 858 and "nay" on the passage of Eng. Com. Sub. for Senate Bill 717.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 27, 2024:

Senate Bill 194: Senator Karnes;

Senate Bill 199: Senator Karnes;

Com. Sub. for Senate Bill 601: Senator Deeds;

Senate Bill 726: Senator Nelson;

Com. Sub. for Senate Bill 805: Senator Plymale;

Com. Sub. for Senate Bill 820: Senator Plymale;

And,

Senate Resolution 54: Senator Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 7:09 p.m., the Senate adjourned until tomorrow, Thursday, February 29, 2024, at 11 a.m.

SENATE CALENDAR

**Thursday, February 29, 2024
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 33 - Requesting Division of Highways to erect signs in Marion County for "Home of Legendary Coach, Nick Saban"
- S. C. R. 34 - Feasibility study of ballot identification and verification measures in statewide elections
- S. R. 56 - Memorializing life of Honorable Warren Randolph McGraw Sr.
- S. R. 57 - Recognizing accomplishments of Hurricane High School Red Hot Show Choir
- S. R. 58 - Designating February 29, 2024, as WV Arts Day
- S. R. 59 - Reaffirming longstanding sisterhood partnership between WV and Taiwan

THIRD READING

- Eng. Com. Sub. for H. B. 4086 - Authorizing certain agencies of the Department of Commerce to promulgate legislative rules
- Eng. Com. Sub. for H. B. 4233 - Non-binary not permitted on birth certificates
- Eng. H. B. 4814 - Relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals
- Eng. H. B. 4838 - Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information - (Com. title amend. pending)
- Eng. H. B. 5117 - Relating generally to waiver of initial licensing fees for certain individuals
- Eng. Com. Sub. for H. B. 5122 - Relating to civil service for deputy sheriffs - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 5175 - Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission.
- Eng. Com. Sub. for H. B. 5395 - Relating to judicial review of Board decisions

SECOND READING

- Eng. Com. Sub. for H. B. 4376 - Relating to surgical smoke evacuation - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4431 - Permitting the cremation of unidentified remains. - (Com. amends. and title amend. pending)
- Eng. Com. Sub. for H. B. 5017 - Relating to mobile food establishment reciprocity. - (Com. amend. and title amend. pending)

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

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

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)

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

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Thursday, February 29, 2024

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