

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
REGULAR SESSION, 2025
SIXTIETH DAY

Charleston, West Virginia, Saturday, April 12, 2025

The Senate met at 11:29 a.m.

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

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by Anna Payne, Student Intern for Senate Minor Committees.

Pending the reading of the Journal of Friday, April 11, 2025,

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

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

At the request of Senator Martin, 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 Senators privileges of the floor for the day.

At the request of Senator Boley, unanimous consent being granted, the special order of business set for this position on the calendar (*consideration of Senate Executive Message 1-J*) was postponed and made a special order of business at 3 p.m. today.

At the request of Senator Boley, and by unanimous consent, the special order of business set for this position on the calendar (*consideration of Senate Executive Message 5*) was postponed and made a special order of business at 3 p.m. today.

The Senate proceeded to the third order of business.

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

Eng. Senate Bill 75, Changing distribution of income from excess lottery fund.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 158, Modifying eligibility requirements for serving as member of State Board of Education.

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

Eng. Com. Sub. for Senate Bill 275, Removing requirement school cooks or custodians have high school diploma or equivalent.

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

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

On page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-5. Employment of service personnel; limitation.

The board may employ such service personnel, including substitutes, as is deemed necessary for meeting the needs of the county school system: *Provided*, That the board may not employ a number of such personnel whose minimum monthly salary under §18A-4-8a of this code is specified as pay grade "H", which number exceeds the number employed by the board on March 1, 1988.

Effective July 1, 1988, a county board shall not employ for the first time any person who has not obtained a high school diploma or general educational development certificate (GED) or who is not enrolled in an approved adult education course by the date of employment in preparation for obtaining a GED: *Provided*, That such employment is contingent upon continued enrollment or successful completion of the GED program: *Provided, further however*, That this paragraph shall not apply to school bus drivers ~~and~~ who are 21 years of age or older, cooks who are 21 years of age or older, or custodians who are 21 years of age or older.

Before entering upon their duties service personnel shall execute with the board a written contract which shall be in the following form:

"COUNTY BOARD OF EDUCATION

SERVICE PERSONNEL CONTRACT OF EMPLOYMENT

THIS (Probationary or Continuing) CONTRACT OF EMPLOYMENT, made and entered into this _____ day of _____, 49 20 _____, by and between THE BOARD OF EDUCATION OF THE COUNTY OF _____, a corporation, hereinafter called the 'Board,' and (Name and Social Security Number of Employee), of (Mailing Address), hereinafter called the 'Employee.'

WITNESSETH, that whereas, at a lawful meeting of the Board of Education of the County of _____ held at the offices of said Board, in the City of _____, _____ County, West Virginia, on the _____ day of _____, 19____, 20____, the Employee was duly hired and appointed for employment as a (Job Classification) at (Place of Assignment) for the school year commencing _____ for the employment term and at the salary and upon the terms hereinafter set out.

NOW, THEREFORE, pursuant to said employment, Board and Employee mutually agree as follows:

(1) The Employee is employed by the Board as a (Job Classification) at (Place of Assignment) for the school year or remaining part thereof commencing _____, 19____-20____. The period of employment is _____ days at an annual salary of \$ _____ at the rate of \$ _____ per month.

(2) The Board hereby certifies that the Employee's employment has been duly approved by the Board and will be a matter of the Board's minute records.

(3) The services to be performed by the Employee shall be such services as are prescribed for the job classification set out above in paragraph (1) and as defined in §18A-4-8 of this code.

(4) The Employee may be dismissed at any time for immorality, incompetency, cruelty, insubordination, intemperance or willful neglect of duty pursuant to §18A-2-8 of this code.

(5) The Superintendent of the _____ County Board of Education, subject to the approval of the Board, may transfer and assign the Employee in the manner provided by §18A-7-2 of this code.

(6) This contract shall at all times be subject to any and all existing laws, or such laws as may hereafter be lawfully enacted, and such laws shall be a part of this contract.

(7) This contract may be terminated or modified at any time by the mutual consent of the Board and the Employee.

(8) This contract shall be automatically terminated if the Employee is convicted under §61-8D-3 or §61-8D-5 of this code or comparable statute in any other state, of any criminal offense that requires the Employee to register as a sex offender, or of any criminal offense which has as an element delivery or distribution of a controlled substance: *Provided*, That if the conviction resulting in automatic revocation pursuant to this section is overturned by any Court of this state or the United States, the Employee's contract shall be reinstated unless otherwise prohibited by law.

(9) This contract shall be signed and returned to the Board at its address of _____ within 30 days after being received by the Employee.

(10) By signing this contract the Employee accepts employment upon the terms herein set out.

WITNESS the following signatures as of the day, month and year first above written:

_____, (President, _____ County Board of Education) _____,
 (Secretary, _____ County Board of Education) _____, (Employee)" _____,

The use of this form may not be interpreted to authorize boards to discontinue any employee's contract status with the board or rescind any rights, privileges, or benefits held under contract or otherwise by any employee prior to the effective date of this section.

Each contract of employment shall be designated as a probationary or continuing contract. The employment of service personnel shall be made a matter of minute record. The employee shall return the contract of employment to the county board of education within 30 days after receipt or otherwise he or she shall forfeit his or her right to employment.

Under such regulation and policy as may be established by the county board, service personnel selected and trained for teacher-aide classifications, such as monitor aide, clerical aide, classroom aide, and general aide, shall work under the direction of the principal and teachers to whom assigned.

On motion of Senator Martin, the Senate refused to concur in the foregoing House amendment to the bill (Eng. Com. Sub. for S. B. 275) and requested the House of Delegates to recede therefrom.

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

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

Eng. Com. Sub. for Senate Bill 325, Authorizing Department of Health to promulgate legislative rules.

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

Eng. Com. Sub. for Senate Bill 449, Permitting compressed air and rimfire shooting teams in public schools.

A message from the Clerk of the House of Delegates announced the rejection by that body of

Eng. Com. Sub. for Senate Bill 488, Clarifying definition of electioneering.

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

Eng. Senate Bill 561, Relating to Uniform Special Deposits Act.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 652, Expanding cardiac arrest provisions to be applicable to elementary schools.

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

Eng. Com. Sub. for Senate Bill 677, Increasing fees charged by Commissioner of Securities for each offering.

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

Eng. Senate Bill 747, Relating to Real Estate License Act.

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

Eng. Com. Sub. for Senate Bill 794, Authorizing DOH to erect warning signs.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect January 1, 2026, of

Eng. Com. Sub. for Senate Bill 800, Relating to insurance holding company systems.

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

Eng. Com. Sub. for Senate Bill 833, Excluding pharmaceutical medication from prior authorization gold card process.

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

Eng. Com. Sub. for Senate Bill 883, Providing director of WV Office of Miners' Health, Safety and Training discretion and authority in certain appointments.

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

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

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

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

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

Eng. Com. Sub. for House Bill 2411, To provide and change graduation requirements and change duties relating to academic content standards.

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

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

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

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

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

Eng. House Bill 3349—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, State Excess Lottery Revenue Fund, by adding a new item of appropriation to the Department of Human Services, fund 5365, fiscal year 2025, organization 0511 for the fiscal year ending June 30, 2025.

At the request of Senator Martin, unanimous consent being granted, 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.

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

The nays were: None.

Absent: None.

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

Engrossed House Bill 3349 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3349) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3349) takes effect from passage.

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

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

Eng. House Bill 3352—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Human Services, Bureau for Medical Services – Policy and Programming, fund 0484, fiscal year 2025, organization 0511, by adding a new item of appropriation for the fiscal year ending June 30, 2025.

At the request of Senator Martin, unanimous consent being granted, 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.

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

The nays were: None.

Absent: None.

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

Engrossed House Bill 3352 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3352) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3352) takes effect from passage.

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

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

Eng. House Bill 3359—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, by decreasing an existing item of appropriation to the Economic Development Authority – Economic Development Project Fund, fund 9065, fiscal year 2025, organization 0944, and increasing an existing item of appropriation to the Department of Human Services, fund 5365, fiscal year 2025, organization 0511 for the fiscal year ending June 30, 2025.

At the request of Senator Martin, unanimous consent being granted, 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.

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

The nays were: None.

Absent: None.

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

Engrossed House Bill 3359 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3359) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3359) takes effect from passage.

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

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

Eng. House Bill 3371—A Bill supplementing and amending appropriations of public moneys out of the Treasury in the State Fund, General Revenue, by decreasing an existing item of appropriation to the Department of Health Facilities, Health Facilities – Welch Community Hospital, fund 0412, fiscal year 2025, organization 0512, and increasing an existing item of appropriation to the Department of Health, Office of the Inspector General, fund 0437, fiscal year 2025, organization 0513 by supplementing and amending appropriations for the fiscal year ending June 30, 2025.

At the request of Senator Martin, unanimous consent being granted, 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.

On motion of Senator Martin, 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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries,

Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

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

Engrossed House Bill 3371 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3371) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3371) takes effect from passage.

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

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

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

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

Eng. House Bill 3520—A Bill expiring funds to the surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2025, in the amount of \$1,000,000 from the Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2025, organization 0619; in the amount of \$7,210 from the Office of Energy – Energy Assistance, fund 3010, fiscal year 2025, organization

0307; in the amount of \$435,000 from the Division of Natural Resources – Planning and Development Division, fund 3205, fiscal year 2025, organization 0310; in the amount of \$750,000 from the Division of Labor – Elevator Safety Fund, fund 3188, fiscal year 2025, organization 0308; in the amount of \$250,000 from the Contractor Licensing Board Fund, fund 3187, fiscal year 2025, organization 0951; in the amount of \$500,000 from the Division of General Services, fund 2461, fiscal year 2025, organization 0211; in the amount of \$3,000,000 from the Criminal Law Research Center Fund, fund 2420, fiscal year 2025, organization 0221; in the amount of \$20,000,000 from the Treasurer's Office, fund 8692, fiscal year 2025, organization 1300; in the amount of \$30,000,000 from the Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2025, organization 0704; and in the amount of \$250,000 from the Division of Labor – Bedding and Upholstery Fund, fund 3198, fiscal year 2025, organization 0308, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as a surplus balance in the State Fund, General Revenue, to the Joint Expenses, fund 0175, fiscal year 2025, organization 2300, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

At the request of Senator Martin, unanimous consent being granted, 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.

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

The nays were: None.

Absent: None.

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

Engrossed House Bill 3520 was then read a third time.

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

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

Eng. House Bill 3521—A Bill expiring funds to the surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2025, in the amount of \$1,192,452 from the Attorney General – Consumer Protection Recovery Fund, fund 1509, fiscal year 2025, organization 1500, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as a surplus balance in the State Fund, General Revenue, to the Department of Health – Central Office, fund 0407, fiscal year 2025, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2347, Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 2347 pass?"

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2347) 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 House Bill 2347—A Bill to amend and reenact §27-5-2 and §27-5-4 of the Code of West Virginia, 1931, as amended, relating to involuntary custody and involuntary hospitalization; providing additional grounds for application for involuntary hospitalization; modifying evidentiary standards for imposing civil liability on mental health professionals rendering services in mental hygiene cases; requiring individual to agree to voluntary treatment before being removed from involuntary hospitalization prior to probable cause hearing; providing additional grounds for satisfaction of probable cause and involuntary hospitalization standards in mental hygiene proceedings; providing name of amendments; permitting hospitalization of individuals with substance use disorder under certain circumstances; providing prohibition on consideration of refusal of substance abuse services when considering individual's judgment; providing for dismissal of involuntary hospitalization proceedings under certain circumstances; setting forth additional required findings by the chief medical officer; providing for restoration of firearm possession rights under certain circumstances; and providing for removal of individual from mental health registry under certain circumstances.

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

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Martin, at 11:59 a.m., the Senate recessed until 1:30 p.m. today.

The Senate reconvened at 3:18 p.m. and, at the request of Senator Stuart, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 128, Preventing courts from ordering services at higher rate than Medicaid.

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

Eng. Com. Sub. for Senate Bill 299, Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment.

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

Eng. Senate Bill 856, Removing certain reporting requirements to Joint Committee on Government and Finance.

The Senate proceeded to the fourth order of business.

Senator Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

Senate Executive Message 1-J, dated January 10, 2025, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 1-J is submitted:

1. For Secretary, West Virginia Department of Homeland Security, Robert Cunningham, Winfield, Putnam County, to serve at the will and pleasure of the Governor.

2. For Member, West Virginia Board of Education, Cathy Justice, Lewisburg, Greenbrier County, for the term ending November 4, 2033.

3. For Member, State Conservation Committee, Timothy W. VanReenen, Hillsboro, Pocahontas County, for the term ending September 6, 2026.

4. For Member, State Conservation Committee, Jerry L. Ours, Maysville, Grant County, for the term ending September 6, 2027.

5. For Member, State Conservation Committee, Douglas L. Cyphers, Mannington, Marion County, for the term ending September 6, 2025.

6. For Member, West Virginia Board of Medicine, Radhakrishna U. Kukkillaya, Charleston, Kanawha County, for the term ending September 30, 2029.

7. For Member, Housing Development Fund, Troy N. Giatras, Charleston, Kanawha County, for the term ending October 30, 2028.

8. For Member, Housing Development Fund, Lynne F. Gianola, Charleston, Kanawha County, for the term ending October 30, 2028.

9. For Member, Housing Development Fund, Robert L. Nistendirk, Charleston, Kanawha County, for the term ending October 30, 2028.

10. For Member, Environmental Quality Board, Charles C. Somerville, Huntington, Cabell County, for the term ending June 30, 2029.

11. For Member, Advanced Energy and Economic Corridor Authority, The Honorable Robert H. Plymale, Huntington, Wayne County, for the term ending June 30, 2029.

12. For Member, Advanced Energy and Economic Corridor Authority, The Honorable Chandler Swope, Bluefield, Mercer County, for the term ending June 30, 2029.

13. For Member, Surface Mine Board, Stephen Butler, French Creek, Upshur County, for the term ending June 30, 2029.

14. For Member, Southern West Virginia Community and Technical College Board of Governors, Brent Tomblin, Charleston, Kanawha County, for the term ending June 30, 2028.

15. For Member, Property Valuation Training and Procedures Commission, Jason Nettles, Chloe, Calhoun County, for the term ending June 30, 2026.

16. For Member, Property Valuation Training and Procedures Commission, Glen Irvan Johnson, Huntington, Cabell County, for the term ending June 30, 2028.

17. For Member, Property Valuation Training and Procedures Commission, Sarah F. Martin, Union, Monroe County, for the term ending June 30, 2028.

19. For Member, West Virginia Hope Scholarship Board, Alice Bonnell, Davisville, Wood County, for the term ending June 30, 2026.

20. For Member, West Virginia Hope Scholarship Board, Jamion Wolford, Kenna, Jackson County, for the term ending June 30, 2025.

21. For Member, Southern West Virginia Community and Technical College Board of Governors, Christopher Reynolds, Williamson, Mingo County, for the term ending June 30, 2028.

22. For Member, Board of Examiners in Counseling, Karen Bowling, Beckley, Raleigh County, for the term ending June 30, 2027.

23. For Inspector General, Office of the Inspector General within the Department of Homeland Security, The Honorable D. Michael Honaker, Lewisburg, Greenbrier County, for the term ending June 30, 2028.

24. For Member, First Foundation Board, Matthew L. Harvey, Shepherdstown, Jefferson County, for the term ending June 30, 2027.

25. For Member, Board of Coal Mine Health and Safety, J. Todd Moore, Fairview, Marion County, for the term ending June 30, 2026.

26. For Member, Fairmont State University Board of Governors, John DeVaul, Mannington, Marion County, for the term ending June 30, 2026.

27. For Member, Council for Community and Technical College Education, Tracy Karin Miller, Bridgeport, Harrison County, for the term ending December 20, 2026.

28. For Member, Council for Community and Technical College Education, Sandra Hamilton, Martinsburg, Berkeley County, for the term ending December 20, 2025.

29. For Member, Council for Community and Technical College Education, Joseph R. Oliverio, Belmont, Pleasants County, for the term ending December 20, 2026.

30. For Member, Council for Community and Technical College Education, Elizabeth A Manuel, Logan, Logan County, for the term ending December 20, 2028.

31. For Member, Southern West Virginia Community and Technical College Board of Governors, Mary J. Phipps, Chapmanville, Logan County, for the term ending June 30, 2026.

32. For Member, Board of Registration for Professional Engineers, Rodney D. Holbert, Mineral Wells, Wood County, for the term ending June 30, 2029.

33. For Member, Auctioneers Board of Review, Rocky A Peck, Parkersburg, Wood County, for the term ending January 1, 2027.

34. For Member, Auctioneers Board of Review, Katie Fitzsimmons, Cameron, Marshall County, for the term ending January 1, 2028.

35. For Member, Workers' Compensation Board of Review, Patricia A. Jennings, Huntington, Cabell County, for the term ending December 31, 2030.

36. For Member, West Virginia Public Energy Authority, Chris Hamilton, Elkview, Kanawha County, for the term ending June 30, 2027.

37. For Member, West Virginia Public Energy Authority, Jeffrey W. Allen, Hurricane, Putnam County, for the term ending June 30, 2028.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,
Chair.

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Smith (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 1-J, dated January 10, 2025 (*shown in the Senate Journal of Wednesday, February 12, 2025, pages 8 to 11, inclusive*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of Joseph R. Oliverio to the Council for Community and Technical College Education (being nomination number 29 in Executive Message 1-J).

The question being on the adoption of Senator Boley's aforesated motion,

The roll was then taken; and

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations, except the nomination of Joseph R. Oliverio to the Council for Community and Technical College Education (being nomination number 29 in Executive Message 1-J) had been confirmed.

Senator Boley then moved that the Senate advise and consent to the nomination of Joseph R. Oliverio to the Council for Community and Technical College Education (being nomination number 29 in Executive Message 1-J).

Prior to the call of the roll, at the request of Senator Oliverio, unanimous consent being granted, Senator Oliverio was excused from voting under Rule 43 of the Rules of the Senate.

The roll was then taken; and

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

The nays were: None.

Absent: None.

Excused from voting: Oliverio—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Joseph R. Oliverio to the Council for Community and Technical College Education had been confirmed.

Consideration of Senate Executive Message 1-J having been concluded,

Senator Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

Senate Executive Message 5, dated April 10, 2025, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 5 is submitted:

1. For Secretary, West Virginia Department of Administration, the Honorable Eric Householder, Martinsburg, Berkeley County, to serve at the will and pleasure of the Governor.

2. For Curator and Acting Secretary, West Virginia Department of Arts, Culture, and History, Ennis Smith, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

3. For Secretary, West Virginia Department of Commerce, Dr. Matthew L. Herridge, Williamstown, Wood County, to serve at the will and pleasure of the Governor.

4. For Acting Secretary, West Virginia Department of Economic Development, Michael R. Graney, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

5. For Secretary, West Virginia Department of Environmental Protection, Harold D. Ward, Lake, Logan County, to serve at the will and pleasure of the Governor.

6. For Secretary, West Virginia Department of Health, Dr. Arvinjit Singh, EdD, MBA, MPH, MS, FACHE, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

7. For Secretary, West Virginia Department of Human Services, Alex Mayer, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

8. For Adjutant General, West Virginia National Guard, Major General James D. Seward, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

9. For Acting Executive Director, West Virginia Parkways Authority, Parrish T. French, Winfield, Putnam County, to serve at the will and pleasure of the Governor.

10. For Acting Director, West Virginia Public Employee Insurance Agency, Jason A. Haught, Culloden, Putnam County, to serve at the will and pleasure of the Governor.

11. For Secretary, West Virginia Department of Revenue, the Honorable Eric Nelson Jr., Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

12. For Superintendent, West Virginia State Police, James L. Mitchell, Mount Hope, Fayette County, to serve at the will and pleasure of the Governor.

13. For Secretary, West Virginia Department of Transportation, and Commissioner of the Division of Highways, Stephen Todd Rumbaugh P.E., Winifrede, Kanawha County, to serve at the will and pleasure of the Governor.

14. For Secretary, West Virginia Department of Tourism, Chelsea A. Ruby, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

15. For Secretary, West Virginia Department of Veterans' Assistance, the Honorable Edward Ryan Kennedy, Clarksburg, Harrison County, to serve at the will and pleasure of the Governor.

16. For Commissioner, West Virginia Bureau of Senior Services, the Honorable Dianna Graves, Charleston, Kanawha County, to serve at the will and pleasure of the Governor.

17. For Member, Southern West Virginia Community and Technical College Board of Governors, the Honorable Sonya M. Dingess Porter, Chapmanville, Logan County, for the term ending June 30, 2027.

18. For Member, Southern West Virginia Community and Technical College Board of Governors, Scotty Dingess, Chapmanville, Logan County, for the term ending June 30, 2026.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,
Chair.

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Smith (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 5, dated April 10, 2025 (*shown in the Senate Journal of Friday, April 11, 2025, pages 4 to 6, inclusive*).

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations.

The question being on the adoption of Senator Boley's aforesaid motion,

The roll was then taken; and

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations had been confirmed.

Consideration of Senate Executive Message 5 having been concluded,

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

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

Eng. Com. Sub. for Senate Bill 196, Lauren's Law.

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

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

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

**CHAPTER 60A. UNIFORM CONTROLLED
SUBSTANCES ACT.**

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-401. Prohibited acts; penalties.

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

Any person who violates this subsection with respect to:

(i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned: *Provided*, That any person who violates this section ~~knowing that~~ when the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000, or be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both fined and imprisoned;

(ii) Any other controlled substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than 15 years, or fined not more than \$25,000, or both fined and imprisoned;

(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned;

(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in said article apply.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this act. Any person who violates this subsection is guilty of a misdemeanor, and disposition may be made under §60A-4-407 of this code, subject to the limitations specified in said section, or upon conviction thereof, the person may be confined in jail not less than 90 days nor more than six months, or fined not more than \$1,000, or both fined and confined: *Provided*, That notwithstanding any other provision of this act to the contrary, any first offense for possession of synthetic cannabinoids as defined by §60A-1-101(d)(32) of this code; 3,4-methylenedioxypropylvalerone (MPVD) and 3,4-methylenedioxypropylvalerone and/or mephedrone as defined in §60A-1-101(f) of this code; or less than 15 grams of marijuana, shall be disposed of under §60A-4-407 of this code.

(d) It is unlawful for any person knowingly or intentionally:

(1) To create, distribute, deliver, or possess with intent to distribute or deliver, an imitation controlled substance; or

(2) To create, possess, sell, or otherwise transfer any equipment with the intent that the equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled

substance, or the container or label of a counterfeit substance or an imitation controlled substance.

(3) Any person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and confined. Any person 18 years old or more who violates subdivision (1) of this subsection and distributes or delivers an imitation controlled substance to a minor child who is at least three years younger than that person is guilty of a felony and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned.

(4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who administers or dispenses a placebo.

(e) It is unlawful for any person knowingly or intentionally:

(1) To adulterate another controlled substance using fentanyl as an adulterant;

(2) To create a counterfeit substance or imitation controlled substance using fentanyl; or

(3) To cause the adulteration or counterfeiting or imitation of another controlled substance using fentanyl.

(4) Any person who violates this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than 15 years, or fined not more than \$50,000, or both fined and imprisoned.

(5) For purposes of this section:

(i) A controlled substance has been adulterated if fentanyl has been mixed or packed with it; and

(ii) Counterfeit substances and imitation controlled substances are further defined in §60A-1-101 of this code.

§60A-4-409. Prohibited acts – Transportation of controlled substances into state; penalties.

(a) Except as otherwise authorized by the provisions of this code, it is unlawful for any person to transport or cause to be transported into this state a controlled substance with the intent to deliver the same or with the intent to manufacture a controlled substance.

(b) Any person who violates this section with respect to:

(1) A controlled substance classified in Schedule I or II, which is a narcotic drug, ~~shall be is~~ guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than ~~one year~~ five years nor more than ~~15~~ 20 years, or fined not more than ~~\$25,000~~ \$50,000, or both fined and imprisoned. ~~Provided, That any person who violates this section knowing that the controlled substance classified in Schedule II is fentanyl, either alone or in combination with any other substance shall be fined not more than \$50,000 or imprisoned in a state correctional facility for a definite term of not less than 10 nor more than 20 years, or both fined and imprisoned~~

(2) Any other controlled substance classified in Schedule I, II or III ~~shall be~~ is guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than 10 years, or fined not more than \$15,000, or both: *Provided*, That for the substance marijuana, as scheduled in §60A-2-204(d)(24) of this code, the penalty, upon conviction of a violation of this subsection, ~~shall be that~~ is the penalty set forth in subdivision (3) of this subsection.

(3) A substance classified in Schedule IV ~~shall be~~ is guilty of a felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less than one year nor more than five years, or fined not more than \$10,000, or both fined and imprisoned;

(4) A substance classified in Schedule V ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, may be confined in jail for not less than six months nor more than one year, or fined not more than \$5,000, or both fined and imprisoned: *Provided*, That for offenses relating to any substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in ~~said~~ that article apply.

(c) Notwithstanding the provisions of subsection (b) of this section, any person violating or ~~causing a violation~~ attempting to violate the provisions of subsection (a) of this section involving one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine or ~~500 grams of a substance or material containing a measurable amount of methamphetamine~~ five or more grams of fentanyl, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate~~ an indeterminate sentence of not less than ~~two~~ 15 years nor more than 30 years. The sentence provided in this subsection is mandatory. A person convicted of an offense set forth in this subsection is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(d) Notwithstanding the provisions of subsection (b) of this section, any person violating or ~~causing a violation~~ attempting to violate the provisions of subsection (a) of this section involving 100 but fewer than 1,000 grams of heroin, not less than ~~500~~ 100 but fewer than ~~5,000~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than ~~99~~ 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine or ~~not less than 50 grams but fewer than 500 grams of a substance or material containing a measurable amount of methamphetamine,~~ or one gram or more but less than five grams of fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate~~ an indeterminate sentence of not less than ~~two~~ seven years nor more than 20 years.

(e) Notwithstanding the provisions of subsection (b) of this section, any person violating or attempting to violate the provisions of subsection (a) of this section involving not less than 10 grams nor more than 100 grams of heroin, not less than ~~50~~ 10 grams nor more than ~~500~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~499 milligrams~~ one gram nor more than five grams of methamphetamine, or ~~not less than 20 grams nor more than 50 grams of a substance or material containing a measurable amount of methamphetamine~~ or less than one gram of fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ five years nor more than ~~45~~ 20 years.

(f) The offenses established by this section ~~shall be~~ are in addition to and a separate and distinct offense from any other offense set forth in this code.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the transportation into the state involves two or more controlled substances, the transportation into the state of each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

§60A-4-414. Conspiracy.

(a) Any person who willfully conspires with one or more persons to commit a felony violation of §60A-4-401 of this code, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than two nor more than ~~ten~~ 10 years: *Provided*, That the provisions of this subsection are inapplicable to felony violations of §60A-4-401 of this code prohibiting the manufacture, delivery or possession with intent to manufacture or deliver marijuana.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver or possess with intent to manufacture or deliver one kilogram or more of heroin, ~~five kilograms~~ one kilogram or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine, or ~~five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ five grams or more of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ five years nor more than 30 years. The sentence provided in this subsection is mandatory. A person convicted of an offense set forth in this subsection is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(c) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver, or possess with intent to manufacture or deliver not less than 100 but fewer than 1,000 grams of heroin, not less than ~~five hundred~~ 100 but fewer than ~~five thousand~~ 1,000 grams of cocaine or cocaine base, not less than 10 but fewer than 100 grams of phencyclidine, not less than one but fewer than 10 grams of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine, or ~~not less than fifty grams but fewer than five hundred grams of a substance or material containing a measurable amount of methamphetamine~~ one gram or more but less than five grams of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ three years nor more than 20 years.

(d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully conspires with one or more persons to manufacture, deliver, possess with intent to manufacture or deliver not less than 10 grams nor more than 100 grams of heroin, not less than ~~50~~ 10 grams

nor more than ~~500~~ 100 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~499 milligrams~~ one gram nor more than five grams of methamphetamine, ~~or not less than 20 grams nor more than 50 grams of a substance or material containing a measurable amount of methamphetamine~~ or less than one gram of fentanyl, if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for ~~a determinate~~ an indeterminate sentence of not less than two years nor more than 15 years.

(e) The trier of fact shall determine the quantity of the controlled substance attributable to the defendant beyond a reasonable doubt based on evidence adduced at trial.

(f) The determination of the trier of fact as to the quantity of controlled substance attributable to the defendant in a charge under this section may include all of the controlled substances manufactured, delivered, or possessed with intent to deliver or manufacture by other participants or members of the conspiracy.

(g) For purposes of determining the weight of any controlled substance under this section, a mixture must contain only a detectable amount of a controlled substance for the entire mixture to be considered that controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense penalty.

(h) Under this section, where the conspiracy involves two or more controlled substances, each controlled substance shall be considered a separate and distinct offense unless the controlled substances are mixed together.

~~(g)~~(i) Offenses in this section proscribing conduct involving lesser quantities are lesser included offenses of offenses proscribing conduct involving larger quantities.

~~(h)~~(i) A person may be charged under the provisions of ~~§61-10-64~~ §61-10-31 of this code for conduct that is charged under this section.

~~(k) Nothing in this section may be construed to place any limitation whatsoever upon alternative sentencing options available to a court.~~

§60A-4-416. Drug delivery resulting in death; failure to render aid.

(a)(1) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance, without receiving or accepting money or any other thing of value, in violation of the provisions of ~~section four hundred one, article four of this chapter~~ §60A-4-401 of this code for an illicit purpose and the use, ingestion or consumption of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than three nor more than ~~fifteen~~ 15 years.

(2) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in exchange for money or any other thing of value in violation of the provisions of §60A-4-401 of this code for an illicit purpose and the use, ingestion or consumption

of the controlled substance or counterfeit controlled substance alone or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than ten nor more than 40 years. A person imprisoned pursuant to the provisions of this subdivision is not eligible for parole prior to having served a minimum of 10 years of his or her sentence.

(b) Any person who, while engaged in the illegal use of a controlled substance with another, ~~who~~ knowingly fails to seek medical assistance for ~~such~~ the other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned for a determinate sentence of not less than one year two years nor more than ~~five~~ 10 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of two years of his or her sentence.

(c) The sentence provided in subdivision (2), subsection (a) of this section is mandatory. A person convicted of an offense set forth in subdivision (2), subsection (a) of this section is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(d) As used in this section:

(1) The phrase "engaged in illegal use of a controlled substance with another person" means being in the physical presence of a person engaged in illegal drug use and participating with him or her in illegal drug use, or while in the presence of a person engaged in illegal drug use knowingly facilitating illegal drug use by the other person so engaged.

(2) "Seek medical assistance" means contacting the 9-1-1 emergency system, a poison control facility, any type of first responder, a medical facility or medical professional capable of treating an overdose, and in the case of an opioid overdose, to administer or cause the administration of a commercially produced medically recognized opioid antagonist.

(e) The revisions to subsections (a), (b), (c), and (d) of this section enacted during the 2025 regular legislative session shall be known as Lauren's Law.

§60A-4-419. Drug kingpin.

(a) For purposes of this section, "drug kingpin" means an organizer, supervisor, financier, or manager who acts as a coconspirator in a conspiracy to manufacture, distribute, dispense, transport in, or bring into the State of West Virginia a controlled dangerous substance.

(b)(1) Notwithstanding the provisions of §60A-4-414 of this code, a drug kingpin who conspires to manufacture, distribute, dispense, transport in, or bring into the State of West Virginia a controlled dangerous substance in an amount listed in §60A-4-414(b) of this code is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less than 10 nor more than 40 years and fined not more than \$100,000.

(2) The sentence provided in this section is mandatory. A person convicted of an offense set forth in this section is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(c) It is not a defense to a prosecution under this section that the controlled substance was brought into or transported in the State of West Virginia solely for ultimate distribution or dispensing in another jurisdiction.

(d) The offenses set forth in this section are in addition to and separate and distinct from any other offenses set forth in this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-18. Punishment for second or third offense of felony.

(a) For purposes of this section, "qualifying offense" means any offense or an attempt or conspiracy to commit any of the offenses in the following provisions of this code:

(1) §60A-4-401(a)(i) and §60A-4-401(a)(ii);

(2) §60A-4-406;

(3) §60A-4-409(b)(1), and §60A-4-409(b)(2); §60A-4-409(c), §60A-4-409(d), and §60A-4-409(e);

(4) §60A-4-411;

(5) §60A-4-414;

(6) §60A-4-415;

(7) §60A-4-416(a);

(8) §60A-4-419;

~~(8)~~(9) §61-2-1;

~~(9)~~(10) §61-2-4;

~~(10)~~(11) §61-2-7;

~~(11)~~(12) §61-2-9(a);

~~(12)~~(13) §61-2-9a(d) and §61-2-9a(e);

~~(13)~~(14) §61-2-9b;

~~(14)~~(15) §61-2-9c;

~~(15)~~(16) §61-2-9d;

- ~~(16)~~(17) §61-2-10;
- ~~(17)~~(18) §61-2-10b(b) and §61-2-10b(c);
- ~~(18)~~(19) Felony provisions of §61-2-10b(d);
- ~~(19)~~(20) §61-2-12;
- ~~(20)~~(21) Felony provisions of §61-2-13;
- ~~(21)~~(22) §61-2-14;
- ~~(22)~~(23) §61-2-14a(a) and §61-2-14a(d);
- ~~(23)~~(24) §61-2-14c;
- ~~(24)~~(25) §61-2-14d(a) and §61-2-14d(b);
- ~~(25)~~(26) §61-2-14f;
- ~~(26)~~(27) §61-2-14h(a), §61-2-14h(b), and §61-2-14h(c);
- ~~(27)~~(28) §61-2-16a(a) and §61-2-16a(b);
- ~~(28)~~(29) Felony provisions of §61-2-16a(c);
- ~~(29)~~(30) §61-2-28(d);
- ~~(30)~~(31) §61-2-29(d) and §61-2-29(e);
- ~~(31)~~(32) §61-2-29a;
- ~~(32)~~(33) §61-3-1;
- ~~(33)~~(34) §61-3-2;
- ~~(34)~~(35) §61-3-3;
- ~~(35)~~(36) §61-3-4;
- ~~(36)~~(37) §61-3-5;
- ~~(37)~~(38) §61-3-6;
- ~~(38)~~ (39) §61-3-7;
- ~~(39)~~ (40) §61-3-11;
- ~~(40)~~(41) Felony violation of §61-3-12;
- ~~(41)~~(42) §61-3-13(a);

~~(42)~~(43) Felony violation of §61-3-18;

~~(43)~~(44) Felony violation of §61-3-19;

~~(44)~~(45) Felony violation of §61-3-20;

~~(45)~~(46) Felony violation of §61-3-20a;

~~(46)~~ 47 Felony violation of §61-3-21;

~~(47)~~(48) §61-3-22;

~~(48)~~(49) Felony violation of §61-3-24;

~~(49)~~(50) Felony violation of §61-3-24a;

~~(50)~~(51) §61-3-27;

~~(51)~~(52) §61-3-54;

~~(52)~~(53) §61-3C-14b;

~~(53)~~(54) §61-3E-5;

~~(54)~~(55) Felony violation of §61-5-10;

~~(55)~~(56) ~~§61-5-17(b), §61-5-17(f), §61-5-17(h), and §61-5-17(i);~~ Felony provisions of §61-5-17;

~~(56)~~(57) §61-5-27;

~~(57)~~(58) §61-6-24;

~~(58)~~(59) Felony provisions of §61-7-7;

~~(59)~~(60) §61-7-12;

~~(60)~~(61) §61-7-15;

~~(61)~~(62) §61-7-15a;

~~(62)~~(63) §61-8-12;

~~(63)~~(64) §61-8-19(b);

~~(64)~~(65) §61-8A-2;

~~(65)~~(66) §61-8A-4;

~~(66)~~(67) §61-8A-5;

~~(67)~~(68) §61-8B-3;

~~(68)~~(69) §61-8B-4;
~~(69)~~(70) §61-8B-5;
~~(70)~~(71) §61-8B-7;
~~(71)~~(72) §61-8B-10;
~~(72)~~(73) §61-8B-11b;
~~(73)~~(74) §61-8C-2;
~~(74)~~(75) §61-8C-3;
~~(75)~~(76) §61-8C-3a;
~~(76)~~(77) §61-8D-2;
~~(77)~~(78) §61-8D-2a;
~~(78)~~(79) §61-8D-3;
~~(79)~~(80) §61-8D-3a;
~~(80)~~(81) §61-8D-4;
~~(81)~~(82) §61-8D-4a;
~~(82)~~(83) §61-8D-5;
~~(83)~~(84) §61-8D-6;
~~(84)~~(85) §61-10-31;
~~(85)~~(86) §61-11-8;
~~(86)~~(87) §61-11-8a;
~~(87)~~(88) §61-14-2; and
~~(88)~~(89) §17C-5-2(b), driving under the influence causing death.

(b) Except as provided by subsection (c) of this section, when any person is convicted of a qualifying offense and is subject to imprisonment in a state correctional facility for the qualifying offender and it is determined, as provided in §61-11-19 of this code, that the person had been previously convicted in the United States of a crime punishable by imprisonment in a state or federal correctional facility, the court shall, if the sentence to be imposed is for a definite term of years, add five years to the time for which the person is or would be otherwise sentenced. Whenever in that case the court imposes an indeterminate sentence, the minimum term shall be twice the term of years otherwise provided for under the sentence.

(c) Notwithstanding any provision of this code to the contrary, when any person is convicted of first degree murder or second degree murder or a violation of §61-8B-3 of this code and it is determined, as provided in §61-11-19 of this code, that the person had been previously convicted in this state of first degree murder, second degree murder, or a violation of §61-8B-3 of this code, or has been so convicted under any law of the United States or any other state for an offense which has the same or substantially similar elements as any offense described in this subsection, the person shall be punished by imprisonment in a state correctional facility for life and is not eligible for parole.

(d) When it is determined, as provided in §61-11-19 of this code, that the person has been twice previously convicted in the United States of a crime punishable by imprisonment in a state or federal correctional facility which has the same or substantially similar elements as a qualifying offense, the person shall be sentenced to imprisonment in a state correctional facility for life: *Provided*, That prior convictions arising from the same transaction or series of transactions shall be considered a single offense for purposes of this section: *Provided, however*, That the most recent previous qualifying offense which would otherwise constitute a qualifying offense for purposes of this subsection may not be considered if more than 20 years have elapsed between: (1) The release of the person from his or her term of imprisonment or period of supervision resulting from the most recent qualifying offense or the expiration of a period of supervised release resulting from the offense; and (2) the conduct underlying the current charge.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-2. Eligibility for probation.

(a) All persons who are found guilty of or plead guilty to any felony, the maximum penalty for which is less than life imprisonment, and all persons who are found guilty of or plead guilty to any misdemeanor are eligible for probation, notwithstanding the provisions of §61-11-18 and §61-11-19 of this code: *Provided*, That persons convicted of offenses set forth in §60A-4-409(c), §60A-4-414(b), §60A-4-416(a)(2), and §60A-4-419 are not eligible for probation.

(b) The provisions of subsection (a) of this section to the contrary notwithstanding, any person who commits or attempts to commit a felony with the use, presentment, or brandishing of a firearm is not eligible for probation. Nothing in this section may apply to an accessory before the fact or a principal in the second degree who has been convicted as if he or she were a principal in the first degree if, in the commission of or in the attempted commission of the felony, only the principal in the first degree used, presented, or brandished a firearm.

(c)(1) The existence of any fact which would make any person ineligible for probation under subsection (b) of this section because of the commission or attempted commission of a felony with the use, presentment, or brandishing of a firearm may not be applicable unless the fact is clearly stated and included in the indictment or presentment by which that person is charged and is either:

(A) Found by the court upon a plea of guilty or nolo contendere;

(B) Found by the jury, if the matter is tried before a jury, upon submitting to the jury a special interrogatory for that purpose; or

(C) Found by the court, if the matter is tried by the court, without a jury.

(2) The amendments to this subsection adopted in the year 1981:

(A) Apply to all applicable offenses occurring on or after August 1 of that year;

(B) Apply with respect to the contents of any indictment or presentment returned on or after August 1 of that year irrespective of when the offense occurred;

(C) Apply with respect to the submission of a special interrogatory to the jury and the finding to be made thereon in any case submitted to the jury on or after August 1 of that year or to the requisite findings of the court upon a plea of guilty or in any case tried without a jury: *Provided*, That the state shall give notice in writing of its intent to seek that finding by the jury or court, as the case may be, which notice shall state with particularity the grounds upon which the finding is sought as fully as such grounds are otherwise required to be stated in an indictment, unless the grounds therefor are alleged in the indictment or presentment upon which the matter is being tried; and

(D) May not apply with respect to cases not affected by the amendment and in those cases the prior provisions of this section shall apply and be construed without reference to the amendment.

Insofar as the amendments relate to mandatory sentences without probation, all matters requiring that sentence shall be proved beyond a reasonable doubt in all cases tried by the jury or the court.

(d) For the purpose of this section, the term "firearm" means any instrument which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive, gunpowder, or any other similar means.

(e) Any person who has been found guilty of, or pleaded guilty to, a violation of §61-3C-14b, §61-8-12, §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, or §61-8D-5 of this code may only be eligible for probation after undergoing a physical, mental, and psychiatric or psychological study and diagnosis which shall include an ongoing treatment plan requiring active participation in sexual abuse counseling at a mental health facility or through some other approved program: *Provided*, That nothing disclosed by the person during that study or diagnosis may be made available to any law-enforcement agency or other party without that person's consent, or admissible in any court of this state, unless the information disclosed indicates the intention or plans of the probationer to do harm to any person, animal, institution, or property, in which case the information may be released only to those persons necessary for protection of the person, animal, institution, or property.

Within 90 days of the effective date of this section as amended and reenacted during the first extraordinary session of the Legislature, 2006, the Secretary of the Department of Human Services shall propose rules and emergency rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code, establishing qualifications for sex offender treatment programs and counselors based on accepted treatment protocols among licensed mental health professionals.

(f) Any person who has been convicted of a violation of §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, §61-8D-5, §61-8D-6, §61-2-14, §61-8-12, and §61-8-13 of this code, or of a felony violation involving a minor of §61-8-6 or §61-8-7 of this code, or of a similar provision in another jurisdiction,

shall register upon release on probation. Any person who has been convicted of an attempt to commit any of the offenses set forth in this subsection shall also be registered upon release on probation.

(g) The probation officer shall within three days of release of the offender send written notice to the State Police of the release of the offender. The notice shall include:

- (1) The full name of the person;
- (2) The address where the person shall reside;
- (3) The person's Social Security number;
- (4) A recent photograph of the person;
- (5) A brief description of the crime for which the person was convicted;
- (6) Fingerprints; and

(7) For any person determined to be a sexually violent predator as defined in §15-12-2a of this code, the notice shall also include:

~~(i)~~(A) Identifying factors, including physical characteristics;

~~(ii)~~(B) A history of the offense; and

~~(iii)~~(C) Documentation of any treatment received for the mental abnormality or personality disorder.;

And,

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

Eng. Com. Sub. for Senate Bill 196—A Bill to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, §60A-4-416, §61-11-8, and §62-12-2 of the Code of West Virginia, 1931, as amended, and to amend the code by adding thereto a new section, designated §60A-4-419, relating to controlled substances violations; clarifying certain requirements for the enhanced sentencing of crimes involving fentanyl; increasing sentences for certain controlled substances offenses; modifying the weight of certain controlled substances for purposes of sentencing; making certain offenses ineligible for suspension or probation, or alternative sentencing; clarifying the offense of drug delivery resulting in death; creating a separate offense for drug delivery in exchange for money or any other thing of value resulting in death; modifying the penalties for failure to render aid in certain circumstances; creating definitions related to the offense of failure to render aid; creating a new offense for conspiracy involving a drug kingpin; creating a definition of drug kingpin; clarifying certain procedures for prosecution of a drug kingpin; clarifying the penalty where a detectable amount of controlled substances is found in certain circumstances for purposes of weight; setting forth a method for measurement where more than one controlled substance is in a mixture; modifying sentences for certain offenses; updating list of offenses related to controlled substance that are qualifying offenses for recidivist sentencing enhancements; declaring certain offenses to be ineligible for probation; and creating criminal penalties.

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

Engrossed Committee Substitute for Senate Bill 196, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 196) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 280, Displaying official US motto in public schools.

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

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

On page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

CHAPTER 18. EDUCATION.

ARTICLE 9H. DISPLAY OF NATIONAL MOTTO.

§18-9H-1. Display of the National Motto in public schools.

(a) A public elementary or secondary school shall display in a conspicuous location within a common area of the main building of the school that is accessible to the public, and may also display in a similar location in common areas of in other buildings of the school, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) A public elementary or secondary school may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section. No public funds may be used for this purpose.

(c) Notwithstanding any other provision of code to the contrary, this section applies to public charter schools authorized pursuant to §18-5G-1 et seq.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 14. MISCELLANEOUS.

§18B-14-12. Display of the National Motto in institutions of higher education.

(a) A state institution of higher education, as defined by §18B-1-2 of this code, shall display in a conspicuous location within a common area of the main building of the institution of higher education that is accessible to the public, and may also display in a similar location in common areas of other buildings of the institution of higher education, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) An institution of higher education may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section. No public funds may be used for this purpose.;

And,

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

Eng. Senate Bill 280—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18-9H-1; and to amend the code by adding a new article, designated §18B-14-12, relating to requiring public elementary and secondary schools and state institutions of higher education to display in a conspicuous location within a common area of the main building or similar location in another building a durable poster or framed copy of the United States motto, "In God We Trust"; imposing requirements for the durable poster or framed copy; making the requirements subject to donation; and applying requirement to public charter schools.

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

Engrossed Senate Bill 280, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: Garcia—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 280) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 503, Allowing sheriffs to appoint more than one chief deputy with consent of county commission.

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

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

On page 1, after the enacting clause, by striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. DEPUTY OFFICERS AND CONSERVATORS OF THE PEACE.

§6-3-1. Appointment of deputies and local conservators of the peace; powers and duties; compensation; vacating appointment of deputy sheriff; removal of conservators.

(a) (1) The clerk of the Supreme Court of Appeals, or of any circuit, criminal, common pleas, intermediate or county ~~court~~ commission, or of any tribunal established by law in lieu thereof, may, with the consent of the court, or such tribunal, duly entered of record, appoint any person or persons his or her deputy or deputies.

(2) A sheriff, surveyor of lands, or assessor may, with the consent of the county ~~court~~ commission duly entered of record, appoint any person or persons his or her deputy or deputies: Provided, That the sheriff may have and appoint more than one chief deputy.

(3) A sheriff, when in the opinion of the judge of the circuit court the public interest requires it, may, with the assent of ~~said court~~ the commission, duly entered of record, appoint any person or persons his or her deputy or deputies to perform any temporary service or duty.

(4) Each deputy so appointed shall take the same oath of office required of his or her principal, and may, during his or her continuance in office, perform and discharge any of the official duties of his or her principal, and any default or misfeasance in office of the deputy shall constitute a breach of the conditions of the official bond of his or her principal.

(5) A sheriff in any county in which there are more than four deputies shall devote his or her full time to the performance of the services or duties required by law of ~~such~~ the sheriff, and ~~he~~ the sheriff shall may not receive any compensation or reimbursement, directly or indirectly, from any person, firm or corporation for the performance of any private or public services or duties: Provided, That any such sheriff may retain or make any investment and receive income therefrom, unless such the investment is otherwise prohibited by law or will impair his or her independence of judgment in the exercise of, or might reasonably tend to conflict with the proper discharge of, the services or duties of his or her office. A sheriff in any county in which there are four or fewer deputies, or a deputy sheriff in any county irrespective of the number of deputies, need not devote his or her full time to the services or duties of his or her office as sheriff or his or her employment as deputy sheriff, as the case may be; but any such sheriff or deputy sheriff shall may not engage in any business or transaction, accept other employment or make any investment which is

otherwise prohibited by law or which will impair his or her independence of judgment in the exercise of, or might reasonably tend to conflict with the proper discharge of, the services or duties of his or her office as sheriff or his or her employment as deputy sheriff, as the case may be. A sheriff and his or her deputies in any county, irrespective of the number of deputies, ~~shall~~ may receive for the performance of their public services and duties no compensation or remuneration except such as may be regularly provided and paid out of public funds to the amount and in the manner provided by law. No sheriff or deputy sheriff in any county, irrespective of the number of deputies, may receive, directly or indirectly, any gift or donation from any person, firm or corporation.

(6) Except as hereinafter expressly provided by subsection (b) of this section no sheriff ~~shall~~ may appoint or continue the appointment of any deputy contrary to the provisions hereof. Any sheriff or deputy sheriff who shall violate any of the provisions of this section ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$500 nor more than \$5,000, or confined in jail not to exceed one year, or both, ~~in the discretion of the court~~ fined and confined.

(7) Circuit courts shall have jurisdiction in equity and mandamus, and the Supreme Court of Appeals shall have jurisdiction in mandamus, upon the filing of a petition by the prosecuting attorney, the Attorney General, or any three or more citizens of the county, to require any sheriff and the county ~~court~~ commission to vacate the appointment of any deputy, the appointment of which is made or continued in violation of the provisions hereof. Any such proceeding may be instituted and prosecuted by the Attorney General either in the circuit court of Kanawha county or in the county for which ~~such~~ the appointment was made.

(b) (1) Any resident or group of residents of any unincorporated community, as hereinafter defined, may petition the sheriff for the appointment of a local conservator of the peace and ~~such~~ the sheriff, when in his or her opinion the public interests require it, may with the assent of ~~said~~ county ~~court~~ commission and the judge of the circuit court duly entered of record, either in term or vacation of any such court, appoint any person or persons a local conservator or conservators of the peace to perform the duties of a conservator of the peace outside of any incorporated city, town or village. No person ~~shall~~ may be appointed ~~such~~ local conservator of the peace who has not been a bona fide resident and taxpayer of the county for at least one year prior to his or her appointment. ~~Such~~ The local conservator of the peace during his or her continuance in office, may perform and discharge any of the official duties of the sheriff, subject nevertheless to the provisions of this section. No local conservator so appointed ~~shall~~ may be subject to the direction or control of any person other than his or her principal and he or she ~~shall~~ may not perform any services or duties, either private or public, except the duties required by law of conservators of the peace pursuant to the provisions hereof, for any person, firm, or corporation. No such local conservator ~~shall~~ may be entitled to collect or receive any fees provided by law to be paid to the sheriff or to a deputy sheriff, but all fees provided by law for the sheriff, when such duties and services are rendered by ~~such~~ the local conservator, shall be paid to the sheriff as regular collections of the sheriff's office. The local conservator shall be paid for the public services performed by him or her a salary of not less than \$75 per month out of the county treasury from a fund to be paid into ~~such~~ the treasury by a resident or the residents of the community for which he or she is appointed, for the sole purpose of compensating ~~such~~ the local conservator or conservators and no such local conservator ~~shall~~ may receive any other compensation, directly or indirectly, from any person, firm, or corporation, for any private or public service, except the salary payable to him or her for his or her public services and duties and from such fund, except that he or she shall be entitled to witness and mileage fees when a witness in a court of record. Each local conservator so appointed shall take the same oath of office required of his or her

principal and any default or misfeasance in the office of such local conservator shall constitute a breach of the conditions of the official bond of his or her principal.

(2) When the sheriff ~~shall have~~ has been petitioned for the appointment of a local conservator and has determined that the appointment is proper, he or she shall select the person whom he or she proposes to have appointed such conservator and shall notify the county ~~court~~ commission of the community for which ~~such the~~ conservator is to be appointed and the name of the person proposed for ~~such that~~ appointment. The county ~~court~~ commission shall thereupon cause notice that the sheriff has recommended the appointment of the person named as conservator for the community named to be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county. The notice shall designate a day not less than five days after the date of the last publication when the county ~~court~~ commission will act upon the petition and recommendation. Neither the county ~~court~~ commission nor the judge of the circuit court shall assent and approve the appointment of such local conservator until such publication has been made. The costs of the publication shall be paid by the person or persons petitioning for the appointment of the conservator.

No local conservator ~~shall~~ may be appointed except it be made to appear to the satisfaction of the county ~~court~~ commission and the judge of the circuit court that because of the lack of sufficient funds, geographical location of the unincorporated community for which ~~such the~~ conservator is to be appointed, or other good reason, the sheriff and his or her regular deputies and the constables of the county are not sufficient to afford proper local policing of such community and that the person or persons moving for the appointment of such local conservator have made satisfactory arrangements to compensate him or her for his or her services as ~~such the~~ local conservator of the peace.

(3) ~~Such The~~ local conservator of the peace ~~shall have~~ may exercise all the powers and duties of a regularly appointed deputy sheriff except that he or she ~~shall~~ may not execute any civil process except such process as may be necessary to bring parties before the court in any action at law or suit in equity and subpoenas for witnesses within the unincorporated community for which he or she is appointed and within a distance of one mile outside the boundaries thereof, except as hereinafter expressly provided, but he or she shall not participate in any strike, unemployment boycott, or other industrial or labor dispute, nor serve any court process of any character relating thereto. He or she shall act as ~~such the~~ local conservator only in the unincorporated community for which he or she is appointed, and within a distance of one mile from the boundaries thereof as fixed by the county ~~court~~ commission: *Provided, however,* That the authority of one local conservator ~~shall~~ may not extend into any other unincorporated community for which another local conservator is appointed and acting, except as otherwise expressly provided by subdivision (6) of this subsection, except that in fresh pursuit he or she may effect arrests anywhere in the county. He or she may also exercise the powers of a regularly appointed deputy anywhere in the county when required to guard or assist in guarding a payroll, or any other property of value in transit to or from the unincorporated community for which he or she is appointed. Any person arrested by ~~such the~~ local conservator shall, with all convenient speed, be turned over to the sheriff, or one of his or her regular deputies, or to a regular constable of the county to be dealt with according to law, and his or her authority for that purpose shall be coextensive with the county.

(4) Any local conservator appointed to perform the duties of conservator of the peace shall be a public officer and the payment, or contribution to the payment of compensation of ~~such the~~ local conservator ~~shall~~ may not constitute the person, firm or corporation making ~~such the~~ payment or

contribution the employer of such local conservator and no person, firm or corporation paying, or contributing to the payment of compensation to such local conservator shall be answerable in law or in equity for any damages to person or property resulting from any official act of such local conservator.

(5) No person appointed ~~such~~ local conservator ~~shall thereby be entitled to~~ may carry weapons, but ~~such~~ the local conservator may carry weapons when he or she ~~shall be~~ is duly licensed and ~~shall have~~ has given bond as provided by §61-7-2 of this code.

(6) Not more than one local conservator of the peace ~~shall~~ may be appointed, to perform the duties of conservator of the peace, for each 2,500 inhabitants of the county as ascertained by the last regular decennial census after deducting the number of inhabitants of the county residing in the incorporated cities, towns and villages in ~~such~~ the county. Not more than one local conservator ~~shall~~ may be appointed for any unincorporated community unless the population thereof ~~exceeds~~ exceeds 1,500 people and in such case not more than two conservators ~~shall~~ may be appointed for ~~such~~ that community.

(7) The phrase "unincorporated community" within the meaning of this section ~~shall mean~~ means any center of population wherein 50 or more persons reside within an area of not more than one square mile.

(8) The county ~~court~~ commission and the judge of the circuit court in approving the appointment of a local conservator shall enter of record an order making such appointment and shall show therein the necessity for the appointment, the person or persons on whose motion the appointment is made, the arrangement for the payment of compensation to ~~such~~ the local conservator, the unincorporated community or communities, for which the appointment is made, including the general boundary of each unincorporated community for which he or she is appointed.

(9) No local conservator ~~shall~~ may act as an election official or remain in, about or near any voting place or place of political convention, further than is necessary for him or her to promptly cast his or her vote and retire from the voting place.

(10) Any local conservator violating any of the provisions of subdivisions (3) and (9) of this subsection ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$50 nor more than \$300, or be confined in the county jail not more than six months, or both fined and confined, ~~in the discretion of the court; and it shall be the duty of the sheriff and the county court commission to~~ shall forthwith revoke his or her appointment irrespective of any criminal prosecution. A proceeding in mandamus or injunction shall lie in the circuit court and a proceeding in mandamus shall lie in the Supreme Court of Appeals at the instance of the prosecuting attorney, the Attorney General, or of any three or more citizens of the community for which ~~such~~ the conservator is appointed, to require the performance of ~~such~~ that duty by the sheriff and the county ~~court~~ commission.

(11) ~~Such~~ The local conservator shall serve during the joint will and pleasure of the sheriff and the county ~~court~~ commission and his or her appointment may be revoked by order entered of record by the county ~~court~~ commission either with or without the assignment of cause therefor.

A local conservator may be removed by the judge of the circuit court, either in term or vacation, for drunkenness, gross immorality, incompetence, neglect of duty, or other good cause, upon the petition of three or more residents of the community for which he or she has been appointed. The

petition shall set forth the cause or causes for which such removal is asked and shall show that demand for removal has been made of the sheriff and the county ~~court~~ commission and that the sheriff and the county ~~court~~ commission have failed to remove the local conservator. At least three copies of the petition shall be filed, and upon the filing of the petition the judge shall fix a time and place for a hearing thereon, which time shall not be less than 10 days after the filing of the petition, and shall cause a copy thereof to be served upon the sheriff and ~~such~~ the local conservator at least 10 days before the hearing thereon.

On motion of Senator Martin, the Senate refused to concur in the foregoing House amendment to the bill (Eng. Com. Sub. for S. B. 503) and requested the House of Delegates to recede therefrom.

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

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

Eng. Com. Sub. for Senate Bill 526, Creating Pharmacist Prescribing Authority Act.

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

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

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

ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.

§30-5-10. Scope practice for licensed pharmacist;

(a) A licensed pharmacist may:

(1) Provide care related to the interpretation, evaluation, and implementation of medical orders;

(2) Dispense of prescription drug orders; participate in drug and device selection;

(3) Provide drug administration;

(4) Provide drug regimen review;

(5) Provide drug or drug-related research;

(6) Perform patient counseling;

(7) Provide pharmacy related primary care;

(8) Provide pharmacist care in all areas of patient care, including collaborative pharmacy practice;

- (9) Compound and label drugs and drug devices;
- (10) Proper and safe storage of drugs and devices;
- (11) Maintain proper records;
- (12) Provide patient counseling concerning the therapeutic value and proper use of drugs and devices;
- (13) Order laboratory tests in accordance with drug therapy management; ~~and~~
- (14) Provide medication therapy management; and
- (15) Prescribe drugs, excluding controlled substances, that are in accordance with the product's federal Food and Drug Administration-approved labeling and that are limited to conditions for which a relevant patient medication history has been taken and:

(A) (i) Have a test that is used to guide diagnosis or clinical decision-making that is waived under the federal Clinical Laboratory Improvement Amendments of 1988 that indicates the existence of the following conditions only: influenza; SARS-COV-2; and RSV; or

(ii) refill an expired prescription for an epinephrine injection device.

(B) The pharmacist shall, within 72 hours, notify the patient's primary care physician of the test result and the permissible drug prescribed and dispensed.

(C) A prescription dispensed or prescribed pursuant to this article is limited to up to a 30-day supply within a 6 month period, if more than 10 days is prescribed or dispensed, then the pharmacist shall notify the primary care physician. If no primary care physician is identified, the pharmacist shall attempt to make a patient referral to a primary care physician.

(b) A licensee meeting the requirements as promulgated by legislative rule may administer immunizations.

(c) The sale of any medicine, if the contents of its container, or any part thereof, taken at one time, are likely to prove poisonous, deleterious, or habit-forming is prohibited by any person other than a registered pharmacist, who shall take precautions to acquaint the purchaser of the nature of the medicine at the time of sale.;

And,

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

Eng. Com. Sub. for Senate Bill 526—A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended, relating to updating a pharmacist's scope of practice; authorizing pharmacists to prescribe certain drugs in accordance with Food and Drug Administration labeling; limiting the conditions for which a pharmacist may test; requiring the pharmacist notify the patient's primary care physician; and limiting a prescription to a 30-day supply within a six-month timeframe.

Senator Martin moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Martin's aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 526, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 526) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 576, Authorizing fixed odds racing in horse and dog racing.

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

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

On page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.

§29-22D-3. Definitions.

For the purposes of this article, the following terms have the meanings ascribed to them in this section:

(1) "Adjusted gross sports wagering receipts" means an operator's gross sports wagering receipts from West Virginia Lottery sports wagering, less winnings paid to wagerers in such games.

(2) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

(3) "Commission" or "State Lottery Commission" means the West Virginia Lottery Commission, created by §29-22-1 *et seq.* of this code.

(4) "Director" means the Director of the West Virginia State Lottery Commission, appointed pursuant to §29-22-6 of this code.

(5) "E-sports event" means leagues, competitive circuits, tournaments, or similar competitions where individuals or teams play video games, typically for spectators, either in person or online, for the purpose of prizes, money, or entertainment.

"Fixed odds wager on dog racing" means a sum of money or representation of value risked by a player on an occurrence associated with a sports event involving dog races for which the outcome is uncertain. The term includes single-race bets, teaser bets, moneyline bets, in-race wagering, proposition bets, straight bets, parlays, or any other wager type approved by the West Virginia Lottery.

"Fixed odds wager on horse racing" means a sum of money or representation of value risked by a player on an occurrence associated with a sports event involving racehorses for which the outcome is uncertain. The term includes single-race bets, teaser bets, moneyline bets, in-race wagering, proposition bets, straight bets, parlays, or any other wager type approved by the West Virginia Lottery.

"Fixed odds wagering on dog racing" means the acceptance of wagers on a sports event of live dog racing with predetermined odds. Fixed odds wagering on dog races shall only occur as provided in this article. Fixed odds wagers on dog racing may be combined with other wagers on other sports events as authorized in this article.

"Fixed odds wagering on horse racing" means the acceptance of wagers on a sports event of live horse racing with predetermined odds. Fixed odds wagering on horse racing shall only occur as provided in this article. Fixed odds wagers on horse races may be combined with other wagers on other sports events as authorized in this article.

(6) "Gaming equipment" or "sports wagering equipment" means any mechanical, electronic, or other device, mechanism, or equipment, and related supplies used or consumed in the operation of West Virginia Lottery sports wagering at a licensed gaming facility including, but not limited to, a kiosk installed to accept sports wagers.

(7) "Gaming facility" means a designated area on the premises of an existing historic resort hotel, licensed under §29-25-1 *et seq.* of this code, to operate video lottery and table games or the facility of an entity authorized to operate racetrack video lottery machines pursuant to §29-22A-1 *et seq.* of this code.

(8) "Government" means any governmental unit of a national, state, or local body exercising governmental functions, other than the United States government.

(9) "Gross sports wagering receipts" means the total gross receipts received by a licensed gaming facility from sports wagering.

(10) "License" means any license applied for or issued by the commission under this article including, but not limited to:

(A) A license to act as agent of the commission in operating West Virginia Lottery sports wagering at a licensed gaming facility (operator license or West Virginia Lottery sports wagering license);

(B) A license to supply a gaming facility licensed under this article to operate sports wagering with sports wagering equipment or services necessary for the operation of sports wagering (supplier license);

(C) A license to be employed at a racetrack or gaming facility licensed under this article to operate West Virginia Lottery sports wagering when the employee works in a designated gaming area that has sports wagering or performs duties in furtherance of or associated with the operation of sports wagering at the licensed gaming facility (occupational license); or

(D) A license to provide management services under a contract to a gaming facility licensed under this article to operate sports wagering (management services provider license).

(11) "Licensed gaming facility" means a designated area on the premises of an existing historic resort hotel, pursuant to §29-25-1 *et seq.* of this code, or the facility of an entity authorized to operate racetrack video lottery machines, pursuant to §29-22A-1 *et seq.* of this code licensed under this article to conduct West Virginia Lottery sports wagering.

(12) "Lottery" means the public gaming systems or games regulated, controlled, owned, and operated by the State Lottery Commission in the manner provided by general law, as provided in this article, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code.

(13) "National criminal history background check system" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(14) "Operator" means a licensed gaming facility which has elected to operate a sports pool and other authorized West Virginia Lottery sports wagering activities.

(15) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event.

(16) "Sports event" or "sporting event" means any professional sport or athletic event, any collegiate sport or athletic event, motor race event, e-sports event, or any other special event authorized by the commission under this article. A "sports event" or "sporting event" includes "horse racing" or "dog racing" as defined in §19-23-3 of this code for the purpose of conducting "fixed odds wagering on horse racing" or "fixed odds wagering on dog racing" as defined in this article.

(17) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering.

(18) "Sports wagering account" means a financial record established by a licensed gaming facility for an individual patron in which the patron may deposit and withdraw funds for sports wagering and other authorized purchases, and to which the licensed gaming facility may credit winnings or other amounts due to that patron or authorized by that patron.

~~(19)~~ "Sports wagering agreement" means a written agreement between the commission and one or more other governments whereby persons who are physically located in a signatory jurisdiction may participate in sports wagering conducted by one or more operators licensed by the signatory governments.

~~(20)~~ "Sports wagering fund" means the special fund in the State Treasury created in §29-22D-17 of this code.

~~(21)~~ "Supplier" means a person that requires a supplier license to provide a sports wagering licensee with goods or services to be used in connection with operation of West Virginia Lottery sports wagering.

~~(22)~~ "Wager" means a sum of money or thing of value risked on an uncertain occurrence.

~~(23)~~ "West Virginia Lottery sports wagering" or "sports wagering" means the business of accepting wagers on sporting events, and other events, the individual performance statistics of athletes in a sporting event or other events, or a combination of any of the same by any system or method of wagering approved by the commission including, but not limited to, mobile applications and other digital platforms that utilize communications technology to accept wagers originating within this state. The term includes, but is not limited to, exchange wagering, parlays, over-under, moneyline, pools, fixed odds wagering on horse racing, fixed odds wagering on dog racing, and straight bets. The term does not include:

(A) Pari-mutuel betting on the outcome of horse or dog races authorized by §19-23-12a and §19-23-12d of this code;

(B) Lottery games of the West Virginia State Lottery authorized by §29-22-1 *et seq.* of this code;

(C) Racetrack video lottery authorized by §29-22A-1 *et seq.* of this code;

(D) Limited video lottery authorized by §29-22B-1 *et seq.* of this code;

(E) Racetrack table games authorized by §29-22C-1 *et seq.* of this code;

(F) Video lottery and table games authorized by §29-25-1 *et seq.* of this code; and

(G) Daily Fantasy Sports (DFS).

~~(24)~~ "West Virginia Lottery sports wagering license" means authorization granted under this article by the commission to a gaming facility that is already licensed under §29-22A-1 *et seq.* or §29-25-1 *et seq.* of this code, which permits the gaming facility as an agent of the commission to operate West Virginia Lottery sports wagering in one or more designated areas or in one or more buildings owned by the licensed gaming facility on the grounds where video lottery is conducted by the licensee or through any other authorized platform developed by the gaming facility. This term is synonymous with "operator's license".

§29-22D-4. Commission duties and powers.

(a) In addition to the duties set forth elsewhere in this article, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-22B-1 *et seq.*, §29-22C-1 *et seq.*, and §29-25-1 *et seq.* of this code, the commission may regulate sports pools and the conduct of sports wagering under this article.

(b) The commission shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework through promulgation of rules.

(c) The commission may, pursuant to §29A-1-1 *et seq.* and §29A-3-1 *et seq.* of this code, promulgate or otherwise enact any legislative, interpretive, and procedural rules the commission considers necessary for the successful implementation, administration, and enforcement of this article.

(1) Rules promulgated by the commission may include, but are not limited to, those governing the acceptance of wagers on a sports event or a series of sports events; acceptance of fixed odds wagering on horse racing or dog racing; maximum wagers which may be accepted by an operator from any one patron on any one sports event; type of wagering tickets which may be used; method of issuing tickets; method of accounting to be used by operators; types of records which shall be kept; use of credit and checks by patrons; type of system for wagering; protections for patrons placing wagers; and promotion of social responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know has a gambling problem and wants help, call 1-800 GAMBLER," in every designated area approved for sports wagering and on any mobile application or other digital platform used to place wagers.

(2) The commission shall establish minimum internal control standards (MICS) and approve minimum internal control standards proposed by licensed operators for administration of sports wagering operations, wagering equipment and systems, or other items used to conduct sports wagering, as well as maintenance of financial records and other required records.

(d) The commission shall propose a rule for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code that enumerates the reasons for which patrons of sports gaming may be banned from engaging in sports betting. The list of reasons for which patrons may be banned shall include, but not be limited to:

(1) A prior conviction under §61-2-15a of this code;

(2) A prior violation of an order of the commission; or

(3) If the commission determines that the person poses a threat to the safety of patrons or participants in a sporting event or determines that the person has engaged in a pattern of conduct of harassing a sports official, coach, or any participants.

(e) The rule shall also set forth the procedure by which complaints against patrons are lodged with and investigated by the commission. The commission shall notify a patron of the commission's intent to ban the patron from sports betting, and the patron is entitled to a hearing before the commission pursuant to §29A-5-1 *et seq.* of this code.

(f) The commission shall determine the eligibility of a person to hold or continue to hold a license, shall issue all licenses, and shall maintain a record of all licenses issued under this article.

(g) The commission shall levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross sports wagering receipts imposed by this article, and deposit all moneys into the sports wagering fund, except as otherwise provided under this article.

(h) The commission may sue to enforce any provision of this article or any rule of the commission by civil action or petition for injunctive relief.

(i) The commission may hold hearings, administer oaths, and issue subpoenas or subpoenas duces tecum: *Provided*, That all hearings shall be conducted pursuant to the provisions of the State Administrative Procedures Act, §29A-2-1, *et seq.* of this code and the Lottery Administrative Appeal Procedures, W.Va. CSR §179-2-1, *et seq.*

(j) The commission may exercise any other powers necessary to effectuate the provisions of this article and the rules of the commission.

§29-22D-15a. Fixed odds wagering on horse racing or dog racing.

(a) Fixed odds wagering on horse racing or dog racing is hereby authorized. Acceptance of fixed odds wagering on horse racing or dog racing shall only be conducted by a licensed operator, licensed gaming facility, or management services provider, as defined in this article.

(b) Any content authorized for fixed odds wagering on horse races from outside of West Virginia to be offered for wagering by a licensed operator, licensed gaming facility, or management services provider, shall comply with the Interstate Horseracing Act of 1978, 15 U.S.C. 3001, et seq.

(c) Any content authorized for fixed odds wagering on horse races from West Virginia, or fixed odds wagering on dog races from West Virginia, to be offered for wagering by a licensed operator, licensed gaming facility, or management services provider, shall require the consent of the host racetrack and recognized horsemen's group for horse races.

§29-22D-17a. Fixed Odds Horse Racing Wagering Purse Supplement Fund creation; distribution of funds.

(a) There is hereby created within the State Treasury a fund known as the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse Supplement Fund. The fund shall be administered by the Director of the West Virginia Lottery.

(b) Ten percent of the licensee's adjusted gross wagering receipts from fixed odds wagering on horse racing shall be collected in the same manner as prescribed by §29-22D-16 of this code. The funds shall be distributed as follows:

(1) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on horse races excluding parlays, 25 percent of such collections shall be deposited into the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse Supplement Fund created by this section.

(2) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on horse races excluding parlays, 25 percent of such collections shall be collected and distributed equally among the licensed thoroughbred racetracks in this state.

(3) Of the ten percent collected from the licensee's adjusted gross wagering receipts from parlays, 25 percent of the portion of such collections wagered on horse race events in the parlays shall be deposited into the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse

Supplement Fund created by this section. For the avoidance of doubt, only the horse racing portion(s) of any parlay bet shall be included in this calculation.

(4) Of the ten percent collected from the licensee's adjusted gross wagering receipts from parlays, 25 percent of the portion of such collections wagered on horse race events in the parlays shall be collected and distributed equally among licensed thoroughbred racetracks in this state. For the avoidance of doubt, only the horse racing portion(s) of any parlay bet shall be included in this calculation.

(c) All moneys collected under this section by the West Virginia Lottery from fixed odds wagering on horse racing shall be deposited with the State Treasurer in the West Virginia Lottery Fixed Odds Horse Racing Wagering Purse Supplement Fund. The fund shall be an interest-bearing account with all interest or other return earned on the money of the fund credited to and deposited in the fund. All expenses of the West Virginia Lottery incurred in the administration and enforcement of this article shall be paid from the West Virginia Sports Wagering Fund pursuant to §29-22D-17(b) of this code.

(d) Moneys in the fund shall be invested by the State Treasurer in the same manner as moneys in the state general fund. Interest earned on the investments of moneys in the fund shall be deposited in and credited to the fund.

(e) Within 30 days of the beginning of each fiscal year, 50 percent of the amount of moneys in the fund shall be distributed into the special funds created by thoroughbred racetrack licensees to be used for the payment of regular purses offered for thoroughbred racing and established under §19-23-9(b)(1) of this code, and 50 percent shall be distributed equally among licensed thoroughbred racetracks in this state.

(f) In distributing the funds collected under this section into the special funds of the thoroughbred racetrack licensees to be used for the payment of regular purses offered for thoroughbred racing established under §19-23-9(b)(1) of this code, the Lottery Director shall allocate proportionally based upon the total handle, or amount wagered, at each licensed thoroughbred racetrack, as calculated annually by the West Virginia Racing Commission, for the preceding calendar year.

§29-22D-17b. Fixed Odds Dog Racing Wagering Purse Supplement Fund creation; distribution of funds.

(a) There is hereby created in the State Treasury a fund known as the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund. The fund shall be administered by the Director of the West Virginia Lottery.

(b) Ten percent of the licensee's adjusted gross wagering receipts from fixed odds wagering on dog racing shall be collected in the same manner as prescribed by §29-22D-16 of this code. The funds shall be distributed as follows:

(1) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on dog races, excluding parlays, 25 percent of such collections shall be deposited into the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund established by this section.

(2) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on dog races excluding parlays, 25 percent of such collections shall be collected and distributed equally among the licensed dog racetracks in this state.

(3) Of the ten percent collected from the licensee's adjusted gross wagering receipts from fixed odds wagers on dog races from parlays, 25 percent of the portion of such collections wagered on dog race events in the parlays shall be deposited into the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund created by this section. For the avoidance of doubt, only the dog racing portion(s) of any parlay bet shall be included in this calculation.

(4) Of the ten percent collected from the licensee's adjusted gross wagering receipts from parlays, 25 percent of the portion of such collections wagered on dog race events in the parlays shall be collected and distributed equally among licensed dog racetracks in this state. For the avoidance of doubt, only the dog racing portion(s) of any parlay bet shall be included in this calculation.

(c) Subject to the provisions of subsection (b) of this section, all moneys collected under this section by the West Virginia Lottery from fixed odds wagering on dog racing shall be deposited with the State Treasurer in the West Virginia Lottery Fixed Odds Dog Racing Wagering Purse Supplement Fund. The fund shall be an interest-bearing account with all interest or other return earned on the money of the fund credited to and deposited in the fund. All expenses of the West Virginia Lottery incurred in the administration and enforcement of this article shall be paid from the West Virginia Sports Wagering Fund pursuant to §29-22D-17(b) of this code.

(d) Moneys in the fund shall be invested by the State Treasurer in the same manner as moneys in the state General Fund. Interest earned on the investments of moneys in the fund shall be deposited in and credited to the fund.

(e) Within 30 days of the beginning of each fiscal year, 50 percent of the amount of moneys in the fund shall be distributed to the West Virginia Greyhound Breeding Development Fund created under §19-23-10 of this code, and 50 percent shall be distributed equally among licensed dog racetracks in this state.

§29-22D-17c. Use of funds by licensed racetrack facilities.

Any funds distributed to licensed racetracks under §29-22D-17a and §29-22D-17b of this code may be expended by such licensed racetracks to support operations in this state authorized under §19-23-1 *et seq.*, §29-22A-1 *et seq.*, §29-22C-1 *et seq.*, §29-22D-1 *et seq.*, or §29-22E-1 *et seq.*, of this code, or for capital improvements at facilities located in this state that are on or contiguous to the premises of the licensed racetrack.

§29-22D-25. Wagering by racing officials not allowed.

An operator shall not knowingly accept a wager from a person who is an owner or trainer of a racehorse or dog, or a jockey, including their employees, or a racing official, who is participating in the horse racing or dog racing sports event, as applicable, on which the person is attempting to place the wager. For the purposes of this section, a racing official shall mean: stewards, placing judges, clerk of scales, starter, timer, paddock judge, Racing Commission veterinarian(s), association's racing secretary and assistants, horse identifier, clocker, and jockey room custodian.

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

Engrossed Committee Substitute for Senate Bill 576, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Charnock, Clements, Fuller, Garcia, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Rucker, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—23.

The nays were: Azinger, Bartlett, Deeds, Grady, Hart, Martin, Maynard, Roberts, Rose, Stuart, and Taylor—11.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 576) passed with its title.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 587, Relating generally to government contracting.

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

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

On page 8, section 2, line 21, after the words "period of" by striking the number "60" and inserting in lieu thereof the number "90";

On page 8, section 2, line 22, after the word "The" by striking the number "60" and inserting in lieu thereof the number "90";

On page 8, section 2, line 23, after the word "The" by striking the word "60-day" and inserting in lieu thereof the word "90-day";

On page 10, section 1, line 6, after the words "authorized for" by striking the remainder of the sentence and inserting in lieu thereof the words "a construction project of less than \$20 million in estimated total cost.";

On page 15, section 6, line 7, after the word "Published" by striking the words "in the newspaper of general circulation in the geographic area of the proposed project" and inserting in lieu thereof the words "as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code for";

On page 16, section 8, line 25, after the word "published" by striking the words "in the newspaper of general circulation in the geographic area of the proposed project," and inserting in

lieu thereof the words "as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code";

And,

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

Eng. Com Sub. for Com. Sub. for Senate Bill 587—A Bill to amend and reenact §5-22-1, §5-22-2, and §5-22-4 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new article, designated §5-22B-1, §5-22B-2, §5-22B-3, §5-22B-4, §5-22B-5, §5-22B-6, §5-22B-7, §5-22B-8, §5-22B-9, §5-22B-10, §5-22B-11, §5-22B-12, §5-22B-13, §5-22B-14, §5-22B-15, §5-22B-16, §5-22B-17, §5-22B-18, and §5-22B-19, relating to government contracting; increasing the minimum competitive bid threshold from \$25,000 to \$50,000; providing for a bid validity period; clarifying factors for considering when bids exceed budgeted amount; enacting the Government Construction Management At-Risk Contracts Act; providing a short title; defining terms; authorizing the state and/or its subdivisions to engage in construction management at-risk contracts for projects with a total estimated cost of \$20 million or greater; requiring the state and/or its subdivisions adopt policies and procedures for use in construction management at-risk contract; requiring the state and/or its subdivisions using construction management at-risk delivery method provide notice; requiring the state and/or its subdivisions issue request for qualifications; requiring the state and/or its subdivisions issue requests for proposals; establishing a standardized format for a proposal; establishing the criteria a request for proposal must contain; providing standards and criteria for the evaluation of proposals; providing for prequalification of firms; requiring a proposal evaluation committee; establishing suggested membership of a proposal evaluation committee; providing evaluation criteria and weight for aspects of proposals; setting forth process to determine best value; authorizing the state and/or its subdivisions to amend contracts after acceptance; providing exceptions for special maintenance projects; making documents public in some instances; providing for rulemaking; required reporting; setting forth a sunset date; and making technical and conforming amendments.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 587, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Rucker, Stuart, Takubo, Tarr, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—27.

The nays were: Azinger, Hart, Martin, Maynard, Rose, Taylor, and Thorne—7.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 587) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 712, Relating to retirement provisions of systems managed by CPRB.

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

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

On page 12, section 27b, line 47, following "date" by adding "provided in §5-10-2 of this code";

On page 13, section 27b, line 67, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §5-10-2 of this code";

On page 20, section 6a, line 29, following the word board by adding "or the eligible retired public safety officer";

On page 31, section 9b, line 46, following "date" by adding "provided in §7-14D-2 of this code";

On page 32, section 9b, line 66, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §7-14D-2 of this code";

On page 39, section 2, line 113, following "§8-22A-33" by adding "and §8-22A-33a";

On page 40, section 2, line 126, following "§8-22A-33" by adding "or §8-22A-33a";

On page 40, section 2, line 135, following "§8-22A-33" by adding "or §8-22A-33a";

On page 45, section 11, line 46, following "date" by adding "provided in §8-22A-2 of this code";

On page 46, section 11, line 66, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §8-22A-2 of this code";

On page 49, section 45, line 56, following "date" by adding "provided in subsection (a) of this section";

On page 50, section 45, line 76, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in subsection (a) of this section";

On page 57, section 6b, line 41, following "date" by adding "provided in §15-2A-2 of this code";

On page 58, section 6b, line 61, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §15-2A-2 of this code";

On page 66, section 2, line 172, following "subsection" by striking "(r)" and inserting in lieu thereof "(s)";

On page 72, section 13, line 46, following "date" by adding "provided in §16-5V-2 of this code";

On page 73, section 13, line 66, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §16-5V-2 of this code";

On page 84, section 28b, line 47, following "date" by adding "provided in §18-7A-3 of this code";

On page 85, section 28b, line 67, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §18-7A-3 of this code";

On page 91, section 12a, line 49, following "date" by adding "provided in §18-7B-2 of this code";

On page 92, section 12a, line 70, following "attained" by striking "age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949)" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §18-7B-2 of this code";

On page 104, section 14, line 45, following "date" by adding "provided in §20-18-2 of this code";

On page 105, section 14, line 65, following "attained" by striking "age 72" and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §20-18-2 of this code";

On page 113, section 12b, line 41, following "date" by adding "provided in §51-9-1a of this code"; and

On page 113, section 12b, line 61, following "attained" by striking the remainder of paragraph (A) and inserting in lieu thereof "the applicable age as set forth in the definition of required beginning date provided in §51-9-1a of this code; or".

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

Engrossed Senate Bill 712, as amended by the House of Delegates, was then put upon its passage.

Having previously granted Senator Charnock's request to be excused from voting under Rule 43 of the Rules of the Senate,

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

The nays were: None.

Absent: None.

Excused from voting: Charnock—1.

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

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

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

Eng. Senate Bill 837, Eliminating WV Office of Equal Opportunity.

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

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

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

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-11. State of West Virginia ~~Office of Equal Opportunity~~ Coordinator.

(a) There is ~~created~~ continued within the Department of Administration ~~the State of West Virginia Office of Equal Opportunity, to be directed by the position of the~~ State Equal Opportunity Coordinator, who shall be appointed by the Secretary of the Department of Administration.

(b) The coordinator shall must be a full-time an employee and shall have of the Department of Administration and possess an in-depth working knowledge of the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, The Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008. The coordinator shall also have an in-depth working knowledge of the challenges facing West Virginian minorities Virginians covered under these Acts and those living with disabilities and shall continually seek to update his or her understanding of such challenges through further education and information gathering.

(c) The coordinator shall:

(1) Advise the Director of Personnel in the development of comprehensive policies and programs for the development, implementation, and monitoring of a statewide program to assure compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, The Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1977, Sections 102 and 103 of the Civil Rights Act of 1991, Sections 501 and 505 of the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008;

(2) Assist in the formulation of rules and standards relating to the review, investigation, and resolution of complaints of discrimination in employment, education, housing, and public accommodation;

(3) Consult and collaborate with state and federal agency officials to develop ~~the statewide compliance program~~ programs;

(4) Consult, train, and collaborate with state agencies and state employees on the federal Equal Employment Opportunity Act, and Americans with Disabilities Act, ~~and provide training for managers and supervisors on regulations~~ and related issues;

(5) Represent the state on local, state, and national committees and panels related to the Americans with Disabilities Act and the Equal Employment Opportunity Act;

(6) Advise the Governor and agency heads on federal Americans with Disabilities Act and Equal Employment Opportunity Act issues;

(7) Consult with state ~~equal employment opportunity officers~~ agencies on the hiring and employment of persons with disabilities; and

(8) Be available to inspect and advise the ~~leasing section of~~ Real Estate Division, General Services Division, and the Purchasing Division of Purchasing on all physical properties owned or leased by the State of West Virginia for compliance with 42 U.S.C. §12101, *et seq.*, the federal Americans with Disabilities Act; ~~and~~

(9) ~~Report annually on the Office of Equal Opportunity to the Governor, President of the Senate, and Speaker of the House of Delegates;~~

And,

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

Eng. Senate Bill 837—A Bill to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to continuing the position of State Equal Opportunity Coordinator; establishing qualifications for the position; setting forth how the State Equal Opportunity Coordinator is selected; outlining scope of responsibilities; and making other technical changes.

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

Engrossed Senate Bill 837, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, and Smith (Mr. President)—28.

The nays were: Garcia, Oliverio, Phillips, Willis, Woelfel, and Woodrum—6.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 837) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 912, Relating to student growth assessment program.

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

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

On page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-5. Process for improving education; education standards; statewide assessment program; accountability measures; Office of Education Performance Audits; school accreditation and school system approval; intervention to correct low performance.

(a) *Legislative findings, purpose, and intent.*—The Legislature makes the following findings with respect to the process for improving education and its purpose and intent in the enactment of this section:

(1) The process for improving education includes four primary elements, these being:

(A) Standards which set forth the knowledge and skills that students should know and be able to perform as the result of a thorough and efficient education that prepares them for the twenty-first century, including measurable criteria to evaluate student performance and progress;

(B) Assessments of student performance and progress toward meeting the standards;

(C) A system of accountability for continuous improvement articulated by a rule promulgated by the state board that will build capacity in and ensure the efficiency of schools and districts to meet rigorous outcomes that assure student performance and progress toward obtaining the knowledge and skills intrinsic to a high-quality education, rather than monitoring for compliance with specific laws and regulations; and

(D) A method for building the capacity and improving the efficiency of schools and school systems to improve student performance and progress;

(2) As the constitutional body charged with the general supervision of schools as provided by general law, the state board has the authority following constructive engagement of the Legislature as provided in §18-2H-1 of this code and as delegated by the Legislature by general law to establish the standards and assess the performance and progress of students against the standards, and to exercise its supervisory responsibility to hold schools and school systems accountable and assist schools and school systems to build capacity and improve efficiency so that the standards are met, including, when necessary, seeking additional resources in consultation with the Legislature and the Governor;

(3) As the constitutional body charged with providing for a thorough and efficient system of schools, the Legislature has the authority and the responsibility to establish and be engaged

constructively in the determination of the knowledge and skills that students should know and be able to do as the result of a thorough and efficient education. This determination is made by using the process for improving education to determine when school improvement is needed by evaluating the results and the efficiency of the system of schools, by ensuring accountability and by providing for the necessary capacity and its efficient use;

(4) In consideration of these findings, the purpose of this section is to establish a process for improving education that includes the four primary elements as set forth in subdivision (1) of this subsection to provide assurances that the high-quality standards are, at a minimum, being met and that a thorough and efficient system of schools is being provided for all West Virginia public school students on an equal education opportunity basis; and

(5) The intent of the Legislature in enacting this section is to establish a process through which the Legislature, the Governor, and the state board will constructively consult on any measures affecting standards, assessments, and accountability prior to their adoption, examine the performance and progress of students, schools, and school systems and, when necessary, consider alternative measures to ensure that all students continue to receive the thorough and efficient education to which they are entitled. However, nothing in this section requires any specific level of funding by the Legislature.

(b) *Electronic county and school strategic improvement plans.*—The state board shall promulgate a rule consistent with this section and in accordance with §29A-3B-1 *et seq.* of this code establishing an electronic county strategic improvement plan for each county board and an electronic school strategic improvement plan for each public school in this state. Each respective plan shall be for a period of no more than five years and shall include the mission and goals of the school or school system to improve student, school, or school system performance and progress, as applicable. The strategic plan shall be revised annually in each area in which the school or system is below the standard on the annual performance measures. The plan shall be revised when required pursuant to this section to include each annual performance measure upon which the school or school system fails to meet the standard for performance and progress, the action to be taken to meet each measure, a separate time line and a date certain for meeting each measure, a cost estimate and, when applicable, the assistance to be provided by the department and other education agencies to improve student, school or school system performance and progress to meet the annual performance measure.

The department shall make available to all public schools through its website or the West Virginia Education Information System an electronic school strategic improvement plan boilerplate designed for use by all schools to develop an electronic school strategic improvement plan which incorporates all required aspects and satisfies all improvement plan requirements of the Every Student Succeeds Act or subsequent federal law.

(c) *High-quality education standards and efficiency standards.*—In accordance with §29A-3B-1 *et seq.* of this code, the state board shall adopt and periodically review and update high-quality education standards for student, school and school system performance and processes in the following areas:

- (1) Academic standards;
- (2) Workplace readiness skills;
- (3) Finance;

- (4) Transportation;
- (5) Special education;
- (6) Facilities;
- (7) Administrative practices;
- (8) Training of county board members and administrators;
- (9) Personnel qualifications;
- (10) Professional development and evaluation;
- (11) Student performance, progress, and attendance;
- (12) Professional personnel, including principals and central office administrators, and service personnel attendance;
- (13) School and school system performance and progress;
- (14) A code of conduct for students and employees;
- (15) Indicators of efficiency;
- (16) Digital literacy skills; and
- (17) Any other areas determined by the state board.

(d) *Comprehensive statewide student growth assessment program.*—The state board shall establish a comprehensive statewide student growth assessment program to assess student performance and progress in grades three through 12. The assessment program is subject to the following:

(1) The state board shall promulgate a rule in accordance with §29A-3B-1 *et seq.* of this code establishing the comprehensive statewide student growth assessment program which shall be composed of benchmark assessments that are given in the first 30 days of the school year and repeated at mid-year and a summative assessment at the end of the school year to determine student progression in reading and mathematics in grades three through eight;

(2) ~~Prior to the testing window of the 2017–2018 school year, the~~ The state board shall align the comprehensive statewide student assessment for all grade levels in which the test is given with the ~~college readiness~~ academic standards adopted pursuant to ~~section thirty-nine, article two of this chapter~~ subsection (c) of this section or develop other aligned tests to be required in grades three through eight and administered once during the grade span of nine through 12 to assess progress toward college and career readiness in English/language arts and math. The assessment in science shall be administered once in grade spans three through five, once in grade spans six through eight, and once in grade spans nine through 12;

(3) In accordance with §18-2-1 *et seq.* and §18-2E-1 *et seq.* of this code, the state board shall review or develop, and adopt a college and career readiness assessment to be administered in grade 11: *Provided*, That the adopted college and career readiness assessment administered in

grade 11 counts toward the statewide student assessment and must be used by a significant number of regionally accredited higher education institutions for determining college admissions.

(4) The comprehensive statewide student growth assessment shall be administered to students in accordance with the requirements of the Every Student Succeeds Act or subsequent federal law;

(5) The state board may provide, through the statewide assessment program, other optional testing or assessment instruments applicable to grade levels kindergarten through grade 12 which may be used by each school to promote student achievement. The state board annually shall publish and make available, electronically or otherwise, to school curriculum teams and teacher collaborative processes the optional testing and assessment instruments. For any online assessment, the state board shall provide online assessment preparation to ensure that students have the requisite digital literacy skills to be successful on the assessment;

(6) The state board may adopt a career readiness assessment that measures and documents foundational workplace skills and leads to a nationally recognized work readiness certificate for students that meet minimum proficiency requirements; and

(7) The comprehensive statewide student growth assessment adopted prior to the testing window of the ~~2017-2018~~ 2025-2026 school year shall continue to be used for at least a total of four consecutive years;

(8) No summative assessment approved by the state board may take more than two percent of a student's instructional time;

(9) No student may be required to complete a greater number of summative assessments than is required by the Every Student Succeeds Act except as otherwise required by this subsection; and

(10) Collection of personal data as part of the assessment process except for what is necessary for the student's instruction, academic and college and career search needs is prohibited.

(e) *State annual performance measures for school and school system accreditation.* —

The state board shall promulgate a rule in accordance with article §29A-3B-1 *et seq.* of this code that establishes a system that is based in multiple measures and meets the requirements of any federal law to assess and weigh annual performance measures to assure that schools and school systems are providing a thorough and efficient education to their students. State accreditation shall be reviewed and approved in a balanced manner that gives fair credit to all measures affecting students and subgroups of students in the schools and school systems. The state board also may establish performance incentives for schools and school systems as part of the state accreditation system. On or before December 1, 2018, the state board shall report to the Governor and to the Legislative Oversight Commission on Education Accountability the proposed rule for establishing the measures and incentives of accreditation and the estimated cost therefore, if any. Thereafter, the state board shall provide an annual report to the Governor and to the Legislative Oversight Commission on Education Accountability on the impact and effectiveness of the accreditation system. The rule for school and school system accreditation proposed by the board may include, but is not limited to, the following measures:

(1) Student proficiency and growth in English and language arts, math, science, and other subjects determined by the board;

(2) Graduation and attendance rate;

(3) Students taking and passing AP tests;

(4) Students completing a career and technical education class;

(5) Closing achievement gaps within subgroups of a school's student population; and

(6) Students scoring at or above average attainment on SAT or ACT tests.

(f) *Indicators of efficiency.*—In accordance with §29A-3B-1 *et seq.* of this code, the state board shall adopt by rule and periodically review and update indicators of efficiency for use by the appropriate divisions within the department to ensure efficient management and use of resources in the public schools in the following areas:

(1) Curriculum delivery including, but not limited to, the use of distance learning;

(2) Transportation;

(3) Facilities;

(4) Administrative practices;

(5) Personnel; and

(6) Any other indicators as determined by the state board.

Each county board of education shall use the statewide electronic information system established by the state board for data collection and reporting to the state Department of Education.

(g) *Assessment and accountability of school and school system performance and processes.*—In accordance with §29A-3B-1 *et seq.* of this code, the state board shall establish by rule a system of education performance measures to evaluate the quality of education and the preparation of students based on the annual measures of student, school, and school system performance and progress. The system of education performance measures shall provide information to the state board, the Legislature, and the Governor, upon which they may determine whether a thorough and efficient system of schools is being provided. The system of education performance measures shall include:

(1) The assessment of student, school, and school system performance and progress based on the annual measures established pursuant to subsection (e) of this section;

(2) The evaluation of records, reports, and other documents that provide information on the quality of education and compliance with statutes, policies, and standards; and

(3) The review of school and school system electronic strategic improvement plans.

(h) *Uses of school and school system assessment information.*—The state board shall use information from the system of education performance measures to assist it in ensuring that a thorough and efficient system of schools is being efficiently provided and to improve student, school and school system performance and progress. Information from the system of education performance measures further shall be used by the state board for these purposes, including, but not limited to, the following:

(1) Determining accountability and accreditation for schools and school system approval status as required by state board rule and any federal law or regulations; and

(2) Holding schools and school systems accountable for the efficient use of existing resources to meet or exceed the standards; and

(3) Targeting additional resources when necessary to improve performance and progress.

The state board shall make the performance measures information available to the Legislature, the Governor, the general public, and to any individual who requests the information, subject to the provisions of any act or rule restricting the release of information.

(i) *Early detection and intervention programs.*—Based on the assessment of student, school and school system performance, and progress, the state board shall establish early detection and intervention programs using the available resources of the Department of Education, or other resources as appropriate, to assist underachieving schools and school systems to improve performance before conditions become so grave as to warrant more substantive state intervention. Assistance shall include, but is not limited to, providing additional technical assistance and programmatic, professional staff development, and providing monetary, staffing, and other resources where appropriate.

(j) The state board may employ experienced education professionals, who serve at the will and pleasure of the state board, to coordinate on site and school system improvement efforts with staff at the state Department of Education to support schools and school systems in improving education performance measures.

(k) *School accreditation.* —

(1) The state board shall establish levels of accreditation to be assigned to schools. The establishment of levels of accreditation shall be subject to the following:

(A) The levels will be designed to demonstrate school performance on multiple measures as established by the state board by legislative rule in accordance with §29A-3B-1 *et seq.* of this code and consistent with the applicable state laws, policies and standards, which include standards for performance-based accountability, high-quality education, and continuous improvement; and

(B) Will ensure compliance with federal law and applicable state laws, policies and standards at a minimum.

(2) The state board annually shall review the information from the system of education performance measures submitted for each school and shall accredit each school as designated in the rule, and consistent with the applicable state laws, policies, and standards; and

(3) Exercise other powers and actions the state board determines necessary to fulfill its duties of general supervision of the schools and school systems of West Virginia.

(l) *School system approval.*—The state board annually shall review the information submitted for each school system from the system of education performance measures and issue to each county board an approval status in compliance with federal law and established by state board rule.

(m) Non-approval for extraordinary circumstances.

(1) The state board shall establish and adopt additional standards to identify school systems in which the program may be non-approved and the state board may issue non-approval status whenever extraordinary circumstances exist as defined by the state board.

(2) When extraordinary circumstances exist, but do not rise to the level of immediate intervention as described in subsection (n) of this section, the state board may declare a state of emergency in the school system and shall direct designees to provide recommendations within 60 days of appointment for correcting the extraordinary circumstances. When the state board approves the recommendations, they shall be communicated to the county board. If progress in correcting the extraordinary circumstances, as determined by the state board, is not made within six months from the time the county board receives the recommendations, the state board shall intervene in the operation of the school system to cause improvements to be made that will provide assurances that a thorough and efficient system of schools will be provided. This intervention may include, but is not limited to, the following:

(A) Limiting the authority of the county board in areas that compromise the delivery of a thorough and efficient education to its students as designated by the state board by rule, which may include delegating decision-making authority regarding these matters to the state superintendent who may:

(B) Declare that the office of the county superintendent is vacant;

(C) Declare that the positions of personnel who serve at the will and pleasure of the county superintendent as provided in §18A-2-1 of this code, are vacant, subject to application and reemployment;

(D) Fill the declared vacancies during the period of intervention; and

(E) Take any direct action necessary to correct the extraordinary circumstance.

(n) Notwithstanding any other provision of this section, the state board may intervene immediately in the operation of the county school system with all the powers, duties and responsibilities contained in subsection (m) of this section, if the state board finds any of the following:

(1) A county board fails to act on a statutory obligation which would interrupt the day-to-day operations of the school system;

(2) That the conditions precedent to intervention exist as provided in this section; and that delaying intervention for any period of time would not be in the best interests of the students of the county school system; or

(3) That the conditions precedent to intervention exist as provided in this section and that the state board had previously intervened in the operation of the same school system and had concluded that intervention within the preceding five years.

(o) *Capacity*.—The process for improving education includes a process for targeting resources strategically to improve the teaching and learning process. Development of electronic school and school system strategic improvement plans, pursuant to subsection (b) of this section, is intended, in part, to provide mechanisms to target resources strategically to the teaching and learning process to improve student, school, and school system performance. When deficiencies are detected through the assessment and accountability processes, the revision and approval of school and school system electronic strategic improvement plans shall ensure that schools and school systems are efficiently using existing resources to correct the deficiencies. When the state board determines that schools and school systems do not have the capacity to correct deficiencies, the state board shall take one or more of the following actions:

(1) Work with the county board to develop or secure the resources necessary to increase the capacity of schools and school systems to meet the standards and, when necessary, seek additional resources in consultation with the Legislature and the Governor;

(2) Recommend to the appropriate body including, but not limited to, the Legislature, county boards, schools and communities methods for targeting resources strategically to eliminate deficiencies identified in the assessment and accountability processes. When making determinations on recommendations, the state board shall include, but is not limited to, the following methods:

The state board, or its designee, the West Virginia Department of Education, and county school systems, shall work collaboratively in:

(1) Examining reports and electronic strategic improvement plans regarding the performance and progress of students, schools, and school systems relative to the standards and identifying the areas in which improvement is needed;

(2) Determining the areas of weakness and of ineffectiveness that appear to have contributed to the substandard performance and progress of students or the deficiencies of the school or school system;

(3) Determining the areas of strength that appear to have contributed to exceptional student, school, and school system performance and progress and promoting their emulation throughout the system;

(4) Requesting technical assistance from the School Building Authority in assessing or designing comprehensive educational facilities plans;

(5) Recommending priority funding from the School Building Authority based on identified needs;

(6) Recommending special staff development programs from county boards based on identified needs;

(7) Submitting requests to the Legislature for appropriations to meet the identified needs for improving education;

(8) Directing educational expertise and support services strategically toward alleviating deficiencies;

(9) Ensuring that the need for facilities in counties with increased enrollment are appropriately reflected and recommended for funding;

(10) Ensuring that the appropriate person or entity is held accountable for eliminating deficiencies; and

(11) Ensuring that the needed capacity is available from the state and local level to assist the school or school system in achieving the standards and alleviating the deficiencies.

(p) *Building leadership capacity.*—To help build the governance and leadership capacity of a county board during an intervention in the operation of its school system, and to help assure sustained success following return of control to the county board, the county board shall establish goals and action plans, subject to approval of the state superintendent, to improve performance sufficiently to end the intervention within a period of not more than five years. The state superintendent shall maintain oversight and provide assistance and feedback to the county board on development and implementation of the goals and action plans. At a minimum, the goals and action plans shall include:

(1) An analysis of the training and development activities needed by the county board and leadership of the school system for effective governance and school improvement;

(2) Support for the training and development activities identified which may include those made available through the state superintendent, West Virginia School Board Association, and other sources identified in the goals and action plans; and

(3) Active involvement by the county board in the improvement process, working in tandem with the county superintendent to gather, analyze and interpret data, write time-specific goals to correct deficiencies, prepare and implement action plans and allocate or request from the Department of Education the resources, including board development training and coaching, necessary to achieve approved goals and action plans and sustain system and school improvement.

At least once each year during the period of intervention, the state board shall appoint a designee to assess the readiness of the county board to accept the return of control of the system or school from the state board and sustain the improvements, and shall make a report and recommendations to the state board supported by documented evidence of the progress made on the goals and action plans. The state board may return any portion of control of the operations of the school system or end the intervention in its entirety by a majority vote. If the state board determines at the fifth annual assessment that the county board is still not ready to accept return of control by the state board and sustain the improvements, the state board shall hold a public hearing in the affected county at which the attendance by all members of the county board is requested so that the reasons for continued intervention and the concerns of the citizens of the county may be heard. The state board may continue the intervention only after it holds the public hearing and may require revision of the goals and action plans. The state board must thereafter hold a public hearing after each annual assessment beyond the fifth year. If a school system is in intervention status on the effective date of this provision, the total years of intervention shall be calculated from the date of initial intervention.

Following the termination of an intervention in the operation of a school system and return of full control by the state board, the support for governance education and development shall continue as needed for up to three years. If at any time within this three years, the state board determines that intervention in the operation of the school system is again necessary, the state board shall again hold a public hearing in the affected county so that the reasons for the intervention and the concerns of the citizens of the county may be heard prior to intervening.;

And,

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

Eng. Com Sub. for Senate Bill 912—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating generally to the statewide student growth assessment program; requiring the program to be composed of benchmark assessments to be given in the first 30 days of the school year, mid-year, and a summative assessment at the end of the school year to determine student progression in reading and mathematics in grades three through eight; and removing obsolete language.

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

Engrossed Committee Substitute for Senate Bill 912, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 912) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for Senate Bill 914, Relating to testing and attendance requirements for private, parochial, and church schools.

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

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

On page 1, line 4, by changing the number "800" to "900";

And,

On page 3, line 30, following the end of the sentence of the stricken language, by adding the following sentence:

"Upon request of a duly authorized representative of the West Virginia Department of Education, the school's composite results shall be furnished to the State Superintendent of Schools.";

And,

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

Eng. Com. Sub. for Senate Bill 914—A Bill to amend and reenact §18-28-2 and §18-28-3 of the Code of West Virginia, 1931, as amended, relating to certain nonpublic schools; replacing the minimum 180-day instructional term and average of five hours of instruction per day requirements with a minimum instructional term requirement of 900 hours per school year; adding requirement that upon request, the school composite results be made available to the parents or legal guardians of a prospective enrollee in the school; preserving the requirement that upon request of the West Virginia Department of Education, the school's composite results be furnished to the State Superintendent of Schools; and removing ramifications of a school's composite test results falling below the 40th percentile.

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

Engrossed Committee Substitute for Senate Bill 914, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: Garcia—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 914) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 914) takes effect from passage.

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

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

Eng. Senate Bill 941, Clarifying authority regarding dams designed by US Conservation Service.

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

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

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

Eng. Senate Bill 941—A Bill to amend and reenact §19-21A-8 of the Code of West Virginia, 1931, as amended, relating to clarifying certain authority regarding dams owned or sponsored by local conservation districts; providing that any alteration, improvement, or agreement related to a dam owned or sponsored by a local conservation district is subject solely to the authority of the Department of Environmental Protection; and providing that the provisions of this subsection may not be construed to affect or alter any state or federal funding to the West Virginia Conservation Agency.

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

Engrossed Senate Bill 941, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: Weld—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 941) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 941) takes effect from passage.

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

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

Eng. Senate Bill 942, Modifying requirements for diesel-powered equipment in mines.

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

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

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. USE OF DIESEL-POWERED EQUIPMENT IN UNDERGROUND COAL MINES.

§22A-2A-101. Use of diesel-powered equipment authorized.

Diesel-powered equipment for use in underground coal mines may only be approved, operated, and maintained in accordance with rules, requirements, and standards established pursuant to this article: *Provided, That diesel-powered equipment may be moved from one mine, either in or out of the state, to another mine in the state, and operated immediately, so long as the equipment is in compliance with the provisions of this article and the director is notified before the equipment is put in service.*;

And,

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

Eng. Senate Bill 942—A Bill to amend and reenact §22A-2A-101 of the Code of West Virginia, 1931, as amended; relating to modifying the requirements for the use and movement of diesel-powered equipment used in mines.

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

Engrossed Senate Bill 942, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 942) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 942) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 2066, Creating a crime for the destruction of first responder equipment.

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

Eng. Com. Sub. for House Bill 2121, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect June 30, 2025, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3356—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the State Board of Education – State Department of Education, fund 0313, fiscal year 2025, organization 0402, by increasing an existing item of appropriation for the fiscal year ending June 30, 2025.

At the request of Senator Martin, unanimous consent being granted, 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.

On motion of Senator Martin, 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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—32.

The nays were: Garcia and Woelfel—2.

Absent: None.

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

Engrossed House Bill 3356 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—32.

The nays were: Garcia and Woelfel—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3356) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—32.

The nays were: Garcia and Woelfel—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3356) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect June 30, 2025, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3357—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, Lottery Net Profits, by adding a new item of appropriation to the State Board of Education, fund 3951, fiscal year 2025, organization 0402 for the fiscal year ending June 30, 2025.

At the request of Senator Martin, unanimous consent being granted, 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.

On motion of Senator Martin, 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, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—32.

The nays were: Garcia and Woelfel—2.

Absent: None.

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

Engrossed House Bill 3357 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 3357 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—32.

The nays were: Garcia and Woelfel—2.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3357) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—32.

The nays were: Garcia and Woelfel—2.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3357) takes effect from passage.

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

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

Eng. House Bill 3360—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2025, in the amount of \$28,693,181.72 from the balance of moneys remaining as an unappropriated balance in the West Virginia Economic Development Authority, Economic Development Project Bridge Loan Fund, fund 9066, organization 0944.

At the request of Senator Martin, unanimous consent being granted, 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.

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

The nays were: None.

Absent: None.

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

Engrossed House Bill 3360 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3360) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3360) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 3369—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2025, organization 0402, adding a new item of appropriation for the fiscal year ending June 30, 2025

At the request of Senator Martin, unanimous consent being granted, 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.

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

The nays were: None.

Absent: None.

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

Engrossed Committee Substitute for House Bill 3369 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3369) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris,

Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3369) takes effect from passage.

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

The Senate proceeded to the sixth order of business.

At the request of Senator Phillips, and by unanimous consent, Senators Phillips, Smith (Mr. President), Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, and Woodrum offered the following resolution from the floor:

Senate Resolution 50—Requesting stream and river restoration opportunities that would assist the citizens of West Virginia in addressing existing flooding damage and mitigating the risk of future flooding damage be evaluated and acted upon by the federal government.

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

Thereafter, at the request of Senator Morris, and by unanimous consent, the remarks by Senators Phillips, Rose, Hart, Woodrum, and Jeffries regarding the adoption of Senate Resolution 50 were ordered printed in the Appendix to the Journal.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Martin, at 4:14 p.m., the Senate recessed until 4:45 p.m. today.

The Senate reconvened at 5:48 p.m. and, without objection, returned to the third order of business.

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

Eng. Com. Sub. for Senate Bill 427, Permitting certain teenagers to work without obtaining work permit.

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

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

On page 3, section 3, line 18, following the words "description of job" by inserting the following "supplied by the employer".

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

Engrossed Committee Substitute for Senate Bill 427, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Tarr—2.

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. 427) passed with its title.

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

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

Eng. Com. Sub. for Senate Bill 581, Relating to school attendance and student participation in 4-H activities.

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

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

On page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

§18-8-4. Duties of attendance director and assistant directors; complaints, warrants, and hearings.

(a) For the purposes of this article, the following definitions apply:

(1) "Excused absence" means:

(A) A medical or dental appointment with written excuse from physician or dentist;

(B) Personal illness or injury of the student accompanied by a timely written excuse from the student's parent, guardian, or custodian: *Provided*, That the total absences under this section combined with absences permitted under paragraph (C) of this subdivision do not exceed more than 10 per school year unless supported by a physician's note: *Provided, however*, That a medically documented chronic health condition or disability that adversely impacts in-person attendance approved by a county school board or the principal is not subject to this limitation, and that absences of students with disabilities shall be in accordance with the Individuals with

Disabilities Education Improvement Act of 2004 and the federal and state regulations adopted in compliance therewith;

(C) Personal illness or injury of the student's parent, guardian, custodian, or family member: *Provided*, That the excuse must provide a reasonable explanation for why the student's absence was necessary and caused by the illness or injury in the family, and the total absences under this section in combination with paragraph (B) of this subdivision may not exceed more than 10 excuses per school year;

(D) Death in the family;

(E) School-approved or county-approved curricular or extra-curricular activities;

(F) A judicial obligation or court appearance involving the student; ~~and~~

(G) A military requirement for students enlisted or enlisting in the military;

(H) Up to five college visits; and

(I) A student in any West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA sanctioned activity or program, subject to the following:

(i) A student who participates in an activity or program sanctioned in subsection (I) shall be credited as present by the school in which the student is enrolled in the same manner as a student participating in an educational field trip. A school principal, or the principal's designee, shall not count a student absent for participating in an activity or program sanctioned in subsection (I).

(ii) An agent of a sanctioned organization set forth in in subsection (I) shall provide documentation as proof of a student's participation in an activity or program sanctioned in subsection (I) at least five days prior to the activity or program.

(iii) A student shall make up any schoolwork missed while the student was participating in an activity or program sanctioned by subsection (I), and shall not have the student's class grades adversely affected for lack of attendance or participation due to the student's participation in an activity or program sanctioned in subsection (I).

(iv) A school principal, or the principal's designee, shall not credit a student who participates in an activity or program sanctioned in subsection (I) as present if the student's participation in the activity or program sanctioned in subsection (I) occurs during any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program under this chapter and the student's suspension, expulsion, or assignment to an alternative school or alternative program would preclude the student from participating in an educational field trip.

(J) The total amount of excused absences under sections E, H and I of this section may not exceed more than 10 per school year.

(K) Nothing in this section shall interfere with the Every Student Succeeds Act (ESSA), 2015), which does not differentiate between excused and unexcused absences.

(2) "Meaningful contact" means two-way communication by the school administrator or other school designee and the student's parent, guardian, or custodian to discuss the student's attendance record in an effort to prevent subsequent truancy or other legal proceedings relating to compulsory school attendance, and to minimize additional absences. Methods of meaningful contact include, but are not limited to, phone calls, video conferencing, home visits, and the use of digital platforms.

(3) "System of Support Plan" ("SOS Plan") refers to a plan to be developed by the State Board of Education designed to encourage students to attend school. It shall, at a minimum, require county attendance directors, principals, or other school designees to make periodic contact with the parent, guardian, or custodian of a student subject to compulsory school attendance to ascertain the reason or reasons for the student's absence or absences and what measures the school may employ to assist the student in attending school and not incurring additional absences. It shall also impart upon the student's parents, guardians, and custodians the importance of the student's attendance and the seriousness of failing to do so.

(4) "Unexcused absence" means any absence not specifically included in the definition of "excused absence".

(b) The county attendance director and his or her assistants shall diligently promote regular school attendance. The director and assistants shall:

(1) Ascertain the reasons for unexcused absences from school of students of compulsory school age; and students who remain enrolled beyond the compulsory school age;

(2) Ensure the implementation of the SOS Plan as developed by the state board, including encouraging the attendance of students and imparting upon the parents, guardians, and custodians the important of attendance and the seriousness of failing to do so.

(c) All documentation relating to absences shall be provided to the school no later than three instructional days after the first day the student returns to school. In the event documentation is not provided to the school within three instructional days after the first day the student returns to school, the absences are unexcused.

(d) In the case of three total unexcused absences of a student during a school year, the attendance director, his or her assistant, or the principal shall make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending and not incurring any additional unexcused absences.

(e) In the case of five total unexcused absences, the attendance director, his or her assistant or the principal shall again make meaningful contact with the parent, guardian, or custodian of the student to ascertain the reasons for the unexcused absences and what measures the school may employ to assist the student in attending school and not incurring any additional unexcused absences.

(f) In the case of 10 total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian, or custodian

before a magistrate of the county. If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the accused has committed it, a summons or a warrant for the arrest of the accused shall issue to any officer authorized by law to serve the summons or to arrest persons charged with offenses against the state. More than one parent, guardian, or custodian may be charged in a complaint. Initial service of a summons or warrant issued pursuant to the provisions of this section shall be attempted within 10 calendar days of receipt of the summons or warrant and subsequent attempts at service shall continue until the summons or warrant is executed or until the end of the school term during which the complaint is made, whichever is later.

(g) The magistrate court clerk, or the clerk of the circuit court performing the duties of the magistrate court as authorized in §50-1-8 of this code, shall assign the case to a magistrate within 10 days of execution of the summons or warrant. The hearing shall be held within 20 days of the assignment to the magistrate, subject to lawful continuance. The magistrate shall provide to the accused at least 10 days' advance notice of the date, time, and place of the hearing.

(h) When any doubt exists as to the age of a student absent from school, the attendance director and his or her assistants may require a properly attested birth certificate or an affidavit from the parent, guardian, or custodian of the student stating the age of the student. In the performance of his or her duties, the county attendance director and his or her assistants have authority to take without warrant any student absent from school in violation of the provisions of this article and to place the student in the school in which he or she is or should be enrolled.

(i) The county attendance director and his or her assistants shall devote as much time as is required to the duties of attendance director in accordance with this section during the instructional term and at any other times as the duties of an attendance director are required. All attendance directors and assistants hired for more than 200 days may be assigned other duties determined by the superintendent during the period in excess of 200 days. The county attendance director is responsible under direction of the county superintendent for efficiently administering school attendance in the county.

(j) In addition to those duties directly relating to the administration of attendance, the county attendance director and his or her assistant directors also shall perform the following duties:

(1) Assist in directing the taking of the school census to see that it is taken at the time and in the manner provided by law;

(2) Confer with principals and teachers on the comparison of the school census and enrollment for the detection of possible nonenrollees;

(3) Cooperate with existing state and federal agencies charged with enforcing child labor laws;

(4) Promote attendance in the county by compiling data for schools and by furnishing suggestions and recommendations for publication through school bulletins and the press, or in any manner directed by the county superintendent;

(5) Participate in school teachers' conferences with parents and students;

(6) Assist in any other ways directed by the county superintendent for improving school attendance;

(7) Make home visits of students who have excessive unexcused absences, as provided in subsection (a) of this section, or if requested by the chief administrator, principal, or assistant principal; and

(8) Serve as the liaison for homeless children and youth.;

And,

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

Eng. Com. Sub. for Senate Bill 581—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of an excused absence; including up to five college visits in the definition of excused absence; including a student in any West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA sanctioned activity or program in the definition of excused absence; providing that the student be credited as present in the same manner as a student participating in an educational field trip; providing that the student not be counted as absent; addressing makeup of missed schoolwork and the student's class grades; addressing student sanctioned program participation during any period of time the student has been suspended, expelled, or assigned to an alternative school or program; providing that an agent of a sanctioned organization shall provide documentation as proof of a student's participation in an activity or program sanctioned in subsection (I) at least five days prior to the activity or program; providing that the total amount of excused absences may not exceed more than 10 per school year; and providing that nothing in this section shall interfere with the Every Student Succeeds Act (ESSA).

On motion of Senator Martin, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 581) were reported by the Clerk, considered simultaneously, and adopted:

On pages 2 and 3, section 4, lines 23 through 46, by striking out all of paragraph (I) and inserting in lieu thereof a new paragraph (I) to read as follows:

(I) A student in any West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA sanctioned activity or program, subject to the following:

(i) A student who participates in an activity or program sanctioned in paragraph (I) shall be credited as present by the school in which the student is enrolled in the same manner as a student participating in an educational field trip. A school principal, or the principal's designee, shall not count a student absent for participating in an activity or program sanctioned in paragraph (I).

(ii) An agent of a sanctioned organization set forth in in paragraph (I) shall provide documentation as proof of a student's participation in an activity or program sanctioned in paragraph (I).

(iii) A student shall make up any schoolwork missed while the student was participating in an activity or program sanctioned by paragraph (I) and shall not have the student's class grades

adversely affected for lack of attendance or participation due to the student's participation in an activity or program sanctioned in paragraph (I).

(iv) A school principal, or the principal's designee, shall not credit a student who participates in an activity or program sanctioned in paragraph (I) as present if the student's participation in the activity or program sanctioned in paragraph (I) occurs during any period of time for which the student has been suspended, expelled, or assigned to an alternative school or alternative program under this chapter and the student's suspension, expulsion, or assignment to an alternative school or alternative program would preclude the student from participating in an educational field trip.;

And,

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

Eng. Com. Sub. for Senate Bill 581—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to expanding the definition of an excused absence; including up to five college visits in the definition of excused absence; including a student in any West Virginia Department of Education recognized and sanctioned student organization to enhance student enrichment and success, including but not limited to SkillsUSA, Future Business Leaders of America (FBLA), Health Occupations Students of America (HOSA), the Common Ground Partnership, or 4-H or FFA sanctioned activity or program in the definition of excused absence; providing that the student be credited as present in the same manner as a student participating in an educational field trip; providing that the student not be counted as absent; addressing makeup of missed schoolwork and the student's class grades; addressing student sanctioned program participation during any period of time the student has been suspended, expelled, or assigned to an alternative school or program; providing that an agent of a sanctioned organization shall provide documentation as proof of a student's participation in a sanctioned activity or program; providing that the total amount of certain excused absences may not exceed more than 10 per school year; and providing that nothing in this section shall interfere with the Every Student Succeeds Act (ESSA).

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

Engrossed Committee Substitute for Senate Bill 581, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

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. 581) passed with its Senate amended title.

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

At the request of Senator Jeffries, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 710, Relating to the practice of teledentistry.

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

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

On page 9, by striking section 8b in its entirety and inserting in lieu thereof a new section 8b to read as follows:

§30-4-8b. License or registration requirements to practice teledentistry; rules; and penalties.

(a) A person may not provide dental services through teledentistry to a patient who is located at an originating site in this state unless the person:

(1) Is licensed pursuant to this article or registered pursuant to §30-1-1 et seq. of this code to practice dentistry or dental hygiene in this state; and

(2) Possesses and maintains a policy of professional liability insurance which insures the provider against any liability arising from the provision of dental services.

(b) A provider who provides dental services through teledentistry including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosing, or correcting the position of teeth and using orthodontic appliances shall provide such services in accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

(1) A provider may not:

(A) Provide treatment for any condition based solely on the results of an online questionnaire;

(B) Engage in activity that is outside his or her scope of practice while providing services through teledentistry; or

(C) Delegate to a dental hygienist, dental assistant, dental auxiliary, or any other individual any act or duty through teledentistry that requires the in-person supervision of a licensed or registered dentist or that is otherwise outside such individuals permissible scope of practice.

(c) Except as otherwise provided for in §30-4-8b(d), a provider shall establish a bona fide relationship with a patient before providing services to a patient through teledentistry. A bona fide relationship between a patient and a provider shall exist if the provider has:

(1) Reviewed the patient's relevant history, medical records, diagnostic records, and, if treatment is for the correction of a malposition of teeth, the patient's current radiographic records;

(A) "Current radiographic records" means those radiographs or images taken contemporaneously; and

(B) Occurring with the in-person examination.

(2) Performed an appropriate, in-person, physical examination of the patient for the purpose of diagnosing, assessing, developing a treatment plan, or determining the patient's current medical or dental condition; and

(3) A reasonable expectation that he or she provide in-person follow-up care and treatment to the patient on a regular basis.

(d) Notwithstanding the limitations provided in §30-4-8b(c), a provider may establish a relationship with a patient through teledentistry only:

(1) For the purpose of emergent care;

(2) In connection with a public health program; or

(3) To make an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. An initial diagnosis and determination must be confirmed through an in-person visit and review of the patient's current radiographic records before the patient begins using the orthodontic appliance.

(e) Prior to the provision of services to a patient through teledentistry, a provider shall:

(1) Confirm the identity of the patient;

(2) If the patient is a minor who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(3) Confirm that the patient is located in a jurisdiction where the provider is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient;

(4) Obtain:

(A) Informed written consent that meets the requirements of §30-4-8b(g) from a patient who is an adult or a minor authorized by law to provide consent; or

(B) Informed written consent that meets the requirements of §30-4-8b(g) from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and

(5) Document the informed consent provided pursuant this subsection in the record of the patient.

(f) Prior to providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a provider or any partnership, corporation, or other entity through which a provider provides services shall make available to the patient proof of the identity of the provider, the telephone number of the provider, the address at which the provider practices, the license or registration number of the provider, and any other relevant information concerning the qualifications of the provider, and any other provider who shall be involved in providing the services through teledentistry.

(g) Informed consent to the provision of services through teledentistry requires the patient or his or her parent or guardian to be informed of:

(1) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(2) The information prescribed by §30-4-8b(f) for each provider who shall provide services through teledentistry;

(3) Precautions to be taken in the event of a technological failure or an emergency; and

(4) Any other information prescribed by legislative rule of the board.

(h) Except in situations requiring emergency treatment, a dentist of record is required for all patients being treated through teledentistry. The dentist of record shall remain primarily responsible for all dental treatment of the patient, regardless of whether treatment has been delegated to a teledentistry provider.

(i) No provider, partnership, corporation, or other entity which provides, or purports to provide teledentistry services or provides a platform, technology, or support services through which teledentistry is provided, may advertise their services unless they employ a provider licensed or registered in this state. Advertisements for teledentistry services must include the following disclaimer, in a conspicuous location, stating the limitations and safety concerns regarding teledentistry:

DISCLAIMER: Orthodontic treatment is a complex biological process that if not done correctly or performed without a thorough examination of the overall health of the teeth and gums could result in the permanent loss of teeth, which may result in additional costs or lifelong dental problems. Teledentistry services are intended to supplement traditional treatment methods and are not intended to replace in-person examinations. It is important to consult with a licensed or registered orthodontist or dentist prior to beginning any treatment.

(j) A provider who provides services through teledentistry shall:

(1) Use communications technology that complies with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191; and

(2) Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with applicable federal and state laws and regulations.

(k) (1) A provider who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the geographical area in which the patient is located to ensure that the patient receives appropriate care during the provision of the services.

(2) If a provider is not able to competently provide services through teledentistry, including, without limitation, because the provider is unable to receive adequate information about the patient, the provider must notify the patient of that fact and:

(A) Provide the services in person;

(B) Request any additional information necessary to competently provide the services through teledentistry; or

(C) Refer the patient to an appropriate licensee or registrant to receive the services in person.

(l) A dentist may only delegate tasks to auxiliaries including, but not limited to, dental hygienists and dental assistants, to the extent permitted by existing law.

(m) A provider who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

(n) The board shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code regulating dental services offered through teledentistry. Those rules shall include:

(1) The issuance of prescriptions through teledentistry, consistent with the limitations in §30-1-26(b)(5) of this code;

(2) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;

(3) The development of evidence-based standards;

(4) The use of teledentistry for collaboration between:

(A) Providers and the office of a physician, physician assistant, or advanced practice nurse; and

(B) Providers who practice in different specialty areas; and

(5) Interaction between providers using teledentistry including, without limitation:

(A) The supervision of a dental hygienist by a dentist using teledentistry; and

(B) Interaction between different providers who are providing care to the same patient.

(6) Evidence-based standards of practice that shall be used when providing services through teledentistry to ensure the safety of patients, the quality of care, and positive outcomes.

(o) It shall be considered unprofessional conduct to:

(1) Fail to actively involve a patient in decisions concerning his or her treatment;

(2) Require a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the board, file a lawsuit, join a class action lawsuit, make reports to any governmental entity, to require the patient to submit to binding arbitration, or to otherwise limit or prohibit the patient from obtaining relief for deficiencies in the treatment or services they have received;

(3) Fail to perform an in-person examination of a patient or fail to review a patient's diagnostic and radiographic images taken concurrently with the in-person visit prior to initiating treatment, except for those situations enumerated in §30-4-8b(d) of this code;

(4) Fail to review diagnostic digital or conventional radiographs for orthodontia before:

(A) Taking any action to correct a malposition of teeth; or

(B) The initial use of an orthodontic appliance;

(5) Delegate to an auxiliary a task or service that is not indicated or permitted by existing law to be performed by that individual; or

(6) Failure to comply with the requirements of §30-4-8b(f) of this code.

(p) In addition to the grounds for disciplinary action authorized by this article, the board may also take disciplinary action against any provider who is found to be practicing teledentistry in violation of any section or has committed any of the acts specified in §30-4-8b(o) of this code.

(r) The process for instituting and conducting disciplinary proceedings against a teledentistry provider pursuant to this act shall be the same process as that contained in the Dental Practice Act for disciplinary actions.

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

Engrossed Committee Substitute for Senate Bill 710, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

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. 710) passed with its title.

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

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

Eng. Com. Sub. for Senate Bill 825, Permitting higher education institutions enter agreements with non-profit organizations for economic development and job creation.

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

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

On page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 12. RESEARCH AND DEVELOPMENT, ECONOMIC DEVELOPMENT, AND ATHLETICS AGREEMENTS FOR STATE INSTITUTIONS OF HIGHER EDUCATION.

§18B-12-1. Definitions.

The following words used in this article shall, unless the context clearly indicates a different meaning, be construed as follows:

(1) "Agreement" means any agreement being entered into between a governing board and a corporation pursuant to ~~section four~~ §18B-12-4 or §18B-12-11 of this article code.

(2) "Corporation" means a nonstock, not-for-profit corporation established under the general corporation laws of the state which meets the description presented by ~~section three~~ §18B-12-3 or §18B-12-11 of this article code.

(3) "Corporate directors" means the board of directors of a corporation.

§18B-12-2. Legislative findings and purpose.

(a) The Legislature finds and determines that the future economic development in the state will depend in part upon research developed at the state institutions of higher education, and enhanced research opportunities for state institutions of higher education will promote the general economic welfare of the citizens of the state. In order to enhance the competitive position of state institutions of higher education in the current environment for research and development, expenditures for equipment and material for research projects must be handled in an expeditious fashion, and the acquisition and utilization of research grants can be simplified and expedited through the utilization of private corporations.

(b) The interest of the citizens of the state will be best met by agreements entered into and carried out by the governing boards and corporations to provide research assistance for state institutions of higher education. Therefore, in order to facilitate research and development grants, economic development, and opportunities for state institutions of higher education, it is appropriate to authorize the governing boards to contract with private corporations organized for the purpose of providing such services to state institutions of higher education or established exclusively for purposes of economic development and job creation.

(c) The Legislature further finds and determines that in order to foster and enhance the operational success and competitive nature of intercollegiate athletics in the current environment, the state institutions of higher education will benefit from utilization of private corporations to conduct operational, economic, fiscal, and educational development activities and services related to intercollegiate athletics' programs.

§18B-12-11. Agreements with corporations solely for economic development.

(a) Notwithstanding any other provision of this article to the contrary, any state institution of higher education may enter into an agreement with a nonstock, not-for-profit corporation which qualifies as an exempt organization under section 501(c) of the Internal Revenue Code of 1986, as amended, established under corporation laws of the state exclusively for purposes of economic development and job creation.

(b) Each governing board for a state institution of higher education may enter into agreements and any other contractual relationships with one or more corporations described in subsection (a) of this section under such terms as are mutually agreed upon to foster future economic development in the state. For purposes of this section:

(1) The president and the president's appointees from the institution may, but are not required to, serve as the corporation's voting corporate directors;

(2) The meetings of the corporate directors are exempt from the provisions of §6-9A-3 of this code;

(3) The assets of the corporation are not subject to the provisions of §18B-12-3 of this code;

(4) The corporation and agreements between the corporation and the state institution of higher education are not subject to the provisions of §18B-12-4 of this code; and

(5) The corporation may be designated as the economic development entity for the state institution of higher education.;

And,

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

Eng. Com. Sub. for Senate Bill 825—A Bill to amend and reenact §18B-12-1 and §18B-12-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18B-12-11, relating to permitting higher education institutions to enter into agreements with certain nonprofit organizations; defining terms; clarifying legislative findings and purpose to facilitate economic development and foster and enhance the operational success and competitive nature of intercollegiate athletics; permitting agreements for purposes of economic development and job creation; and establishing powers to govern the business relationship of any state higher education institution and nonprofit corporation contracting for such economic development purposes.

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

Engrossed Committee Substitute for Senate Bill 825, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Martin, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Hart and Maynard—2.

Absent: Boley—1.

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. 825) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley—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. 825) takes effect from passage.

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

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

Eng. Senate Bill 907, Relating to high impact development projects.

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

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

On page 1, after the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 15. WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY.

§31-15-23a. Economic Development Project Fund.

(a) For the purposes of this section:

"Eligible broadband provider" has the meaning provided in §31-15-8a of this code.

"Federally funded broadband expansion program" has the meaning provided in §31-15-8a of this code.

"High-impact development project" means a project meeting the following criteria, according to a resolution adopted by the authority:

(A) The Governor has requested, in writing, that the project be approved for financing certain economic development financial assistance by the authority in an amount of \$50 million or greater;

(B) The industrial development agency or enterprise undertaking the project will privately invest an amount of \$50 million or greater in the project; and

(C) The project meets or exceeds the loan per job ratio criteria for high-impact development projects that may be established, in consultation with the Secretary of the Department of ~~Economic Development~~ Commerce and the Executive Director of the Division of Economic Development, by the board of directors. In assessing a project and the economic development financial assistance package proposed by the Governor, the board of directors shall take regional and local economic factors into account when making a determination that the loan per job ratio criteria has been met.

(b) There is hereby created a special revenue fund in the State Treasury known as the Economic Development Project Fund. The fund shall consist of all moneys appropriated to the authority during the regular session of the Legislature, 2022, from available revenue surplus funds; transfers from the Industrial Development Loans Fund; gifts, grants, and contributions to the fund; any earnings or interest accruing to said fund; and any other moneys appropriated to said fund by the Legislature. The authority may invest and reinvest moneys in the fund with the West Virginia Investment Management Board or the Board of Treasury Investments.

(c) The authority may transfer funds in the Industrial Development Loans Fund to the Economic Development Project Fund created by this section and any loan repayments or other amounts that would otherwise have been paid into the Industrial Development Loans Fund may be paid into the Economic Development Project Fund created by this section.

(d) The authority may use moneys in the Economic Development Project Fund to offer incentives for business formation or expansion and provide assistance with site development or other concerns to industrial development agencies or enterprises according to the requirements of this article as set forth in this subsection: Provided, That annually up to ~~\$30~~ \$20 million dollars may be exempted from the requirements of the high-impact development project definition and be allowable to be spent out of the Economic Development Project Fund.

(1) *High-impact development projects.*—In addition to any powers granted to the authority under any other section of this code, the authority may finance any high-impact development project under this section by offering incentives for business formation or expansion to industrial development agencies or enterprises in this state in the form of loans, grants, or other offers of financial assistance or aid upon such terms as the Governor may request and the authority shall deem appropriate: Provided, That moneys available to fund such high impact development projects may not exceed \$300 million dollars annually, unless otherwise appropriated by the Legislature or increased by interest payments received pursuant to this subsection. That the board of directors shall consider the overall availability of funds in the Economic Development Project Fund and the Industrial Development Loan Fund in making determinations related to economic development financial assistance packages for high-impact development projects. Funds which are paid back to the authority as principal pursuant to this subsection may be utilized and reloaned by the authority for the same purpose. Any interest accruing shall be retained and made available for high-impact projects as set forth in this subsection and shall not revert to the General Revenue Fund.

(2) *Traditional loans.*—The authority may finance any economic development project under this section by offering incentives for business formation or expansion to industrial development agencies or enterprises in this state in the form of loans, which shall be repaid to provide financing for subsequent borrowers: *Provided*, That moneys available to fund such traditional loans may not exceed \$250 million dollars annually, on a rolling basis, unless otherwise appropriated by the Legislature or increased by interest payments received pursuant to this subsection. Funds which are paid back to the authority as principal pursuant to this subsection may be utilized and reloaned by the authority for the same purpose. Any interest accruing shall be retained and made available for traditional loans as set forth in this subsection and shall not revert to the General Revenue Fund.

(3) *Business retention projects.*—The authority may finance any economic development project under this section by offering incentives for business development and expansion to industrial development agencies or enterprises already existing and operating in the state of West Virginia in the form of loans, which shall be repaid to provide financing for subsequent borrowers: *Provided*, That moneys available to fund such business retention loans may not exceed \$50 million dollars annually, on a rolling basis, unless otherwise appropriated by the Legislature or increased by interest payments received pursuant to this subsection. Funds which are paid back to the authority as principal pursuant to this subsection may be utilized and reloaned by the authority for the same purpose. Any interest accruing shall be retained and made available for business retention projects as set forth in this subsection and shall not revert to the General Revenue Fund.

(4) *Federal broadband expansion projects.* – The authority may use moneys in the fund to provide incentives for eligible broadband providers to participate in federally funded broadband expansion programs: *Provided*, That the moneys available for such incentives may not exceed \$25 million annually, on a rolling basis, unless otherwise appropriated by the Legislature or increased by interest payments or investment earnings on said moneys.

(5) *Broadband loan insurance.* – The authority may transfer moneys from the fund to the Insurance Fund, created in §31-15-8 of this code, in amounts necessary to issue loan insurance to eligible broadband providers: *Provided*, That the moneys available for transfer pursuant to this subdivision may not exceed \$125 million annually, on a rolling basis, unless otherwise appropriated by the Legislature or increased by interest payments or investment earnings on said moneys. With regard to any loan insurance issued using the moneys transferred pursuant to this subdivision, the authority shall follow the requirements of §31-15-8a of this code.

(e) The authority shall keep itemized records of all fund transactions and agreements entered into in furtherance of the Economic Development Project Fund expenditures. In administering the fund, the authority shall adopt appropriate accounting practices and internal controls, including, but not limited to, strict compliance with the requirements of §5A-8-9 of this code. Fund transactions shall be subject to an annual audit by an independent firm of certified public accountants.

(f) The authority shall prepare and submit to the Joint Committee on Government and Finance and the Governor an annual report addressing the status of each project with outstanding financing issued pursuant to this section. The report shall, at a minimum, provide project-specific data addressing:

(1) The outstanding amount of authority financing for each project;

- (2) The total amount of private investment in each project;
- (3) The number of jobs created by each project since the project's inception; and
- (4) The number of jobs maintained by each project.

(g) Except for the records and audit required under subsection (e) of this section, and the annual reports required under subsection (f) of this section, any documentary material, data, or other writing made or received by the authority relating to high-impact development projects under this section, shall be exempt from §29B-1-1 *et seq.* of this code: *Provided*, That any agreement or resolution entered into or signed by the authority which obligates public funds for any high-impact development project shall be subject to inspection and copying pursuant to §29B-1-1 *et seq.* of this code as of the date the agreement or resolution is entered into, signed, or otherwise made public.;

And,

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

Eng. Senate Bill 907—A Bill to amend and reenact §31-15-23a of the Code of West Virginia, 1931, as amended, relating to the definition of "high-impact development projects" reviewed and approved by the West Virginia Economic Development Authority board; allowing for consideration of regional and local economic factors when making a determination that the loan per job ratio criteria has been met in assessing a project and the economic development assistance package proposed by the Governor; providing for up to \$20 million annually to be exempted from the requirements of the high-impact development project definition and be allowable to be spent out of the Economic Development Project Fund; removing the \$300 million cap on moneys available to fund high-impact development projects; and providing that the board of directors shall consider the overall availability of funds in the Economic Development Project Fund and the Industrial Development Loan Fund in making determinations related to economic development financial assistance packages for high-impact development projects.

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

Engrossed Senate Bill 907, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Hart and Willis—2.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 907) passed with its House of Delegates amended title.

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

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

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

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

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

On pages 3-4 by striking subsection (e) and subsection (f) in their entirety.

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

Engrossed Committee Substitute for House Bill 2797, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2797) passed with its Senate amended title.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 586, Relating to requirements for filling vacancies in certain elected federal, state, and county offices.

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

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

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

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.**ARTICLE 10. FILLING VACANCIES.****§3-10-3. Vacancies in offices of state officials, justices, judges, and magistrates.**

(a) Any vacancy occurring in the offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or in any office created or made elective to be filled by the voters of the entire state, is filled by the Governor of the state by appointment and subsequent election to fill the remainder of the term, if required by §3-10-1 of this code. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~: of the previous election: *Provided*, That any such person appointed by the Governor must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy: *Provided, however*, That the Governor may appoint a temporary acting official in the event of a vacancy in the offices of Secretary of State, Auditor, Treasurer, Attorney General, or Commissioner of Agriculture to carry out the duties of said office until such vacancy is filled by appointment pursuant to this subsection: *Provided further*, That the provisions of this subsection do not apply to §3-10-3(b), §3-10-3(c), §3-10-3(d), and §3-10-3(e) of this code.

(b) Any vacancy occurring in the offices of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, or judge of a family court is filled by the Governor of the state by appointment and, if the unexpired term be for a period of more than three years, by a subsequent election to fill the remainder of the term, as required by §3-10-3(d) of this code. If an election is required under §3-10-3(d) of this code, the Governor, circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation by order and notice required by §3-10-1 of this code. The amendments to this subsection enacted during the regular session of the Legislature in the year 2022 shall be applicable to any vacancy existing at the date of passage of such amendments.

(c) Any vacancy in the office of magistrate is appointed according to the provisions of §50-1-6 of this code, and, if the unexpired term be for a period of more than two years, by a subsequent nonpartisan judicial election held concurrently with the primary or general election, whichever occurs first, to fill the remainder of the term, ~~as required by §3-10-3(d) of this code~~.

(d)(1) When the vacancy in the office of Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of the circuit court, or judge of a family court, ~~or magistrate~~ occurs after the 84th day before a general election, and the affected term of office ends on December 31 following the succeeding general election two years later, the person appointed to fill the vacancy shall continue in office until the completion of the term.

(2) When the vacancy occurs before the close of the candidate filing period for the primary election, and if the unexpired term be for a period of greater than three years, the vacancy shall

be filled by election in the nonpartisan judicial election held concurrently with the primary election and the appointment shall continue until a successor is elected and certified.

(3) When the vacancy occurs after the close of candidate filing for the primary election and not later than 84 days before the general election, and if the unexpired term be for a period of greater than three years, the vacancy shall be filled by election in a nonpartisan judicial election held concurrently with the general election, and the appointment shall continue until a successor is elected and certified: Provided, That the provisions of this subsection (d) do not apply to a vacancy in the office of magistrate.

(e) When an election to fill a vacancy is required to be held at the general election, according to the provisions of §3-10-3(d) of this code, a special candidate filing period shall be established. Candidates seeking election to any unexpired term for Justice of the Supreme Court of Appeals, judge of the Intermediate Court of Appeals, judge of a circuit court, judge of the family court, or magistrate shall file a certificate of announcement and pay the filing fee no earlier than the first Monday in August and no later than 77 days before the general election.

§3-10-4. Vacancies in representation in United States Congress.

(a) (1) If there is a vacancy in the representation from this state in the House of Representatives in the Congress of the United States, the Governor shall, within five days after the fact comes to his or her knowledge, issue a proclamation setting dates for a special general election that is not less than 84 nor more than 120 days from the date of the vacancy and requiring nomination of candidates as provided in §3-10-4(a)(2) of this code: *Provided*, That no such proclamation may be made nor may a special election be held if the vacancy occurs after the 84th day prior to the regularly scheduled general election for a new full term of the office. The election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

(2) The party executive committees for the congressional district for which there is a vacancy shall each, within 30 days of the Governor's proclamation, nominate a candidate to stand at the general election required by §3-10-4(a)(1) of this code.

(b) If there is a vacancy in the representation from this state in the Senate of the United States Congress, the vacancy shall be filled by the Governor of the state by appointment. The Governor shall make the appointment from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs, and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint, within five days thereafter, a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office: *Provided*, That any such person appointed by the Governor must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy.

Furthermore,

(1) If the vacancy occurs on or before the primary cutoff date, then an election shall be held pursuant to §3-10-1 of this code; or

(2) If the vacancy occurs after the primary cutoff date, but on or before the general cutoff date, then the Governor shall issue a proclamation providing for: (A) A special filing period; (B) a special primary election to be held in conjunction with the upcoming general election; and (C) a special general election to be held not less than 84 nor more than 120 days following the date of the special primary election. Each election shall follow the requirements of §3-10-1 of this code that are not in conflict with this section.

§3-10-5. Vacancies in state Legislature.

(a) Any vacancy in the office of state senator or member of the House of Delegates shall be filled by appointment by the Governor, from a list of three legally qualified persons submitted by the ~~party executive committee~~ party senatorial district executive committee or party delegate district executive committee, as applicable, of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office. The list of qualified persons to fill the vacancy shall be submitted to the Governor within 15 days after the vacancy occurs and the Governor shall duly make his or her appointment to fill the vacancy from the list of legally qualified persons within five days after the list is received. If the list is not submitted to the Governor within the 15-day period, the Governor shall appoint within five days thereafter a legally qualified person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time ~~the vacancy occurred~~ of the previous election for that office: *Provided, That any such person appointed by the Governor must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy.*

(b) In the case of a member of the House of Delegates, if the member was elected to a multi-county delegate district, the list shall be submitted by the party executive committee of the delegate district in which the vacating member resided at the time of his or her election or appointment. If the member was elected to a delegate district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the House of Delegates is for the unexpired term.

(c) In the case of a state senator, if the member was elected to a multi-county senatorial district, the list shall be submitted by the party executive committee of the state senatorial district in which the vacating senator resided at the time of his or her election or appointment. If the member was elected to a senatorial district situated entirely within a single county, the list shall be submitted by the county executive committee in which the vacating member resided at the time of his or her election or appointment. The appointment to fill a vacancy in the state Senate is for the unexpired term, unless §3-10-1 of this code requires a subsequent election to fill the remainder of the term, which shall follow the procedure set forth in said section.

(d) No person may be appointed to fill a vacancy in the office of state senator or as a member of the House of Delegates who has not for one year preceding the appointment been a resident within the district he or she will represent. Notwithstanding any provision of this code to the contrary, the process to compose and submit the list, which is required to be submitted by the political party under which the person holding the office immediately preceding the vacancy was elected, shall be governed by the rules of the state executive committee of that political party.

§3-10-6. Vacancy in office of circuit court clerk.

(a) When a vacancy occurs in the office of clerk of the circuit court, the circuit court by a majority vote of the judges shall fill the same within thirty days of the vacancy, for the period required by §3-10-1 of this code, by appointment of a person of the same political party ~~as the~~

officeholder vacating the office for the period required by section one of this article with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office: *Provided*, That any such person appointed by the circuit court must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy.

(b) Notwithstanding any code provision to the contrary, the chief judge may appoint a temporary successor to the office of clerk of the circuit court until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(c) If an election is necessary, the circuit court, or the chief judge thereof in vacation, is responsible for the proper proclamation, by order and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

§3-10-7. Vacancies in offices of county commissioner or councilor and clerk of county commission or council.

(a) Any vacancy in the office of county commissioner or councilor, or clerk of county commission or council shall be filled by appointment by the county commission or council. The appointee for the office of county commissioner or councilor must reside in a magisterial district in which no other member of the county commission or council resides. The appointee for either clerk of the county commission or council, or the office of county commissioner or councilor, must be a person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office: *Provided*, That at the time of appointment, the appointee must have been a member of that political party for at least one year prior to the occurrence of the vacancy.

(b) If a quorum of the county commission or council fails to make an appointment within 30 days, the county executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office, shall submit a list of three legally qualified persons to fill the vacancy for a county having three elected commissioners, or shall submit a list of five legally qualified persons to fill the vacancy for a county having five elected commissioners or councilors. Within 15 days from the date on which the list is received, the county commission or council shall appoint a candidate from the list to fill the vacancy.

(1) In a county having three elected county commissioners, if the county commission or council fails to make the appointment within the specified time, then the county commissioner or councilor with the longest tenure shall eliminate one name from the submitted list, followed by the county commissioner or councilor with the second-longest tenure then eliminating one name from the submitted list. The name remaining after those two names have been eliminated shall be deemed to be appointed by the county commission to fill the vacancy.

(2) In a county having five elected county commissioners or councilors, if the county commission or council fails to make the appointment within the specified time, then the county commissioners or councilors shall strike one name from the list, in turn, in the following order of precedence:

(A)(i) First, all county commissioners or councilors affiliated with the same political party from which the vacating commissioner, councilor, or clerk was elected shall strike a name from the list before those not affiliated with the vacating commissioner, councilor, or clerk's party;

(ii) Second, of the county commissioners or councilors affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected, the commissioner or councilor with the longest tenure shall strike before those with lesser tenure; and

(iii) Third, if there be county commissioners or councilors with equal tenure affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected, a drawing by lot shall be conducted within the timeframe required to fill the vacancy to determine which of them shall eliminate one name from the submitted list before the other commissioner or councilor with equal tenure.

(B) After the county commissioners or councilors affiliated with the same party from which the vacating commissioner, councilor, or clerk was elected make their strikes, the remaining county commissioners or councilors shall follow the same procedure in the same order of precedence provided herein. The name remaining after four names have been eliminated shall be deemed to be appointed by the county commission or council.

(c) If the number of vacancies in a county commission or council deprives that body of a quorum, the Governor shall make an appointment to fill any vacancy in the county commission or council necessary to create a quorum, from a list of three legally qualified persons submitted by the party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for that office. The Governor shall make any appointments necessary, beginning with the vacancy first created, to create a quorum in accordance with the same procedures applicable to county commissions and councils under §3-10-7(a) of this code. Once a quorum of the county commission or council is reestablished by gubernatorial appointment, the authority to fill the remaining vacancies shall be filled in the manner prescribed in §3-10-7(a) of this code.

(d) An appointment made pursuant to this section is for the period of time provided in §3-10-1 of this code.

(e) Notwithstanding any code provision to the contrary, a county commission or council may appoint a temporary successor to the office of clerk of the county commission or council until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(f) If an election is necessary under §3-10-1 of this code, the county commission or council, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by §3-10-1 of this code.

(g) §3-10-1 of this code shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the

manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission or council of the county, shall be placed upon the ballot to be voted at the next general election.

(h) If the election for an unexpired term is held at the same time as the election for a full term for county commissioner or councilor, the full term shall be counted first and the unexpired term shall be counted second. If the candidate with the highest number of votes for the unexpired term resides in the same magisterial district as the candidate with the highest number of votes for the full term, the candidate for the full term shall be seated. The candidate with the next highest number of votes for the unexpired term residing in a different magisterial district shall be seated for the unexpired term.

§3-10-8. Vacancies in offices of prosecuting attorney, sheriff, assessor, and surveyor.

(a) Any vacancy occurring in the office of prosecuting attorney, sheriff, assessor, or county surveyor shall be filled by the county commission within 30 days of the vacancy by appointment of a person of the same political party as the officeholder vacating the office with which the person holding the office immediately preceding the vacancy was affiliated at the time of the previous election for the office. The appointee must have been a member of that political party for at least one year prior to the occurrence of the vacancy. The appointed person shall hold the office for the period stated by section one of this article.

(b) Notwithstanding any code provision to the contrary, a county commission may appoint a temporary successor to the office of prosecuting attorney, sheriff, assessor or county surveyor until the requirements of this section have been met. The temporary successor may serve no more than 30 days from the date of the vacancy.

(c) If an election is necessary under section one of this article, the county commission, or the president thereof in vacation, shall be responsible for the proper proclamation, by order, and notice required by section one of this article.

(d) Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in §3-5-19 of this code, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.

§8-5-10. Vacancies in elective offices; how filled.

Unless otherwise provided by charter provision or ordinance, when a vacancy shall occur from any cause in any municipal elective office, the vacancy, until the next succeeding regular municipal election and until the qualification of an elected successor, shall be filled by appointment by the governing body from among the residents of the municipality eligible under this article, with a legally qualified person of the same political party with which the person holding the office

immediately preceding the vacancy was affiliated at the time of the previous election: *Provided*, That any such person appointed must have been affiliated with that political party for at least one year prior to the occurrence of the vacancy:

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-6. Vacancy in office of magistrate.

(a) Subject to the provisions of ~~section one, article ten, chapter three~~ §3-10-1 of this code, when a vacancy occurs in the office of magistrate, or upon the formal announcement by letter to the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, of an upcoming resignation or retirement that will result in the occurrence of a vacancy in the office of magistrate, including resignation of a magistrate-elect following the election of such magistrate-elect but prior to the magistrate-elect taking office in the term for which he or she has most recently been elected, such judge or chief judge shall fill the same by appointment.

(b) At a nonpartisan judicial election in which a magistrate is elected for an unexpired term, the circuit judge, or the chief judge thereof if there is more than one judge of the circuit court, shall cause a notice of such election to be published prior to such election as a Class II-0 legal advertisement in compliance with the provisions of ~~article three, chapter fifty nine~~ §59-3-1 et seq. of this code, and the publication area for such publication shall be the county involved.;

And,

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 586—A Bill to amend and reenact §3-10-3, §3-10-4, §3-10-5, §3-10-6, §3-10-7, and §3-10-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-5-10 of said Code; and to amend and reenact §50-1-6 of said Code; relating to requirements for filling vacancies in certain elected federal, state, county, and municipal offices; prohibiting the appointment of an individual to fill a vacant office if that person has not been a member of his or her registered political party for at least one year prior to the occurrence of the vacancy; providing that process to select candidates to fill state Senate and House of Delegates seats be governed by the party senatorial district executive committee or party delegate district executive committee, as applicable, for the respective political party; authorizing the Governor to appoint an acting official to perform the duties of a constitutional officer until the office is filled by appointment; relating to filling vacancies in the office of magistrate; providing that vacancies in the office of magistrate with an unexpired term of more than two years are filled by subsequent nonpartisan judicial election held concurrently with the primary or general election, whichever occurs first; excluding vacancies in the office of magistrate from certain other provisions relating to process for filling vacancies; authorizing prospective vacancy due to upcoming resignation or retirement of a magistrate to be filled by circuit judge or chief circuit judge; and requiring generally that partisan office appointments be made from the political party with which the individual vacating the office was affiliated at the time of the previous election for that office.

On motion of Senator Martin, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 586) were reported by the Clerk, considered simultaneously, and adopted:

On page 4, section 5, line 4, after the word "committee," by inserting the words "or, in the case of a single-county senatorial or delegate district, the county executive party,";

On page 11, section 10, line 1, by striking out the words "Unless otherwise provided by charter provision or ordinance, when a vacancy shall occur" and inserting in lieu thereof the words "When a vacancy occurs";

And,

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 586—A Bill to amend and reenact §3-10-3, §3-10-4, §3-10-5, §3-10-6, §3-10-7, and §3-10-8 of the Code of West Virginia, 1931, as amended, and to amend and reenact §50-1-6 of said Code; relating to requirements for filling vacancies in certain elected federal, state, and county offices; prohibiting the appointment of an individual to fill a vacant office if that person has not been a member of his or her registered political party for at least one year prior to the occurrence of the vacancy; providing that process to select candidates to fill state Senate and House of Delegates seats be governed by the party senatorial district executive committee or party delegate district executive committee, or in the case of a single-county senatorial or delegate district, by the county executive party, as applicable for the respective political party; authorizing the Governor to appoint an acting official to perform the duties of a constitutional officer until the office is filled by appointment; relating to filling vacancies in the office of magistrate; providing that vacancies in the office of magistrate with an unexpired term of more than two years are filled by subsequent nonpartisan judicial election held concurrently with the primary or general election, whichever occurs first; excluding vacancies in the office of magistrate from certain other provisions relating to process for filling vacancies; authorizing prospective vacancy due to upcoming resignation or retirement of a magistrate to be filled by circuit judge or chief circuit judge; and requiring generally that partisan office appointments be made from the political party with which the individual vacating the office was affiliated at the time of the previous election for that office.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 586, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 586) passed with its Senate amended title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 586) takes effect from passage.

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

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

Eng. Senate Bill 866, Requiring WV Board of Education to promulgate legislative rule in consultation with WV Board of Physical Therapy.

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

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

On page 1, after the enacting clause, by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-2-25a. Management of concussions and head injuries in athletics at West Virginia Secondary School Activities Commission member high school or middle school.

(a) The Legislature makes the following findings:

(1) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The Centers for Disease Control and Prevention estimates that as many as 3.9 million sports-related and recreation-related concussions occur in the United States each year;

(2) A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed;

(3) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally functions;

(4) Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other or with obstacles;

(5) Concussions occur with or without loss of consciousness, but the vast majority occur without loss of consciousness;

(6) The interscholastic athlete who continues to play or practice with a concussion or symptoms of head injury is especially vulnerable to greater injury and even death; and

(7) Even with generally recognized return-to-play-and-practice standards for concussion and head injury, some affected interscholastic athletes are prematurely returned to play or practice resulting in increased risk of physical injury or death to the athletes in the state of West Virginia.

(b) For the purposes of this section, "interscholastic athlete" means any athlete who is participating in interscholastic athletics at a high school or middle school that is a member of the West Virginia Secondary School Activities Commission. "Licensed health care professional" means a health care provider whose licensed scope of practice includes the ability to diagnose and treat an injury or disease.

(c) The West Virginia Secondary School Activities Commission shall promulgate rules pursuant to §18-2-25 of this code that address concussions and head injuries in interscholastic athletes: *Provided*, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.

(d) The rules required by this section shall include, but are not limited to, the following:

(1) Guidelines and other pertinent information to inform and educate appropriate school administrators, coaches, interscholastic athletes, and their parents or guardians of the nature and risk of concussion and head injury including the risks of continuing to play or practice after a concussion or head injury;

(2) A concussion and head injury information sheet that shall be signed and returned by the interscholastic athlete and the athlete's parent or guardian on an annual basis before the interscholastic athlete begins practice or competition;

(3) A requirement that each head coach of an interscholastic sport at a high school or middle school who is a member of the West Virginia Secondary School Activities Commission complete a commission-approved concussion and head injury recognition and return-to-play protocol course annually;

(4) A requirement that an interscholastic athlete who is suspected by a licensed health care professional or by his or her head coach or licensed or registered athletic trainer of having sustained a concussion or head injury in a practice or game shall be removed from competition at that time;

(5) A requirement that an interscholastic athlete who has been removed from play or practice may not return to play or practice until the athlete is evaluated by a licensed health care professional trained in the evaluation and management of concussions and receives written clearance to return to play and practice from the licensed health care professional;

(6) A list of the respective categories of licensed health care professionals including, but not limited to, licensed physical therapists and licensed or registered athletic trainers who, if properly

trained in the evaluation and management of concussions, are authorized to provide written clearance for the interscholastic athlete to return to play; and

(7) A requirement that all member schools must submit a report to the West Virginia Secondary School Activities Commission within 30 days of an interscholastic athlete suffering or being suspected of suffering a concussion or head injury in a practice or game. The report must state whether an evaluation by a licensed health care professional verified that a concussion or head injury was actually suffered, whether the athlete received written clearance to return to play or practice and, if written clearance was given, the number of days between the incident and the actual return to play or practice. If written clearance to return to play is given after 30 days of the incident, a report update shall be submitted. The West Virginia Secondary School Activities Commission shall compile and submit the reports to the appropriate state and national organization or agencies to analyze and make determinations on whether the rule required by this section needs to be amended or if equipment worn by interscholastic athletes needs to be changed accordingly. The West Virginia School Activities Commission also shall submit the reports to the Legislative Oversight Commission on Health and Human Resources Accountability.

(8) A requirement that all member schools develop a "Concussion Education, Prevention, and Response Plan" that establishes concussion-related education requirements for appropriate personnel and sets forth practices for preventing concussions and responding to concussions when they do occur.

(e) Any member school not complying with the requirements of this section, and rules promulgated thereof, shall be subject to the disciplinary actions ordered by the West Virginia Secondary School Activities Commission: *Provided*, That the West Virginia Secondary School Activities Commission shall promulgate rules to establish guidelines for noncompliance and related disciplinary actions: *Provided, however*, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.;

And,

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

Eng. Senate Bill 866—A Bill to amend the Code of West Virginia, 1931, as amended, by amending §18-5-22a of said code, by adding the requirement that the West Virginia Secondary Schools Activities Commission require in its rule regarding concussions and head injuries that member schools develop a Concussion Education Prevention and Response Plan.

On motion of Senator Martin, the following amendments to the House of Delegates amendments to the bill (Eng. S. B. 866) were reported by the Clerk, considered simultaneously, and adopted:

On page 4, section 25a, after line 71, by striking out the remainder of the bill and inserting in lieu thereof the following:

(9) A requirement that, beginning on July 1, 2026, any interscholastic athlete participating in a school organized football practice shall use an impact reducing soft-shell helmet cover while wearing a football helmet. The impact reducing soft-shell helmet cover shall be attached to a student athlete's football helmet at all times when participating in any activity with a likelihood of

collision or during any practice activity which the student athlete would regularly be expected to use a football helmet. The requirement required by this subdivision shall be subject to the following:

(A) Football helmets that exceed the safety profile of a football helmet with the soft-shell helmet cover attached are exempt from the requirements of subsection (a) of this section.

(B) On an annual basis, the Department of Education shall determine which football helmets exceed the safety profile of a football helmet with the soft-shell helmet cover attached and shall publish, or otherwise make available, a list of those helmets on the website of the Department of Education.

(C) If a member school does not have access to sufficient grant funding or other funds to cover the costs associated with the acquisition of impact reducing soft-shell helmet covers, then that particular school may certify to the Department of Education that acquiring the required soft-shell helmet covers would impose an undue hardship. Upon review of the certification, the Department of Education may exempt that particular school from the requirements of this subsection until the following football season.

(D) The provisions of this subdivision shall terminate on July 1, 2030, unless there is action by the Legislature to extend the provisions beyond that date.

(e) The use of an impact reducing soft-shell helmet cover with a football helmet in compliance with §18-2-25a(d)(9) of this code shall not void or limit any football helmet manufacturer or dealer's express or implied warranty that may otherwise apply to the football helmet: *Provided*, That the impact reducing soft-shell helmet cover attaches to the football helmet in a manner that does not modify the components of or otherwise damage the football helmet: *Provided, however*, That one or more helmet manufacturers has certified that the impact reducing soft-shell helmet cover is acceptable for use.

(f) A football helmet manufacturer, dealer, or any other entity that assigns safety certifications to football helmets may not revoke a safety certification or guarantee associated with a football helmet due to the use of an impact reducing soft-shell helmet cover in compliance with §18-2-25a(d)(9): *Provided*, That the impact reducing soft-shell helmet cover attaches to the football helmet in a manner that does not modify the components of or otherwise damage the football helmet; *Provided, however*, That one or more helmet manufacturers has certified that the impact reducing soft-shell helmet cover is acceptable for use.

(g) The Cohen Craddock Memorial Grant Program is hereby established to provide support for the provision of safety equipment required by this section. The grant program shall be administered by the Department of Education. The department shall provide application forms and procedures to administer the grant.

(1) Member schools may apply to the grant program for funding to cover all or some of the costs associated with procuring safety equipment required by this section.

(2) The department shall set the amount of grants based on the funds available, and grants shall be issued by the department on a first-come-first-serve basis.

(3) There shall be created in the State Treasury a special revenue fund designated the Cohen Craddock Memorial Grant Fund, subject to the following:

(A) The fund shall be administered by the department, and expenditures from the fund shall be made for the sole purpose of providing grants authorized by this section;

(B) The fund shall consist of moneys appropriated by the Legislature, moneys received from the federal government, and moneys received from private donations, grants, bequests, and all other moneys received from all sources for the purposes stated herein. The department, political subdivisions, and any private entity may engage in fundraising efforts to solicit donations to the fund;

(C) Any moneys in the fund may be invested and the fund may retain any income from such investments;

(D) Any moneys remaining in the fund at the end of the fiscal year shall not revert to the general revenue but shall remain in the fund solely for the purposes stated in this article; and

(E) The moneys accrued in the fund, any earnings thereon, and any yields from investments by the State Treasurer or West Virginia Investment Management Board are reserved solely and exclusively for the purposes set forth in this subsection.

~~(e)~~ (h) Any member school not complying with the requirements of this section, and rules promulgated thereof, shall be subject to the disciplinary actions ordered by the West Virginia Secondary School Activities Commission: *Provided*, That the West Virginia Secondary School Activities Commission shall promulgate rules to establish guidelines for noncompliance and related disciplinary actions: *Provided, however*, That prior to state board approval and notwithstanding the exemption provided in §29A-1-3 of this code, the state board shall submit the rule to the Legislative Oversight Commission on Education Accountability pursuant to §29A-3B-9 of this code.;

And,

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

Eng. Senate Bill 866—A Bill to amend and reenact §18-2-25a of the Code of West Virginia, 1931, as amended, relating to requiring that all member schools develop a "Concussion Education, Prevention, and Response Plan" that establishes concussion-related education requirements for appropriate personnel and sets forth practices for preventing concussions and responding to concussions when they do occur; requiring any interscholastic athlete participating in a school organized football practice to use an impact reducing soft-shell helmet cover; exempting certain football helmets from this requirement; allowing exemption from requirement for insufficient funds; terminating requirement and certain related provisions on July 1, 2030; providing that under certain conditions the use of an impact reducing soft-shell helmet cover with a football helmet does not void or limit any football helmet manufacturer's or dealer's express or implied warranty that may otherwise apply to the helmet; prohibiting under certain conditions any entity that assigns safety certifications to football helmets from revoking a safety certification or guarantee associated with a football helmet due to the use of an impact reducing soft-shell helmet cover; establishing the Cohen Craddock Memorial Grant Program to provide support for the provision of certain safety equipment; requiring Department of Education to administer grant program; requiring the creation of the Cohen Craddock Memorial Grant Fund.

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

Engrossed Senate Bill 866, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 866) passed with its Senate amended title.

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

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

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

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

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

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

Eng. Com. Sub. for Com. Sub. for House Bill 2164—A Bill to amend and reenact §15-2D-3 and §61-7-11a of the Code of West Virginia, 1931, as amended; and by adding thereto three new sections, designated §18-5-52, §18-5-53, and §18-5-54, relating to creating school safety officers; requiring the director of the Division of Protective Services to establish standards for school safety officers and issue a certificate; providing definitions; authorizing local school boards, public charter schools, and private or religious schools to employ school safety officers; providing standards for a school safety officer to carry a firearm on school grounds; requiring a background check; specifying the detention powers of a school safety officer and limitations on detention powers; requiring data sharing with the Division of Protective Services; specifying payment for equipment; requiring insurance for schools employing a school safety officer; clarifying that the prohibitions on carry a firearm in a school zone do not apply to certified school safety officers; providing that all school safety officers are subject to the Law Enforcement Officers Safety Act ("LEOSA"); clarifying the liability and responsibility of school safety officers; providing for annual training in conjunction with the local county sheriffs' department; allowing county boards of education to contract with an independent contractor, known as a West Virginia guardian, who is a former state trooper, former deputy sheriff, former state fire marshal, former Department of Natural Resources police officer, former municipal police officer, or former federal law-enforcement officer to provide to provide public safety and/or security on school grounds to protect life and property; specifying the authority of independent contractors participating in the program

and an apparel requirement; requiring the West Virginia guardian to apply for a permit from the county sheriff of the county in which the guardian will provide services; mandating the county sheriff to require an applicant to provide proof of meeting certain requirements; allowing county board to impose additional requirements; requiring permit application fee to be deposited into a guardian program fund; stating that meeting all of certain requirements does not guarantee a contract will be extended to the applicant; specifying instances in which an independent contractor is precluded from participation as a West Virginia guardian; providing certain liability insurance requirements; exempting West Virginia guardian contract from certain purchasing requirements; clarifying that county board participation is voluntary and subject to the availability of county funds; providing for exclusions from state benefit programs; and clarifying that an off duty law-enforcement officer is not prohibited from carrying a firearm on certain school grounds; allowing county boards, public charter schools, or private or religious schools to contract with a private security guard firm to provide school safety officer services; specifying the authority of the private security guard firm or its employees participating a a school safety officer; mandating the county board, public charter school, or private or religious school to require an applicant to provide proof of meeting certain requirements; allowing county board, public charter school, or private or religious school impose additional requirements; specifying instances in which a private security guard or it employees is precluded from participation as a school safety officer; providing certain liability insurance requirements; exempting contract from certain purchasing requirements; providing for exclusions from state benefit programs; clarifying that an employee of a private security guard firm acting as a school safety officer is not prohibited from carrying a firearm on certain school grounds; and permitting air rifles and rimfire rifles on certain school grounds for the purposes of shooting teams to the extent permitted by law.

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

Engrossed Committee Substitute for Committee Substitute for House Bill 2164, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2164) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

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

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

On page two, by striking out the words:

"On page 40, subsection 4.8, after the words "cleared of all members and guests" by inserting the words "one hour and".

And,".

On motion of Senator Martin, the Senate refused to concur in the foregoing House amendment to the Senate amendments to the bill (Eng. Com. Sub. for H. B. 2267) and requested the House of Delegates to recede therefrom.

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

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

Eng. Com. Sub. for House Bill 3297, Establishing the Washington Center for Civics, Culture, and Statesmanship at West Virginia University.

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

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

On page 2, section 8, line 38, after the words "may be" by striking the word "required" and inserting in lieu thereof the word "permitted";

On page 2, section 8, line 39, after the word "university" and the following period, by striking the words "faculty hires into the center" and the immediately following period;

On page 3, section 8, line 66, by striking subsection (h) in its entirety and inserting in lieu thereof a new subsection (h), to read as follows:

"(h) The director has authority over the following enumerated areas, but shall exercise that authority in consultation with the president and the provost:

(1) Managing the recruitment and hiring process and extending offers for employment for all faculty and staff;

(2) Terminating the employment of any staff;

(3) Tenure decisions affecting the center's professors and teachers;

(4) Overseeing and developing the center's curriculum: *Provided*, That the director shall consult with the university pursuant to subsection (e) of this section to ensure that accreditation is maintained;

(5) The center's budget and expenditures;

(6) Scheduling and holding any conferences relevant to the center's mission; and

(7) Scheduling, inviting, and hosting speakers and presenters.";

On page 4, section 8, line 86, by striking the subsection designation "(i)" and inserting in lieu thereof the subsection designation "(j)" and revising the remaining subsection designations, in alphabetical order, accordingly;

On page 4, section 8, line 90, after the words "service in the" by striking the words "in the";

And,

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

Eng. Com. Sub. for House Bill 3297—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18B-11-8, relating to creating the Washington Center for Civics, Culture, and Statesmanship within West Virginia University; requiring the university to work with the center to provide the center with reasonable infrastructure, classroom space, and office space; stating the center's purposes and goals; stating the center's policies; permitting the appointment of at least five tenure-track faculty; authorizing the center in consultation with the university to offer courses and to develop various degrees for accreditation; providing for a director of the center reporting directly to the president, provost, and vice president of academic affairs of the university; providing for the director's appointment and the filling of vacancies; providing for an academic council; enumerating areas over which the director has authority; providing that the director's authority shall be exercised in consultation with the president and the provost; requiring the center to adhere to institutional policies and procedures; requiring approval of the curriculum by the West Virginia University by the Board of Governors; requiring faculty to meet the university's qualifications policy; providing for limitations on employment and service of legislators; and providing for an annual report.

Senator Martin moved that the Senate concur in the House of Delegates amendments to the Senate amendments to the bill.

Following discussion,

The question being on the adoption of Senator Martin's aforesaid motion, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 3297, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Deeds, Fuller, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen,

Roberts, Rose, Rucker, Takubo, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—27.

The nays were: Clements, Garcia, Grady, Stuart, Tarr, and Woelfel—6.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3297) passed with its House of Delegates amended title.

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

At the request of Senator Martin, and by unanimous consent, the Senate proceeded to the consideration of

Eng. House Bill 3520, Expiring funds to the surplus balance in the State Fund, General Revenue, Office of Energy.

Having been read a third time in earlier proceedings today, and now coming up out of regular order, was again reported by the Clerk.

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

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

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

That the balance of the funds available for expenditure in the fiscal year ending June 30, 2025, the Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2025, organization 0619, be decreased by expiring the amount of \$1,000,000; the Office of Energy – Energy Assistance, fund 3010, fiscal year 2025, organization 0307, be decreased by expiring the amount of \$7,210; the Division of Natural Resources – Planning and Development Division, fund 3205, fiscal year 2025, organization 0310, be decreased by expiring the amount of \$435,000; the Division of Labor – Elevator Safety Fund, fund 3188, fiscal year 2025, organization 0308, be decreased by expiring the amount of \$750,000; the Contractor Licensing Board Fund, fund 3187, fiscal year 2025, organization 0951, be decreased by expiring the amount of \$250,000; the Division of General Services, fund 2461, fiscal year 2025, organization 0211, be decreased by expiring the amount of \$500,000; the Criminal Law Research Center Fund, fund 2420, fiscal year 2025, organization 0221, be decreased by expiring the amount of \$3,000,000; the Treasurer's Office, fund 8692, fiscal year 2025, organization 1300, be decreased by expiring the amount of \$20,000,000; the Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2025, organization 0704, be decreased by expiring the amount of \$30,000,000; the Division of Labor – Bedding and Upholstery Fund, fund 3198, fiscal year 2025, organization 0308, be decreased by expiring the amount of \$250,000, to the surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year 2025.

And, That the total appropriation for the fiscal year ending June 30, 2025, to fund 0175, fiscal year 2025, organization 2300 be supplemented and amended by adding a new line item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

3 - Joint Expenses

(W.V. Code Chapter 4)

Fund 0175 FY 2025 Org 2300

General

| | Appro- piation | Revenue Fund |
|--|---------------------------|-------------------------|
| 1a Joint Committee on Government and Finance - Surplus ... | XXXXX | 56,192,210 |

And, That the total appropriation for the fiscal year ending June 30, 2025, to fund 0256, fiscal year 2025, organization 0307, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF ECONOMIC DEVELOPMENT

43 - Department of Economic Development –

Office of the Secretary

(W.V. Code Chapter 5B)

Fund 0256 FY 2025 Org 0307

General

| | Appro- piation | Revenue Fund |
|---|---------------------------|-------------------------|
| 11a Site-Ready Projects, SEED, Vo-Tech | | |
| 11b and Workforce Investments – Surplus (R) | XXXXX | 41,159,321 |

Any unexpended balance remaining in the appropriation for Site-Ready Projects, SEED, Vo-Tech and Workforce Investments – Surplus (fund 0256, appropriation XXXXX) at the close of fiscal year 2025 is hereby reappropriated for expenditure during the fiscal year 2026.

Engrossed House Bill 3520, as just amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3520) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley—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. 3520) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

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

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Burkhammer, Pinson, and Pushkin.

On motion of Senator Martin, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Smith (Mr. President) appointed the following conferees on the part of the Senate:

Senators Rucker, Rose, and Woelfel.

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

A message from the Clerk of the House of Delegates announced that that body had refused to recede from its amendment to the Senate amendments, and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hornby, D. Smith, and Garcia.

On motion of Senator Martin, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Smith (Mr. President) appointed the following conferees on the part of the Senate:

Senators Barrett, Rucker, and Garcia.

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

Senator Barrett announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 2267 (*Authorizing Department of Revenue to Promulgate Legislative Rules*).

Executive Communications

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



Patrick Morrisey
Governor of West Virginia

April 12, 2025

The Honorable Jeff Pack, Clerk
West Virginia House of Delegates
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:

Committee Substitute for House Bill No. Two Thousand One Hundred Twenty-Nine (2129), which was presented to me on April 7, 2025.

House Bill No. Two Thousand Four Hundred Forty-One (2441), which was presented to me on April 7, 2025.

Committee Substitute for House Bill No. Two Thousand Five Hundred Thirteen (2513), which was presented to me on April 7, 2025.

Committee Substitute for House Bill No. Two Thousand Five Hundred Forty-Eight (2548), which was presented to me on April 7, 2025.

You will note that I have approved these bills on April 12, 2025.

Sincerely,

A handwritten signature in blue ink that reads "PATRICK MORRISEY".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk

On motion of Senator Martin, at 6:39 p.m., the Senate recessed until 7:10 p.m. tonight.

The Senate reconvened at 7:09 p.m.

Senator Taylor announced a meeting of the committee of conference as to Engrossed Committee Substitute for House Bill 2880 (*Relating to parent resource navigators*).

(Senator Stuart in the Chair.)

Filed Conference Committee Reports

The Clerk announced the following conference committee report had been filed at 7:30 p.m. tonight:

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

(Senator Morris in the Chair.)

The Clerk announced the following conference committee report had been filed at 7:50 p.m. tonight:

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

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

At the request of Senator Martin, unanimous consent being granted, the Senate proceeded to the consideration of

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

On third reading, coming up out of regular order, with the right having been granted on April 10, 2025, for amendments to be received on third reading, was read a third time.

On motion of Senator Grady, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 2a, line 32, by striking out the period and inserting in lieu thereof a semicolon and the word "or";

And on page 2, section 2a, after line 32, by inserting the following paragraph:

(D) Is an honorably discharged member of the armed forces who:

(i) Holds at least a bachelor's degree from an accredited institution of higher education that is related to the available position which the veteran has applied to; and

(ii) Has passed the basic skills and subject matter test or tests required by the state board for teachers to become certified in the area for which the licensure is sought; and

(iii) Is exempt from any additional teacher certification requirements except the criminal history check required by §18A-3-10 of this code.

Engrossed Committee Substitute for House Bill 3125, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Boley, Chapman, and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3125) passed.

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

Eng. Com. Sub. for House Bill 3125—A Bill to amend and reenact §18A-3-2a and §18A-3-4 of the Code of West Virginia, 1931, as amended, relating to certificates valid in the public schools; adding a fourth set of conditions under which a person who meets those conditions can be issued a professional teaching certificate; allowing teachers with a bachelor's degree and 10 years teaching experience, with a valid teaching certificate, in good standing, without any unsatisfactory evaluations to apply for and receive a permanent teaching certificate without having to take any additional course work.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Takubo—2.

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. 3125) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced that that body had receded from its amendments to, and the passage as amended by deletion, of

Eng. Com. Sub. for Com. Sub. for Senate Bill 765, Establishing Troops-to-Teachers Program.

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

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

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

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

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

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.

§5B-2-21. Certified ~~Industrial Business Expansion~~ Microgrid Development Program.

(a) *Program established.*—The Certified ~~Industrial Business Expansion~~ Microgrid Development Program is hereby created and is to be administered as a program within the ~~Department~~ Division of Economic Development to encourage the continued development, construction, operation, maintenance, and expansion in West Virginia of high impact industrial plants and facilities, in certain circumstances where the availability of electricity generated ~~from renewable sources~~ is demonstrated to be necessary. In order to effectuate the purposes of this section, the ~~Department~~ Division of Economic Development, or any agency, division, or subdivision thereof, may propose for promulgation of legislative rules, including emergency rules, in accordance with §29A-3-1 *et seq.* of this code.

(b) *District certification.*—The Secretary of the Department of ~~Economic Development~~ Commerce may identify and certify ~~high impact Industrial business development~~ microgrid districts in this state upon a finding that the following requirements are met:

(1) Certification of the ~~high impact Industrial business development~~ microgrid district and location of new or expanded businesses within the microgrid district will have a significant and positive economic impact on the state;

(2) Certification of the ~~high impact Industrial business development~~ microgrid district is necessary to attract at least two businesses to locate or expand in this state;

(3) The area to be certified as a ~~high impact Industrial business development~~ microgrid district shall be no greater than 2,250 acres and nearly contiguous ~~and must be located on land sold or leased by the state, its agencies, or political subdivisions as defined in §29-12A-3(c) of this code with a purpose of creating a high impact Industrial business development district or on land that has been previously used for coal mining operations in the state;~~ and

(4) The electricity generated ~~from renewable sources~~ within the microgrid district will be used only within the microgrid district or delivered to the wholesale market-;

(5) The information described in §5B-2-21(h) of this code has been provided to the Department of Commerce;

(6) The requirements of §5B-2-21(i) of this code have been satisfied; and

(7) The requirements of §5B-2-21(b)(5) and (6) of this code may not apply to microgrid districts certified on or before January 1, 2024.

(8) The requirements of subsections (d), (e), (g), (h), and (i) of this section enacted during the regular session of the Legislature, 2025, shall not apply to any microgrid district certified on or before January 1, 2024, or any special contract entered into and approved by the Public Service Commission on or before January 1, 2025. No amendments to this section enacted during the regular session of the Legislature, 2025, shall be interpreted to remove an existing microgrid district certification.

The Secretary of the Department of ~~Economic Development~~ Commerce may not certify more than two high impact Industrial business development microgrid districts: Provided, That this limit on certifying microgrid districts shall not apply to any microgrid district wherein greater than 70% of the electricity generated within the microgrid district is consumed by one or more high impact data centers, as defined in §11-6N-2 of this code, or will be consumed by one or more high impact data centers, when such data centers are completed and fully operational. A designation made pursuant to this section by the secretary as to the certification of a high impact Industrial business development microgrid district is final.

(c) Providing electric service within a certified high impact Industrial business development microgrid district.—Within a high impact Industrial business development microgrid district, any person, firm, corporation, or entity or their lessees and tenants seeking to provide electric service through the generation or distribution of renewable sources electricity from within the high impact Industrial business development microgrid district of electricity to businesses locating within the certified high impact Industrial business development microgrid district may:

(1) Not be subject to the jurisdiction of the Public Service Commission with respect to rates, obtaining a certificate of convenience and necessity, conditions of service or complaints pursuant to chapter 24 of this code;

(2) Not be subject to the net metering and interconnection standards as set forth in §24-2F-8 of this code;

(3) Elect to qualify as an exempt wholesale generator under federal law for purposes of furnishing electric service through the generation of ~~renewable sources~~ electricity to a utility or regional transmission organization without being subject to the Public Service Commission's siting certificate requirements as set forth in §24-2-1(d), §24-2-11c, or §24-2-1o of this code;

(4) Provide any such electric service to businesses making a capital investment in a new or expanded ~~Industrial~~ facility located within the certified ~~high impact Industrial business development~~ microgrid district; and

(5) Not provide any such electric service for purposes of encouraging businesses already receiving electric service from a regulated utility in this state to relocate to the certified ~~high impact Industrial business development~~ microgrid district; and

(6) Not deliver outside the microgrid district more than 10% of the electricity generated within the certified microgrid district and only delivered to the wholesale market.

(d) ~~Eligible electric retail~~ Microgrid customers; eligibility.—In order to take advantage of the provisions of this section, ~~Industrial a~~ plant or facility choosing to locate and operate within a ~~high impact Industrial business development~~ microgrid district must constitute new electric ~~generating~~ load. Any owner, lessee, or tenant of ~~an Industrial a~~ plant or facility that has not previously received electric service from a regulated public electric utility located within this state, or who is making a capital investment in a new ~~Industrial~~ facility within the microgrid district shall be considered eligible new electric ~~generating~~ load. Electric service to any such ~~Industrial~~ plant or facility shall be considered new electric ~~generating~~ load so long as any customer making a new capital investment within the microgrid district does not decrease the load of an existing facility outside the microgrid district in this state in conjunction with the new capital investment within the microgrid district, and regardless of whether or not a person or entity previously received service from a public electric utility at or near the same location prior to the certification of the ~~high impact Industrial business development~~ microgrid district.

An eligible ~~Industrial~~ plant or facility choosing to locate and operate within a ~~high impact Industrial business development~~ microgrid district is not required to connect with and use any public electric utility: ~~Provided, That any plant or facility choosing to do so may participate in net metering with a public electric utility without being subject to the net metering and interconnection standards set forth in §24-2F-8 of this code: Provided, however,~~ That any such connection with and use of a public electric utility for purposes of the initial construction and development within the ~~high impact Industrial business development~~ microgrid district shall not impact ~~Industrial a~~ plant or facility's status as new electric ~~generating~~ load in order to take advantage of the provisions of this section.

(e) ~~Special rates~~ Microgrid customers; Special contracts and rates. —In furtherance of the creation of a ~~high impact Industrial business development~~ district, ~~After certification of a microgrid district,~~ the Public Service Commission may approve special ~~electric utility rates~~ contracts for an ~~eligible retail electric a~~ microgrid customer within the ~~high impact Industrial business development~~ microgrid district. For purposes of this section, a "special contract" is:

(1) a written agreement between an electric utility and an eligible retail electric microgrid customer within the microgrid district that is filed with the Public Service Commission and that provides that an eligible retail electric microgrid customer will receive utility service on terms and conditions, including rates, that vary from the utility's tariff on file with the Public Service Commission, or

(2) electric utility service terms and conditions, including rates, ordered by the Public Service Commission that vary from the electric utility's tariff to be in effect between a utility and an eligible retail electric microgrid customer when the electric utility and the eligible retail electric microgrid customer are unable to negotiate a written agreement.

~~An eligible retail electric~~ A microgrid customer seeking to apply for a special ~~rate~~ contract shall first enter into negotiations with the utility ~~that provides it with electric power,~~ within whose service territory the microgrid district is located regarding the terms and conditions of a mutually agreeable special ~~rate~~ contract. If the negotiations result in an agreement between the ~~eligible retail electric~~ microgrid customer and the utility within 120 days, the ~~eligible retail electric customer~~ microgrid customer and the utility shall ~~make a joint filing~~ jointly file with the Public Service Commission seeking approval of the proposed special ~~rate~~ contract. If the negotiations are unsuccessful in the

120-day period, the eligible retail electric microgrid customer may file a petition with the Public Service Commission to consider establishing a special rate contract. The Public Service Commission shall have the authority to establish a special rate upon the filing of either a joint filing or a petition pursuant to this section. The Public Service Commission shall consider all relevant factors in establishing a special contract. Upon the filing of a petition pursuant to this section, the Public Service Commission shall establish a special contract for the provision of requested service, including backup and supplemental service to a microgrid customer within the microgrid district. Microgrid customers' load within the microgrid district not covered by a contract for back up and supplemental service shall be considered non-firm and interruptible. The Public Service Commission shall establish a special contract upon the filing of a petition pursuant to this section and shall do so within 90 days of filing.

(f) The provisions of this section shall expire on June 30, 2028: *Provided*, That the expiration of this section shall not affect any high impact Industrial business development district previously approved by the secretary *Electrical infrastructure costs*.—Regulated electric utility customers shall not bear any costs including, but not limited to, construction, operational, ancillary services, grid-related, energy-related, or capacity-related costs, associated with any electricity generation, transmission or distribution facilities that provide electrical service to a microgrid district. Any costs of this nature are to be borne by the generator or electricity consumers situated within the microgrid district.

(g)(1) *Payment In Lieu Of Taxes Electricity Generation and Distribution*—Notwithstanding the provisions of §5D-1-14, §7-5-13, §7-11B-3(b), §7-11B-8(c)(4), §7-11B-15(a)(7), §7-11B-15(a)(15), §7-11B-18, §8-19-4, §8-29A-7, §8A-12-12, §11-13-2p, §11-13C-5(l)(1)(A), §16-13A-21, §16-15-18(b)(6), §17-16A-16(b), §17-16B-20(b), §18-9A-12(c), § 31-21-5, and §31-21-15 of this code, or any other provision of this code, no payment in lieu of taxes shall be entered into with relation to the property of any electricity generating plant, facility, or generating unit or any property comprising, in whole or in part, any electricity distribution apparatus, equipment, lines or facilities (A) located in the county and (B) directly or indirectly dedicated to providing electric power to any plant, facility or property subject to this subsection. Nor shall any payment in lieu of taxes be entered into with relation to any leasehold interest or any other property interest related thereto.

(2) *Tax Increment Financing*—Notwithstanding the provisions of §7-11B-1 *et seq.* of this code, or any other provision of this code, no tax increment financing project, plan or arrangement shall be entered into or undertaken with relation to any electricity generation or distribution property subject to this subsection.

(3) For purposes of this subsection, an electricity generating plant, facility, or generating unit or electricity distribution apparatus, equipment, lines, or facilities shall be deemed to be "dedicated" to providing electric power to any plant, facility, or property subject to this subsection if not less than 75% of the output of the electricity generation property or electricity distribution property, measured in kilowatt hours, are used to supply electricity to a facility, project, or series of related or integrated facilities within the county or counties subject to this subsection.

(4) For purposes of this section, property includes all real property, all buildings and structures affixed to land, and all tangible personal property, including, but not limited to equipment, inventories and mobile equipment, and also including property subject to special salvage valuation under §11-6A-1 *et seq.*, §11-6E-1 *et seq.*, §11-6H-1 *et seq.*, §11-6J-1 *et seq.*, §11-6F-1 *et seq.*, and §11-6L-1 *et seq.* of this code, or any other special *ad valorem* property valuation provision of this code; *Provided*, That property subject to special valuation shall be allowed that special valuation as authorized by law, for purposes of calculating and determining the *ad valorem*

property tax imposed with relation thereto, notwithstanding being otherwise subject to the provisions of this section.

(h) *Microgrid District Development; Letters of Intent* — To become a certified microgrid district under this section, the person or entity must present the Secretary of the Department of Commerce with a confidential letter of intent. The letter of intent shall include sufficient economic, financial, and engineering information concerning the proposed project with sufficient detail to adequately inform the department of the size, scope, and nature of the target customers of the project, including, without limitation, the approximate proposed acreage and location, estimated capital investment, evidence of financial capacity, estimated project completion date, major project milestones, estimated generation capacity, estimated power loading internal to the microgrid, estimated power, including backup power, needed from the local distribution electric utility, estimated power supplied to the wholesale market, and the types or sources of each electric power generation unit. The letter of intent and all supplied information shall be held in confidence pursuant to §5B-2-21a(e) of this code by the department.

(i) *Microgrid District Development; Notice Period and Negotiation* — At least 120 days before submitting a letter of intent and other materials to the department, an applicant seeking a microgrid district certification must make good faith efforts to negotiate for the supply of all or part of its electricity needs for the project from the local distribution electric utility. The letter of intent must also include documentation evidencing the good faith efforts to negotiate. This time-period limitation and negotiation requirement does not apply to microgrid districts proposing to produce 300 megawatts or more of electricity or for microgrid districts that are proposing to not be connected in any way to the local distribution electric utility after completion of all construction.

(j) *Microgrid District Development; Special Contracts and Power Rates* — (1) A certified microgrid district seeking to apply for a special contract from a local distribution electric utility located in the state shall first enter negotiations for not more than 120 days with the local distribution utility regarding the terms and conditions of a special contract. The microgrid district shall provide reasonable access and terms to the local distribution utility to enable the electric utility's transmission and/or distribution facilities to tie into those of the microgrid district. The 120-day negotiation period required by this section may be satisfied by the precertification negotiation period required by §5B-2-21(i) of this code.

(2) If the negotiations result in a mutually agreeable special contract, the contracting parties shall jointly file the special contract pursuant to the rules of the commission.

(3) If negotiations for a special contract with the local distribution utility are unsuccessful, a certified microgrid district may file a petition with the commission to establish a special contract.

(4) The commission shall establish a special contract upon the filing of a petition pursuant to this section. The Public Service Commission shall consider all relevant factors in establishing special contracts. The Public Service Commission shall establish a special rate for the requested service, including backup and supplemental service to a microgrid district. The microgrid district's load not covered by a contract shall be considered non-firm and interruptible. The commission shall issue a final order determining the terms of a special contract within 90 days of filing of a petition.

§5B-2-21a. Data Centers.

(a) *Findings and purpose.*—The Legislature hereby finds and declares the following:

(1) Data centers represent a significant and growing sector of the economy, generating substantial economic activity, including jobs, infrastructure investments, and technological innovation.

(2) Data centers are critical national infrastructure that require abundant, low-cost energy to protect sensitive data, operate high-level computation assets, and ensure the resilience of the digital economy.

(3) The People's Republic of China is positioning itself to be the global leader of data centers and is investing in technology to encourage the flow of data toward China instead of toward the United States.

(4) It is in the United States' national security interests to limit the flow of data to China and to protect the flow of data and maximize computational power inside the United States. The President has declared that it is the policy of the United States "to sustain and enhance America's global AI dominance in order to promote human flourishing, economic competitiveness and national security." Removing Barriers to American Leadership in Artificial Intelligence, Executive Order 14179 (Jan 23, 2025).

(5) As of early 2025, the highest concentration of high-level computational power and data centers in the world is located in Loudoun County, Virginia. This severe concentration of data centers in one location is a national security vulnerability because it invites the potential for cyberattacks and espionage against the Nation's critical data infrastructure.

(6) Data centers have historically obtained their electricity from the electric grid. Some data center developers now seek or require the use of microgrids to provide their primary and backup power.

(7) West Virginia is strategically positioned as the best location in the United States to place data centers due to: (A) its close proximity to Washington, D.C., and the federal government; (B) its close proximity to the majority of the Nation's population; (C) its low tax rates; (D) it having the least restrictive regulatory environment in the Nation; (E) its supply of abundant energy and natural resources to power the data centers; (F) its supply of resources, such as coal mine methane blended with natural gas, to assist data centers locating in West Virginia to meet their energy needs and environmental goals; and (G) its skilled and loyal workforce that has some of the lowest turnover rates in the Nation.

As such, the state has a significant interest in encouraging the development and expansion of data centers, which can serve as drivers of broader economic growth. The Legislature finds that these externalities transcend local borders, including environmental concerns, energy consumption, and regional economic growth. Additionally, the provisions in this section align with the Legislature's goal of fostering a competitive, forward-thinking economy that benefits all residents.

(b) *Program established.*—The High Impact Data Center Program is hereby created and is to be administered as a program within the Division of Economic Development to encourage the continued development, construction, operation, maintenance, and expansion in West Virginia of high impact data centers. In order to effectuate the purposes of this section, the Division of Economic Development, or any agency, division, or subdivision thereof, may promulgate legislative rules, including emergency rules, in accordance with §29A-3-1 *et seq.* of this code.

(c) Notification.—Any data center shall compare its current or planned operations against the definition of "high impact data center" established in §11-6N-2 of this code and provide notification to the Division of Economic Development when the data center becomes aware that it will satisfy or has satisfied that definition. The notification will include information addressing the elements of that definition, including known or expected power consumption of the data center. This notification shall be made (1) within 30 days after the data center determines that it meets these requirements, or (2) when the data center reasonably anticipates that it will, at some future date, meet these requirements, in which case the data center may provide that anticipated future date in its notification.

(d) Certification.—The Secretary of the Department of Commerce shall identify and certify high impact data centers in this state upon a finding that a data center satisfies the requirements for the definition of "high impact data center" set forth in §11-6N-2 of this code. The Secretary shall issue confirmation of certification to a high impact data center within 14 days following receipt of the notification from the data center required by this section.

(e) Recordkeeping.—Any information provided by a data center pursuant to this section that is identified by the data center as confidential business information shall be exempt from the Freedom of Information Act. The Secretary shall take reasonable and appropriate steps to protect this information. Notwithstanding the foregoing, the Secretary shall maintain a complete list of all certified high impact data centers and all relevant information that can be made available to the Governor and Legislature, removing specifically identifying information to ensure confidentiality of any such information as identified by any high impact data center.

§5B-2-21b. Authority to assist certified microgrid district projects and certified high impact data center projects; legislative findings.

(a) Findings and purpose.—The Legislature hereby finds and declares the following:

(1) The findings and purpose set forth in §5B-2-21a(a) (2025), except to the extent expressly modified herein, are hereby incorporated herein by reference with the same force and effect as though fully set forth herein.

(2) It is in the best interests of the state to induce and assist in development of these projects, in order to advance the public purposes of relieving unemployment by preserving and creating jobs, and preserving and creating new and greater sources of revenue for the support of public services provided by the state and local government.

(3) It is the intent of the Legislature to occupy the whole field of the creation and regulation of certified microgrid districts and certified high impact data centers. The stated purpose of this section is to promote uniform and consistent application of the act within the state.

(b) The Department of Commerce shall assist projects developing or operating a certified microgrid district pursuant to §5B-2-21 of this code or a certified high impact data center pursuant to §5B-2-21a of this code. The Secretary of Commerce shall designate one of their personnel as "Data Economy Liaison" to serve as a single point-of-contact for certified microgrid districts and high impact data centers to assist coordinate and expedite their development and operation, including, but not limited to site selection and permitting. A "certified microgrid district" is a microgrid project, regardless of stage of development or operation, that has been certified by the Secretary of the Department of Commerce as set forth in §5B-2-21 of this code. A "certified high impact data center" is a data center project, regardless of stage of development or operation, that

has been certified by the Secretary of the Department of Commerce as set forth in §5B-2-21a of this code.

(c) This section prohibits:

(1) Counties and municipalities, whether by ordinance, resolution, administrative act, or otherwise, from enacting, adopting, implementing, or enforcing ordinances, regulations, or rules which limit, in any way, the creation of, and acquisition, construction, equipping, development, expansion, and operation of any certified microgrid district or certified high impact data center project; and

(2) Counties and municipalities from imposing or enforcing local laws and ordinances concerning the creation or regulation of any certified microgrid district or certified high impact data center therein.

(d) In accordance with §5B-2-21(b) and §5B-2-21(c) of this code, and notwithstanding any provision of this code to the contrary, or any municipality's home rule powers with respect to ordinances and ordinance procedures, including any authority pursuant to the Municipal Home Rule Program under §8-1-5a of this code, certified microgrid districts and certified high impact data centers may not be subject to the following:

(1) County or municipal zoning, horticultural, noise, viewshed, lighting, development, or land use ordinances, restrictions, limitations, or approvals;

(2) County or municipal building permitting, inspection, or code enforcement;

(3) County or municipal license requirements;

(4) The legal jurisdiction of the county or municipality in which the certified microgrid district or certified high impact data center is entirely or partially located, except as specifically provided in this article;

(5) Any requirement under state law for the consent or approval of the municipality in which a certified microgrid district or certified high impact data center is entirely or partially located of any state or county action pursuant to this code, specifically including, but not limited to, §7-11B-1 *et seq.* of this code, for formal consent of the governing body of a municipality for county or state action regarding the establishment of tax increment financing development or redevelopment districts or the approval of tax increment financing development or redevelopment plans.

(e) Notwithstanding the creation of a certified microgrid district or a certified high impact data center, the owner, operator, or manager, as applicable, and all tenants, lessees or licensees thereof, of a certified microgrid district or a certified high impact data center shall:

(1) Pay business and occupation tax, if applicable, pursuant to §8-13-5 of this code, to the municipality in the same manner as any other business or commercial venture located within the municipality;

(2) Collect and remit municipal sales and service tax and municipal use tax, if applicable, pursuant to §8-1-5a, §8-13C-4, and §8-13C-5 of this code, to the municipality in the same manner as any other business or commercial venture located within the municipality;

(3) Pay ad valorem real and personal property tax pursuant to the same millage rates as any other business or commercial venture located within the county and municipality;

(4) Pay all municipal service fees enacted pursuant to §8-13-13 of this code, including, but not limited to, fire, police, sanitation, or city service fees;

(5) Pay all utility rates, fees, and charges for utilities used or consumed during construction and operation of premises within the certified microgrid district or certified high impact data center, including, but not limited to, water, sewer, stormwater, and garbage and recycling collection: *Provided*, That (A) The rates, fees, and charges for such services shall be based on the cost of providing such service and the utility shall enter into a contract under the rules of the Public Service Commission for each such service with the developer and file the special contract with the Public Service Commission; and (B) the developer shall only be required to pay any capacity improvement fee or impact fee to the extent that capital additions, betterments, and improvements must be designed, acquired, constructed, and equipped by the utility to provide such service to the project; Utility customers outside of the microgrid district shall not bear any construction or operational costs associated with any new utility property built solely to provide service within a microgrid district;

(6) Be entitled to municipal police protection and municipal fire protection, if available, in the same manner as any other business or commercial venture located within the municipality; and

(7) Design, acquire, construct, and equip the certified microgrid district or certified data center pursuant to the State Building Code in accordance with §8-12-13 of this code and the corresponding State Rule 87 CSR 4.

(f) The Department of Commerce, Department of Environmental Protection, and Department of Transportation may take actions necessary in support of the development of any certified microgrid district or certified data center, including, but not limited to, the development or improvement of such highways, roads, thoroughfares, and sidewalks within any county or municipality in which the certified microgrid district or certified data center is partially or entirely located.

(g) In order to effectuate the purposes of this section, the Department of Commerce, or any agency, division, or subdivision thereof, may promulgate legislative rules, including emergency rules, in accordance with §29A-3-1 *et seq.* of this code.

ARTICLE 2N. GRID STABILIZATION AND SECURITY ACT OF 2023.

§5B-2N-2a. Creating the Electric Grid Stabilization and Security Fund.

(a) The Electric Grid Stabilization and Security Fund is hereby created. The fund shall be administered by the Department of Commerce and shall consist of all moneys made available for the purposes and from the sources set forth in this section of the code.

(b) The fund consists of moneys received from the following sources:

(1) All moneys received pursuant to §11-6N-4(b)(4)(C) of this code;

(2) All appropriations provided by the Legislature;

(3) Any moneys available from external sources; and

(4) All interest and other income earned from investment of moneys in the fund.

(c) The Department of Commerce shall use moneys in the fund to provide support for electric grid stabilization for regulated utilities and grid security, including development, efficiency, and environmental upgrades, but not decommissioning and replacement of existing facilities; maintenance of utility owned and operated coal and natural gas electric generation, regardless of unit or plant ownership by different regulatory jurisdictions; and transmission resources which solely serve West Virginia rate payers.

(d) Any balance, including accrued interest and any other returns, in the Electric Grid Stabilization and Security Fund at the end of each fiscal year may not expire to the General Revenue Fund but remain in the fund and be expended for the purposes provided by this section.

(e) Fund balances may be invested with the state's Consolidated Investment Fund. Earnings on the investments shall be used solely for the purposes defined in §5B-2-16(c) of this code.

(f) In order to effectuate the purposes of this section, the Department of Commerce may promulgate legislative rules, including emergency rules, in accordance with §29A-3-1 *et seq.* of this code.

CHAPTER 11. TAXATION.

ARTICLE 6N. SPECIAL METHOD FOR VALUATION OF CERTAIN HIGH-TECHNOLOGY PROPERTY.

§11-6N-1. Legislative findings and purpose.

The Legislature hereby finds and declares the following:

The findings and purpose set forth in §5B-2-21a(a) (2025) (except to the extent expressly modified herein) are hereby incorporated herein by reference with the same force and effect as though fully set forth herein.

§11-6N-2. Definitions.

(a) *General*—When used in this article, words defined in §11-6N-2(b) of this code have the meanings ascribed to them in this section, except in those instances where a different meaning is provided in this article or the context in which the word is used clearly indicates that a different meaning is intended by the Legislature.

(b) *Definitions*—For purposes of this section, the following terms shall mean:

(1) "Affiliated group" means one or more chains of corporations, limited liability entities, or partnerships, or any combination thereof, connected through the ownership of stock or ownership interests with a common parent which is a corporation, limited liability entity, or partnership, but only if the common parent owns directly, or indirectly, a controlling interest in each of the members of the group.

(2) "Base assessed value" means the taxable assessed value of all data center property of a high impact data center as shown upon the landbooks and personal property books of the assessor on July 1 of the calendar year preceding certification as a high impact data center.

(3) "Current assessed value" means the annual taxable assessed value of all data center property of a high impact data center as shown upon the landbook and personal property records of the assessor.

(4) "Critical IT load" means that portion of electric power capacity, expressed in terms of megawatts, which is reserved solely for owners or tenants of a data center to operate their computer server and required supporting equipment.

(5) "Data center property" means property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software, including any replacements, updates and new versions, and upgrades to or for such property, regardless of whether the property is a fixture or is otherwise affixed to or incorporated into real property.

(6) "High Impact Data Center" means a facility or group of facilities that:

(A) Consists of one or more parcels in this state, along with the buildings, substations and other infrastructure, fixtures, and personal property located on the parcels;

(B) Is owned, operated, or leased by an entity or affiliated group of entities;

(C) Is used to house and operate equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data; or that is necessary for the proper operation of equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data;

(D) Has a critical IT load in the aggregate of 90 megawatts total or higher; and

(E) Is placed into service on or after July 1, 2025.

(7) "Incremental value", for any high impact data center, means the difference between the base assessed value and the current assessed value. The incremental value will be positive if the current value exceeds the base value, and the incremental value will be negative if the current value is less than the base assessed value.

(8) "Microgrid power generator" includes any entity supplying power under the rules provided in §5B-2-21 of this code to a high impact data center.

(9) "Microgrid power generator property" means and includes any and all property used by microgrid power generator within a certified microgrid district.

(10) "Situs county" means the county or counties in which any High Impact Data Center property subject to tax is located, in relative proportion to the amount of data center property located therein.

(11) "Tax increment" means the amount of regular levy property taxes attributable to the amount by which the current assessed value of real and tangible personal property that is data center property of a high impact data center exceeds the base assessed value of the property.

§11-6N-3. Returns of property of high impact data centers to Board of Public Works.

(a) On or before May 1 in each year, a return in writing shall be filed with the Board of Public Works: By the owner or operator of any company holding data center property of a high impact data center or a microgrid power generator supplying microgrid power to a high impact data center.

(b) The words "owner or operator," as applied herein to high impact data centers, shall include any owner or operator of a high impact data center or microgrid power generator.

(c) The return shall be signed and sworn to by the owner or operator if a natural person, or, if the owner or operator shall be a corporation, shall be signed and sworn to by its president, vice president, secretary, or principal accounting officer.

(d) The return required by this section of every owner or operator shall cover the year ending on December 31, next preceding, and shall be made on forms prescribed by the Board of Public Works, which board is hereby invested with full power and authority and it is hereby made its duty to prescribe the forms required from any owner or operator herein mentioned information as in the judgment of the board may be of use to it in determining the true and actual value of the properties of the owners or operators.

(e) Except for the special rules for tax distribution provided in §11-6N-4 of this code, the provisions of this article are subject to the Assessment of Public Service Businesses, set forth in §11-6-1, *et seq.* of this code, as if the provisions thereof were set forth in extenso in this article.

§11-6N-4. Special Rules for Tax Distribution of High Impact Data Centers.

(a) On and after July 1, 2025, any property subject to valuation under §11-6N-3 of this code shall be subject to the rules on tax distribution provided under this section.

(b) The State Auditor shall maintain a separate and discrete accounting of each High Impact Data Center project regarding tax distribution provided in this section and any distribution to which a county is entitled as provided by this section shall be distributed directly to the situs county for each project.

(c) *Ad Valorem* Property Tax Distribution—The provisions of this subsection are applicable to all data center property of a high impact data center upon certification as a high impact data center per §11-6N-2 of this code.

(1) For so long as the high impact data center exists, the State Auditor shall divide the *ad valorem* property tax revenue collected, with respect to taxable data center property of a high impact data center as follows:

(A) The amount of *ad valorem* property tax revenue that should be generated by multiplying the assessed value of the property for the then current tax year by the aggregate of applicable levy rates for the tax year;

(B) The amount of *ad valorem* property tax revenue that should be generated by multiplying the base assessed value of the property by the applicable regular ad valorem levy rates for the tax year;

(C) The amount of *ad valorem* tax revenue that should be generated by multiplying the base assessed value of the property for the current tax year by the applicable levy rates for general obligation bond debt service for the tax year;

(D) The amount of *ad valorem* property tax revenue that should be generated by multiplying the current assessed value of the property for the current tax year by the applicable excess levy rates for the tax year; and

(E) The amount of *ad valorem* property tax revenue that should be generated by multiplying the incremental value by the applicable regular levy rates for the tax year.

(2) The State Auditor shall determine from the calculations set forth in subdivision (1) of this subsection the percentage share of total *ad valorem* revenue for each levying body according to paragraphs (B) through (D), inclusive, of said subdivision by dividing each of such amounts by the total *ad valorem* revenue figure determined by the calculation in paragraph (A) of said subdivision; and

(3) On each date on which *ad valorem* tax revenue is to be distributed to the levying bodies, such revenue shall be distributed by:

(A) Applying the percentage share determined according to paragraph (B), subdivision (1) of this subsection to the revenues received and distributing such share to the levying bodies entitled to such distribution pursuant to current law;

(B) Applying the percentage share determined according to paragraph (C), subdivision (1) of this subsection to the revenues received and distributing such share to the levying bodies entitled to such distribution by reason of having general obligation bonds outstanding;

(C) Applying the percentage share determined according to paragraph (D), subdivision (1) of this subsection to the revenues received and distributing such share to the levying bodies entitled to such distribution by reason of having excess levies in effect for the tax year; and

(D) Applying the percentage share determined according to paragraph (E), subdivision (1) of this subsection to the revenues received and distributing such share to a fund dedicated at the time of construction of a high impact data center.

(4) In each year for which there is a positive tax increment, the State Auditor shall remit that portion of the *ad valorem* property taxes collected that consists of the tax increment and shall be distributed as follows:

(A) 50 percent of the increment shall be placed in the Personal Income Tax Reduction Fund provided in §11B-2-33 of this code;

(B) 30 percent of the increment to the situs county as defined in this article;

(C) 10 percent of the increment to all counties on a per capita basis according to the most recent census;

(D) 5 percent of the increment shall be placed Economic Enhancement Grant Fund administered by the Water Development Authority provided in §22C-1-6a; and

(E) 5 percent of the increment shall be placed in the Electric Grid Stabilization and Security Fund provided in §5B-2N-2a.

(5)(A) *Payment In Lieu Of Taxes, Increment Property*—Notwithstanding the provisions of §5D-1-14, §7-5-13, §7-11B-3(b), §7-11B-8(c)(4), §7-11B-15(a)(7), §7-11B-15(a)(15), §7-11B-18, §8-19-4, §8-29A-7, §8A-12-12, §11-13-2p, §11-13C-5(l)(1)(A), §16-13A-21, §16-15-18(b)(6), §17-16A-16(b), §17-16B-20(b), §18-9A-12(c), §31-21-5, and §31-21-15 of this code, or any other provision of this code, no payment in lieu of taxes shall be entered into with relation to any property subject to this section or any leasehold interest related thereto, or any other property interest related thereto.

(B) *Tax Increment Financing, Increment Property*—Notwithstanding the provisions of §7-11B-1 *et seq.* of this code, or any other provision of this code, no tax increment financing project, plan or arrangement shall be entered into or undertaken with relation to any property subject to this section.

§11-6N-5. Termination.

The provisions of this article shall sunset, expire, and be of no force and effect on or after December 31, 2055.

CHAPTER 11B. DEPARTMENT OF REVENUE

ARTICLE 2. STATE BUDGET OFFICE.

§11B-2-33. Personal Income Tax Reduction Fund.

(a) The personal income tax reduction fund is hereby established. The personal income tax reduction fund shall be funded continuously and on a revolving basis in accordance with this section, with all interest or other earnings on the moneys therein credited to the fund. The personal income tax reduction fund shall be funded as provided in §11-6N-4(b)(4) of this code. Moneys in the personal income tax reduction fund may be expended solely for the purposes set forth in this section.

(b) Notwithstanding any other provision of this code to the contrary, on or before the last day of any fiscal year, the net proceeds of the personal income tax reduction fund will be certified and included as a portion of adjusted general revenue fund collections under the provisions of §11-21-4h of this code for that fiscal year.

(c) Not later than 60 days following the certification, the Secretary of Revenue shall transfer the certified amount determined in subsection (b) of this section to the general revenue fund. The amounts transferred will not be included as a portion of adjusted general revenue fund collections under the provisions of §11-21-4h of this code for the fiscal year in which the money is transferred.

(d) The moneys in the income tax reduction fund shall be made available to the West Virginia Board of Treasury Investments and to the West Virginia Investment Management Board for management and investment of the moneys in accordance with the provisions of §12-6C-1 *et seq.* of this code in such amounts as may be directed in the discretion of the Secretary of Revenue.

Any balance of the income tax reduction fund, including accrued interest and other return earned thereon at the end of any fiscal year, shall not revert to the General Fund but shall remain in the income tax reduction fund for the purposes set forth in this section.

(e) Termination – Upon the certification of a reduction in the personal income tax under the provisions of §11-21-4h of this code that results in the elimination of the personal income tax, or if the personal income tax provided for under §11-21-1 et seq. is eliminated by separate enactment of the Legislature, this fund will be thereby eliminated and any monies dedicated thereto shall be dedicated to the general revenue of the state.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-1d. Future electric generating capacity requirements.

(a) In order to maximize the use of electricity generated within the state by using coal or natural gas produced within the state, the Public Service Commission shall by order, no later than December 31, 1989, establish the schedule and amount of future electric generating capacity additions required by each West Virginia electric utility, for the next ten years, taking into account: (i) Projected load growth; (ii) existing generating capacity; (iii) existing contractual commitments to sell or purchase capacity; (iv) planned retirement and life extensions of existing capacity; (v) planned construction of capacity; (vi) availability of capacity from generating units of affiliated companies; (vii) capacity factors for existing generation; and ~~(vii)~~ (viii) such other reasonable factors as the commission may deem relevant and appropriate to consider. For purposes of this section, "capacity factor" shall mean the ratio of the actual energy produced by a power plant over a specific period to the maximum possible energy it could have produced if running at full capacity during that same period.

(b) If the commission determines after considering all such named and other relevant and appropriate factors that a utility will be required to purchase electric generating capacity beyond those agreements approved by the Federal Energy Regulatory Commission or the West Virginia Public Service Commission in order to serve its West Virginia customers, the amount of such required additional purchased capacity so identified by the commission will for purposes of this section be referred to as the utility's "projected deficient capacity": *Provided*, That this subsection shall not include power generating facilities whose total production of electricity is sold outside the State of West Virginia.

(c) In the interests of: Keeping utility rates of residential customers as low as possible; keeping utility rates for commercial and industrial customers competitive with those of other states; attracting new industry for which electric power costs are a major factor in location determinations; and of not placing any greater cost burden on government than is absolutely necessary for its electric power needs, each utility shall acquire, if reasonable, its projected deficient capacity from electric generation situated in West Virginia which burns coal or gas produced in West Virginia and which will provide the most reliable supply of capacity and energy at the least cost to those customers of the utility who will be served by such electric generation: *Provided*, That all power purchase contracts executed prior to the effective date of this section which satisfy the following requirements, regardless of location, shall be considered, for the purposes of this subsection, as electric generation situated in West Virginia: (1) Said contracts were negotiated in accordance with procedures and priced according to methodologies of other contracts which the commission has ordered approved; (2) said contracts either guarantee or are substantially amended to

guarantee for the life of the contract the use of an amount of West Virginia fuel which equals or exceeds the amount which would be required, on a percentage of output basis, to produce the amount of electric power to be consumed in West Virginia; and (3) said contracts meet the requirements for a qualifying facility established by the Federal Energy Regulatory Commission pursuant to the Public Utility Regulatory Policies Act of 1978.

(d) The commission shall evaluate each capacity auction conducted by PJM Interconnection, LLC, or its successor and, to the maximum extent permitted by law, encourage the coordination of the voluntary participation of every electric generating unit in the state in each capacity auction for the benefit of ratepayers in the state.

(e) In order to ensure the state's existing generating units can continue to meet future generation needs, the commission shall conduct a review of each generating unit's current consumer economic dispatch. Factors to be considered by the commission in reviewing consumer economic dispatch shall include, but not be limited to: (1) current capacity factors; (2) management of fuel supplies and contracts; (3) overall plant operation and maintenance; (4) placement of bids in the PJM Interconnection, LLC, or its successor's day-ahead and real-time energy markets; (5) utilization of the PJM Interconnection, LLC, or its successor's Reliability Pricing Model (RPM) or Fixed Resource Requirement (FRR); and (6) the utilization of automatic adjustment clauses, price indexes, or fuel adjustment clauses by the utilities. For purposes of this section, "consumer economic dispatch" shall mean the process of operating generation facilities to produce electricity at the lowest cost while reliably meeting consumer demand, considering the operational limits of generation and transmission facilities.

(f) Electric utilities shall be prepared to maximize the production of electricity from their generating units when such self-generation will result in reduced energy costs for West Virginia ratepayers. The commission shall require the utilities to maintain their thermal baseload generating units in a manner to allow them to be able to self-generate and achieve at least a sixty-nine percent capacity factor. Nothing herein shall require a utility to operate a generating unit at a sixty-nine percent capacity if doing so will cause an increase in the charge or charges for electric energy over and above the established and published tariff, rate, joint rate, charge, toll or schedule. The commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to carry out its duties and obligations as set forth herein.

§24-2-1q. Base fuel coal supply requirements for electric grid resiliency.

Any coal-fired power plant owned by a public electric utility as of the effective date of this section shall, Recognizing that coal inventories at coal-fired power plants may increase and decrease over time, in order to ensure grid resiliency and homeland security, each generating public utility shall plan incoming and outgoing coal so as to maintain a an average annual minimum 30-day aggregate coal supply on site at each coal-fired power plant under contract for the remainder of the life of those plants. The commission may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to carry out its duties and obligations as set forth herein.

§24-2-15. Certain Automatic adjustment clauses, price indexes or fuel adjustment clauses prohibited.

The commission shall not enforce, originate, continue, establish, change or otherwise authorize or permit an increase in the charge or charges for electric energy over and above the

established and published tariff, rate, joint rate, charge, toll or schedule through as the result of any automatic adjustment clause, fuel supply price index, or fuel adjustment clause. Automatic adjustment clauses, fuel supply contract price indexes, or fuel adjustment clauses that do not create a net increase in the charge or charges for electric energy over and above the established and published tariff, rate, joint rate, charge, toll, or schedule shall be permitted by the commission. For purposes of this section, a "net increase" in the charge or charges for electric service shall mean that for the calendar year in which the automatic adjustment clause, fuel supply contract price index, or fuel adjustment clause is utilized, the average charge or charges for electric energy are higher than they would have been if the adjustment clause, fuel supply contract price index, or fuel adjustment clause were not utilized. The commission shall encourage the use of permitted automatic adjustment clauses, fuel supply contract price indexes, or fuel adjustment clauses as a means of increasing the generation of coal-fired power plants within the state. The Commission shall promulgate procedural rules governing the utilization of automatic adjustment clauses, fuel supply contract price indexes, and fuel adjustment clauses.

§24-2-19. Integrated Resource Planning Required.

(a) Not later than March 31, 2015, the Public Service Commission shall issue an order directing any electric utility that does not have an existing requirement approved by the Public Service Commission that provides for the future review of both supply side and demand side resources to develop an initial integrated resource plan to be filed not later than January 1, 2016, in conjunction with other similar deadlines required by other states or entities of the electric utilities. This order may include guidelines for developing an integrated resource plan.

(b)(1) Any electric utility that has an existing requirement approved by the Public Service Commission that provides for the future review of both supply side and demand side resources is exempt from this initial integrated resource plan filing until such time as that existing requirement has been satisfied. Thereafter, such electric utility is required to file an integrated resource plan pursuant to §24-2-19(a) of this code.

(2) Each electric utility that has filed the initial integrated resource plan shall file an updated plan at least every five years after the initial integrated resource plan has been filed. Any electric utility that was exempt from filing an initial integrated resource plan shall file an integrated resource plan within five years of satisfying any existing requirement and at least every five years thereafter. All integrated resource plans shall comply with the provisions of any relevant order of the Public Service Commission establishing guidelines for the format and contents of updated and revised integrated resource plans.

(c) The Public Service Commission shall analyze and review an integrated resource plan. The Public Service Commission may request further information from the utility, as necessary. Nothing in this section affects the obligations of utilities to obtain otherwise applicable commission approvals.

(d) The Commission may consider both supply-side and demand-side resources when developing the requirements for the integrated resource plans. The plan shall compare projected peak demands with current and planned capacity resources in order to develop a portfolio of resources that represents a reasonable balance of cost and risk for the utility and its customers in meeting future demand for the provision of adequate and reliable service to its electric customers as specified by the Public Service Commission.

(e) The commission shall by order, entered no later than July 1, 2025, require all electric utilities operating in the state to supplement their existing integrated resource plans to include a detailed plant upgrade and maintenance plan, improvement compliance schedule, and cost estimate for ensuring the operation of each generating unit through their planned retirement date. The supplemental integrated resource plan shall also include an analysis of the action necessary to extend the life of each generating unit beyond their planned retirement date. Subject to notice and comment from interested parties, the commission may approve the supplemental integrated resource plan without modification or require modification of the supplemental plan before it is approved. The commission shall promulgate rules requiring the supplementation of integrated resource plans as required by this provision. The rules shall also provide a procedure for utilities to submit an independent evaluation of any modification required by the commission hereunder or to challenge such required modification.

§24-2-21a. Commission authority required when closing an electric generating plant and circumstances of closure in another jurisdiction.

(a) A public electric utility may not retire, abandon, close, or otherwise permanently render incapable of operating, any electric generating plant or unit without the prior consent and approval of the commission. No funds obtained from (1) the Grid Stabilization and Security Fund set forth in 5B-2N-2a, (2) an environmental control bond issued pursuant to 24-2-4e, (3) a consumer rate relief bond issued pursuant to 24-2-4f, (4) or a utility consumer rate relief bond issued pursuant to 24-2-4h shall be used by a public utility to retire, abandon, close, or otherwise permanently render incapable of operating, any electric generating plant or unit.

(b) If an electric utility serving customers in both West Virginia and in an area not subject to the jurisdiction of the commission is ordered to cease operations of a generating plant or unit by the regulating authority of the other jurisdiction and the costs of the plant or unit had been shared through an allocation process for rate making purposes and after a commission proceeding and determination that a generating plant or unit should continue to operate, then the utility shall recover all of the capital, operating and maintenance costs of the electric generation plant or unit from its West Virginia customers to the extent that such costs are no longer allocable to the other jurisdiction, and all of the associated capacity, energy, and environmental attributes shall be assigned to its customers and operations in West Virginia.;

And,

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

Eng. Com. Sub. for House Bill 2014—A Bill to amend and reenact §5B-2-21, §24-2-1d, §24-2-1q, §24-2-15, §24-2-19, and §24-2-21a of the Code of West Virginia, 1931, as amended; to amend the code by adding four new sections, designated §5B-2-21a, §5B-2-21b, §5B-2N-2a, and §11B-2-33, and to amend the code by adding a new article, designated §11-6N-1, §11-6N-2, §11-6N-3, §11-6N-4, and §11-6N-5, all relating to the generation and consumption of electric power; establishing the certified microgrid development program; providing for microgrid certification requirements; providing for microgrid electric service requirements; providing for microgrid customer eligibility; providing for microgrid special contracts; prohibiting microgrids from participating in Pilot and tax increment financing programs; defining microgrid property subject to property tax; providing for microgrid letter of intent, notice period and negotiation; providing for microgrid special contracts; establishing the high impact data center program; providing for notification, certification, and recordkeeping; authorizing certain agencies to assist certified microgrid districts and certified high impact data centers; prohibiting local jurisdiction regulation

of microgrid districts and high impact data centers; providing for payment of certain fees and taxes; providing for certain services to microgrid districts and certified high impact data centers; establishing the electric grid stabilization and security fund and its purpose; creating new article relating to special method for valuation of certain high technology property; defining terms; providing for microgrid districts and certified high impact data centers property returns to be filed with Board of Public Works; providing for special rules for tax distribution; establishing certain funds to receive distributions; terminating article; establishing the personal income tax reduction fund and providing for purpose; providing for additional duties of public service commission relating to future electric generating capacity, base fuel coal supply for electric grid resiliency, consumer rate relief bonds, and automatic adjustment clauses, price indexes, or fuel adjustment; providing for rulemaking; and providing that certain funds may not be used by a public utility to close or cease operations at an electric generating plant.

Senator Martin moved that the Senate concur in the House of Delegates amendments to the Senate amendments to the bill.

Following discussion,

The question being on the adoption of Senator Martin's aforesaid motion, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2014, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: Phillips—1.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2014) passed with its House of Delegates amended title.

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

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Phillips as to the passage of Engrossed Committee Substitute for House Bill 2014 were ordered printed in the Appendix to the Journal.

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

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, to take effect July 1, 2025, of

Eng. Com. Sub. for House Bill 2351, Relating to compensation for panel attorneys.

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

Eng. House Bill 2358, Relating to postmortem examinations.

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

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

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

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

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

Eng. House Bill 2575, Relating to the establishment of a full-time Dementia Services Director position.

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

Eng. Com. Sub. for House Bill 2718, Relating to creating a State Advisory Council on Establishing a Military College.

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

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

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

Eng. Com. Sub. for House Bill 3016, Photo voter ID.

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

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 3181, Allow all law enforcement officers to purchase gun upon retirement.

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

On further motion of Senator Martin, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed Committee Substitute for House Bill 3181, as amended by deletion, was then put upon its passage.

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

The nays were: None.

Absent: Boley—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. 3181) passed with its title.

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

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

Eng. House Bill 3272, Relating to eviction proceedings.

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

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

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

Eng. Com. Sub. for House Bill 3429, Prequalifying consultants for WVDEP- Abandon Mine Lands.

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

Eng. House Bill 3492, Relating to municipal economic opportunity development districts.

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

Eng. House Bill 3503, Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act.

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

Eng. House Bill 3517, Relating generally to fiscal emergencies of local governments.

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

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

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

CHAPTER 6. GENERAL PROVISIONS

RESPECTING OFFICERS.

ARTICLE 9D. LOCAL FISCAL EMERGENCIES.

§6-9D-1. Legislative findings.

(a) The Legislature finds:

(1) That local governments are instrumentalities of this state, and the Legislature must act for the public health, safety and welfare of its citizens to promote fiscal integrity of local governments to prevent future emergencies;

(2) That negative economic changes, waste, fraud or abuse by public officials, or a combination thereof, necessarily result in a significant impact on the revenues and effectiveness of local governments, and cause significant indebtedness without any current possibility for recovery; and

(3) That the failure of a local government to take actions on its own to address such a condition will adversely affect the health, safety and welfare not only of the residents of the local government, but also of other people of the state.

(b) It is the intent of the Legislature to direct the State Auditor or a designee to:

(1) Take necessary and appropriate actions to limit and restrict the powers of local governments to prevent the abuse of statutory powers;

(2) Require reports and examinations of their financial condition, transactions, operations and undertakings;

(3) Ensure the fiscal integrity of local governments so that they may provide for the health, safety and welfare of their citizens; and

(4) Determine if local governments have paid due principal and interest on their debt obligations, meet financial obligations to their employees, vendors and suppliers, and provide for proper financial accounting procedures, budgeting and taxing practices.

(c) The Legislature further finds that the fiscal emergency conditions described in this article result from and constitute abuses of the powers of a local government to borrow money, contract debts and levy taxes, and that those conditions impair and threaten the health, safety and welfare of the people of the state within and beyond the local government.

§6-9D-2. Definitions.

As used in this article:

"Committee" means a financial planning and supervision group created pursuant to this article.

"Debt obligations" means bonds, notes, certificates of indebtedness, bond anticipation notes, current revenue notes, local government fund notes, leases or other obligations issued or incurred in borrowing money, or to renew, refund, fund or refinance, or issued in exchange for, such obligations, and any interest coupons pertaining thereto.

"Default" means failure to pay the principal of or the interest on a debt obligation, or failure to make other payment to be made to the holder or owner of a debt obligation, in the full amount and at the time provided for in the contractual commitment with respect thereto, unless the time for such payment has been extended by the owner or holder of the debt obligation without penalty or premium and without the effect of subjecting the local government to the initiation of remedies pertaining to such debt obligation or other debt obligations.

"Deficit fund" means the general fund or any other fund of a local government that, as at the time indicated, has a deficit balance or a balance that is less than the amount required to be in such fund pursuant to law or pursuant to contractual requirements, demonstrating that over a period of time expenditures charged or chargeable to the fund have exceeded moneys credited to the fund, or that moneys credited to the fund have not been in the amounts required by law or contractual requirements.

"Effective financial accounting and reporting system" means an accounting and reporting system as prescribed by the West Virginia State Auditor's Office.

"Employee benefits" means expenditures for goods and services furnished to local government officers or employees by the local government, including, but not limited to, such benefits as food, temporary housing and clothing, and the provision of pension, retirement, disability, hospitalization, health care, insurance or other benefits to employees requiring the advance payment of money other than directly to employees or other beneficiaries, or the deposit or reservation of money for such purpose.

"Estimated revenues" means the aggregate estimates of revenue receipts in the budget of the general fund of a local government and other funds as estimated and supplemented, modified, or amended by the local government, as approved by the West Virginia State Auditor's Office or other regulatory agency.

"Financial recovery plan" means the financial plan approved by the committee in accordance with §6-9D-6 of this code, as it may from time to time be amended in accordance with this article.

"Fiscal emergency" means the existence of fiscal emergency conditions as set forth in this article.

"Fiscal emergency period" means the period of time commencing on the date when the determination of a fiscal emergency is made by the State Auditor or a designee and ending when the determination of termination is made and certified.

"Fiscal watch" means the existence of fiscal watch conditions as provided in this article.

"General fund" means the fund used to account for and report the primary operating activities of the local government.

"General fund budget" means the estimates of revenue and expenditure as a plan of financial operation of the general fund during the applicable fiscal year as approved by the West Virginia State Auditor's Office.

"Local government" means any unit of local government within the state, including a county, municipality, and any other authority, board, commission, district, office, public authority, public corporation, or other instrumentality of a county, municipality, or any combination of two or more local governments.

"Other funds" means funds other than the general fund, including, but not limited to, special revenue funds, capital project funds, debt service funds, permanent funds, enterprise funds, internal service funds, pension trust funds, custodial funds, investment trust funds, and private purpose trust funds.

"Payroll" means compensation due and payable to employees of local government other than employee benefits.

§6-9D-3. Auditable Condition of Local Governments.

Notwithstanding the powers and duties granted to the State Auditor in §6-6-1 *et seq.* the State Auditor or designee may determine that a local government's accounts, records, files, or reports have not been maintained in accordance with §6-9-2 of this code. The State Auditor or designee shall notify the local government, in writing, of the deficiencies present and the action necessary to present the accounts, records, files, or reports in an auditable condition. Furthermore, the State Auditor or designee may prescribe the deadline for the local government in completing the necessary action and institute a fiscal monitoring plan to improve the local government's financial records.

§6-9D-4. Initiating fiscal watch review.

(a) A local government may undergo a fiscal watch review by the State Auditor to determine whether it is approaching a state of fiscal emergency. A fiscal watch review shall be initiated by a written request to the State Auditor or a designee from the governing body when duly authorized

by a majority of the members of such body ; or may be initiated by the State Auditor or a designee if conditions for a fiscal watch have been determined to exist. Fiscal watch conditions include but are not limited to (1) the inability of a local government to meet financial obligations; (2) the lack of adequate financial records necessary to conduct an examination pursuant to §6-9-1 *et seq.* of this code; or (3) an examination pursuant to §6-9-1 *et seq.* of this code would cause an undue financial burden to the local government.

(b) The State Auditor or a designee will notify the local government when a fiscal watch review will or will not be conducted. The State Auditor's Office will perform the fiscal watch review, which may be substituted for an examination, as required by §6-9-1 *et seq.* of this code at the discretion of the State Auditor or a designee.

(c) All working papers acquired or created to produce the fiscal watch review shall be considered confidential pursuant to §6-9-9b of this code.

§6-9D-5. Guidelines for identifying potential for declarations of fiscal watch or fiscal emergency; rulemaking authority.

(a) The State Auditor or a designee shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, setting forth guidelines for identifying fiscal practices and budgetary conditions of local government that, if uncorrected, could result in declaration of a fiscal watch or fiscal emergency.

(b) If the State Auditor or a designee determines that a local government is engaging in any of the practices set forth in the legislative rule promulgated pursuant to the provisions of this section or that any of those conditions exist, the State Auditor or a designee may declare the local government to be under a fiscal watch.

(c) The State Auditor or a designee, may visit and inspect any local government that is declared to be under a fiscal watch. The State Auditor or a designee may provide technical assistance to the local government in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal watch and may make recommendations concerning those proposals.

§6-9D-6. Conditions constituting grounds for fiscal watch.

In addition to the conditions set out in the legislative rule promulgated pursuant to the provisions of §6-9D-11 of this code the following also constitute grounds for a fiscal watch may include, but are not limited to:

(1) Accounts have been due and payable for more than 30 days or for which a penalty was added for failure to pay. Accounts include, but are not limited to, final judgments, employee benefits payments due and payable, and amounts due and payable to persons and other governmental entities and including any interest and penalties thereon. Accounts that are due and payable do not include any account, or portion of any account, that is being contested in good faith.

(2) The deficit amount within the general fund for the preceding fiscal year exceed the estimated revenues made in the general fund budget of the current fiscal year.

(3) The local government has failed to comply with debt covenants as required by the issuer of any debt with such requirement.

§6-9D-7. Declaring existence of fiscal watch; financial recovery plan.

(a) Upon determining that one or more of the conditions constituting grounds for a fiscal watch are present, the State Auditor or a designee shall issue a written declaration of the existence of a fiscal watch and provide the same to the governing body of the local government.

(b) The fiscal watch shall be in effect until the State Auditor or a designee determines that the conditions have been satisfactorily addressed, cancels the watch, or until the State Auditor or a designee determines that a state of fiscal emergency exists. The State Auditor or a designee, shall provide such technical and support services to the municipal corporation, county or political subdivision after a fiscal watch has been declared to exist as the State Auditor or a designee considers necessary and provide recommendations to address the fiscal watch conditions.

(c) Within 90 days after the day a written declaration of the existence of a fiscal watch is issued under this section, the governing body of the local government for which a fiscal watch was declared shall submit to the State Auditor or a designee a financial recovery plan that shall identify actions to be taken to eliminate all of the conditions described in §6-9D-6 of this article, and shall include a schedule detailing the approximate dates for beginning and completing the actions and a five-year forecast reflecting the potential effects of the actions. The financial recovery plan also shall evaluate the feasibility of entering into shared services agreements with other political subdivisions for the joint exercise of any power, performance of any function, or rendering of any service, if not precluded by statute. The financial recovery plan is subject to review and approval by the State Auditor or a designee pursuant to the provisions of the rules promulgated pursuant to this article. The State Auditor or a designee may extend the amount of time by which a financial recovery plan is required to be filed, for good cause shown.

(d) The State Auditor or a designee may declare that a fiscal emergency condition exists under this article in the municipal corporation, county or political subdivision if either of the following applies:

(1) A feasible financial recovery plan for a local government filed pursuant to the provisions of this article and for which a fiscal watch was declared is not submitted within the time period prescribed by this section, or within any extension of time thereof; or

(2) The State Auditor or a designee finds that a local government for which a fiscal watch has been declared has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal watch, and the State Auditor or a designee determines a fiscal emergency declaration is necessary to prevent further decline.

(e) If the State Auditor or a designee finds that a local government declared to be under a fiscal watch has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal watch, and if the State Auditor or a designee considers it necessary to prevent further fiscal decline, the State Auditor or a designee may determine that the local government should be in a state of fiscal emergency as set forth in this article

§6-9D-8. Determining existence of fiscal emergency conditions.

(a) The existence of fiscal emergency conditions as set forth in §6-9D-9 of this code shall be determined by the State Auditor or a designee as set forth in rules authorized pursuant to this article. Fiscal emergency condition determinations shall be set forth in written reports by the State Auditor or a designee, which shall be filed with the governing body, the State Treasurer, Secretary of State, Governor, and Legislative Auditor.

(b) In making such determination, the State Auditor or a designee may rely on reports or other information filed or otherwise made available by the local government, accountants' reports, or other sources and data the State Auditor or a designee considers reliable for such purpose. The determination of a fiscal emergency condition may be made without need of the specific amounts noted related to such conditions.

§6-9D-9. Fiscal emergency conditions.

(a) The conditions constituting a fiscal emergency of a local government may include, but are not limited to:

(1) The existence, of a default on any debt obligation for more than 30 days.

(2) The failure to make payment of all payroll to employees of the local government in the amounts and at the times required by law, ordinances, resolutions, or agreements.

(3) The failure to make payment of all employee benefits of the local government in the amounts and at the times required by law, ordinances, resolutions, or agreements.

(4) The existence of a condition in which accounts were due and payable from the general fund and that either had been due and payable for at least 30 days or to which a penalty has been added for failure to pay, including, but not limited to, final judgments, employee benefits payments due and payable, and amounts due and payable to persons and other governmental entities and including any interest and penalties thereon. Accounts due and payable do not include any account, or portion of any account, that is being contested in good faith.

(5) The deficit amount within the general fund for the preceding fiscal year exceed the estimated revenues made in the general fund budget of the current fiscal year.

(6) The local government has failed to comply with debt covenants as required by the issuer of any debt with such requirement.

(7) Any such rule, as proposed by the State Auditor or a designee for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, identified as indicators of a financial emergency condition.

(8) The State Auditor or a designee declares a fiscal emergency pursuant to §6-9D-8 of this code.

(b) Any condition described in subdivisions (4), (5), (6) or (7) of subsection (a) of this section shall not constitute a fiscal emergency condition if the local government clearly demonstrates to the satisfaction of the State Auditor or a designee that such condition no longer exists prior to the time of the determination.

(c) Neither the time periods nor the amounts used in subsection (a) of this section to determine what constitutes a fiscal emergency condition of a local government for purposes of this article authorize actions otherwise contrary to law or any agreement of the local government.

§6-9D-10. Appeal of decision of State Auditor.

(a) A determination by the State Auditor or a designee that a fiscal emergency condition does not exist is final, conclusive and not appealable. A determination by the State Auditor or a designee under this section that a fiscal emergency exists is final, except that the governing body affected by a determination of the existence of a fiscal emergency condition under this section, when authorized by a majority of the members of their governing body, may appeal the determination of the existence of a fiscal emergency condition to the circuit court of the county having territorial jurisdiction over the local government. The appeal shall be heard expeditiously by the circuit court for good cause shown and, except as otherwise provided in this code, shall take precedence over all other civil matters except earlier matters of the same character. Notice of such appeal must be filed with the State Auditor or a designee and such court within 30 days after the notification of a fiscal emergency determination by the State Auditor or a designee to the governing body of the local government as provided for in subsection (a) of this section.

(b) Upon such appeal, determinations of the State Auditor or a designee shall be presumed to be valid and the local government shall have the burden of proving, by clear and convincing evidence, that each of the determinations made by the State Auditor or a designee as to the existence of a fiscal emergency condition under this article was in error. If the local government fails, upon presentation of its case, to prove by clear and convincing evidence that each such determination by the State Auditor or a designee was in error, the court shall dismiss the appeal. The local government and the State Auditor or a designee may introduce any evidence relevant to the existence or nonexistence of such fiscal emergency conditions at the times indicated in the applicable provisions of subsections (a) and (b) of this section.

(c) The pendency of any such appeal shall not affect or impede the operations of this article; no restraining order, temporary injunction, or other similar restraint upon actions consistent with this article shall be imposed by the court or any court pending determination of such appeal; and the actions of the State Auditor taken pursuant to this article may continue regardless of the pendency of any such appeal. Any action taken or contract executed pursuant to this article during the pendency of such appeal is valid and enforceable among all parties, notwithstanding the decision in such appeal. If the circuit court reverses the determination of the existence of a fiscal emergency condition by the State Auditor or a designee, the determination no longer has any effect, and any procedures undertaken as a result of the determination shall be terminated.

(d) All expenses incurred by the State Auditor or a designee relating to a determination or termination of a fiscal emergency or a fiscal watch under this article, including providing technical and support services, or for conducting a financial review, shall be reimbursed from an appropriation for that purpose. If necessary, the governing body of the local government may provide sufficient funds for these purposes.

§6-9D-11. Financial planning and supervision committee; rule-making authority.

(a) Upon the occurrence of a fiscal emergency in any local government, there is established, with respect to that local government, a supervising committee to perform essential governmental functions of the local government to be known as the "financial planning and supervision committee for (name of local government)", which, in that name, may exercise all authority vested

in such a committee provided by this article. Furthermore, if a local government in which fiscal watch or fiscal emergency exists has failed to develop a financial recovery plan the. "financial planning and supervision committee for (name of local government)" may develop such a plan for the local government.

(b) The State Auditor shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 et seq. of this code, setting forth the following:

(1) Minimum requirements for the composition of the members of said committee;

(2) The rules of governance for such a committee;

(3) Requirements for the detailed financial recovery plan to be submitted by the subject local government;

(4) The powers, duties and functions of the committee;

(5) The payment of expenses and obligations;

(6) The establishment of enhanced financial reporting;

(7) The requirements of the local government operating under the plan;

(8) Recourse for a noncompliant local government;

(9) Limitations for appropriations;

(10) Communications of the committee;

(11) The approval of debt obligations;

(12) The issuance of general obligation, special obligation, or revenue bonds and notes in anticipation of bonds; and

(13) The continuance and dissolution of the committee.

§6-9D-12. Compliance

(a) Local government officials shall:

(1) Take the necessary corrective action recommended by the State Auditor or designee pursuant to §6-9D-3 of this code to present financial records in an auditable condition.

(2) Complete any recommendations imposed by the State Auditor or designee pursuant to §6-9D-7 of this code.

(3) Provide a financial recovery plan in accordance with §6-9D-7 of this code.

(4) Make reasonable proposals or otherwise take action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal watch or fiscal emergency.

(5) Comply with the financial recovery plan instituted by a financial planning and supervision committee created pursuant to §6-9D-11 of this code.

(b) If local government officials fail to adequately comply with the provision of this section, the State Auditor or designee may institute appropriate recourse measures pursuant to the rules authorized by §6-9D-11 of this code.

§6-9D-13. Prohibition against relief under federal bankruptcy laws unless authorized.

(a) No county, municipality, school district, authority, division, instrumentality, political subdivision, or public body corporate created under the Constitution or laws of this state shall be authorized to file a petition for relief from payment of its debts as they mature or a petition for composition of its debts under any federal statute providing for such relief or composition or otherwise to take advantage of any federal statute providing for the adjustment of debts of political subdivisions and public agencies and instrumentalities without the express, written permission of the State Auditor.

(b) No chief executive, mayor, board of commissioners, city council, board of trustees, or other governmental officer, governing body, or organization shall be empowered to cause or authorize the filing by or on behalf of any county, municipality, school district, authority, division, instrumentality, political subdivision, or public body corporate created under the Constitution or laws of this state of any petition for relief from payment of its debts as they mature or a petition for composition of its debts under any federal statute providing for such relief or composition or otherwise to take advantage of any federal statute providing for the adjustment of debts of political subdivisions and public agencies and instrumentalities without the express, written permission of the State Auditor.

§6-9D-14. Severability.

(a) In case any section or provision of this article, including any condition or prerequisite to any action or determination thereunder, or in case any act or action, or part thereof, made, or taken under this article, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision of this article, including any condition or prerequisite to any action or determination thereunder, or any agreement, act or action, or part thereof, made, entered into, or taken under such article, which shall be construed and enforced and applied as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity or any application thereof affect any legal and valid application thereof, and each such section, provision, agreement, act, or action, or part thereof, shall be deemed to be effective, operative, made, and entered into or taken in the manner and to the full extent permitted by law.

(b) Any action or proceeding bringing into question the interpretation, legality, or validity of any provision of this article, the existence or authority, or the legality or validity of any act, of the committee or the State Auditor or of any action taken under this article, is a matter of great public interest to the state and shall be advanced on the docket of the court and expedited to final determination.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 35. DISSOLUTION OF MUNICIPALITIES.

PART I. FORFEITURE OF CHARTER OR CERTIFICATE OF INCORPORATION.

§8-35-1. Forfeiture of charter or certificate of incorporation; notice; dissolution of municipality.

(a) Any municipality heretofore incorporated or which shall hereafter be incorporated ~~and which has no substantial indebtedness,~~ and which shall fail for one year to exercise its corporate powers and privileges, or which has not 20 qualified voters, or in which there were not 20 legal votes cast at its last election, or the population of which shall be reduced below 100 persons and so remain for six consecutive months, shall in either event have its charter or certificate of incorporation and all rights, powers and privileges so conferred upon such municipality forfeited and declared dissolved.

(b) The county ~~court~~ commission of the county wherein any such municipality or the major portion of the territory thereof is located shall have jurisdiction to hear and determine all matters relating to the forfeiture and dissolution of such charter or certificate of incorporation, upon the petition of one or more of its ~~inhabitants~~ qualified voters, or the State Auditor, and to dissolve such municipal corporation. Ten days' notice of the filing of such petition with the clerk of the county ~~court~~ commission of such county, served upon the mayor and recorder, or on the last mayor or recorder thereof, shall be sufficient notice upon which such county ~~court~~ commission shall so act, and upon the proper proof of the allegations of such petition, any such charter or certificate of incorporation shall be declared forfeited and the municipal corporation dissolved and all debts of such municipality shall be ordered paid and the forfeiture and dissolution shall ~~not~~ become effective ~~until when~~ when such debts have been paid or when the State Auditor has fully exercised the actions authorized by §8-35-4 of said code. ~~Upon such forfeiture and dissolution all interest of such municipality in corporate funds, if any, in excess of the amounts required to pay corporate debts shall be and the same is hereby transferred to and vested in the State of West Virginia, to be controlled by the State Auditor. If the territory so incorporated, or a major part thereof, either in area or in population, shall, however, within one year next after such declaration of forfeiture and dissolution by the county court be reincorporated under this chapter, then the Auditor of the State of West Virginia shall convey unto such new municipality all of the rights of the State of West Virginia in and to the corporate property, moneys, claims, demands and taxes collected or uncollected, of the former municipal corporation so dissolved.~~

(c) A petition for forfeiture shall be filed with the clerk of the county commission. The petition shall be in writing and set forth the reasons for the request to forfeit and dissolve the municipality. The petition for dissolution shall be served upon the mayor and recorder, or on the last mayor or recorder thereof.

(d) The State Auditor shall promptly conduct an examination under the authority granted under §6-9-1 et seq. of this code, to determine the financial condition of the municipality.

PART II. VOLUNTARY DISSOLUTION OF ~~CLASS III CITY OR~~

~~CLASS IV TOWN OR VILLAGE~~ MUNICIPALITIES.

§8-35-2. Voluntary dissolution of Class III city or Class IV town or village municipal corporation.

(a) A petition for dissolution shall be filed with the governing body of the municipality. The petition shall be in writing, set forth the reasons for the request to dissolve the municipality, and be signed by not less than 25 percent of the qualified voters of the municipality as shown by the last preceding statewide general election. The petition for dissolution shall be served upon the mayor and recorder, or on the last mayor or recorder thereof.

(b) Upon the filing of a qualified petition for dissolution of twenty-five or more percent of the legal voters of any Class III city or Class IV town or village municipal corporation, the governing body thereof shall submit to the qualified voters of such municipal corporation at the next regular municipal election, or at a special municipal election called for that purpose, the question of continuing or dissolving such municipal corporation. It shall be the responsibility of the governing body to verify the total number of eligible petitioners and to determine whether the required percentage of petitioners has been obtained. The governing body shall provide written notice of the election to the State Auditor within five days of determining an election date. The ballots, or ballot labels where voting machines are used, shall have written or printed on them the words:

~~/For Continuance of Municipal Corporation~~

~~/For Dissolution of Municipal Corporation~~

Shall the municipality of _____ (name of municipality subject to dissolution) be dissolved?

() Yes.

() No.

(c) The dissolution election shall be conducted in accordance with applicable election laws.

(d) If a majority of the legal votes cast be for dissolution, then such municipal corporation shall by operation of law be dissolved upon termination of the term of the governing body then in office: ~~Provided, That all debts or other obligations outstanding against such municipal corporation shall be settled in full at the expiration of six (6) months from the date of the election on the question. The State Auditor shall promptly conduct an examination under the authority granted under §6-9-1 et seq. of this code, to determine the financial condition of the municipality.~~ If a majority of the legal votes cast be for continuance, then such municipal corporation shall continue in existence unless and until dissolved at some later date under the provisions of ~~this section or section one of this article 8-35-1 of this code, or this section two.~~ ~~Provided, however, That another election under the provisions of this section two shall not be held within two years of the last such election. Any election under the provisions of this section two shall be held, conducted and superintended and the result thereof ascertained, certified, returned and canvassed in the same manner and by the same persons as an election for municipal officers of such municipal corporation.~~

PART III. INVOLUNTARY DISSOLUTION OF MUNICIPAL CORPORATION.

§8-35-3. Involuntary dissolution of municipal corporation.

(a) The Prosecuting Attorney for the county where such municipality or the majority portion of the territory thereof is located, or the State Auditor, may petition for involuntary dissolution of a municipality when the government of a municipality ceases to function by reason of the following:

(1) General municipal elections have not been called in the municipality for two successive general municipal elections; and

(2) A majority of all the members of the governing body fail to qualify for two successive general municipal elections.

(b) The petition requesting involuntary dissolution shall be filed in the circuit court in the county in which such municipality or the majority portion of the territory thereof is located. The petition shall state the facts which justify the request and shall set forth a detailed statement of the assets and liabilities of the municipality insofar as they can be ascertained. The petition shall state the facts which justify the request insofar as they can be ascertained.

(c) Upon the filing of a petition for the involuntary dissolution of a municipality, the circuit court shall fix a date for a hearing on the request and written notice shall be provided to the State Auditor, and the Prosecuting Attorney for the county where such municipality or the majority portion of the territory thereof is located, within five days. The date of the hearing shall be not less than 30 days after the date of filing. The petitioner shall give at least 20 days' notice of the hearing by publication as a Class II legal advertisement in compliance with the provision of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be in a newspaper of general circulation in the municipality, and by posting copies of the notice in a manner consistent with court proceedings. The notice shall state the purpose of the petition and the date and place of the hearing.

(d) The State Auditor shall promptly conduct an examination under the authority granted under §6-9-1 *et seq.* of this code, to determine the financial condition of the municipality.

(e) Any person owning property in or registered to vote in the municipality may appear at the hearing and give testimony for or against dissolution of the municipality. If the court finds that the government of the municipality has ceased to function because of the reasons listed in subsection (a), it shall enter an order for dissolution of the municipality. The order of the circuit court shall state when the dissolution shall take effect and appoint the State Auditor to act as special receiver to wind up the affairs of the municipality and dispose of its property.

(f) The order of dissolution shall be filed with the clerk of the county commission and the office of the Secretary of State.

PART IV. DISPOSITION OF PROPERTY, DEBTS AND LIABILITIES.

§8-35-4. State Auditor as special receiver.

(a) Upon declaration of the forfeiture of the charter or certificate of incorporation, or the certification of the election for voluntary dissolution, or upon an order by the circuit court for involuntary dissolution, as set forth in this article, the State Auditor shall by operation of law, act as special receiver for the dissolved municipality.

(b) The State Auditor, acting as special receiver of the dissolved municipality, shall have the power and authority to:

(1) Take legal control of assets, including municipal corporate property, moneys, claims, demands and taxes collected or uncollected;

(2) Protect assets;

(3) File claims on behalf of the dissolved municipality in receivership;

(4) Initiate necessary and proper bankruptcy proceedings, including, but not limited to filing a petition in the name of the municipal corporation under Chapter 9 of Title 11 of the United States Code, and to act on the municipality's behalf in such proceeding, to distribute assets to claimants or creditors, and;

(5) Any such actions as the State Auditor may deem necessary and appropriate to wind up the affairs of the municipality.

(6) Any excess of amounts required to pay corporate debts shall be maintained in a special fund titled "municipal dissolution account" to be controlled by the State Auditor to offset the costs associated with conducting examinations and legal expenses pursuant to the provisions of this article.

(7) Further powers and duties of the State Auditor acting as a special receiver shall be set out in rules authorized pursuant to the provisions of this article. These shall include, but are not limited to:

(A) The manner in which the State Auditor acting as a special receiver may gain access to and control over bank account and public funds;

(B) The manner in which the State Auditor acting as a special commissioner signs or records deeds, releases, or contracts;

(C) The manner in which the State Auditor acting as a special commissioner transfers or receives title to real or personal property;

(D) The manner in which the State Auditor acting as a special commissioner executes legally binding documents on behalf of a dissolved local government.

§8-35-5. Disposition of property belonging to dissolved municipal corporation.

(a) No dissolution of an incorporated municipality shall impair the rights of any person in any contract or agreement to which the municipality is a party.

(b) The deposits and investments belonging to the dissolved municipality shall be used first to pay the municipality's debts and liabilities.

(c) In the event that deposits and investments belonging to the municipality are not sufficient to satisfy its debts and liabilities, then the State Auditor may initiate the liquidation of the dissolved municipality's property pursuant to §8-35-3 of this code.

§8-35-6. Sale and liquidation of dissolved municipal assets.

(a) If the State Auditor, as special receiver, makes a determination that a dissolved municipality's real and/or personal property must be liquidated to satisfy its debts and liabilities then a public auction may be conducted. The property shall be sold either at an on-site public auction or by utilizing an Internet-based public auction service, or at a suitable location within the

county wherein the dissolved municipality was principally located and such shall be conducted by the State Auditor. Before making such sale, notice of the time, terms, manner and either the location of the sale or the Internet-based public auction service to be utilized, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provision of §59-3-1 et seq. of this code, and the publication area for such publication shall be the county.

(b) The provisions of subsection (a) of this section concerning sale at public auction shall not apply to the State Auditor selling or disposing of the property for public use to:

(1) The United States of America its instrumentalities, agencies or political subdivisions;

(2) The State of West Virginia, or its political subdivisions, including county boards of education, volunteer fire departments, and volunteer ambulance services; or

(3) Any authority, commission, instrumentality, or agency established by act of the State of West Virginia.

(c) For all sales made pursuant to this section, the State Auditor is not required to exclusively consider the present commercial or market value of the property.

(d) No officer or employee of the State Auditor or the Prosecuting Attorney for the county where such municipality or the majority portion of the territory thereof is located, or his or her immediate family, may purchase or acquire any property municipal assets disposed of pursuant to this section.;

And,

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

Eng. House Bill 3517—A Bill to amend and reenact §8-35-1 and §8-35-2 of the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §6-9D-1, §6-9D-2, §6-9D-3, §6-9D-4, §6-9D-5, §6-9D-6, §6-9D-7, §6-9D-8, §6-9D-9, §6-9D-10, §6-9D-11, §6-9D-12, §6-9D-13, and §6-9D-14; and to amend said code by adding thereto by adding four new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating generally to fiscal watch or fiscal emergencies of local governments; setting out findings; defining terms; setting out auditable conditions of local governments; providing details of initiation of a fiscal watch review; providing guidelines for identifying potential for declarations of a fiscal watch or fiscal emergency; providing for rulemaking; providing conditions constituting grounds for a fiscal watch; relating to the declaration of the existence of a fiscal watch; providing for a financial recovery plan; relating to determining the existence of a fiscal emergency; providing conditions constituting grounds for a fiscal emergency; establishing a process for appeal of a decision of the State Auditor that a fiscal emergency exists; relating to the establishment of a financial planning and supervision committee and further rulemaking authority of the State Auditor; relating to what constitutes compliance of this article by a local government; relating to a prohibition against relief under federal bankruptcy laws unless otherwise authorized; providing a severability clause; modernizing the process for the dissolution and forfeiture of certain municipalities; ; modernizing the process for the voluntary dissolution of municipal corporations; establishing the process for the involuntary dissolution of municipal corporations; establishing that the State Auditor shall serve as a special receiver upon declaration of the forfeiture of the charter or certificate of incorporation, or the certification of the election for voluntary dissolution, or upon an order by the Circuit Court for involuntary dissolution

of a municipality; establishing and relating to the disposition of property belonging to a dissolved municipal corporation; establishing the process for sale and liquidation of a dissolved municipality's assets.

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

Engrossed House Bill 3517, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3517) passed with its House of Delegates amended title.

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

On motion of Senator Martin, at 8:13 p.m., the Senate recessed for 10 minutes.

The Senate reconvened at 8:53 p.m. and, at the request of Senator Fuller, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the third order of business.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 531, Relating to offenses of assault and battery on athletic officials.

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

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

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

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-15a. Assault, battery on athletic officials or participants; penalties.

(a) If any person, other than an athletic official or participant, commits an assault as defined in ~~subsection (b), section nine of this article~~ §61-2-9(b) of this code, to the person of an athletic official or participant during the time the official is acting as an athletic official or participant, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than

~~\$250, nor more than \$500, or and~~ confined in jail not less than five days nor more than six months, ~~or both fined and confined.~~

(b) If any person, ~~other than an athletic official or participant,~~ commits a battery, as defined in ~~subsection (c), section nine of this article §61-2-9(c) of this code,~~ against an athletic official ~~or participant~~ during the time the official is acting as an athletic official ~~or participant~~, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not ~~less than \$500, nor~~ more than \$1,000, ~~or and~~ confined in jail not less than 10 days nor more than twelve months, or both fined and confined.

(c) For the purpose of this section, "athletic official ~~or participant~~ " means a player on a sports team, person at a sports event who enforces the rules of that event, such as including, but not limited to, an umpire or referee, or a person who supervises the participants, such as including, but not limited to, a coach, assistant coach, or any other official team members during the course of a game or related event.

(d)(1) In addition to the criminal penalties set forth in this section, a county board of education or a governing board for a state institution of higher education may provide written notification to any person convicted of an offense under subsection (a) or subsection (b) of this section that he or she is banned from all state school sports events or school-sponsored sports events as a result of the conviction for a minimum of 365 days.

(2) Any person receiving the written notification set forth in subdivision (1) of this subsection who refuses to leave the premises of any state school sports event or school-sponsored sports event upon request shall be subject to prosecution pursuant to the provisions of §61-3B-1 et seq. of this code.

(e) Nothing in this section shall be construed as creating immunities from criminal liability for the commission of any other criminal act or acts in violation of any provision of this code.;

And,

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 531—A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to crimes against athletic officials; clarifying that victims include participants; establishing minimum jail penalties; establishing minimum fines; creating definitions; authorizing a person convicted of the offenses to be banned from certain sports events; requiring written notice to the person banned; establishing that a violation of the ban is a form of trespass; clarifying that the offense does not apply to athletic officials or participants; clarifying that the section does not create certain immunities for other offenses; and creating criminal penalties.

On motion of Senator Martin, the following amendments to the House of Delegates amendments to the bill (Eng. Com. Sub. for Com. Sub. for S. B. 531) were reported by the Clerk, considered simultaneously, and adopted:

On pages 1 and 2, by striking out all of subsections (a), (b), and (c), and inserting in lieu of new subsections (a), (b) and (c), to read as follows:

(a) Definitions -

(1) For the purpose of this section, "athletic official" means a person at a sports event, or traveling to or from a sporting event, who enforces the rules of that event, including, but not limited to, an umpire or referee, or a person who supervises the participants, including, but not limited to, a coach, assistant coach, or any other athletic staff.

(2) For the purpose of this section, "participant" means a player on a sports team or any other team members during the course of a game or related sporting event.

~~(a) (b) If any person commits an assault as defined in subsection (b), section nine of this article §61-2-9(b) of this code, to the person of an athletic official or participant, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$250, nor more than \$500, or and confined in jail not less than five days nor more than six months, or both fined and confined.~~

~~(b) (c) If any person commits a battery, as defined in subsection (c), section nine of this article §61-2-9(c) of this code, against an athletic official or participant, the offender is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, nor more than \$1,000, or and confined in jail not less than 10 days nor more than twelve months. or both fined and confined.~~

~~(c) For the purpose of this section, "athletic official" means a person at a sports event who enforces the rules of that event, such as an umpire or referee, or a person who supervises the participants, such as a coach.~~

On page 2, subsection (d)(1), line 3, by striking out (a) after "under subsection" and inserting in (b), and

On page 2, subsection (d)(1), line 3, striking out (b) after "or subsection" and inserting in (c).

On page 2, by striking out all of subsection (e);

And,

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 531—A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to crimes against athletic officials; clarifying that victims include participants; creating definitions; establishing minimum criminal penalties; establishing minimum fines; authorizing county boards of education and governing boards for a state institution for higher education to give written notice banning any person convicted of an offense under this section from certain sports events; requiring written notice to the person banned; and establishing that a violation of the ban is a form of trespass.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 531, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio,

Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Chapman—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 531) passed with its Senate amended title.

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

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

Eng. Com. Sub. for Senate Bill 102, Modifying form of certain deeds.

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

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

On page 1, section 1, line 1, by striking out the remainder of the Bill and inserting in lieu thereof:

ARTICLE 1. AUTHENTICATION AND RECORD OF WRITINGS.

§39-1-2. Conditions under which county clerk shall admit deeds, contracts, etc., to record.

(a) The clerk of the county ~~court~~ commission of any county in which any deed, contract, power of attorney, or other writing is to be, or may be, recorded, shall admit the same to record in his the clerk's office, as to any person whose name is signed thereto, when it shall have been acknowledged by ~~him~~ such person or proved by two witnesses as to ~~him~~ such person before such clerk of the county ~~court~~ commission.

(b) ~~But notwithstanding~~ Notwithstanding the requirements of subsection (a) of this section:

(1) ~~such~~ The clerk shall not admit to record any contract, deed, deed of trust, mortgage or other instrument that secures the payment of any debt, unless such contract, deed, deed of trust, mortgage, or other instrument sets forth therein who, at the time of the execution and delivery thereof, is the beneficial owner of the debt secured thereby, and where he resides: ~~Provided, however, That~~ Provided, however, that in the case of a mortgage or a deed of trust securing an issue of negotiable notes or bonds exceeding five in number and payable to bearer, it shall not be necessary that the mortgage or deed of trust show who are the beneficial owners of such notes or bonds, but in such case such mortgage or deed of trust shall show the name and address of the person or corporation with or by whom the notes or bonds have been, or are to be, first negotiated.

(2) The clerk shall not admit to record any quitclaim deed without consideration or any deed effecting the transfer of real property where the value of the property transferred is \$100 or less for which no excise tax on the privilege of transferring real property on such instrument is paid under §11-22-1 et seq. of this code unless the instrument has been signed by the grantee thereon and acknowledged by the grantee or proved by two witnesses as to the grantee before such clerk of the county commission. *Provided, however,* the clerk shall admit to record any transfer on death deed made pursuant to §39-12-1 et seq. of this code, and transfers between husband and wife, transfers between parent and child, transfers between parent and child and his or her spouse, transfers between grandparent and grandchild, or transfers between grandparent and grandchild and his or her spouse, which are without consideration or for consideration of less than \$2,000, that have not been signed by the grantee thereon. Any deed recorded in violation of this section is void and no interest transfers to grantee under such recorded deed.;

And,

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

Eng. Com. Sub. for Senate Bill 102—A Bill to amend and reenact §39-1-2 of the Code of West Virginia, 1931, as amended, relating to modifying the form of deeds; and requiring that any quitclaim deed without consideration or any deed effecting the transfer of real property where the value of the property transferred is \$100 or less for which no excise tax is paid is signed by the grantee or proved by two witnesses as to the grantee before a clerk of the county commission, with certain exceptions for transfers on death and between family members.

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

Engrossed Committee Substitute for Senate Bill 102, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

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. 102) passed with its House of Delegates amended title.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, to take effect July 1, 2025, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 3111, To provide pay increases to members of the judiciary.

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

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

On page 1, section 10a, line 7, by striking "2025" and inserting in lieu thereof "2026";

On page 1, section 10a, line 8, by striking "2026" and inserting in lieu thereof "2027";

On page 2, section 13, line 9, by striking "2025" and inserting in lieu thereof "2026";

On page 2, section 13, line 10, by striking "2026" and inserting in lieu thereof "2027";

On page 2, section 6, line 6, by striking "2025" and inserting in lieu thereof "2026";

On page 2, section 6, line 7, by striking "2026" and inserting in lieu thereof "2027";

On page 4, following line 47, by striking the remainder of the bill in its entirety and inserting in lieu thereof the following:

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-4. Required percentage contributions from salaries; any termination of required contributions prior to actual retirement disallowed; leased employees; military service credit; maximum allowable and qualified military service; qualifiable prosecutorial service.

(a) Every person who is now serving or shall hereafter serve as a judge of any court of record of this state shall pay into the Judges' Retirement Fund six percent of the salary received by such person out of the State Treasury: *Provided*, That when a judge becomes eligible to receive benefits from such trust fund by actual retirement, no further payment by him or her shall be required, since such employee contribution, in an equal treatment sense, ceases to be required in the other retirement systems of the state, also, only after actual retirement: *Provided, however*, That on and after January 1, 1995, every person who is then serving or shall thereafter serve as a judge of any court of record in this state shall pay into the Judges' Retirement Fund nine percent of the salary received by that person: *Provided further*, That consistent with the salary increase granted to judges of courts of record during the 2005 regular legislative session and to changes effectuated in judicial retirement by provisions enacted during the third extraordinary legislative session of 2005, on and after July 1, 2005, every person who is then serving or shall thereafter serve as a judge of any court of record in this state shall pay into the Judges' Retirement Fund ten and one-half percent of the salary received by that person: *And provided further*, That on and after July 1, 2013, except as provided in ~~subsection~~ subsections (b) and (c) of this section, every person who is then serving or shall thereafter serve as a judge of any court of record in this state and who elects to participate in this retirement system shall pay into the Judges' Retirement Fund seven percent of the salary received. Any prior occurrence or practice to the contrary, in any way allowing discontinuance of required employee contributions prior to actual retirement under this retirement system, is rejected as erroneous and contrary to legislative intent and as violative of required equal treatment and is hereby nullified and discontinued fully, with the State Auditor to

require such contribution in every instance hereafter, except where no contributions are required to be made under any of the provisions of this article.

(b) On and after July 1, 2014, every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system shall contribute to the fund an amount determined by the board. This amount will be based on the annual actuarial valuation prepared by the State Actuary: *Provided*, That the contribution will be no less than seven percent or no more than ten and one-half percent of the participant's annual compensation.

(c) On and after July 1, 2025, every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system shall contribute to the Judges' Retirement Fund seven percent of the salary received.

(d) On or after July 1, 2013, and each year thereafter, the Board shall provide the annual actuarial valuation prepared by the State Actuary for determination of all participants' contributions and the annual actuarially required contribution prepared by the State Actuary for use by the courts of this state for legislative appropriation shall be provided to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement; *Provided*, That in any year that the State Actuary determines that the funding level of the Judges' Retirement Fund exceeds 125%, the Board shall provide the annual actuarial valuation prepared by the State Actuary and a statement of the current funding level of the fund to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement. Notwithstanding any provision of this code to the contrary, neither the court nor the Legislature shall be required to make a contribution to the fund when the funding level exceeds 125%. For purposes of this subsection, the funding level is determined by dividing the assets of the fund by the sum of the assets of the fund and the unfunded accrued liability of the fund.

~~(d)~~ (e) An individual who is a leased employee shall not be eligible to participate in the system. For purposes of this system, a "leased employee" means any individual who performs services as an independent contractor or pursuant to an agreement with an employee leasing organization or other similar organization. If a question arises regarding the status of an individual as a leased employee, the board has the final power to decide the question.

~~(e)~~ (f) In drawing warrants for the salary checks of judges, the State Auditor shall deduct from the amount of each such salary check six percent thereof, which amount so deducted shall be credited by the Consolidated Public Retirement Board to the trust fund: *Provided*, That on or after January 1, 1995, the amount so deducted and credited shall be nine percent of each such salary check: *Provided, however*, That consistent with the salary increase granted to judges of courts of record during the 2005 regular legislative session and to changes effectuated in judicial retirement by provisions enacted during the third extraordinary legislative session of 2005, on or after July 1, 2005, the amount so deducted and credited shall be ~~ten~~ 10 and one-half percent of each such salary check: *Provided further*, That on and after July 1, 2013, except as provided in subsection (b) of this section, the amount so deducted and credited shall be seven percent of each salary check: *And provided further*, That on and after July 1, 2014, the amount so deducted and credited will be determined by the board; *And provided further*, That on and after July 1, 2025, the amount so deducted and credited shall be seven percent of each salary check.

(f) (g) Any judge seeking to qualify military service to be claimed as credited service, in allowable aggregate maximum amount up to five years, shall be entitled to be awarded the same without any required payment in respect thereof to the Judges' Retirement Fund.

~~(g)~~ (h) Notwithstanding the preceding provisions of this section, contributions, benefits, and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Internal Revenue Code. For purposes of this section, "qualified military service" has the same meaning as in Section 414(u) of the Internal Revenue Code. The Retirement Board is authorized to determine all questions and make all decisions relating to this section and may promulgate rules relating to contributions, benefits and service credit pursuant to the authority granted to the retirement board in ~~section one, article ten-d, chapter five~~ §5-10D-1 of this code to comply with Section 414(u) of the Internal Revenue Code.

~~(h)~~ (i) Any judge holding office as such on the effective date of the amendments to this article adopted by the Legislature at its 1987 regular session who seeks to qualify service as a prosecuting attorney as credited service, which service credit must have been earned prior to the year 1987, shall be required to pay into the Judges' Retirement Fund nine percent of the annual salary which was actually received by such person as prosecuting attorney during the time such prosecutorial service was rendered prior to the year 1987 and for which credited service is being sought, together with applicable interest. No judge whose term of office shall commence after the effective date of such amendments to this article shall be eligible to claim any credit for service rendered as a prosecuting attorney as eligible service for retirement benefits under this article, nor shall any time served as a prosecutor after the year 1988 be considered as eligible service for any purposes of this article.

ARTICLE 11. THE WEST VIRGINIA APPELLATE REORGANIZATION ACT.

§51-11-11. Judicial compensation and benefits; expenses.

(a) The annual salary of a Judge of the Intermediate Court of Appeals is \$142,500-: Provided, That beginning July 1, 2026, the annual salary of a Judge of the Intermediate Court of Appeals shall be \$147,500: And provided further, That beginning July 1, 2027 the annual salary of a Judge of the Intermediate Court of Appeals shall be \$152,500. The budget for the payment of compensation and expenses of Intermediate Court of Appeals judges shall be included in the appropriation for the Supreme Court of Appeals.

(b) Judges of the Intermediate Court of Appeals and staff shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties under the guidelines prescribed by the Administrative Director of the Supreme Court of Appeals.;

And,

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

Eng. Com. Sub. for House Bill 3111—A Bill to amend and reenact §51-1-10a, §51-2-13, §51-2A-6, §51-9-4, and §51-11-11 of the Code of West Virginia, 1931, as amended, relating to salaries and retirement benefits of judges; increasing annual salary of justices of the Supreme Court of Appeals, circuit court judges, family court judges, and judges of the Intermediate Court of Appeals; providing for employee contribution into judicial retirement system; and suspending contribution of employer into judicial retirement system until certain condition met.

Senator Martin moved that the Senate concur in the House of Delegates amendments to the Senate amendments to the bill.

Following discussion,

The question being on the adoption of Senator Martin's aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 3111, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: Tarr—1.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3111) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect July 1, 2025.

On this question, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: Tarr—1.

Absent: Boley—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. 3111) takes effect July 1, 2025.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 154, Prohibiting sexual orientation instruction in public schools.

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

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

On page 1, after the enacting clause by striking out the remainder of the bill and inserting, in lieu thereof, the following:

ARTICLE 5. COUNTY BOARD OF EDUCATION.**§18-5-29. Prohibiting instruction related to sexual orientation and gender identity and providing false information regarding student's gender identity or intention to transition; requiring certain student requests to be reported to parent.**

(a) For the purposes of this section:

(1) "Biological sex" means the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth;

(2) "Custodian" means a person who has some allocation of physical custody of the child or who has provided to the school written permission of a parent to have access to the notices and information contemplated by this section;

(3) "Gender identity" means a category of social identity and refers to an individual's identification as male, female, or occasionally, some category other than male or female;

(4) "Guardian" means a person other than a parent or custodian who, pursuant to a court order, acts in loco parentis for the child;

(5) "Parent" means a parent who has some allocation of physical custody of the child or who has some share of joint decision-making authority for the child;

(6) "Sexual orientation" means an individual's actual or perceived orientation as heterosexual, homosexual, or bisexual; and

(7) "Transition to a gender" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person's biological sex and may involve social, legal, or physical changes.

(b) A public school may not provide instruction related to sexual orientation or gender identity: *Provided*, That the provisions of this subsection do not prohibit:

(1) A teacher responding to student questions during class regarding sexual orientation or gender identity as it relates to any topic of instruction;

(2) Referring to the sexual orientation or gender identity of any historic person, group, or public figure when such information provides necessary context in relation to any topic of instruction;

(3) Referring to sexual orientation and gender identity if necessary to address a disciplinary matter, such as an instance of bullying; or

(4) Referring to sexual orientation and gender identity as part of curriculum established in a dual enrollment or advanced placement course.

(c) A public school and the county board employees assigned to the school may not knowingly give false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the student's biological sex.

(d) If a student enrolled in a public school requests from a person employed by the public school an accommodation that is intended to affirm a change in the student's gender identity that is different from a student's biological sex, including a request that the student be addressed using a name or pronoun that is different than the name or pronoun assigned to the student in the public school's registration forms or records for the purpose of affirming a change in the student's gender identity that is different than the student's biological sex, the public school employee shall report the student's request to an administrator employed by the county board and assigned to the school, and the administrator shall report the student's request to the student's parent, custodian, or guardian.

(e) A parent, custodian, or guardian who is impacted, or whose child is impacted, by a violation of this section may file a complaint pursuant to West Virginia Board of Education Policy 7211 (§126-188-1).

(f) School personnel found in violation of this section may be subject to discipline or dismissal pursuant to §18A-2-8 of this code.

(g) The West Virginia Board of Education, in consultation with the Higher Education Policy Commission, shall promulgate rules pursuant to §29A-3B-1 *et seq.* of this code to implement this section.

(h) The Attorney General may bring an action to enforce compliance with this section.

(i) If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.;

And,

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 154—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-29, relating to prohibiting instruction related to sexual orientation and gender identity; setting forth definitions; creating exceptions to prohibition against instruction; prohibiting a public school and the county board employees assigned to the school from knowingly giving false or misleading information to the parent, custodian, or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the student's biological sex; requiring a public school employee to report a student's request for an accommodation that is intended to affirm the student's gender identity from a person employed by the public school to an administrator employed by the county board and assigned to the school; requiring the administrator to report the student's request to the student's parent, custodian, or guardian; providing that a complaint may be filed in pursuant to state board rule for violations of these provisions, providing that school personnel found in violation of this section may be subjected to discipline or dismissal pursuant statute; providing that the state board, in consultation with the Higher Education Policy Commission, shall promulgate rules to implement section; allowing the Attorney General to enforce compliance; and providing that the provisions of this act are severable.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 154, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: Garcia—1.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 154) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for House Bill 2695, Raleigh and Mason Counties Economic Opportunity Development Districts.

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

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

On page 3, section 9, line 50, by striking "2057" and inserting in lieu thereof "2053";

And, on page 3, section 9, line 52, by striking "2057" and inserting in lieu thereof "2053";

And,

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

Eng. Com. Sub. for House Bill 2695—A Bill to amend and reenact §7-22-9 of the code of West Virginia, 1931, as amended, relating to county economic opportunity development districts; authorizing Raleigh County to levy a special district excise tax for the benefit of the Raleigh County Economic Opportunity Development District; authorizing Mason County to levy a special district excise tax for the benefit of the Town of Henderson Economic Opportunity District; and requiring Mason County and Raleigh County to comply with requirements to hold a public hearing, submit a certain application, and receive approval as required by law; and requiring jurisdictions authorized to levy special excise tax to file a detailed annual report.

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

Engrossed Committee Substitute for House Bill 2695, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Barrett, Bartlett, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Takubo, Tarr, Thorne, Weld, Willis, and Woodrum—21.

The nays were: Azinger, Chapman, Charnock, Hart, Martin, Maynard, Rose, Rucker, Stuart, Taylor, Woelfel, and Smith (Mr. President)—12.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2695) passed with its House of Delegates amended title.

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

On motion of Senator Martin, at 9:12 p.m., the Senate recessed until 9:30 p.m. tonight.

The Senate reconvened at 10:29 p.m. and, at the request of Senator Maynard, unanimous consent being granted, proceeded to the thirteenth order of business for the purpose of introducing and commending Senate staff.

At the request of Senator Martin, and by unanimous consent, the Senate returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 26 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on Government and Finance study the issue smoke shops pose in relation to the products they sell and the health risk items sold by smoke shops both legal and illegal, the sale of legal and illegal tobacco and nicotine products to minors within the state of West Virginia and the sale and regulation of tobacco, nicotine, CBD, kratom and cannabis.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolution (S. C. R. 26) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

Senator Stuart, 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 27 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on Government and Finance study the issues surrounding the sale of alcohol and liquor, specifically evaluating the regulatory framework while simultaneously addressing efficiency and ways to modernize liquor and alcohol regulation in the state of West Virginia.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolution (S. C. R. 27) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

At the request of Senator Martin, unanimous consent being granted, the provisions of Senate Rule 14 and Joint Rule 31 were suspended in order to consider the following House concurrent resolutions naming transportation infrastructure after the fifty-fifth day.

Senator Maynard, 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 5, William "Bill" Harrison Lowther Memorial Bridge.

Com. Sub. for House Concurrent Resolution 7, U.S. Army Pfc John Wesley Meadows Memorial Bridge.

Com. Sub. for House Concurrent Resolution 13, Corporal James E. Jackley Memorial Bridge.

Com. Sub. for House Concurrent Resolution 18, Paul J. Hofe Memorial Bridge.

Com. Sub. for House Concurrent Resolution 24, Postlethwait Brothers Memorial Bridge.

Com. Sub. for House Concurrent Resolution 26, Jimmy M. Hutchison Memorial Bridge.

Com. Sub. for House Concurrent Resolution 28, Frank Lee Maddy Memorial Road.

Com. Sub. for House Concurrent Resolution 29, Sheriff Jeremy Taylor Memorial Road.

Com. Sub. for House Concurrent Resolution 32, U. S. Army PVT Leon 'Deacon' Stover Memorial Bridge.

Com. Sub. for House Concurrent Resolution 36, US. Marine Corps PFC Darrel Lee Burgess Memorial Bridge.

Com. Sub. for House Concurrent Resolution 45, Charlotte Denise Seymour Hill Memorial Bridge.

Com. Sub. for House Concurrent Resolution 50, Alfred E. Garrison Memorial Bridge.

Com. Sub. for House Concurrent Resolution 56, Tom Bill Dudley Memorial Bridge.

Com. Sub. for House Concurrent Resolution 76, PFC Charles Henry Moore Memorial Bridge.

Com. Sub. for House Concurrent Resolution 86, U. S. Army PFC Robert F. Mann Memorial Bridge.

And,

Com. Sub. for House Concurrent Resolution 89, U. S. Army SP4 Kermit Harold Yoho Memorial Bridge.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolutions (Com. Subs. for H. C. R. 5, 7, 13, 18, 24, 26, 28, 29, 32, 36, 45, 50, 56, 76, 86, and 89) 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.

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

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report, to take effect from passage, and requested the concurrence of the Senate in the adoption thereof, as to

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

Whereupon, Senator Barrett, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill 2267 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses that the Senate and the House agree as follows:

On page 2, section 1, after line 3, by adding the following:

On page 13, paragraph 2.30.9, after the words "(iv) canned or packaged food valued at least" by deleting "\$100" and inserting in lieu thereof "\$50".

And,

On page 24, by striking out all of paragraph 3.2.1.a., and inserting in lieu thereof a new paragraph 3.2.1.a. to read as follows:

3.2.1.a. That is located on any college campus, state university campus, or branch thereof, unless it is located in an on-campus structure listed on the National Register of Historic Places located within a designated National Historic Landmark District or such private club type is located upon the premises of a National Collegiate Athletic Association, or its successor, approved Division I, II, or III sports stadium used for revenue generating sports by a college or university on its campus and no classes are held at the sports stadium or at a private college sports stadium.

And,

On page 34, subparagraph 3.4.7.c by striking out "2.22.5" and inserting in lieu thereof "2.25.5".

And,

On page 37, subsection 3.4.12.e, line six, following the words "commissioner's requirements" and the period, by inserting a new sentence to read as follows: "Furthermore, where a municipality has authorized sidewalk dining areas by ordinance, a qualified permit holder has obtained a sidewalk dining permit from the municipality and the Commissioner, and additionally the municipality has authorized by ordinance that a qualified permit holder in the PODA may provide for the lawful sale, service, and tendering of alcohol (such alcohol as authorized for sale by the licensee's license) from an approved sidewalk dining area in approved PODA cups to patrons, and the qualified permit holder has added the sidewalk dining area or areas as a part of its WVABCA floorplan comprising its licensed premises, then such qualified permit holder may conduct such lawful sales, service, and tendering of alcohol (such alcohol as authorized for sale by the licensee's license) from the sidewalk dining area or areas without the dining requirement for such to-go alcoholic beverage sales."

And.

On page 39, paragraph 4.2.3, after the word "A" by inserting the word "valid".

And,

On page 39, paragraph 4.2.3 by deleting the word "card".

And,

On page 39, paragraph 4.2.4, after the word "A" by inserting the word "valid".

And,

On page 39, paragraph 4.5.5 by striking out the word "The" and inserting in lieu thereof the words "In each public restroom the".

And,

On page 48, subparagraph 5.1.1.h by striking out the words "in a position where the primary responsibility for such employment is to sell, furnish, tender, serve, or give nonintoxicating beer, wine, or alcoholic liquors to any person;" and inserting in lieu thereof the words "in any capacity that includes, even incidentally, the selling, furnishing, tendering, serving, or giving of nonintoxicating beer, wine, or alcoholic liquors to any person;".

Respectfully submitted

Michael Hornby, *Chair*, Doug Smith, Rick Garcia, *Conferees on the part of the House of Delegates*.

Jason Barrett, *Chair*, Patricia Puertas Rucker (*did not sign*), Joey Garcia, *Conferees on the part of the Senate*.

At the request of Senator Barrett, unanimous consent being granted, the report of the committee of conference was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2267, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Hamilton, Helton, Jeffries, Maynard, Morris, Oliverio, Phillips, Queen, Rucker, Stuart, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—25.

The nays were: Azinger, Bartlett, Grady, Hart, Martin, Roberts, Rose, and Taylor—8.

Absent: Boley—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. 2267) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley—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. 2267) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced the adoption by that body of the committee of conference report, passage as amended by the conference report with its conference amended title, and requested the concurrence of the Senate in the adoption thereof, as to

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

Whereupon, Senator Rucker, from the committee of conference on matters of disagreement between the two houses, as to

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

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for House Bill 2880 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

CHAPTER 49. CHILD WELFARE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§49-1-201. Definitions related, but not limited to, child abuse and neglect.

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

"Abandonment" means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

"Abused child" means:

(1) A child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian, or custodian who knowingly or intentionally inflicts, attempts to inflict, or knowingly allows another person to inflict, physical injury or mental or emotional injury upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian, or custodian in violation of §61-2-14h of this code;

(D) Domestic violence as defined in §48-27-202 of this code; or

(E) Human trafficking or attempted human trafficking in violation of §61-14-2 of this code.

(2) A child conceived as a result of sexual assault, as that term is defined in this section, or as a result of the violation of a criminal law of another jurisdiction which has the same essential elements: *Provided*, That no victim of sexual assault may be determined to be an abusive parent as that term is defined in this section, based upon being a victim of sexual assault.

"Abusing parent" means a parent, guardian, or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

"Battered parent" for the purposes of §49-4-601 *et seq.* of this code means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by §48-27-202 of this code, which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

"Child abuse and neglect" or "child abuse or neglect" means any act or omission that creates an abused child or a neglected child as those terms are defined in this section.

"Child abuse and neglect services" means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing, and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families, or some portion of the families;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion of the families, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

"Condition requiring emergency medical treatment" means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage; that condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness, and evidence of ingestion of significant amounts of a poisonous substance.

"Imminent danger to the physical well-being of the child" means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been

sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life, or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling, babysitter, or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian, or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian, or custodian;

(G) Sale or attempted sale of the child by the parent, guardian, or custodian;

(H) The parent, guardian, or custodian's abuse of alcohol or drugs or other controlled substance as defined in §60A-1-101 of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

(I) Any other condition that threatens the health, life or safety of any child in the home.

"Neglected child" means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education, when that refusal, failure, or inability is not due primarily to a lack of financial means on the part of the parent, guardian, or custodian;

(B) Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent or custodian; or

(C) "Neglected child" does not mean a child whose education is conducted within the provisions of §18-8-1 *et seq.* of this code.

"Parent Resource Navigator" means an individual established through the Court Improvement Program (CIP) or Public Defender Services (PDS) model who is assisting a parent or parents through requirements to be unified or reunified with their child or children.

"Petitioner or copetitioner" means the department or any reputable person who files a child abuse or neglect petition pursuant to §49-4-601 *et seq.* of this code.

"Permanency plan" means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

"Respondent" means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or copetitioners.

"Sexual abuse" means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by §61-8c-3 of this code, which a parent, guardian, or custodian engages in, attempts to engage in, or knowingly procures another person to engage in, with a child notwithstanding the fact that for a child who is less than 16 years of age, the child may have willingly participated in that conduct or the child may have suffered no apparent physical, mental, or emotional injury as a result of that conduct or, for a child 16 years of age or older, the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental, or emotional injury as a result of that conduct;

(B) Any conduct where a parent, guardian, or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian, or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; or

(C) Any of the offenses proscribed in §61-8b-7, §61-8b-8, or §61-8b-9 of this code.

"Sexual assault" means any of the offenses proscribed in §61-8b-3, §61-8b-4, or §61-8b-5 of this code.

"Sexual contact" means sexual contact as that term is defined in §61-8b-1 of this code.

"Sexual exploitation" means an act where:

(A) A parent, custodian, or guardian, whether for financial gain or not, persuades, induces, entices, or coerces a child to engage in sexually explicit conduct as that term is defined in §61-8c-1 of this code;

(B) A parent, guardian, or custodian persuades, induces, entices, or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows that the display is likely to be observed by others who would be affronted or alarmed; or

(C) A parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of §61-14-5 of this code.

"Sexual intercourse" means sexual intercourse as that term is defined in §61-8b-1 of this code.

"Sexual intrusion" means sexual intrusion as that term is defined in §61-8b-1 of this code.

"Serious physical abuse" means bodily injury which creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-802a. Information to be provided at the outset of a child protective services investigation.

(a) Notwithstanding any other provision to the contrary, immediately upon initiating an investigation of a parent or other person having legal custody of a child, the department shall,

upon first contact with the individual, provide the individual with a copy of A Parent's Guide to Working with Child Protective Services (Guide).

(b) The Guide shall include a short and plain statement to include, but not be limited to, the following:

- (1) Steps that the department will take to investigate signs of abuse and neglect;
- (2) Steps that may need to be taken to make a safer or healthier home for the child;
- (3) An overview of the court process;
- (4) The confidentiality of maltreatment reports and case appeals;
- (5) Child visitation; and
- (6) Case appeals.

§49-2-809. Reporting procedures.

~~(a) Reports of child abuse and neglect pursuant to this article shall be made immediately to the department of child protective services by a method established by the Bureau for Social Services: *Provided*, That if the method for reporting is web-based, the Bureau for Social Services shall maintain a system for addressing emergency situations that require immediate attention and shall be followed by a written report within 48 hours if so requested by the receiving agency. The Bureau for Social Services shall establish and maintain a 24-hour, seven-day-a-week telephone number to receive calls reporting suspected or known child abuse or neglect. Reports of child abuse and neglect pursuant to this article shall be made immediately to the Bureau for Social Services. Reports of child abuse and neglect shall be made to the Bureau of Social Services via a 24-hour, seven-day-a week hotline (centralized intake) that shall be maintained by the Bureau of Social Services to receive calls reporting suspected or known child abuse or neglect or such reports may be made via web-based reporting (email, electronic fax, fillable form, or other electronic form) that sends the reports to a live person to handle the reports immediately. Both systems shall give the reporter a specific case identifier immediately upon making a report.~~

(b) If a report of child abuse and neglect is made in any fashion other than specified in subsection (a) of this section, then Bureau of Social Services is still required to act upon such report as if the report were made to centralized intake.

~~(b) The department shall have a redundancy for its system in the event of an outage to receive reports. This redundancy system shall be transparent, meaning that it shall allow for reporting in the same means as if the outage had not occurred and no time delay shall occur from when the outage occurs to when the redundancy system begins to operate. This redundancy system shall be operational no later than July 1, 2023. If the department contends that it currently has a redundancy system, it shall describe the system, provide an operational date for the system, and explain why calls to centralized intake were unanswered to the Joint Committee on Government and Finance by July 1, 2023.~~

(c) A copy of any report of serious physical abuse, sexual abuse, or assault shall be forwarded by the department to the appropriate law-enforcement agency, the prosecuting attorney, or the coroner or medical examiner's office. All reports under this article are confidential. Reports of

known or suspected institutional child abuse or neglect shall be made and received as all other reports made pursuant to this article.

(d) The department shall annually submit a report in an electronic format, via the legislative webpage, on July 1 to the Joint Committee on Government and Finance, which shall contain: How many calls were made to centralized intake on a per county basis, how many calls were referred to centralized intake on a per county basis, how many calls were screened out centralized intake on a per county basis, and the time from referral to investigation on a per county basis.

(e) All reports made to centralized intake by email, fax, fillable form, or other electronic form from a reporter, shall be retained in the Comprehensive Child Welfare Information System in its original format for at least 12 months.

(f) Audio files recorded from reports made to centralized intake shall be retained in the Comprehensive Child Welfare Information System for at least 12 months.

(g) Any such person receiving a report pursuant to subsection (b) of this section shall make a written record in the Comprehensive Child Welfare Information system detailing the report and retain that record in an appropriate format for a period of at least 12 months.

ARTICLE 4. COURT ACTIONS.

§49-4-405. Multidisciplinary treatment planning process involving child abuse and neglect; team membership; duties; reports; admissions.

(a) Within 30 days of the initiation of a judicial proceeding pursuant to part six of this article, the department shall convene a multidisciplinary treatment team to assess, plan, and implement a comprehensive, individualized service plan for children who are victims of abuse or neglect and their families. The multidisciplinary team shall obtain and utilize any assessments for the children or the adult respondents that it deems necessary to assist in the development of that plan.

(b) In a case initiated pursuant to part six of this article, the treatment team consists of:

(1) The child or family's case manager in the department;

(2) The adult respondent or respondents;

(3) The child's parent or parents, guardians, any copetitioners, custodial relatives of the child, foster or preadoptive parents;

(4) Any attorney representing an adult respondent or other member of the treatment team;

(5) The child's counsel or the guardian ad litem;

(6) The prosecuting attorney or his or her designee;

(7) A member of a child advocacy center when the child has been processed through the child advocacy center program or programs or it is otherwise appropriate that a member of the child advocacy center participate;

(8) Any court-appointed special advocate assigned to a case;

(9) Any other person entitled to notice and the right to be heard;

(10) An appropriate school official;

(11) A parent resource navigator;

~~(14)~~ (12) The managed care case coordinator; and

~~(12)~~ (13) Any other person or agency representative who may assist in providing recommendations for the particular needs of the child and family, including domestic violence service providers.

The child may participate in multidisciplinary treatment team meetings if the child's participation is deemed appropriate by the multidisciplinary treatment team. Unless otherwise ordered by the court, a party whose parental rights have been terminated and his or her attorney may not be given notice of a multidisciplinary treatment team meeting and ~~does~~ do not have the right to participate in any treatment team meeting.

(c) Prior to disposition in each case in which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and the type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement with appropriate relatives then with foster care homes, facilities, or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child.

(d) The multidisciplinary treatment team shall submit written reports to the court as required by the rules governing this type of proceeding or by the court and shall meet as often as deemed necessary but at least every three months until the case is dismissed from the docket of the court. The multidisciplinary treatment team shall be available for status conferences and hearings as required by the court.

(e) If a respondent or copetitioner admits the underlying allegations of child abuse or neglect, or both abuse and neglect, in the multidisciplinary treatment planning process, his or her statements may not be used in any subsequent criminal proceeding against him or her, except for perjury or false swearing.

ARTICLE 5. RECORD KEEPING AND DATABASE.

§49-5-101. Confidentiality of records; non-release of records; exceptions; penalties.

(a) Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by the Division of Corrections and Rehabilitation, the Department of Human Services, a child agency or facility, or court or law-enforcement agency, are confidential and may not be released or disclosed to anyone, including any federal or state agency.

(b) Notwithstanding the provisions of subsection (a) of this section or any other provision of this code to the contrary, records concerning a child or juvenile, except adoption records and

records disclosing the identity of a person making a complaint of child abuse or neglect, may be made available:

(1) Where otherwise authorized by this chapter;

(2) To:

(A) The child;

(B) A parent whose parental rights have not been terminated;

(C) The attorney of the child or parent; and

(D) The Juvenile Justice Commission and its' designees acting in the course of their official duties;

(3) With the written consent of the child or of someone authorized to act on the child's behalf; and

(4) Pursuant to an order of a court of record: *Provided*, That the court shall review the record or records for relevancy and materiality to the issues in the proceeding and safety and may issue an order to limit the examination and use of the records or any part thereof.

(c) In addition to those persons or entities to whom information may be disclosed under subsection (b) of this section, information related to child abuse or neglect proceedings, except information relating to the identity of the person reporting or making a complaint of child abuse or neglect, shall be made available upon request to:

(1) Federal, state, or local government entities, or any agent of those entities, including law-enforcement agencies and prosecuting attorneys, having a need for that information in order to carry out its responsibilities under law to protect children from abuse and neglect;

(2) The child fatality review team;

(3) Child abuse citizen review panels;

(4) Multidisciplinary investigative and treatment teams; or

(5) A grand jury, circuit court, or family court, upon a finding that information in the records is necessary for the determination of an issue before the grand jury, circuit court, or family court; and

(6) The West Virginia Crime Victims Compensation Fund and its designees acting in the course of their official duties.

(d) Information related to proceedings involving child abuse or neglect, or both, shall be made available, upon request, to the Foster Care Ombudsman, or his or her designee, with the exception of information related to the identity of the person making a referral or suspected abuse or neglect. Only in cases involving near fatalities or fatalities of a child in the foster care system, shall the information related to the identity of the person who reported the suspected abuse or neglect be made available to the Foster Care Ombudsman: *Provided*, That such request is made in the course of their official duties pursuant to §16B-16-1 *et seq.* of this code.

~~(d)~~ (e) If there is a child fatality or near fatality due to child abuse and neglect, information relating to a fatality or near fatality shall be made public by the Department of Human Services and provided to the entities described in subsection (c) of this section and to the Critical Incident Review Team as established in §61-12B-1 et seq. of this code: all under the circumstances described in that subsection: *Provided*, That information released by the Department of Human Services pursuant to this subsection may not include the identity of a person reporting or making a complaint of child abuse or neglect except when such information and records are released to the Foster Care Ombudsman or his or her designee acting in the course of their official duties related to a near fatality or fatality of a child with in the foster care system. Only in those circumstances shall the Department of Human Services include the identity of a person reporting or making a complaint of child abuse or neglect may be included: *Provided, however*, That the Foster Care Ombudsman or his or her designee is acting in the course of their official duties pursuant to §16B-16-1 et seq. of this code. For purposes of this subsection, "near fatality" means any medical condition of the child which is certified by the attending physician to be life-threatening.

~~(e)~~ (f) Except in juvenile proceedings which are transferred to criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files. Law-enforcement records and files concerning a child or juvenile shall only be open to inspection pursuant to §49-5-103 of this code.

~~(f)~~ (g) Any person who willfully violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than six months, or both fined and confined. A person convicted of violating this section is also liable for damages in the amount of \$300, or actual damages, whichever is greater.

~~(g)~~ (h) Notwithstanding the provisions of this section, or any other provision of this code to the contrary, the name and identity of any juvenile adjudicated or convicted of a violent or felonious crime shall be made available to the public;

~~(h)~~ (i)(1) Notwithstanding the provisions of this section or any other provision of this code to the contrary, the Division of Corrections and Rehabilitation may provide access to, and the confidential use of, a treatment plan, court records, or other records of a juvenile to an agency in another state which:

(A) Performs the same functions in that state that are performed by the Division of Corrections and Rehabilitation in this state;

(B) Has a reciprocal agreement with this state; and

(C) Has legal custody of the juvenile.

(2) A record which is shared under this subsection may only provide information which is relevant to the supervision, care, custody, and treatment of the juvenile;

(3) The Division of Corrections and Rehabilitation may enter into reciprocal agreements with other states and propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code to implement this subsection; and

(4) Other than the authorization explicitly given in this subsection, this subsection may not be construed to enlarge or restrict access to juvenile records as provided elsewhere in this code.

~~(j)~~ (i) The records subject to disclosure pursuant to subsection (b) of this section may not include a recorded/videotaped interview, as defined in §62-6B-2(6) of this code, the disclosure of which is exclusively subject to §62-6B-6 of this code.

~~(j)~~ (k) Notwithstanding the provisions of subsection (a) of this section, records in the possession of the Division of Corrections and Rehabilitation declared to be confidential by the provisions of subsection (a) of this section may be published and disclosed for use in an employee grievance if the disclosure is done in compliance with subsections ~~(k), (l), and (m)~~ (l), (m), and (n) of this section.

~~(k)~~ (l) Records or information declared confidential by the provisions of this section may not be released for use in a grievance proceeding except:

(1) Upon written motion of a party; and

(2) Upon an order of the Public Employee's Grievance Board entered after an in-camera hearing as to the relevance of the record or information.

~~(l)~~ (m) If production of confidential records or information is disclosed to a grievant, his or her counsel or representative, pursuant to subsection ~~(k)~~ (l) of this section:

(1) The division shall ensure that written records or information is redacted of all identifying information of any juvenile which is not relevant to the resolution of the grievance;

(2) Relevant video and audio records may be disclosed without redaction; and

(3) Records or other information released to a grievant or his or her counsel or representative pursuant to subsection ~~(k)~~ (l) of this section may only be used for purposes of his or her grievance proceeding and may not be disclosed, published, copied, or distributed for any other purpose, and upon the conclusion of the grievance procedure, returned to the Division of Corrections and Rehabilitation.

~~(m)~~ (n) If a grievant or the Division of Corrections and Rehabilitation seek judicial review of a decision of the Public Employee's Grievance Board, the relevant confidential records disclosed and used in the grievance proceeding may be used in the appeal proceeding upon entry of an order by the circuit court, and the order shall contain a provision limiting disclosure or publication of the records or information to purposes necessary to the proceeding and prohibiting unauthorized use and reproduction.

~~(n)~~ (o) Nothing in this section may be construed to abrogate the provisions of §29B-1-1 *et seq.* of this code.

~~(o)~~ (p) When requested, A a child placing-agency or a residential childcare and treatment facility may shall disclose otherwise confidential information to other child-placing agencies or residential childcare and treatment facilities when making referrals or providing services on behalf of the child. This information shall be maintained in the same manner as provided in this code.

~~(p)~~ (q) The department shall provide electronic access to information required to perform an adoption to child-placing agencies as necessary to complete the adoption.

~~(q)~~ (r) A child-placing agency completing adoption as a contractor on behalf of the department shall have access to secure records from vital statistics and other pertinent record holders.

(s) The Bureau for Social Services shall provide to the managed care organization, the child-placing agency, and the person having temporary custody of the child, the medical records of the child that are necessary for the care of treatment of the child.

ARTICLE 11. SYSTEM REPORTING.

§49-11-101. Systemic reporting transparency; ~~rulemaking.~~

(a) The commissioner shall ~~change~~ update the existing child welfare data dashboard by July 1, 2023, July 1, 2026, and shall update the child welfare data dashboard monthly thereafter to report on system-wide issues including, but not limited to, system-level performance indicators, intake hotline performance indicators, field investigation performance indicators, open case performance indicators, out-of-home placement performance indicators, and federally mandated performance indicators including, but not limited to, time to first contact to all children, information on children in non-placement or temporary lodging status.

(b) The Commissioner shall update the existing child welfare data dashboard with information on child fatality and near fatality information related to those cases subject to review by the Critical Incident Review Team as set forth in §61-12B-1 *et seq.* of this code within 48 hours of a child fatality or near fatality. With respect to child fatality or near fatality information, the Department of Human Services shall report the following variables: the date of the incident, the child's sex, and the child's age. The data dashboard shall provide a link to the final report of the Critical Incident Review Team within 24 hours of its completion. The Commissioner shall send a notification, within 24 hours of child fatalities or near fatalities, to the Secretary of Human Services to enable it to convene a meeting of the Critical Incident Review Team.

(c) The child welfare data dashboard shall include workforce information including, but not limited to, the number of child protective services staff that have been hired but who have not completed training, the number and vacancies of adoption workers, and the number and vacancies of home finders.

(d) Starting July 1, 2026, the data reported on the child welfare data dashboard shall be represented as a point in time number and trended over time. Beginning July 1, 2026, the data shall be saved in a way to allow public users to search the dashboard yearly by reporting date, and by county. The Department of Human Services may apply data suppression in order to protect individual identification as necessary.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 12B. CRITICAL INCIDENT REVIEW TEAM.

§61-12B-1. Purpose.

The Critical Incident Review Team is created under the Department of Human Services for the purpose of reviewing fatalities and near fatalities involving children involved in the child welfare

system and making recommendations to identify effective prevention and intervention processes to decrease preventable child fatalities and near fatalities in the child welfare system.

§61-12B-2. Definitions.

As used in this article:

"Epidemiological analysis" means an analysis of demographic factors related to the child's fatality or near fatality including, but not limited to, an analysis of the following factors: the date of birth of the child; the sex of the child; the county of the child's residence; the race/ethnicity of the child; the date the child suffered the fatality or near fatality; the type of maltreatment; the cause of the fatality or near fatality; whether the agency had any contact, and if so, how many times, with the child or a member of the child's family or household before the fatality or near fatality; and maltreater demographic information.

"Known case" means any Child Protective Services case or youth services case in the Comprehensive Child Welfare Information System or a case assessed by Child Protective Services, youth services, or a contracted vendor;

"Near fatality" means any medical condition of the child which is certified by the attending physician to be life threatening. It shall also include incidents that have been found to have created a substantial risk of death or serious bodily injury to the child.

§61-12B-3. Creation of the Critical Incident Review Team and composition of members.

(a) The Critical Incident Review Team is created under the Office of the Inspector General and is a multidisciplinary team created to oversee and coordinate the examination, review, and assessment of:

(1) The fatality or near fatality of a child in the custody of the Department of Human Services;

(2) The fatality or near fatality of a child who has a known case with the Department of Human Services or who is the immediate family member or a member of a household of a person with a known case with the Department of Human Services; and

(3) The fatality or near fatality of a child whose identity has been brought to the attention of the Department of Human Services through a centralized intake report, regardless of whether the report was accepted for an investigation.

(b) The Critical Incident Review Team shall consist of the following members:

(1) The Commissioner of the Bureau for Social Services, or his or her designee, who is to serve as the chairperson, and is responsible for calling and coordinating meetings of the Critical Incident Review Team;

(2) The Director of the Division of Planning and Quality Improvement;

(3) The Deputy Commissioner of the Bureau for Social Services;

(4) A representative from the Office of Field Support, Programs and Resource Development, Planning and Research, or the Office of Field Operations;

(5) The social services manager for any district having a history with the child or his or her family or any household member that is the subject of the critical incident review;

(6) The Foster Care Ombudsman, or his or her designee;

(7) A representative of the West Virginia Supreme Court of Appeals, Division of Children Services;

(8) A representative from the Prosecuting Attorney's Institute;

(9) The Superintendent of the West Virginia State Police or his or her designee;

(10) A member of the West Virginia Senate, appointed by the President of the Senate, who shall serve as an ex officio member; and

(11) A member of the West Virginia House of Delegates, appointed by the Speaker of the House, who shall serve as an ex officio member.

(c) Each member shall serve without additional compensation and may not be reimbursed for any expenses incurred in the discharge of his or her duties under the provisions of this article.

(d) The Critical Incident Review Team may seek guidance and opinion regarding any matter under review from outside experts in any related field. At any such time, the Critical Incident Review Team shall require that all appropriate privacy requirements required in this article are in place.

§61-12B-4. Responsibilities of the Critical Incident Review Team.

(a) The Critical Incident Review Team shall:

(1) The team shall meet at least quarterly: *Provided*, That in the event of a fatality or near fatality, the team shall meet within 45 days of such fatality or near fatality to conduct the review required by this article;

(2) Review and analyze all fatalities and near fatalities as required by this article;

(3) Ascertain and document the trends, patterns, and risk factors associated with the fatalities and near fatalities evaluated;

(4) Provide statistical information and an epidemiological analysis regarding the causes of fatalities and near fatalities as specified in this article;

(5) Establish standard procedures for the handling of the critical incident review;

(6) Establish processes and protocols for the review and analysis of fatalities and near fatalities of those who were not suffering from mortal diseases shortly before fatality;

(7) Establish processes and protocols to ensure confidentiality of records obtained by the Critical Incident Review Team; and

(8) Seek additional expert guidance as necessary to complete a review of any fatality or near fatality evaluated.

(b) The team is prohibited from the following:

(1) Contacting a witness or witnesses to take testimony from individuals involved in the investigation of a fatality; or

(2) Otherwise take any action which impedes an ongoing law enforcement investigation.

§61-12B-5. Reporting of the Critical Incident Review Team.

(a)(1) The Critical Incident Review Team shall submit an initial report within 75 days of the fatality or near fatality to the Legislative Oversight Commission on Health and Human Resources Accountability with updated reports every 90 days.

(2) Any initial reports submitted mid-year and any other updated reports to be made shall be compiled into a final report to be submitted to the Legislative Oversight Commission on Health and Human Resources Accountability which shall be submitted no later than December 1 each year.

(b) The report is to include statistical information and an epidemiological analysis concerning cases reviewed during the year, trends and patterns concerning these cases, and the team's recommendations to reduce the number of fatalities and near fatalities that occur in this state.

(c) The Critical Incident Review Team may provide reporting to child residential facilities to inform their internal peer review activities. Such information shall be deemed confidential and shall be used only for peer review purposes.

§61-12B-6. Access to information; other agencies of government required to cooperate.

(a) Notwithstanding any other provision of this code to the contrary, the Critical Incident Review Team may request information and records as necessary to carry out its responsibilities. Records and information that may be requested under this section include:

(1) Medical, dental, and mental health records;

(2) Substance abuse records to the extent allowed by federal law; and

(3) Information and records maintained by any state, federal, or local government agency.

(b) State, county, and local government agencies shall provide the Critical Incident Review Team with any information requested in writing by the team.

§61-12B-7. Confidentiality.

(a) Proceedings and records of the Critical Incident Review Team established pursuant to this article are confidential and are not subject to discovery, subpoena, or the introduction into evidence in any civil or criminal proceeding. This section does not limit or restrict the right to

discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the proceedings of the team.

(b) Members of the Critical Incident Review Team may not be questioned in any civil or criminal proceeding regarding information presented or opinions formed as a result of a meeting of the team. This subsection does not prevent a member of a team from testifying to information obtained independently of the team which is public information.

(c) Proceedings and records of the Critical Incident Review Team established by the team are exempt from disclosure under the Freedom of Information Act as provided in §29B-1-1 et seq. of this code.

(d) Notwithstanding any other provision to the contrary, the Critical Incident Review Team shall prepare a compilation of data to be shared, on an annual basis or more often as requested or needed, with the Centers for Disease Control and Prevention to study child fatalities or near fatalities.

(e) Information shall be maintained by the Critical Incident Review Team in a confidential manner compliant with the Health Insurance Portability and Accountability Act of 1996.

And,

That both houses recede from their respective positions as to the title of the bill and agree to the same as follows:

Eng. Com. Sub. for House Bill 2880—A Bill to amend and reenact §49-1-201, §49-2-809, §49-4-405, §49-5-101, and §49-11-101 of the Code of West Virginia, 1931, as amended; to amend the code by adding a new article, designated, to amend the code by adding a new section, designated §49-2-802a; and to amend the code by adding a new article, designated, §61-12B-1, §61-12B-2, §61-12B-3, §61-12B-4, §61-12B-5, §61-12B-6, and §61-12B-7, relating to child welfare; defining terms; requiring information to be provided at outset of investigation; stating form of centralized intake reporting procedures; including parent resource navigators within multidisciplinary teams; permitting the foster care ombudsman to access information related to child abuse and neglect proceedings; requiring the Bureau for Social Services to provide access medical records; requiring updates to the child welfare dashboard; establishing the Critical Incident Review Team; setting forth composition of members; setting forth the responsibilities of the Critical Incident Review Team; setting forth the reporting requirements of the Critical Incident review team; requiring cooperation with Critical Incident Team; and setting forth confidentiality of information.

Respectfully submitted,

Adam Burkhammer, *Chair*, Jonathan Pinson, Mike Pushkin, *Conferees on the part of the House of Delegates.*

Patricia Puertas Rucker, *Chair*, Christopher A. Rose, Michael A. Woelfel, *Conferees on the part of the Senate.*

Senator Rucker, Senate cochair of the committee of conference, was recognized to explain the report.

Thereafter, at the request of Senator Rucker, unanimous consent being granted, the report was taken up for immediate consideration and adopted.

Engrossed Committee Substitute for House Bill 2880, as amended by the conference report, was then put upon its passage.

On the passage of the bill, as amended, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: Helton—1.

Absent: Boley—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. 2880) passed with its conference amended title.

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

At the request of Senator Weld, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 3164, Requiring registered sex offenders pay annual fee.

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

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

The nays were: None.

Absent: Boley—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. 3164) passed with its title.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 474, Ending diversity, equity, and inclusion programs.

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

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

On page 10, section 2, line 29, following the words "sexual harassment" by striking out the period and inserting the following: "or to meet accreditation standards.";

on page 3, section 3, following the period on line 12, by inserting the following:

(b) Nothing in this article may be construed to abrogate individuals' rights and causes of action under the West Virginia Human Rights Act.;

And,

On page 7, section 29, following the period on line 20, by inserting the following:

(d) Nothing in this article may be construed to abrogate individuals' rights and causes of action under the West Virginia Human Rights Act.

Senator Grady moved that the Senate concur in the House of Delegates amendments to the bill.

Thereafter, Senator Grady withdrew the aforesaid motion to concur in the House of Delegates amendments to the bill.

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

Eng. Com. Sub. for Senate Bill 35, Permitting campus police officers to participate in Deputy Sheriffs Retirement System.

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

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

On page 1, following the enacting clause, by striking all of section two in its entirety, and inserting in lieu thereof the following:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.

§8-22A-2. Definitions.

As used in this article, unless a federal law or regulation or the context clearly requires a different meaning:

(a) "Accrued benefit" means on behalf of any member 2.75 percent per year of the member's final average salary for the first 20 years of credited service. Additionally, 2 percent per year for 21 through 25 years and 1.5 percent per year for each year over 25 years will be credited with a maximum benefit of 90 percent of a member's final average salary. A member's accrued benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of §8-22A-10 of this code.

(b) "Accumulated contributions" means the sum of all retirement contributions deducted from the compensation of a member or paid on his or her behalf as a result of covered employment, together with regular interest on the deducted amounts.

(c) "Active military duty" means full-time duty in the active military service of the United States Army, Navy, Air Force, Space Force, Coast Guard, or Marine Corps. The term does not include regularly required training or other duty performed by a member of a reserve component or National Guard unless the member can substantiate that he or she was called into the full-time active military service of the United States and has received no compensation during the period of that duty from any board or employer other than the armed forces.

(d) "Actuarial equivalent" means a benefit of equal value computed on the basis of the mortality table and interest rates as set and adopted by the board in accordance with the provisions of this article: *Provided*, That when used in the context of compliance with the federal maximum benefit requirements of Section 415 of the Internal Revenue Code, "actuarial equivalent" shall be computed using the mortality tables and interest rates required to comply with those requirements.

(e) "Annual compensation" means the wages paid to the member during covered employment within the meaning of Section 3401(a) of the Internal Revenue Code, but determined without regard to any rules that limit the remuneration included in wages based on the nature or location of employment or services performed during the plan year plus amounts excluded under Section 414(h)(2) of the Internal Revenue Code and less reimbursements or other expense allowances, cash or noncash fringe benefits, or both, deferred compensation and welfare benefits. Annual compensation for determining benefits during any determination period may not exceed the maximum compensation allowed as adjusted for cost-of-living in accordance with §5-10D-7 of this code and Section 401(a) (17) of the Internal Revenue Code.

(f) "Annual leave service" means accrued annual leave.

(g) "Annuity starting date" means the first day of the month for which an annuity is payable after submission of a retirement application or the required beginning date, if earlier. For purposes of this subsection, if retirement income payments commence after the normal retirement age, "retirement" means the first day of the month following or coincident with the latter of the last day the member worked in covered employment or the member's normal retirement age and after completing proper written application for retirement on an application supplied by the board.

(h) "Beneficiary" means a natural person who is entitled to, or will be entitled to, an annuity or other benefit payable by the plan.

(i) "Board" means the Consolidated Public Retirement Board.

(j) "Bona fide separation from service upon retirement" means that a retirant has completely terminated any employment relationship with any participating public employer in the plan for a

period of at least 60 consecutive days from the effective date of retirement and without a prearranged agreement to return to employment with a participating public employer. For purposes of this definition, an employment relationship includes employment in any capacity, whether on a permanent, full-time, part-time, substitute, per diem, temporary or leased employee basis.

~~(k)~~ (k) "Covered employment" means ~~either~~: (1) Employment as a full-time municipal police officer or firefighter and the active performance of the duties required of that employment; or (2) - employment as a full-time campus police officer as described in §18B-4-5 of this code and the active performance of the duties required of that employment; or (3) the period of time during which active duties are not performed but disability benefits are received under this article; or (3) (4) concurrent employment by a municipal police officer or firefighter or a campus police officer in a job or jobs in addition to his or her employment as a municipal police officer or firefighter or a campus police officer in this plan where the secondary employment requires the police officer or firefighter to be a member of another retirement system which is administered by the Consolidated Public Retirement Board pursuant to this code: *Provided*, That the police officer or firefighter contributes to the fund created in this article the amount specified as the member's contribution in §8-22A-8 of this code.

~~(k)~~ (l) "Credited service" means the sum of a member's years of service, active military duty, and disability service.

~~(l)~~ (m) "Dependent child" means ~~either~~: (1) An unmarried person under age 18 who is: (A) A natural child of the member; (B) a legally adopted child of the member; (C) a child who at the time of the member's death was living with the member while the member was an adopting parent during any period of probation; or (D) a stepchild of the member residing in the member's household at the time of the member's death; or (2) Any unmarried child under age 23: (A) Who is enrolled as a full-time student in an accredited college or university; (B) who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death; and (C) whose relationship with the member is described in paragraph (A), (B) or (C), subdivision (1) of this subsection.

~~(m)~~ (n) "Dependent parent" means the father or mother of the member who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death.

~~(n)~~ (o) "Disability service" means service credit received by a member, expressed in whole years, fractions thereof, or both, equal to one half of the whole years, fractions thereof, or both, during which time a member receives disability benefits under this article.

~~(o)~~ (p) "Effective date" means January 1, 2010.

~~(p)~~ (q) "Employer error" means an omission, misrepresentation or deliberate act in violation of relevant provisions of the West Virginia Code or of the West Virginia Code of State Regulations or the relevant provisions of both the West Virginia Code and of the West Virginia Code of State Regulations by the participating public employer that has resulted in an underpayment or overpayment of contributions required.

~~(q)~~ (r) "Final average salary" means the average of the highest annual compensation received for covered employment by the member during any five consecutive plan years within the member's last 10 years of service while employed, prior to any disability payment. If the member did not have annual compensation for the five full plan years preceding the member's attainment

of normal retirement age and during that period the member received disability benefits under this article, then "final average salary" means the average of the monthly compensation which the member was receiving in the plan year prior to the initial disability. "Final average salary" does not include any lump sum payment for unused, accrued leave of any kind or character.

(~~f~~) (s) "Full-time employment" means permanent employment of an employee by a participating ~~municipality~~ public employer in a position which normally requires 12 months per year service and requires at least 1,040 hours per year service in that position.

(~~e~~) (t) "Fund" means the West Virginia Municipal Police Officers and Firefighters Retirement Fund created by this article.

(~~t~~) (u) "Hour of service" means: (1) Each hour for which a member is paid or entitled to payment for covered employment during which time active duties are performed. These hours shall be credited to the member for the plan year in which the duties are performed; and (2) each hour for which a member is paid or entitled to payment for covered employment during a plan year but where no duties are performed due to vacation, holiday, illness, incapacity including disability, layoff, jury duty, military duty, leave of absence, or any combination thereof and without regard to whether the employment relationship has terminated. Hours under this subdivision shall be calculated and credited pursuant to West Virginia Division of Labor rules. A member may not be credited with any hours of service for any period of time he or she is receiving benefits under §8-22A-17 and §8-22A-18 of this code; and (3) each hour for which back pay is either awarded or agreed to be paid by the ~~employing municipality~~ participating public employer, irrespective of mitigation of damages. The same hours of service may not be credited both under subdivision (1) or (2) of this subsection and under this subdivision. Hours under this paragraph shall be credited to the member for the plan year or years to which the award or agreement pertains, rather than the plan year in which the award, agreement or payment is made.

(~~u~~) (v) "Medical examination" means an in-person or virtual examination of a member's physical or mental health, or both, by a physician or physicians selected or approved by the board; or, at the discretion of the board, a medical record review of the member's physical or mental health, or both, by a physician selected or approved by the board.

(~~v~~) (w) "Member" means, except as provided in §8-22A-32 and §8-22A-33, or §8-22A-33a of this code, a person hired as a municipal police officer or municipal firefighter, as defined in this section, by a participating ~~municipal~~ public employer on or after January 1, 2010, or a campus police officer as described in §18B-4-5 of this code who is hired after January 1, 2026, or who was hired before that date but elects to become a member as described in that section. A member shall remain a member until the benefits to which he or she is entitled under this article are paid or forfeited.

(~~w~~) (x) "Monthly salary" means the W-2 reportable compensation received by a member during the month.

(~~x~~) (y) "Municipality" has the meaning ascribed to it in this code.

(~~y~~) (z) (1) "Municipal police officer" means an individual employed as a member of a paid police department by a West Virginia municipality or municipal subdivision which has established and maintains a municipal policemen's pension and relief fund, and who is not a member of, and not eligible for membership in, a municipal policemen's pension and relief fund as provided in §8-22-16 of this code: *Provided*, That municipal police officer also means an individual employed as

a member of a paid police department by a West Virginia municipality or municipal subdivision which is authorized to elect to participate in the plan pursuant to §8-22A-33 or §8-22A-33a of this code. Paid police department does not mean a department whose employees are paid nominal salaries or wages or are paid only for services actually rendered on an hourly basis.

(2) "Municipal firefighter" means an individual employed as a member of a paid fire department by a West Virginia municipality or municipal subdivision which has established and maintains a municipal firemen's pension and relief fund, and who is not a member of, and not eligible for membership in, a municipal firemen's pension and relief fund as provided in §8-22-16 of this code: *Provided*, That municipal firefighter also means an individual employed as a member of a paid fire department by a West Virginia municipality or municipal subdivision which is authorized to elect to participate in the plan pursuant to §8-22A-33 or §8-22A-33a of this code. Paid fire department does not mean a department whose employees are paid nominal salaries or wages or are paid only for services actually rendered on an hourly basis.

~~(z)~~ (aa) "Municipal subdivision" means any separate corporation or instrumentality established by one or more municipalities, as permitted by law; and any public corporation charged by law with the performance of a governmental function and whose jurisdiction is coextensive with one or more municipalities.

~~(aa)~~ (bb) "Normal form" means a monthly annuity which is one twelfth of the amount of the member's accrued benefit which is payable for the member's life. If the member dies before the sum of the payments he or she receives equals his or her accumulated contributions on the annuity starting date, the named beneficiary shall receive in one lump sum the difference between the accumulated contributions at the annuity starting date and the total of the retirement income payments made to the member.

~~(bb)~~ (cc) "Normal retirement age" means the first to occur of the following: (1) Attainment of age 50 years and the completion of 20 or more years of regular contributory service; (2) while still in covered employment, attainment of at least age 50 years and when the sum of current age plus regular contributory service equals or exceeds 70 years; (3) while still in covered employment, attainment of at least age 60 years and completion of 10 years of regular contributory service; or (4) attainment of age 62 years and completion of five or more years of regular contributory service.

~~(cc)~~ (dd) "Participating public employer" means a municipality, municipal subdivision participating in the plan or an institution of higher education.

(ee) "Plan" means the West Virginia Municipal Police Officers and Firefighters Retirement System established by this article.

~~(dd)~~ (ff) "Plan year" means the 12-month period commencing on January 1 of any designated year and ending the following December 31.

~~(ee)~~ (gg) "Qualified public safety employee" means any employee of a participating state or political subdivision who provides police protection, firefighting services or emergency medical services for any area within the jurisdiction of the state or political subdivision, or such other meaning given to the term by Section 72(t) (10) (B) of the Internal Revenue Code or by Treasury Regulation §1.401(a)-1(b) (2) (v) as they may be amended from time to time.

~~(ff)~~ (hh) "Regular contributory service" means a member's credited service excluding active military duty, disability service and accrued annual and sick leave service.

~~(gg)~~ (ii) "Regular interest" means the rate or rates of interest per annum, compounded annually, as the board adopts in accordance with the provisions of this article.

~~(hh)~~ (ij) "Required beginning date" means April 1 of the calendar year following the later of: (1) The calendar year in which the member attains age ~~70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949); or (2) the calendar year in which he or she retires or otherwise separates from covered employment~~ (1) the calendar year in which the member attains the applicable age as set forth in this paragraph; or

(2) The calendar year in which he or she retires or otherwise separates from covered employment.

The applicable age is:

(A) Seventy-two, if the individual attains age 72 prior to January 1, 2023;

(B) Seventy-three, if the individual attains age 72 after December 31, 2022, and attains age 73 before January 1, 2033; or

(C) Seventy-five, if the individual attains age 74 after December 31, 2032; *Provided*, That the applicable age shall be determined in accordance with the provisions of §401(a)(9) of the Internal Revenue Code and the Treasury Regulations thereunder, as the same may be amended from time to time.

(kk) "Retirant" means any member who commences an annuity payable by the plan.

(ii) (ll) "Retirement income payments" means the monthly retirement income payments payable.

(jj) (mm) "Spouse" means the person to whom the member is legally married on the annuity starting date.

(kk) (nn) "Surviving spouse" means the person to whom the member was legally married at the time of the member's death and who survived the member.

(ll) (oo) "Totally disabled" means a member's inability to engage in substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months. For purposes of this subsection: (1) A member is totally disabled only if his or her physical or mental impairment or impairments are so severe that he or she is not only unable to perform his or her previous work as a police officer or firefighter but also cannot, considering his or her age, education and work experience, engage in any other kind of substantial gainful employment which exists in the state regardless of whether: (A) The work exists in the immediate area in which the member lives; (B) a specific job vacancy exists; or (C) the member would be hired if he or she applied for work. For purposes of this article, substantial gainful employment is the same definition as used by the United States Social Security Administration; and (2) "physical or mental impairment" is an impairment that results from an anatomical, physiological or psychological abnormality that is demonstrated by medically accepted clinical and laboratory diagnostic techniques. The board may require submission of a member's annual tax return for purposes of monitoring the earnings limitation.

~~(mm)~~ (pp) "Vested" means eligible for retirement income payments after completion of five or more years of regular contributory service.

~~(nn)~~ (qq) "Year of service" means a member shall, except in his or her first and last years of covered employment, be credited with years of service credit based on the hours of service performed as covered employment and credited to the member during the plan year based on the following schedule:

| Hours of Service | Year of Service Credited |
|------------------|--------------------------|
| Less than 500 | 0 |
| 500 to 999 | 1/3 |
| 1,000 to 1,499 | 2/3 |
| 1,500 or more | 1 |

During a member's first and last years of covered employment, the member shall be credited with one twelfth of a year of service for each month during the plan year in which the member is credited with an hour of service for which contributions were received by the fund. A member is not entitled to credit for years of service for any time period during which he or she received disability payments under §8-22A-17 and §8-22A-18 of this code.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 5V. EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM ACT.

§16-5V-2. Definitions.

As used in this article, unless a federal law or regulation or the context clearly requires a different meaning:

(a) "Accrued benefit" means on behalf of any member two and six-tenths percent per year of the member's final average salary for the first 20 years of credited service. Additionally, two percent per year for 21 through 25 years and one and one-half percent per year for each year over 25 years will be credited with a maximum benefit of 67 percent. A member's accrued benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of §16-5V-12 of this code.

(1) The board may, upon the recommendation of the board's actuary, increase the employees' contribution rate to 10 and five-tenths percent should the funding of the plan not reach 70 percent funded by July 1, 2012. The board shall decrease the contribution rate to eight and one-half percent once the plan funding reaches the 70 percent support objective as of any later actuarial valuation date.

(2) Upon reaching the 75 percent actuarial funded level, as of an actuarial valuation date, the board shall increase the two and six-tenths percent to two and three-quarter percent for the first 20 years of credited service. The maximum benefit will also be increased from 67 percent to 90 percent.

(3) For 911 personnel or home confinement officers with assets transferred pursuant to §16-5V-6d or §16-5V-6f of this code who did not elect to pay back higher past contributions with interest, "accrued benefit" means, on behalf of the member, two percent per year of the member's final average salary for all credited service that was credited as a result of transferred assets. Additionally, two and three-quarter percent for the first 20 years of new credited service earned from date of membership in this plan will be credited. Additionally, two percent per year for 21 through 25 years of new credited service earned from date of membership in this plan and one and one-half percent per year for each year over 25 years earned from date of membership in this plan will be credited. A maximum benefit of 90 percent of a member's final average salary may be paid. A member's accrued benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of §16-5V-12 of this code.

(4) For 911 personnel or home confinement officers with assets transferred pursuant to §16-5V-6d or §16-5V-6f of this code who did elect to pay back higher past contributions, with interest, for eligible 911 service credit, "accrued benefit" means on behalf of the member two percent per year of the member's final average salary for all non-911 credited service that was credited as a result of transferred assets. Additionally, two and three-quarter percent for the first 20 years of 911 credited service will be credited. Additionally, two percent per year for 21 through 25 years of 911 credited service and one and one-half percent per year for each year over 25 years of 911 credited service will be credited. A maximum benefit of 90 percent of a member's final average salary may be paid. A member's accrued benefit may not exceed the limits of Section 415 of the Internal Revenue Code and is subject to the provisions of §16-5V-12 of this code.

(b) "Accumulated contributions" means the sum of all retirement contributions deducted from the compensation of a member, or paid on his or her behalf as a result of covered employment, together with regular interest on the deducted amounts.

(c) "Active military duty" means full-time active duty with any branch of the armed forces of the United States, including service with the National Guard or reserve military forces when the member has been called to active full-time duty and has received no compensation during the period of that duty from any board or employer other than the armed forces.

(d) "Actuarial equivalent" means a benefit of equal value computed upon the basis of the mortality table and interest rates as set and adopted by the board in accordance with the provisions of this article.

(e) "Annual compensation" means the wages paid to the member during covered employment within the meaning of Section 3401(a) of the Internal Revenue Code, but determined without regard to any rules that limit the remuneration included in wages based upon the nature or location of employment or services performed during the plan year plus amounts excluded under Section 414(h)(2) of the Internal Revenue Code and less reimbursements or other expense allowances, cash or noncash fringe benefits or both, deferred compensation and welfare benefits. Annual compensation for determining benefits during any determination period may not exceed the maximum compensation allowed as adjusted for cost of living in accordance with §5-10D-7 of this code and Section 401(a)(17) of the Internal Revenue Code.

(f) "Annual leave service" means accrued annual leave.

(g) "Annuity starting date" means the first day of the month for which an annuity is payable after submission of a retirement application. For purposes of this subsection, if retirement income payments commence after the normal retirement age, "retirement" means the first day of the

month following or coincident with the latter of the last day the member worked in covered employment or the member's normal retirement age and after completing proper written application for retirement on an application supplied by the board.

(h) "Board" means the Consolidated Public Retirement Board.

(i) "Bona fide separation from service upon retirement" means that a retirant has completely terminated any employment relationship with any participating public employer in the system for a period of at least 60 consecutive days from the effective date of retirement and without a prearranged agreement to return to employment with a participating employer. For purposes of this definition, an employment relationship includes employment in any capacity, whether on a permanent, full-time, part-time, substitute, per diem, temporary, or leased employee basis.

~~(j)~~(i) "Contributing service" or "contributory service" means service rendered by a member while employed by a participating public employer for which the member made contributions to the plan. Contributory service that was transferred in full from the Public Employees Retirement System will qualify as contributory service in this plan.

~~(j)~~(k) "County commission or political subdivision" has the meaning ascribed to it in this code.

~~(k)~~(l) "County firefighter" means an individual employed in full-time employment as a firefighter with a county commission.

~~(l)~~(m) "Covered employment" means: (1) Employment as a full-time emergency medical technician, emergency medical technician/paramedic, or emergency medical services/registered nurse, and the active performance of the duties required of emergency medical services officers; or (2) employment as a full-time employee of a county 911 public safety answering point; or (3) employment as a full-time county home confinement officer; or ~~(3)~~(4) employment as a full-time county firefighter; or ~~(4)~~(5) the period of time during which active duties are not performed but disability benefits are received under this article; or ~~(5)~~(6) concurrent employment by an emergency medical services officer, 911 personnel, home confinement officer, or county firefighter in a job or jobs in addition to his or her employment as an emergency medical services officer, 911 personnel, home confinement officer, or county firefighter where the secondary employment requires the emergency medical services officer, 911 personnel, home confinement officer, or county firefighter to be a member of another retirement system which is administered by the Consolidated Public Retirement Board pursuant to this code: *Provided*, That the emergency medical services officer, 911 personnel, home confinement officer, or county firefighter contributes to the fund created in this article the amount specified as the member's contribution in §16-5V-8 of this code.

~~(m)~~(n) "Credited service" means the sum of a member's years of service, active military duty, disability service, service transferred from the Public Employees Retirement System and accrued annual and sick leave service.

~~(n)~~(o) "Dependent child" means either:

(1) An unmarried person under age eighteen who is:

(A) A natural child of the member;

(B) A legally adopted child of the member;

(C) A child who at the time of the member's death was living with the member while the member was an adopting parent during any period of probation; or

(D) A stepchild of the member residing in the member's household at the time of the member's death; or

(2) Any unmarried child under age 23:

(A) Who is enrolled as a full-time student in an accredited college or university;

(B) Who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death; and

(C) Whose relationship with the member is described in paragraph (A), (B), or (C), subdivision (1) of this subsection.

~~(e)~~(p) "Dependent parent" means the father or mother of the member who was claimed as a dependent by the member for federal income tax purposes at the time of the member's death.

~~(p)~~(q) "Disability service" means service received by a member, expressed in whole years, fractions thereof or both, equal to one half of the whole years, fractions thereof, or both, during which time a member receives disability benefits under this article.

~~(q)~~(r) "Early retirement age" means age 45 or over and completion of 20 years of contributory service.

~~(r)~~(s) "Effective date" means January 1, 2008.

~~(s)~~(t) "Emergency medical services officer" means an individual employed by the state, county or other political subdivision as a medical professional who is qualified to respond to medical emergencies, aids the sick and injured and arranges or transports to medical facilities, as defined by the West Virginia Office of Emergency Medical Services. This definition is construed to include employed ambulance providers and other services such as law enforcement, rescue, or fire department personnel who primarily perform these functions and are not provided any other credited service benefits or retirement plans. These persons may hold the rank of emergency medical technician/basic, emergency medical technician/paramedic, emergency medical services/registered nurse, or others as defined by the West Virginia Office of Emergency Medical Services and the Consolidated Public Retirement Board.

~~(t)~~(u) "Employer error" means an omission, misrepresentation, or deliberate act in violation of relevant provisions of the West Virginia Code, the West Virginia Code of State Rules, or the relevant provisions of both the West Virginia Code and of the West Virginia Code of State Rules by the participating public employer that has resulted in an underpayment or overpayment of contributions required.

~~(u)~~(v) "Final average salary" means the average of the highest annual compensation received for covered employment by the member during any five consecutive plan years within the member's last 10 years of service while employed, prior to any disability payment. If the member did not have annual compensation for the five full plan years preceding the member's attainment of normal retirement age and during that period the member received disability benefits under this article, then "final average salary" means the average of the monthly salary determined paid to

the member during that period as determined under §16-5V-19 of this code multiplied by 12. Final average salary does not include any lump sum payment for unused, accrued leave of any kind or character.

~~(v)~~(w) "Full-time employment" means permanent employment of an employee by a participating public employer in a position which normally requires 12 months per year service and requires at least 1,040 hours per year service in that position.

~~(w)~~(x) "Fund" means the West Virginia Emergency Medical Services Retirement Fund created by this article.

(y) "Home confinement officer" means an individual employed in full-time employment as a home confinement officer or home incarceration supervisor with a county sheriff's office or by a county commission and who is certified pursuant to the provisions of §30-29-1 et seq. of this code.

~~(x)~~ (z) "Hour of service" means:

(1) Each hour for which a member is paid or entitled to payment for covered employment during which time active duties are performed. These hours shall be credited to the member for the plan year in which the duties are performed; and

(2) Each hour for which a member is paid or entitled to payment for covered employment during a plan year, but where no duties are performed due to vacation, holiday, illness, incapacity including disability, layoff, jury duty, military duty, leave of absence, or any combination thereof and without regard to whether the employment relationship has terminated. Hours under this subdivision shall be calculated and credited pursuant to West Virginia Division of Labor rules. A member will not be credited with any hours of service for any period of time he or she is receiving benefits under §16-5V-19 or §16-5V-20 of this code; and

(3) Each hour for which back pay is either awarded or agreed to be paid by the employing county commission or political subdivision, irrespective of mitigation of damages. The same hours of service shall not be credited both under subdivision (1) or subdivision (2) of this subsection and under this subdivision. Hours under this paragraph shall be credited to the member for the plan year or years to which the award or agreement pertains, rather than the plan year in which the award, agreement, or payment is made.

~~(y)~~ (aa) "Medical examination" means an in-person or virtual examination of a member's physical or mental health, or both, by a physician or physicians selected or approved by the board; or, at the discretion of the board, a medical record review of the member's physical or mental health, or both, by a physician selected or approved by the board.

~~(z)~~(bb) "Member" means either: (1) A person first hired as an emergency medical services officer by an employer which is a participating public employer of the Emergency Medical Services Retirement System after the effective date of this article, as defined in subsection ~~(r)~~(s) of this section; or (2) an emergency medical services officer of an employer which is a participating public employer of the Public Employees Retirement System first hired prior to the effective date and who elects to become a member pursuant to this article; or (3) a person first hired by a county 911 public safety answering center after the participating public employer elects to participate in the Emergency Medical Services Retirement System; or (4) a home confinement officer hired on or after July 1, 2025, employed by a participating public employer and who is not participating in the Deputy Sheriffs Retirement System; or (5) a home confinement officer who elects to

participate pursuant to §16-5V-6f of this code and who is employed by a participating public employer; or ~~(4)~~(6) a county firefighter hired on or after June 10, 2022; or ~~(5)~~(7) a county firefighter of an employer which is a participating public employer of the Public Employees Retirement System first hired prior to June 10, 2022, and who elects to become a member pursuant to §16-5V-6a of this code; or ~~(6)~~(8) a person first hired by a county 911 public safety answering center prior to July 1, 2022, and who elects to become a member pursuant to §16-5V-6c of this code. A member shall remain a member until the benefits to which he or she is entitled under this article are paid or forfeited.

~~(aa)~~(cc) "Monthly salary" means the W-2 reportable compensation received by a member during the month.

~~(bb)~~(dd) "Normal form" means a monthly annuity which is one twelfth of the amount of the member's accrued benefit which is payable for the member's life. If the member dies before the sum of the payments he or she receives equals his or her accumulated contributions on the annuity starting date, the named beneficiary shall receive in one lump sum the difference between the accumulated contributions at the annuity starting date and the total of the retirement income payments made to the member.

~~(cc)~~(ee) "Normal retirement age" means the first to occur of the following:

(1) Attainment of age 50 years and the completion of 20 or more years of regular contributory service, excluding active military duty, disability service, and accrued annual and sick leave service;

(2) While still in covered employment, attainment of at least age 50 years and when the sum of current age plus regular contributory years of service equals or exceeds 70 years;

(3) While still in covered employment, attainment of at least age 60 years and completion of 10 years of regular contributory service; or

(4) Attainment of age 62 years and completion of five or more years of regular contributory service.

~~(dd)~~(ff) "Participating public employer" means: (1) Any county commission, political subdivision, or county 911 public safety answering point in the state which has elected to cover its emergency medical services officers or 911 personnel, as defined in this article, under the West Virginia Emergency Medical Services Retirement System; or (2) any county sheriff's office or county commission who employs full-time home confinement officers; or ~~(2)~~(3) any county commission who employs county firefighters or full-time home confinement officers.

~~(ee)~~(gg) "Plan" means the West Virginia Emergency Medical Services Retirement System established by this article.

~~(ff)~~(hh) "Plan year" means the 12-month period commencing on January 1 of any designated year and ending the following December 31.

~~(gg)~~(ii) "Political subdivision" means a county, city, or town in the state; any separate corporation or instrumentality established by one or more counties, cities, or towns, as permitted by law; any corporation or instrumentality supported in most part by counties, cities, or towns; and any public corporation charged by law with the performance of a governmental function and

whose jurisdiction is coextensive with one or more counties, cities, or towns: *Provided*, That any public corporation established under §7-15-4 of this code is considered a political subdivision solely for the purposes of this article.

~~(hh)~~(jj) "Public Employees Retirement System" means the West Virginia Public Employees Retirement System created by West Virginia Code.

~~(ii)~~(kk) "Regular interest" means the rate or rates of interest per annum, compounded annually, as the board adopts in accordance with the provisions of this article.

~~(jj)~~(ll) "Required beginning date" means April 1 of the calendar year following the later of: ~~(1) The calendar year in which the member attains age 70.5 (if born before July 1, 1949) or age 72 (if born after June 30, 1949); or (2) the calendar year in which he or she retires or otherwise separates from covered employment~~ (1) The calendar year in which the member attains the applicable age as set forth in this paragraph; or

(2) The calendar year in which he or she retires or otherwise separates from covered employment.

The applicable age is:

(A) Seventy-two, if the individual attains age 72 prior to January 1, 2023;

(B) Seventy-three, if the individual attains age 72 after December 31, 2022, and attains age 73 before January 1, 2033; or

(C) Seventy-five, if the individual attains age 74 after December 31, 2032; provided that the applicable age shall be determined in accordance with the provisions of §401(a)(9) of the Internal Revenue Code and the Treasury Regulations thereunder, as the same may be amended from time to time.

~~(kk)~~(mm) "Retirant" means any member who commences an annuity payable by the plan.

~~(ll)~~(nn) "Retire" or "retirement" means a member's withdrawal from the employ of a participating public employer and the commencement of an annuity by the plan.

~~(mm)~~(oo) "Retirement income payments" means the monthly retirement income payments payable under the plan.

~~(nn)~~(pp) "Spouse" means the person to whom the member is legally married on the annuity starting date.

~~(oo)~~(qq) "Surviving spouse" means the person to whom the member was legally married at the time of the member's death and who survived the member.

~~(pp)~~(rr) "Totally disabled" means a member's inability to engage in substantial gainful activity by reason of any medically determined physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months.

For purposes of this subsection:

(1) A member is totally disabled only if his or her physical or mental impairment or impairments is so severe that he or she is not only unable to perform his or her previous work as an emergency medical services officer, 911 personnel, home confinement officer, or county firefighter but also cannot, considering his or her age, education, and work experience, engage in any other kind of substantial gainful employment which exists in the state regardless of whether: (A) The work exists in the immediate area in which the member lives; (B) a specific job vacancy exists; or (C) the member would be hired if he or she applied for work. For purposes of this article, substantial gainful employment is the same definition as used by the United States Social Security Administration.

(2) "Physical or mental impairment" is an impairment that results from an anatomical, physiological, or psychological abnormality that is demonstrated by medically accepted clinical and laboratory diagnostic techniques. The board may require submission of a member's annual tax return for purposes of monitoring the earnings limitation.

~~(qq)~~(ss) "Year of service" means a member shall, except in his or her first and last years of covered employment, be credited with years of service credit based upon the hours of service performed as covered employment and credited to the member during the plan year based upon the following schedule:

| Hours of Service | Years of Service Credited |
|------------------|---------------------------|
| Less than 500 | 0 |
| 500 to 999 | 1/3 |
| 1000 to 1499 | 2/3 |
| 1500 or more | 1 |

During a member's first and last years of covered employment, the member shall be credited with one twelfth of a year of service for each month during the plan year in which the member is credited with an hour of service for which contributions were received by the fund. A member is not entitled to credit for years of service for any time period during which he or she received disability payments under §16-5V-19 or §16-5V-20 of this code. Except as specifically excluded, years of service include covered employment prior to the effective date.

Years of service which are credited to a member prior to his or her receipt of accumulated contributions upon termination of employment pursuant to §16-5V-18 of this code or §5-10-30 of this code shall be disregarded for all purposes under this plan unless the member repays the accumulated contributions with interest pursuant to section §16-5V-18 of this code or has, prior to the effective date, made the repayment pursuant to §5-10-18 of this code.

~~(rr)~~(tt) "911 personnel" means an individual employed in full-time employment with a county 911 public safety answering point.

§16-5V-6f. Home confinement officers as members of the system. Transfer of home confinement officers assets from Public Employees Retirement System.

(a) Notwithstanding any other provision of this article to the contrary, any home confinement officer hired on or after July 1, 2025, shall be a member of this retirement plan as a condition of employment and upon membership does not qualify for membership in any other retirement system administered by the board, so long as he or she remains employed in covered employment: *Provided*, That any home confinement officer who has concurrent employment in an additional job or jobs which would require the home confinement officer to be a member of any other retirement system administered by the board shall participate in only one retirement system administered by the board and the retirement system applicable to the concurrent employment for which the home confinement officer has the earliest date of hire shall prevail. Notwithstanding any other provision of this article to the contrary, a person employed as a home confinement officer by a participating public employer may be a member of this retirement plan subject to the provisions of this section. Full-time employment as a home confinement officer employed by a sheriff's office or county commission which is a participating public employer satisfies the definition of "covered employment" as defined in this article.

(b) Any home confinement officer who elects to become a member of the plan does not qualify for active membership in any other retirement system administered by the board, so long as he or she remains employed in covered employment: *Provided*, That any home confinement officer who has concurrent employment in an additional job or jobs which would require the home confinement officer to be an active member of the West Virginia Deputy Sheriffs Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System, or the West Virginia Natural Resources Police Officer Retirement System shall actively participate in only one retirement system administered by the board, and the retirement system applicable to the concurrent employment for which the employee has the earliest date of hire shall prevail. Any home confinement officer shall continue to receive his or her accrued benefit of other retirement systems administered by the board, except in the case of Public Employees Retirement System, when credit and assets are transferred to the Emergency Services Retirement System.

(c) Any home confinement officer who was employed as a home confinement officer prior to July 1, 2025, but was not employed on July 1, 2025, shall become a member upon rehire as a home confinement officer. For purposes of this section, the member's years of service and credited service prior to July 1, 2025, may be counted so long as the home confinement officer has not received the return of his or her accumulated contributions in the Public Employees Retirement System pursuant to §5-10-30 of this code. The member may request in writing to have his or her accumulated contributions and employer contributions from covered employment in the Public Employees Retirement System transferred to the plan and will receive two percent of the member's final average salary for each year transferred. If the conditions of this subsection are met, all years of the home confinement officer's covered employment shall be counted as years of service for the purposes of this article.

(d) Any home confinement officer employed in covered employment on July 1, 2025, shall elect in writing on a form provided by the board whether or not to transfer into this plan on or before August 29, 2025. Any home confinement officer who has elected to transfer into this plan shall be given credited service at the time of transfer for all credited service then standing to the home confinement officer's service credit in the Public Employees Retirement System regardless of whether the credited service, as defined in §5-10-2 of this code, was earned as a home confinement officer. All credited service standing to the transferring home confinement officer's credit in the Public Employees Retirement System at the time of transfer into this plan shall be transferred into the plan created by this article, and the transferring home confinement officer shall be given the same credit for the purposes of this article for all service transferred from the Public

Employees Retirement System as that transferring home confinement officer would have received from the Public Employees Retirement System as if the transfer had not occurred but with accrued benefit multipliers subject to the provisions of §16-5V-12 of this code. In connection with each transferring home confinement officer receiving credit for prior employment as provided in this subsection, a transfer from the Public Employees Retirement System to this plan shall be made pursuant to the procedures described in this article: *Provided*, That any member of this plan who has elected to transfer from the Public Employees Retirement System into this plan pursuant to this section may not, after having transferred into and becoming an active member of this plan, reinstate to his or her credit in this plan any service credit relating to periods in which the member was not in covered employment as a home confinement officer and which service was withdrawn from the Public Employees Retirement System prior to his or her elective transfer into this plan.

(e) Once made, the election made under this section is irrevocable. All home confinement officers electing to become members as described in this section, shall be members as a condition of employment and shall make the contributions required by this article.

(f) The Consolidated Public Retirement Board shall transfer assets of home confinement officers who wish to participate in the Emergency Medical Services Retirement Act from the Public Employees Retirement System Trust Fund into the West Virginia Emergency Medical Services Trust Fund no later than March 31, 2026.

(g) The amount of assets to be transferred for each transferring home confinement officer shall be computed using the July 1, 2025, actuarial valuation of the Public Employees Retirement System, and updated with 7.25 percent annual interest to the date of the actual asset transfer. The market value of the assets of the transferring home confinement officer in the Public Employees Retirement System shall be determined as of the end of the month preceding the actual transfer. To determine the computation of the asset share to be transferred, the board shall:

(1) Compute the market value of the Public Employees Retirement System assets as of July 1, 2025, actuarial valuation date under the actuarial valuation approved by the board;

(2) Compute the actuarial accrued liabilities for all Public Employees Retirement System retirees, beneficiaries, disabled retirees, and terminated inactive members as of July 1, 2025, actuarial valuation date;

(3) Compute the market value of active member assets in the Public Employees Retirement System as of July 1, 2025, by reducing the assets value under subdivision (1) of this subsection by the inactive liabilities under subdivision (2) of this subsection;

(4) Compute the actuarial accrued liability for all active Public Employees Retirement System members as of July 1, 2025, actuarial valuation date approved by the board;

(5) Compute the funded percentage of the active members' actuarial accrued liabilities under the Public Employees Retirement System as of July 1, 2025, by dividing the active members' market value of assets under subdivision (3) of this subsection by the active members' actuarial accrued liabilities under subdivision (4) of this subsection;

(6) Compute the actuarial accrued liabilities under the Public Employees Retirement System as of July 1, 2025, for active home confinement officers transferring to the Emergency Medical Services Retirement System;

(7) Determine the assets to be transferred from the Public Employees Retirement System to the Emergency Medical Services Retirement System by multiplying the active members' funded

percentage determined under subdivision (5) of this subsection by the transferring active members' actuarial accrued liabilities under the Public Employees Retirement System under subdivision (6) of this subsection and adjusting the asset transfer amount by interest at 7.25 percent for the period from the calculation date of July 1, 2025, through the first day of the month in which the asset transfer is to be completed.

(h) Once a home confinement officer has elected to transfer from the Public Employees Retirement System, transfer of that amount as calculated in accordance with the provisions of subsection (g) of this section by the Public Employees Retirement System shall operate as a complete bar to any further liability to the Public Employees Retirement System and constitutes an agreement whereby the transferring home confinement officer forever indemnifies and holds harmless the Public Employees Retirement System from providing him or her any form of retirement benefit whatsoever until that emergency medical services officer obtains other employment which would make him or her eligible to reenter the Public Employees Retirement System with no credit whatsoever for the amounts transferred to the Emergency Medical Services Retirement System.

(i) A home confinement officer who timely elected to transfer into this plan may request in writing that the Consolidated Public Retirement Board compute a quote of the amount owed for the member's transferred home confinement officer to be eligible for the 2.75 percent multiplier. The quote shall be provided to the member within 60 days of the board's receipt of the written request and the employer's verification of home confinement officer. Other Public Employees Retirement System employment is eligible for transfer, but only at the 2 percent multiplier. To determine the computation of the quote provided, the board shall:

(1) Compute the contributions made by each home confinement officer for eligible years under Public Employees Retirement System.

(2) Compute the contributions that would have been required under Emergency Medical Services Retirement System for eligible years.

(3) Compute the difference with interest at 7.25 percent that each home confinement officer would have been required to pay had he or she originally participated in Emergency Medical Services Retirement System for eligible years.

(4) Full reinstatement amount must be repaid no later than December 31, 2030, or prior to the member's effective retirement date, whichever occurs first.

(j) Commencement of retirement for transferring home confinement officers may occur on or after April 1, 2026

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation and removal; law enforcement grants; pension plan.

(a) The governing boards may appoint qualified individuals to serve as campus police officers upon any premises owned or leased by the State of West Virginia and under the jurisdiction of the governing boards, subject to the conditions and restrictions established in this section.

(1) A person who previously was qualified for employment as a law-enforcement officer for an agency or political subdivision of any state is considered qualified for appointment as a campus police officer.

(2) Before performing duties as a campus police officer in any county, a person shall qualify as is required of county police officers by:

(A) Taking and filing an oath of office as required by §6-1-1 *et seq.* of this code; and

(B) Posting an official bond as required by §6-2-1 *et seq.* of this code.

(b) A campus police officer may carry a gun and any other dangerous weapon while on duty if the officer fulfills the certification requirement for law-enforcement officers under §30-29-5 of this code or meets the requirements of subsection (a) of this section.

(c) ~~It is the duty of a~~ A campus police officer ~~to~~ shall preserve law and order ~~on~~:

(1) ~~On the~~ The premises under the jurisdiction of the governing board; and

(2) ~~On any~~ Any street, road, or thoroughfare, except controlled access and open country highways, immediately adjacent to or passing through premises, to which the officer is assigned by the president of the institution.

(A) For the purpose of this subdivision, the campus police officer is a law-enforcement officer pursuant to the provisions of §30-29-1 *et seq.* of this code;

(B) The officer has and may exercise all the powers and authority of a law-enforcement officer as to offenses committed within the area assigned;

(C) The officer is subject to all the requirements and responsibilities of a law-enforcement officer;

(D) Authority assigned pursuant to this subdivision does not supersede in any way the authority or duty of other law-enforcement officers to preserve law and order on ~~such~~ these premises;

(E) Campus police officers may assist a local law-enforcement agency on public highways. The assistance may be provided to control traffic in and around premises owned by the state when:

(i) Traffic is generated as a result of athletic or other activities conducted or sponsored by the institution; and

(ii) The assistance has been requested by the local law-enforcement agency; and

(F) Campus police officers may assist a local law-enforcement agency in any location under the agency's jurisdiction at the request of the agency.

(d) The salary of a campus police officer is paid by the employing governing board. A state institution may furnish each campus police officer with a firearm and an official uniform to be worn while on duty. The institution shall furnish and require each officer while on duty to wear a shield

with an appropriate inscription and to carry credentials certifying the person's identity and authority as a campus police officer.

(e) A governing board may at its pleasure revoke the authority of any campus police officer and such officers serve at the will and pleasure of the governing board. The president of the state institution shall report the termination of employment of a campus police officer by filing a notice to that effect in the office of the clerk of each county in which the campus police officer's oath of office was filed.

(f) Notwithstanding any other provisions of this code to the contrary, and for purposes of enhancing the ability of campus police officers to perform their duties, a governing board may apply for and receive any public or private grant or other financial award that is available to other law-enforcement agencies in the state.

(g) Current campus police officers may choose to participate in the Deputy Sheriffs Retirement System, to be administered by the Consolidated Public Retirement Board. Should the current campus police officer choose to participate in the Deputy Sheriffs Retirement System, no service credit or dollars accrued may be moved to that system.

(h) Effective January 1, 2026, all newly hired campus police officers shall participate in the Deputy Sheriffs Retirement System

ARTICLE 7. PERSONNEL GENERALLY.

§18B-7-5. Supplemental and additional retirement plans for employees; payroll deductions; authority to match employee contributions; retroactive curative and technical corrective action.

(a) Any reference in this code to the "additional retirement plan" relating to state higher education employees, means the "Higher Education Retirement Plan" provided in this section. Any state higher education employee participating in a retirement plan upon the effective date of this section continues to participate in that plan and may not elect to participate in any other state retirement plan. Any retirement plan continues to be governed by the provisions of law applicable on the effective date of this section.

(b) The commission, on behalf of the council, governing boards and itself, shall contract for a retirement plan for their employees, to be known as the Higher Education Retirement Plan. The commission, council and governing boards shall make periodic deductions from the salary payments due employees in the amount they are required to contribute to the Higher Education Retirement Plan, which deductions shall be six percent.

(c) The commission, council and governing boards may contract for supplemental retirement plans for any or all of their employees to supplement the benefits employees otherwise receive. The commission, council and governing boards may make additional periodic deductions from the salary payments due the employees in the amount they are required to contribute for the supplemental retirement plan.

(d) An organization, by way of additional compensation to their employees, shall pay an amount, which, at a minimum, equals the contributions of the employees into the Higher Education Retirement Plan from funds appropriated to the commission, council, or governing board for personal services.

(e) As part of an overall compensation plan, the commission, council or a governing board, each at its sole discretion, may increase its contributions to any employee retirement plan to an amount that exceeds the contributions of employees.

(f) Each participating employee has a full and immediate vested interest in the retirement and death benefits accrued from all the moneys paid into the Higher Education Retirement Plan or a supplemental retirement plan for his or her benefit. Upon proper requisition of a governing board, the commission, or council, the Auditor periodically shall issue a warrant, payable as specified in the requisition, for the total contributions so withheld from the salaries of all participating employees and for the matching funds of the commission, council or governing board.

(g) Any person whose employment commences on or after July 1, 1991, and who is eligible to participate in the Higher Education Retirement Plan, shall participate in that plan and is not eligible to participate in any other state retirement system: *Provided*, That the foregoing provision does not apply to a person designated as a 21st Century Learner Fellow pursuant to §18A-3-11 of this code: *Provided, however, That the foregoing provision does not apply to campus police officers in this state pursuant to §18B-4-5.* The additional retirement plan contracted for by the governing boards prior to July 1, 1991, remains in effect unless changed by the commission. Nothing in this section considers employees of the council or governing boards as employees of the commission, nor is the commission responsible or liable for retirement benefits contracted by, or on behalf of, the council or governing boards.;

And,

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

Eng. Com. Sub. for Senate Bill 35—A Bill to amend and reenact §8-22A-2, §16-5V-2, §18B-4-5, and §18B-7-5, and of the Code of West Virginia, 1931, as amended, and to amend the code by adding a new section, designated §16-5V-6f, relating to retirement of certain law enforcement officers; amending definitions; providing definition for bona fide separation from service upon retirement; allowing campus police officers hired before January 1, 2026, to participate in the Municipal Police and Firefighters Retirement System under certain conditions; mandating newly hired campus police officers to participate in the Municipal Police and Firefighters Retirement System beginning on January 1, 2026; authorizing home confinement officers to participate in the Emergency Medical Services Retirement System; requiring newly hired home confinement officers to participate in the Emergency Medical Services Retirement System beginning on January 1, 2025, and providing for home confinement officers to transfer from the Public Employees Retirement System to the Emergency Medical Services Retirement System.

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

Engrossed Committee Substitute for Senate Bill 35, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

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. 35) passed with its House of Delegates amended title.

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

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

Eng. Com. Sub. for House Bill 2451, To facilitate the creation of home-based businesses.

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

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

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

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13. TAXATION AND FINANCE.

§8-13-4. Municipal license and tax thereon when state license required.

(a) Whenever anything, for which a state license is required, is to be done within the corporate limits of any municipality, the governing body shall have plenary power and authority, unless prohibited by general law, to require a municipal license and for the use of the municipality to impose a reasonable tax which may not exceed the amount of the state license tax. Upon proper application for a municipal license and payment of the prescribed reasonable tax by any person who has a valid and subsisting state license, the municipal license shall be issued.

(b) Except where a business license tax or fee has been established by the West Virginia Code, the governing body of a municipality may, in lieu of the provisions of subsection (a), enact an ordinance creating an annual general municipal business license for anything which requires a state license that is done within the corporate limits of a municipality, the tax for which may not exceed ~~twenty~~ 20 dollars.

(c) Notwithstanding any other provision of law to the contrary, no municipal license shall be required for an independent contractor or sole proprietor who earns less than \$2,500 in annual gross revenue and who does not maintain a permanent physical location within the municipality's city limits.

§8-13-5. Business and occupation or privilege tax; limitation on rates; effective date of tax; exemptions; activity in two or more municipalities; administrative provisions.

(a) Authorization to impose tax.—(1) Whenever any business activity or occupation, for which the state imposed its annual business and occupation or privilege tax under §11-13-1 *et seq.* of

this code, prior to July 1, 1987, is engaged in or carried on within the corporate limits of any municipality, the governing body thereof shall have plenary power and authority, unless prohibited by general law, to impose a similar business and occupation tax thereon for the use of the municipality.

(2) Municipalities may impose a business and occupation or privilege tax upon every person engaging or continuing within the municipality in the business of aircraft repair, remodeling, maintenance, modification, and refurbishing services to any aircraft, or to an engine or other component part of any aircraft as a separate business activity.

(b) Maximum tax rates.—In no case shall the rate of the municipal business and occupation or privilege tax on a particular activity exceed the maximum rate imposed by the state, exclusive of surtaxes, upon any business activities or privileges taxed under §11-13-2a, §11-13-2b, §11-13-2c, §11-13-2d, §11-13-2e, §11-13-2g, §11-13-2h, §11-13-2i, and §11-13-2j of this code, as those rates were in effect under §11-13-1 *et seq.* of this code, on January 1, 1959, or in excess of one percent of gross income under §11-13-2k of this code, or in excess of three-tenths of one percent of gross value or gross proceeds of sale under §11-13-2m of this code. The rate of municipal business and occupation or privilege tax on the activity described in subdivision (2), subsection (a) of this section shall be ten one-hundredths of one percent. The rate of municipal business and occupation or privilege tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of §33-25A-1 *et seq.* of this code, shall not exceed one-half of one percent to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the state employee programs administered by the Public Employees Insurance Agency pursuant to §5-16-1 *et seq.* of this code, and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization, that is expended for administrative expenses; and shall not exceed one half of one percent to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, state employee programs administered by the Public Employees Insurance Agency, and other federal programs for health care items or services provided directly or indirectly by the health maintenance organization: *Provided*, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any company maintains its office or offices in this state, whether the income is in the form of rentals or royalties. This provision concerning the maximum municipal business and occupation tax rate on the activities of health maintenance organizations is effective beginning after December 31, 1996. Any payments of business and occupation tax made by a health maintenance organization to a municipality for calendar year 1997 is not subject to recovery by the health maintenance organization. Administrative expenses shall include all expenditures made by a health maintenance organization other than expenses paid for claims incurred or payments made to providers for the benefits received by enrollees.

(c) Effective date of local tax.—Any taxes levied pursuant to the authority of this section may be made operative as of the first day of the then current fiscal year or any date thereafter: *Provided*, That any new imposition of tax or any increase in the rate of tax upon any business, occupation or privilege taxed under §11-13-2e of this code, applies only to gross income derived from contracts entered into after the effective date of the imposition of tax or rate increase, and which effective date shall not be retroactive in any respect: *Provided, however*, That no tax imposed or revised under this section upon public utility services may be effective unless and until the municipality provides written notice of the same by certified mail to said public utility at least 60 days prior to the effective date of said tax or revision thereof.

(d) Exemptions.—

(1) A municipality shall not impose its business and occupation or privilege tax on any activity that was exempt from the state's business and occupation tax under the provisions of §11-13-3 of this code, prior to July 1, 1987, and determined without regard to any annual or monthly monetary exemption also specified therein: *Provided*, That on and after July 1, 2007, a municipality may impose its business and occupation or privilege tax on any activity of a corporation, association, or society organized and operated exclusively for religious or charitable purposes that was exempt from the state's business and occupation tax under the provisions of §11-13-3 of this code, prior to July 1, 1987, but only to the extent that the income generated by the activity is subject to taxation under the provisions of §511 of the Internal Revenue Code of 1986, as amended.

(2) A municipality shall not impose its business and occupation or privilege tax on any business with a gross revenue below \$2,500 annually

~~(2)~~(3) Effective July 1, 2023, the municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be reduced by 50 percent of the total amount of the tax: *Provided*, That, effective July 1, 2024, the remaining municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be reduced by an additional 50 percent of the total amount of the tax: *Provided, however*, That July 1, 2025, the municipal business and occupation or privilege tax on the sale of new automobiles that have never been registered in the name of an individual shall be completely eliminated. For the purposes of this section, an automobile is a self-propelled vehicle used on the roads and highways by the use of motor vehicle fuel or propelled by one or more electric motors using energy stored in batteries or a combination thereof. An automobile shall include a light-duty truck with an enclosed cabin and an open loading area at the rear and a sport utility vehicle. An automobile does not include a motorcycle.

(e) Activity in two or more municipalities.—Whenever the business activity or occupation of the taxpayer is engaged in or carried on in two or more municipalities of this state, the amount of gross income, or gross proceeds of sales, taxable by each municipality shall be determined in accordance with legislative rules as prescribed by the Tax Commissioner. It is the intent of the Legislature that multiple taxation of the same gross income, or gross proceeds of sale, under the same classification by two or more municipalities shall not be allowed, and that gross income, or gross proceeds of sales, derived from activity engaged in or carried on within this state, that is presently subject to state tax under §11-13-2c or §11-13-2h of this code, which is not taxed or taxable by any other municipality of this state, may be included in the measure of tax for any municipality in this state, from which the activity was directed, or in the absence thereof, the municipality in this state in which the principal office of the taxpayer is located. Nothing in this subsection shall be construed as permitting any municipality to tax gross income or gross proceeds of sales in violation of the Constitution and laws of this state or the United States, or as permitting a municipality to tax any activity that has a definite situs outside its taxing jurisdiction.

(f) Where the governing body of a municipality imposes a tax authorized by this section, the governing body may offer tax credits from the tax as incentives for new and expanding businesses located within the corporate limits of the municipality.

(g) Administrative provisions.—The ordinance of a municipality imposing a business and occupation or privilege tax shall provide procedures for the assessment and collection of the tax,

which shall be similar to those procedures in §11-13-1 *et seq.* of this code, as in existence on June 30, 1978, or to those procedures in §11-10-1 *et seq.* of this code, and shall conform with such provisions as they relate to waiver of penalties and additions to tax.

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

(i) Any third-party vendors who contract with a city or municipality to collect business and occupation taxes authorized by this section on behalf of a municipality may not charge for their services more than 20% of the amount of taxes collected.

ARTICLE 40. HOME BASED BUSINESSES.

§8-40-1. Definitions.

(a) "Goods" means any merchandise, equipment, products, supplies, or materials.

(b) "Home-based business" means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of a residential dwelling

where the commercial activity takes place inside a residential dwelling and the commercial activities:

(1) Are limited to the sale of lawful goods and services;

(2) Do not generate on-street parking or a substantial increase in traffic through the residential area; and

(3) Do not have signage visible from the street.

§8-40-2. Permitted use.

(a) The use of a residential dwelling for a home-based business is a permitted use, except that this permission does not supersede or abrogate any of the following:

(1) Any deed restriction, covenant, or agreement restricting the use of land; or

(2) Any deed, by-law, or other document applicable to a common interest ownership community.

§8-40-3. Reasonable regulations.

(a) A municipality may establish reasonable regulations on a home-based business where the regulation is rationally related to a legitimate government interest including, but not limited to, any of the following purposes:

(1) The protection of the public health and safety, as defined in this code, including rules and regulations related to fire and building codes, health and sanitation, transportation, or traffic control, solid or hazardous waste, pollution, and noise control.

(2) Ensuring that the business activity is:

(A) Compatible with residential use of the property and surrounding residential use;

(B) Secondary to the use as a residential dwelling; or

(C) Complying with state and federal law and paying applicable taxes.

(3) Limiting or prohibiting the use of a home-based business that engages in any of the following activities:

(A) Selling illegal drugs or products containing alcohol or tobacco;

(B) Operating a sober living home;

(C) Selling pornography or otherwise obscene material;

(D) Operating a vape shop; or

(E) Operating a commercial establishment where nude or topless dancing occurs.

§8-40-4. Limited conditions.

(a) A municipality shall not require a person as a condition of operating a home-based business to:

(1) Rezone the property for commercial use;

(2) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units; or

(3) Obtain a license or permit that is not otherwise required for a similarly situated business.

§8-40-5. Review.

In any proceeding alleging that a municipal regulation violates §8-40-3 or §8-40-4 of this code, the municipality that enacted the regulation shall be required to establish that the regulation complies with the provisions of this article.

ARTICLE 41. SMALL BUSINESS PROTECTION ACT.

§8-41-1. Short title.

This article may be cited as the Small Business Protection Act.

§8-41-2. Intent and legislative findings.

(a) It is the legislative intent and purpose of the Small Business Protection Act to improve state rulemaking by creating procedures to analyze the availability of more flexible regulatory approaches for small businesses.

(b) The legislature finds that:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy. Increased hiring in West Virginia's small businesses creates higher wages and better outcomes for West Virginia's citizens and families;

(2) Small businesses bear a disproportionate share of regulatory costs and burdens. Increased regulatory costs decrease the amount of capital that small businesses have to create new jobs;

(3) Fundamental changes that are needed in the regulatory and enforcement culture of state agencies to make them more responsive to small business can be made without compromising the statutory missions of the agencies;

(4) When adopting rules to protect the health, safety, and economic welfare of West Virginia, state agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on small employers;

(5) Uniform regulatory and reporting requirements can impose unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs upon small businesses with limited resources;

(6) The failure to recognize differences in the scale and resources of regulated businesses can adversely affect competition in the marketplace, discourage innovation, and restrict improvements in productivity;

(7) Unnecessary regulations create entry barriers in many industries and discourage potential entrepreneurs from introducing beneficial products and processes;

(8) The practice of treating all regulated businesses as equivalent may lead to inefficient use of regulatory agency resources, enforcement problems, and, in some cases, to actions inconsistent with the legislative intent of health, safety, environmental, and economic welfare legislation;

(9) Alternative regulatory approaches which do not conflict with the stated objective of applicable statutes may be available to minimize the significant economic impact of rules on small businesses;

(10) Prior to the adoption of regulations, the process by which state regulations are developed and adopted should be reformed to require agencies to solicit the ideas and comments of small businesses, to examine the impact of proposed and existing rules on such businesses, and to review the continued need for existing rules;

(11) Regulations affect small businesses differently than their larger counterparts. According to the United States Small Business Administration, evidence indicates that regulatory requirements at the federal and state level tend to create disproportionately heavier burdens for small businesses, putting them at a disadvantage relative to their larger competitors. Reasons that small businesses are at a disadvantage include the following:

(A) The cost of regulations is higher relative to available resources. The cost of regulations per employee is higher for businesses with fewer employees; and

(B) The cost per employee for the smallest businesses is typically one or more times greater than the equivalent cost for the largest businesses.

(12) Making small businesses aware of proposed state regulations prior to implementation is key to creating an effective partnership between state agencies and small businesses.

(c) Nothing in the Small Business Protection Act shall be interpreted or construed to limit the ability of an agency to propose rules.

CHAPTER 11. TAXATION.

ARTICLE 12. BUSINESS REGISTRATION TAX.

§11-12-3. Business registration certificate required; tax levied; exemption from registration; exemption from tax; penalty.

(a) *Registration required.*—No person shall, without a business registration certificate, engage in or prosecute, in the State of West Virginia, any business activity without first obtaining a business registration certificate from the Tax Commissioner of the State of West Virginia. Additionally, before beginning business in this state, such person:

(1) If a transient vendor, shall comply with the provisions of sections ~~twenty~~ 20 through ~~twenty-five~~ 25 of this article.

(2) If a collection agency, shall comply with the provisions of ~~article sixteen, chapter forty-seven~~ §47-16-1 et seq. of this code.

(3) If an employment agency, shall comply with the provisions of ~~article two, chapter twenty-one~~ §21-2-1 et seq. of this code.

(4) If selling drug paraphernalia, as defined in ~~section three, article nineteen, chapter forty-seven~~ §47-19-3 of this code, shall comply with the provisions of ~~article nineteen, chapter forty-seven~~ §47-19-1 et seq. of this code.

Persons engaging in or prosecuting other business activities in this state may also be subject to other provisions of this code which they must satisfy before commencing or while engaging in a business activity in this state.

(b) *Tax levied.*—The business registration tax hereby levied shall be \$15 for each annual business registration certificate: *Provided*, That for registration periods beginning on or after July 1, 1999, the business registration tax shall be \$30, except as otherwise provided in this article: *Provided, however*, That after June 30, 2010, the business registration tax shall be \$30.00 for each business registration certificate, including business registration certificates granted upon application after cessation of a business, or after suspension, revocation, cancellation or lapse of a prior business registration certificate.

(1) A separate business registration certificate is required for each fixed business location from which property or services are offered for sale or lease to the public as a class, or to a limited portion of the public; or at which customer accounts may be opened, closed or serviced.

(2) A separate business registration certificate is not required for each coin-operated machine. A separate certificate is required for each location from which making coin-operated machines available to the public is itself a business activity.

(3) A business that sells tangible personal property or services from or out of one or more vehicles needs a separate business registration certificate for each fixed location in this state from or out of which business is conducted. A copy of its business registration certificate shall be carried in each vehicle and publicly displayed while business is conducted from or out of the vehicle.

(4) A business registration certificate is required by subsection (a) of this section for every person engaging in purposeful revenue generating activity in this state. If that activity is one for which an employment agency license or a collection agency license or a license to sell drug paraphernalia is required and no other business activity is conducted by that person at each business location for which the employment agency license or collection agency license or license to sell drug paraphernalia is issued, then only that license is required for each such activity conducted by the licensee at each business location. However, if, in addition to the activity for which each license is issued, some other business activity is conducted by the licensee at such business location, a separate business registration certificate is required to conduct the nonlicensed activity.

(c) *Exemption from registration.*—Any person engaging in or prosecuting business activity in this state:

(1) Who is not required by law to collect or withhold a tax administered under article ten of this chapter; and

(2) Who does not claim exemption from payment of taxes imposed by articles fifteen and fifteen-a of this chapter, shall be exempt from both registration and payment of the tax imposed by this article, if such person had gross income from business activity of \$4,000 or less during that person's tax year for state income tax purposes immediately preceding the registration period for which a registration certificate is otherwise required by this article.

(d) *Exemptions from payment of tax.*—Any person engaging in or prosecuting any business activity in this state who is required by law to collect or withhold any tax administered under article ten of this chapter; or who claims exemption from payment of the taxes imposed by articles fifteen and fifteen-a of this chapter, shall be required to obtain a business registration certificate, as herein before provided, but shall be exempt from payment of the tax levied by subsection (b) of this section, if such person is:

(1) A person who had ~~gross income from business activity of \$4,000~~ gross income of \$10,000 or less during that person's tax year for state income tax purposes immediately preceding the registration period for which a registration certificate is required under this article.

(2) An organization which qualifies, or would qualify, for exemption from federal income taxes under section 501 of the Internal Revenue Code of 1986, as amended.

(3) This state, or a political subdivision thereof, selling tangible personal property, admissions or services, when those activities compete with or may compete with the activities of another person.

(4) The United States, or an agency or instrumentality thereof, which is exempt from taxation by the states.

(5) A person engaged in the business of agriculture and farming: *Provided*, That no producer or grower selling products of the farm, garden or dairy and not included within the definition of business under subsection (a), section two of this article shall be required to obtain a business registration certificate or pay the business registration tax.

(6) A foreign retailer who is not a "retailer engaging in business in this state" as defined in section one, article fifteen-a of this chapter, who enters into an agreement with the Tax Commissioner to voluntarily collect and remit use tax on sales to West Virginia customers.

(e) *Money penalty.*—Any person required to obtain a business registration certificate under this section, who is exempt from payment of the tax, as provided in subsection (d) of this section, who does not obtain a registration certificate shall, in lieu of paying the penalty imposed by section nine of this article, pay a penalty of \$15 for each business location for which a certificate is needed: *Provided*, That application for business registration is made and the applicable money penalty tendered to the Tax Commissioner within ~~fifteen~~ 15 days after such person receives written notice from the Tax Commissioner that such person is required to obtain a business registration certificate.;

And,

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

Eng. Com. Sub. for House Bill 2451—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-40-1, §8-40-2, §8-40-3, §8-40-4, and §8-40-5; to further amend the code, by adding thereto to a new article designated §8-41-1 and §8-41-2 and to amend and reenact §8-13-4, §8-13-5, and §11-12-3 relating to small businesses; exempting independent contractors and sole proprietors from business licenses under certain requirements; establishing an amount of annual gross revenue for businesses to be exempt from business and occupation taxes and privilege taxes; facilitating the creation of home based businesses; providing for definitions; providing for permitted use; providing for reasonable regulations; providing for limited conditions; providing for review; providing for the amount of income before a business has to obtain a business license; creating the Small Business Protection Act; providing intent and legislative findings; and providing a short title.

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

Engrossed Committee Substitute for House Bill 2451, as amended, was then put upon its passage.

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

The nays were: Garcia and Woelfel—2.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2451) passed with its House of Delegates amended title.

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

Senator Tarr requested unanimous consent to suspend Joint Rule 3, which states in part ". . . the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur", and concur in the House of Delegates amendments (*shown in the Senate Journal of today, page 184*), as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 474, Ending diversity, equity, and inclusion programs.

Which consent was not granted, Senator Garcia objecting.

Senator Tarr then moved to suspend Joint Rule 3 and concur in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 474, Ending diversity, equity, and inclusion programs.

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

Senator Martin arose to a point of order stating debate had digressed to the discussion of a different bill rather than the motion in question.

Which point of order, the President ruled well taken as the motion to suspend a joint rule is not debatable.

The question now being on the adoption of the motion by Senator Tarr to suspend Joint Rule 3 and concur in the House of Delegates amendments to the bill (*shown in the Senate Journal of today, page 184*), the same was put and prevailed.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 474, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: Garcia and Woelfel—2.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 474) passed with its title.

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

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

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

On motion of Senator Martin, the Senate refused to recede from its amendments to the bill.

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

Senator Tarr moved that the Senate reconsider its action by which in earlier proceedings tonight it adopted the motion to suspend Joint Rule 3 and concur in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 474, Ending diversity, equity, and inclusion programs.

The bill still being in the possession of the Senate,

Senator Tarr moved the previous question.

Following points of inquiry to the President, with resultant responses thereto,

Senator Martin moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the adoption of Senator Tarr's motion that the Senate reconsider its action by which in earlier proceedings tonight it adopted the motion to suspend Joint Rule 3 and concur in the House of Delegates amendments to the bill.

Senator Tarr then requested unanimous consent that the motion to suspend Joint Rule 3 and concur in the House of Delegates amendments to the bill be withdrawn.

Which consent was not granted, Senator Garcia objecting.

Senator Tarr then moved that the motion to suspend Joint Rule 3 and concur in the House of Delegates amendments to the bill be withdrawn.

The question being on the adoption of Senator Tarr's motion to withdraw the motion to suspend Joint Rule 3 and concur in the House of Delegates amendments to Engrossed Committee Substitute for Committee Substitute for Senate Bill 474, and on this question, Senator Garcia demanded the yeas and nays.

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

The nays were: None.

Absent: Boley—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Tarr's motion to withdraw the motion to suspend Joint Rule 3 and concur in the House of Delegates amendments to the bill had prevailed.

Senator Tarr then moved that the Senate concur in the House of Delegates amendments to the bill (*shown in the Senate Journal of today, page 184*).

Senator Martin moved the previous question.

Senator Garcia arose to a point of order stating that amendments to the House of Delegates amendments to Engrossed Committee Substitute for Committee Substitute for Senate Bill 474 had been filed.

Which point of order, the President ruled not well taken as the motion for the previous question is a nondebatable motion.

The question being on the adoption of Senator Martin's motion for the previous question, the same was put.

The roll being taken, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: Garcia and Woelfel—2.

Absent: Boley—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Martin's motion for the previous question had prevailed.

The previous question having been ordered, that being on the adoption of Senator Tarr's motion that the Senate concur in the House of Delegates amendments to Engrossed Committee Substitute for Committee Substitute for Senate Bill 474, the same was put.

The roll being taken, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: Garcia and Woelfel—2.

Absent: Boley—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Tarr's aforesaid motion that the Senate concur in the House of Delegates amendments to the bill (*shown in the Senate Journal of today, page 184*), had prevailed.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 474, as amended by the House of Delegates, was then put upon its passage.

Senator Martin moved the previous question, which motion prevailed.

The previous question having been ordered, that being on the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 474, as amended by the House of Delegates.

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

The nays were: Garcia and Woelfel—2.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 474) passed with its title.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 586, Relating to requirements for filling vacancies in certain elected federal, state, and county offices.

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

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

On page 11, section 10, line 1, by striking out the words "When a vacancy occurs". and inserting in lieu thereof the words "Unless otherwise provided by charter provision or ordinance, when a vacancy shall occur";

And,

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 586—A Bill to amend and reenact §3-10-3, §3-10-4, §3-10-5, §3-10-6, §3-10-7, and §3-10-8 of the Code of West Virginia, 1931, as amended, to amend and reenact §8-5-10 of said Code; and to amend and reenact §50-1-6 of said Code; relating to requirements for filling vacancies in certain elected federal, state, county, and municipal offices; prohibiting the appointment of an individual to fill a vacant office if that person has not been a member of his or her registered political party for at least one year prior to the occurrence of the vacancy; providing that process to select candidates to fill state Senate and House of Delegates seats be governed by the party senatorial district executive committee or party delegate district executive committee, or in the case of a single-county senatorial or delegate district, by the county executive party, as applicable for the respective political party; authorizing the Governor to appoint an acting official to perform the duties of a constitutional officer until that

office is filled by appointment; relating to filling vacancies in the office of magistrate; providing that vacancies in the office of magistrate with an unexpired term of more than two years are filled by subsequent nonpartisan judicial election held concurrently with the primary or general election, whichever occurs first; excluding vacancies in the office of magistrate from certain other provisions relating to process for filling vacancies; authorizing prospective vacancy due to upcoming resignation or retirement of a magistrate to be filled by circuit judge or chief circuit judge; and requiring generally that partisan office appointments be made from the political party with which the individual vacating the office was affiliated at the time of the previous election for that office.

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

Engrossed Committee Substitute for Committee Substitute for Senate Bill 586, as amended, was then put upon its passage.

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

The nays were: None.

Absent: Boley—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 586) passed with its House of Delegates amended title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: Boley—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 586) takes effect from passage.

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

A message from the Clerk of the House of Delegates announced that that body had receded from its amendments to, and the passage as amended by deletion, of

Eng. Com. Sub. for Senate Bill 50, Requiring municipal elections to be held on same day as statewide elections.

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

Eng. Com. Sub. for Senate Bill 225, Expanding powers of National Park Service law-enforcement officers.

A message from the Clerk of the House of Delegates announced that that body had receded from its amendment to, and the passage as amended by deletion, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 275, Removing requirement school cooks or custodians have high school diploma or equivalent.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 531, Relating to offenses of assault and battery on athletic officials.

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

Eng. Com. Sub. for Senate Bill 581, Relating to school attendance and student participation in 4-H activities.

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

Eng. Com. Sub. for House Bill 2054, Relating to liability of vendors in private farmers markets.

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

Eng. Com. Sub. for House Bill 2347, Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals.

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

Eng. House Bill 2511, Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places.

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

Eng. House Bill 2678, Relating to school zones of public or private schools.

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

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

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

Eng. Com. Sub. for House Bill 2961, To amend the law concerning ownership and possession of real property.

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

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

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

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

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

Eng. House Bill 3162, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party.

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

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, to take effect July 1, 2025, of

Eng. Com. Sub. for House Bill 3209, To provide at least one counselor for every 250 students in public schools and public charter schools in this state.

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

Eng. House Bill 3263, Relating to providing notification of utility service disruption to its' customers.

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

Eng. House Bill 3277, Relating to defining terms for the West Virginia Hospital Finance Authority Act.

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

Eng. House Bill 3356, Supplemental Appropriation - Education - Hope Scholarship.

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

Eng. House Bill 3357, Supplemental Appropriation - Lottery Surplus - Hope Scholarship.

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

Eng. Com. Sub. for House Bill 3411, Relating to commissions; removing the legislative members; and eliminating expired commissions.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, to take effect August 1, 2025, of

Eng. House Bill 3513, Relating to standards of liability and insurance requirements in certain civil actions.

The Senate reconvened at 11:45 p.m. and again proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was added as a co-sponsor to the following resolution on April 11, 2025:

Senate Resolution 49: Senator Rucker.

At the request of Senator Martin, and by unanimous consent, the Clerk of the Senate was directed to submit communications, after bills have been examined, found truly enrolled, authenticated with signatures, and presented to His Excellency, the Governor, for his action, bills passed but not presented to him prior to adjournment of the regular sixty-day session of the Legislature, showing the date such bills so enrolled were presented to the Governor; said communications to be included in the final Journal, together with Governor's action on said bills.

In accordance with the foregoing unanimous consent request, the following communications were reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

April 14, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for S. B. 198, Prohibiting creation, production, distribution, or possession of artificially generated child pornography;

S. B. 257, Providing protection for property owner when someone visiting private cemetery causes damage to property;

Com. Sub. for S. B. 270, Declaring sale and manufacture of firearms essential business during declared emergency;

Com. Sub. for Com. Sub. for S. B. 464, Creating license plate for recipients of Medal of Valor;

Com. Sub. for S. B. 485, Exempting West Virginia Secretary of State from competitive bidding process;

S. B. 496, Removing reflexology and other energy-based work from definition of "massage therapy";

S. B. 537, Establishing WV Mothers and Babies Pregnancy Support Program;

Com. Sub. for S. B. 565, Relating generally to practice of optometry;

Com. Sub. for S. B. 617, Discouraging gang activity;

Com. Sub. for S. B. 627, Removing prohibition against leasing state-owned pore spaces underlying lands designated as state parks;

S. B. 650, Relating to full-time interventionists;

S. B. 734, Repealing section creating A. James Manchin Rehabilitation Environmental Action Plan;

Com. Sub. for S. B. 736, Relating to publication of registered lobbyist information;

S. B. 738, Terminating Employee Suggestion Award Board;

Com. Sub. for S. B. 746, Allowing State Board of Education to delegate its Medicaid provider status to public charter schools;

Com. Sub. for S. B. 844, Exempting non-native quail and partridge from game farm requirement if owned for agricultural purposes;

Com. Sub. for S. B. 861, Updating references to reflect consolidation of Information Services and Communications Division into Office of Technology;

S. B. 862, Repealing antiquated language related to Voluntary Gilding Dome Check-Off Program;

S. B. 863, Removing reference to Information Services and Communications Division;

And,

S. B. 876, Terminating certain requirements for Tax Commissioner to submit reports, publish information, and provide notice;

These bills are presented to you on this day, April 14, 2025.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 14, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

- Com. Sub. for H. B. 2013**, Transfer of employees to classified exempt service;
- Com. Sub. for H. B. 2067**, West Virginia Firearms Liability Clarification Act;
- Com. Sub. for H. B. 2152**, Prompt Payment Act of 2025;
- H. B. 2444**, Relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery Commission;
- H. B. 2484**, Clarifying the probationary period for paid municipal firefighters.;
- Com. Sub. for H. B. 2711**, Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts;
- Com. Sub. for H. B. 2761**, Relating generally to magistrate courts;
- H. B. 2943**, Administration of the West Virginia Hazardous Waste Management Act;
- Com. Sub. for H. B. 2964**, Amending residency requirements for regional airport boards;
- Com. Sub. for H. B. 2897**, Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education;
- Com. Sub. for H. B. 3012**, Relating to Lottery Money Distribution;
- H. B. 3157**, Relating to shortened procedure for road condition claims;



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M212
1900 KANAWHA BLVD, EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

Com. Sub. for H. B. 3342, Firearms Industry Nondiscrimination Act;

Com. Sub. for H. B. 3350, Supplemental Appropriation - DCR - Corrections - 0608 ;

H. B. 3361, Supplemental Appropriation - Health, Birth to Three ;

And,

H. B. 3456, Relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation regarding Stevens Correctional Center.

These bills are presented to you on this day, April 14, 2025.

Respectfully submitted,

Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 14 2025

Time _____



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 15, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

- Com. Sub. for H. B. 2002**, Establishing One Stop Shop Permitting Process;
- H. B. 2003**, Prohibiting Cell phones in class;
- Com. Sub. for H. B. 2054**, Relating to liability of vendors in private farmers markets;
- H. B. 2165**, Allowing disabled purple heart recipients park free at municipal metered parking spaces;
- Com. Sub. for H. B. 2167**, Relating to public charter schools code provisions;
- H. B. 2358**, Relating to postmortem examinations;
- Com. Sub. for H. B. 2499**, Training course for principals in public schools; informing teachers of their rights and protections; IEP format;
- Com. Sub. for H. B. 2718**, Relating to creating a State Advisory Council on Establishing a Military College;
- H. B. 2742**, Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects. ;
- Com. Sub. for H. B. 2752**, Relating to motorcycle safety;
- H. B. 2773**, Higher Ed Rules ;

H. B. 2867, Relating to Small Estates;

Com. Sub. for H. B. 2889, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act. ;

H. B. 3080, Military Spouse hiring preference;

H. B. 3156, Create exemption for Legislature for reporting requirements in Shared Services Section;

H. B. 3162, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party;

H. B. 3373, To extend and revise the sunset provision in the Tourism Development Act to December 31, 2030;

H. B. 3389, Exclude the Department of Tourism as a Governmental agency;

And,

H. B. 3513, Relating to standards of liability and insurance requirements in certain civil actions.

These bills are presented to you on this day, April 15, 2025.

Respectfully submitted,



Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 15 2025

Time 2:40pm



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 15, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for H. B. 2014, Certified Microgrid Program;

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

H. B. 2575, Relating to the establishment of a full-time Dementia Services Director position.;

Com. Sub. for H. B. 3024, Guaranteed course transfer bill;

H. B. 3349, Supplemental Appropriation - Medicaid

H. B. 3352, Supplemental Appropriation - Human Services - Medicaid

H. B. 3356, Supplemental Appropriation - Education - Hope Scholarship;

H. B. 3357, Supplemental Appropriation - Lottery Surplus - Hope Scholarship

H. B. 3359, Supplemental Appropriation - EDA and Medicaid Net Zero

H. B. 3360, Supplemental Appropriation - EDA Bridge Loan Fund

Com. Sub. for H. B. 3369, Supplemental Appropriation - Education - Enrollment

H. B. 3371, Supplemental Appropriation - - HLFC to OIG Net Zero

H. B. 3522, Supplemental Appropriation to Arts, Culture and History. ;

And,

Com. Sub. for H. B. 2026, Budget Bill.

These bills are presented to you on this day, April 15, 2025.

Respectfully submitted,



Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 15 2025

Time 11:37am



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 15, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

H. B. 2120, Relating to forms and disclosures to the Ethics Commission;

And,

Com. Sub. for H. B. 2347, The Joel Archer Substance Abuse Intervention Act..

These bills are presented to you on this day, April 15, 2025.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeffrey Pack".

Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

[CLERK'S NOTE: Enrolled Committee Substitute for House Bill 2347 was inadvertently included on the preceding communication. The bill was not presented to the Governor until April 22, 2025.]

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

April 17, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for S. B. 1, Requiring utility work and road paving coordination;

Com. Sub. for S. B. 50, Requiring municipal elections to be held on same day as statewide elections;

S. B. 75, Changing distribution of income from excess lottery fund;

Com. Sub. for S. B. 128, Preventing courts from ordering services at higher rate than Medicaid;

Com. Sub. for Com. Sub. for S. B. 158, Modifying eligibility requirements for serving as member of State Board of Education;

Com. Sub. for S. B. 299, Modifying WV regulations on pubertal modulation, hormonal therapy, and gender reassignment;

S. B. 561, Relating to Uniform Special Deposits Act;

And,

Com. Sub. for Com. Sub. for S. B. 652, Expanding cardiac arrest provisions to be applicable to elementary schools.

These bills are presented to you on this day, April 17, 2025.

Respectfully submitted,

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

Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

April 21, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for S. B. 35, Permitting campus police officers to participate in Deputy Sheriffs Retirement System;

Com. Sub. for S. B. 102, Modifying form of certain deeds;

Com. Sub. for Com. Sub. for S. B. 154, Prohibiting sexual orientation instruction in public schools;

Com. Sub. for S. B. 196, Lauren's Law;

Com. Sub. for S. B. 225, Expanding powers of National Park Service law-enforcement officers;

Com. Sub. for S. B. 275, Removing requirement school cooks or custodians have high school diploma or equivalent;

Com. Sub. for S. B. 325, Authorizing Department of Health to promulgate legislative rules;

Com. Sub. for S. B. 427, Permitting certain teenagers to work without obtaining work permit;

Com. Sub. for S. B. 449, Permitting compressed air and rimfire shooting teams in public schools;

Com. Sub. for Com. Sub. for S. B. 474, Ending diversity, equity, and inclusion programs;

Com. Sub. for Com. Sub. for S. B. 531, Relating to offenses of assault and battery on athletic officials;

LEE.CASSIS@WVSENATE.GOV

Com. Sub. for S. B. 581, Relating to school attendance and student participation in 4-H activities;

And,

Com. Sub. for Com. Sub. for S. B. 587, Relating generally to government contracting.

These bills are presented to you on this day, April 21, 2025.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

April 21, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for S. B. 526, Creating Pharmacist Prescribing Authority Act;

Com. Sub. for S. B. 576, Authorizing fixed odds racing in horse and dog racing;

Com. Sub. for Com. Sub. for S. B. 586, Relating to requirements for filling vacancies in certain elected federal, state, and county offices;

Com. Sub. for S. B. 677, Increasing fees charged by Commissioner of Securities for each offering;

Com. Sub. for S. B. 710, Relating to the practice of teledentistry;

S. B. 712, Relating to retirement provisions of systems managed by CPRB;

Com. Sub. for S. B. 722, Creating WV Short Line Railroad Modernization Act;

S. B. 747, Relating to Real Estate License Act;

Com. Sub. for Com. Sub. for S. B. 765, Establishing Troops-to-Teachers Program;

And,

Com. Sub. for S. B. 794, Authorizing DOH to erect warning signs.

These bills are presented to you on this day, April 21, 2025.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

April 21, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for S. B. 800, Relating to insurance holding company systems;

Com. Sub. for S. B. 825, Permitting higher education institutions enter agreements with non-profit organizations for economic development and job creation;

Com. Sub. for S. B. 833, Excluding pharmaceutical medication from prior authorization gold card process;

S. B. 837, Eliminating WV Office of Equal Opportunity;

S. B. 856, Removing certain reporting requirements to Joint Committee on Government and Finance;

Com. Sub. for S. B. 883, Providing director of WV Office of Miners' Health, Safety and Training discretion and authority in certain appointments;

S. B. 907, Relating to high impact development projects;

Com. Sub. for S. B. 912, Relating to student growth assessment program;

Com. Sub. for S. B. 914, Relating to testing and attendance requirements for private, parochial, and church schools;

S. B. 941, Clarifying authority regarding dams designed by US Conservation Service;

And,

S. B. 942, Modifying requirements for diesel-powered equipment in mines.

LEE.CASSIS@WVSENATE.GOV

These bills are presented to you on this day, April 21, 2025.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 21, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for H. B. 2491, Relating to conditions on holding online raffles;

H. B. 3424, Removing language regarding short term loans being provided to released inmates for costs related to reentry into the community;

Com. Sub. for H. B. 3411, Relating to commissions; removing the legislative members; and eliminating expired commissions;

Com. Sub. for H. B. 3209, To provide at least one counselor for every 250 students in public schools and public charter schools in this state.;

H. B. 3187, Relating to the West Virginia Task Force on Artificial Intelligence;

Com. Sub. for H. B. 3179, Funding for failing public utilities;

Com. Sub. for H. B. 3166, Requirements for School Safety Mapping Data;

H. B. 3000, Relating to agency changes and updates to the West Virginia Commercial Feed Law.;

Com. Sub. for H. B. 2961, To amend the law concerning ownership and possession of real property;

H. B. 2802, Relating to in-service training credits for law-enforcement officers;

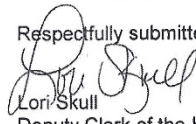
Com. Sub. for H. B. 2576, NIL Protection Act;

And,

H. B. 3434, Relating to the controlled substance schedules and to clean-up errors identified in the code sections.

These bills are presented to you on this day, April 21, 2025.

Respectfully submitted,



Lori Skull
Deputy Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 21 2025

Time 11:55am

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



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

April 22, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

S. B. 280, Displaying official US motto in public schools.

This bill is presented to you on this day, April 22, 2025.

Respectfully submitted,

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

Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 22, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for H. B. 2008, Executive Branch Reorganization ;

H. B. 2009, Relating to the merging and reorganizing of the executive branch;

Com. Sub. for H. B. 2066, Creating a crime for the destruction of first responder equipment.;

Com. Sub. for H. B. 2121, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses;

Com. Sub. for H. B. 2123, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse;

Com. Sub. for H. B. 2164, To allow for public and private schools in West Virginia to employ security personnel.;

Com. Sub. for H. B. 2267, Authorizing Department of Revenue to Promulgate Legislative Rules;

H. B. 2344, Relating generally to traffic safety;

Com. Sub. for H. B. 2351, Relating to compensation for panel attorneys;

H. B. 2397, Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority;

H. B. 2402, Relating to providing access to medical records; providing access to a minor's medical record;

Com. Sub. for H. B. 2411, To provide and change graduation requirements and change duties relating to academic content standards ;

Com. Sub. for H. B. 2434, Relating to establishing the Stop Squatters Act;

Com. Sub. for H. B. 2451, To facilitate the creation of home-based businesses;

H. B. 2479, Relating to Management and control of county authority vested in board;

H. B. 2511, Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places;

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

Com. Sub. for H. B. 2595, Non Profit Athletics Act;

Com. Sub. for H. B. 2695, Raleigh and Mason Counties Economic Opportunity Development Districts;

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

Com. Sub. for H. B. 2960, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.;

H. B. 2678, Relating to school zones of public or private schools;

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

Com. Sub. for H. B. 2836, Relating to wild animal rehabilitation permits;

Com. Sub. for H. B. 2866, Relating to fees and charges for municipality provided fire services;

Com. Sub. for H. B. 2871, Relating to the crime of negligent homicide;

Com. Sub. for H. B. 2880, Relating to parent resource navigators;

H. B. 2942, Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program;

Com. Sub. for H. B. 2963, To ensure that the survivor of a merger, reorganization, purchase, or assumption of liabilities of a bank chartered by West Virginia is insured by the Federal Deposit Insurance Corporation;

Com. Sub. for H. B. 3014, Relating generally to liability of hospital police;

Com. Sub. for H. B. 3016, Photo voter ID.;

Com. Sub. for H. B. 3125, To remove restrictions from teachers receiving permanent teaching licenses;

Com. Sub. for H. B. 3133, Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures;

Com. Sub. for H. B. 3144, Wireless Infrastructure and Facilities Siting and Co-location;

Com. Sub. for H. B. 3152, Claims Bill;

Com. Sub. for H. B. 3164, Requiring registered sex offenders pay annual fee ;

Com. Sub. for H. B. 3181, Allow all law enforcement officers to purchase gun upon retirement;

H. B. 3263, Relating to providing notification of utility service disruption to its' customers;

H. B. 3272, Relating to eviction proceedings;

H. B. 3274, Relating to reports of circuit court proceedings;

H. B. 3275, Update timing for appeals;

H. B. 3277, Relating to defining terms for the West Virginia Hospital Finance Authority Act;

Com. Sub. for H. B. 3279, Relating to requirements for WVU and WVSU Board of Governors;

Com. Sub. for H. B. 3297, Establishing the Washington Center for Civics, Culture, and Statesmanship at West Virginia University.;

Com. Sub. for H. B. 3336, Well Plugging methods;

Com. Sub. for H. B. 3338, Allow child witness testify remotely in situations deemed traumatic by judge;

Com. Sub. for H. B. 3440, Relating generally to removing and repealing obsolete provisions under the purview of the State Treasurer's Office;

Com. Sub. for H. B. 3429, Prequalifying consultants for WVDEP- Abandon Mine Lands;

- Com. Sub. for H. B. 3444**, Relating to inflammation of the eyes of newborns.;
- H. B. 3492**, Relating to municipal economic opportunity development districts. ;
- H. B. 3503**, Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act;
- H. B. 3504**, Relating to protecting critical infrastructure; and defining terms;
- H. B. 3515**, Relating to appointment of officers of the West Virginia State Police;
- And,**
- H. B. 3517**, Relating generally to fiscal emergencies of local governments.

These bills are presented to you on this day, April 22, 2025.

Respectfully submitted,



Lori Skull
Deputy Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 22 2025

Time 12:00 pm



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 28, 2025

The Honorable Patrick Morrisey
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

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

Com. Sub. for H. B. 3111, To provide pay increases to members of the judiciary.

This bill is presented to you on this day, April 28, 2025.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jeffrey Pack".

Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

PRESENTED TO THE GOVERNOR

APR 28 2025

Time 3:17pm

Executive Communications

Under authorization of Senate approval therefor in prior proceedings today, to include in this day's Journal communications showing the Governor's action on enrolled bills presented to him in post-session reports, the following are inserted hereinafter:



Patrick Morrisey
Governor of West Virginia

April 15, 2025

The Honorable Kris Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

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

Committee Substitute for Senate Bill No. One Hundred Ninety-Nine (199), which was presented to me on April 8, 2025.

Committee Substitute for Senate Bill No. Two Hundred Eighty-Two (282), which was presented to me on April 8, 2025.

You will note that I have approved these bills on April 15, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk
The Honorable Jeff Pack, Clerk



Patrick Morrisey
Governor of West Virginia

April 17, 2025

The Honorable Kris Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

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

Committee Substitute for House Bill No. Two Thousand Eleven (2011), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Forty-Seven (3347), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Three Hundred Forty-Nine (3349), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Three Thousand Three Hundred Fifty (3350), which was presented to me on April 14, 2025.

House Bill No. Three Thousand Three Hundred Fifty-Two (3352), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Fifty-Six (3356), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Fifty-Seven (3357), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Fifty-Eight (3358), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Three Hundred Fifty-Nine (3359), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Sixty (3360), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Sixty-One (3361), which was presented to me on April 14, 2025.

House Bill No. Three Thousand Three Hundred Sixty-Three (3363), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Three Hundred Sixty-Five (3365), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Three Hundred Sixty-Six (3366), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Three Hundred Sixty-Seven (3367), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Three Hundred Sixty-Eight (3368), which was presented to me on April 10, 2025.

Committee Substitute for House Bill No. Three Thousand Three Hundred Sixty-Nine (3369), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Seventy (3370), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Three Hundred Seventy-One (3371), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Seventy-Two (3372), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Five Hundred Twenty-Two (3522), which was presented to me on April 15, 2025.

You will note that I have approved these bills on April 17, 2025.

Sincerely,



Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk
The Honorable Jeff Pack, Clerk



Patrick Morrisey
Office of the Governor

April 17, 2025

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill 2026

Dear Secretary Warner:

Many tough fiscal decisions have been made in finalizing the FY 2026 budget, which seeks to right-size our ongoing base expenditures in General Revenue and Lottery funds. This includes maintaining a strong level of budgetary reserves, limiting the growth rate of the base, and committing to address long-term liabilities. The use of long-term budget planning, through the State's Six Year Financial Plan, highlights the need for continued conservative budget planning. With likely fiscal challenges involving Medicaid, PEIA, and potential changes to the federal tax code, it's imperative for West Virginia to maintain fiscal responsibility and flexibility in decision making.

Pursuant to the provisions of section fifty-one, article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill 2026, passed April 11, 2025, approved with the following objections:

My first objection to the Bill is contained in page 4, lines 68 through 72, which states:

“Provided further, Notwithstanding any previous provision no general revenue funds appropriated to the following funds 0403, 0481, 0482, 0483, 0484, 0485, 0486, 0487, 0488, 0489, 0492, 0493, 0494, 0495 and 0496 within the Department of Human Services may be transferred between the aforementioned funds:”

I am advised that this insertion of new language will be overly burdensome and restrictive for the operation of the Department of Human Services. Therefore, I am striking the language beginning on line 68 and ending on line 72. This will allow the Department to efficiently allocate resources during the fiscal year.

My second objection to the Bill is contained in Item 7, page 14, line 2, which states:

“Local Economic Development Assistance (R)..... 81900 5,000,000”

Secretary of State Warner
April 17, 2025
Page 2

This appropriation has a significant reappropriated balance from previous fiscal years. In addition, as most state agencies are sharing in some of the sacrifices of lower spending, it is only appropriate for the legislative branch to also sacrifice some of their grant-making resources. Therefore, I am reducing the appropriation by \$100,000 to \$4,900,000.

My third objection to the Bill is contained in Item 10, page 18, lines 38 through 39, which states:

“From the above appropriation for Current Expenses (fund 0131, appropriation 13000) \$100,000 shall be used for the Willowbend Agricultural Innovation Center.”

This directive language -- which I am striking in its entirety -- appropriates money needed by the Agriculture Commissioner for its operations. I have directed our office to work with Willowbend to address its budgetary needs.

My fourth objection to the Bill is contained in Item 44, page 35, line 4, which states:

“Tourism – Industry Development (R) 61806 3,050,000”

A cautious and prudent approach must be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by \$300,000 to \$2,750,000.

My fifth objection to the Bill is contained in Item 44, page 35, lines 16 through 17, which states:

“, and \$300,000 shall be used for Mountwood Park”

To keep in line with the reduction made to this appropriation above, I am also eliminating the associated directive language for fund 0246, appropriation 61806, regarding Mountwood Park. This provision was inserted into the budget bill, however, no supporting documentation was provided to the Executive to justify the expenditure.

My sixth objection to the Bill is contained in Item 46, page 37, line 5, which states:

“Current Expenses 13000 1,639,624”

At a time when we are facing ongoing budget challenges, it is imperative that we take steps to limit new spending. Therefore, I am reducing the appropriation by \$500,000 to \$1,139,624.

My seventh objection to the Bill is contained in Item 46, page 37, line 10, which states:

“From the above appropriation for Current Expenses (fund 0296, appropriation 13000) \$1,500,000 shall be used for the Martinsburg Berkeley Public Library.”

To keep in-line with the reduction made to this appropriation above, I am also reducing the associated directive language for fund 0296, appropriation 13000, by \$500,000 to \$1,000,000.

Secretary of State Warner
April 17, 2025
Page 4

At a time when we are facing ongoing budget challenges, it is imperative that we take steps to limit new spending. Therefore, I am reducing the appropriation by \$3,000,000 to \$2,239,831. This is the same amount as my original recommendation.

My fourteenth objection to the Bill is contained in Item 58, page 47, lines 10 through 11, which states:

“From the above appropriation for Current Expenses (fund 0407, appropriation 13000), \$5,000,000 shall be used for the Ronald McDonald House of Morgantown.”

To keep in line with the reduction made to the appropriation above, I am reducing the directive language for fund 0407, appropriation 13000 by \$3,000,000 to \$2,000,000.

My fifteenth objection to the Bill is contained in Item 81, page 56, line 14, which states:

“In-Home Family Education 68800 1,100,000”

At a time when we are facing ongoing budget challenges, it is imperative that we take steps to limit new spending. Therefore, I am reducing the appropriation by \$100,000 to \$1,000,000.

My sixteenth objection to the Bill is contained in Item 81, page 56, lines 28 through 29, which states:

“From the above appropriation of Current Expenses (fund 0403, appropriation 13000), \$300,000 shall be used for Green Acres Regional Center, Inc.”

This provision was inserted into the budget bill, however, no supporting documentation was provided to the Executive to justify the expenditure. Therefore, I am striking it in its entirety.

My seventeenth objection to the Bill is contained in Item 112, page 78, line 7, which states:

“Trooper Class..... 52100 3,227,388”

In consultation with the State Police, and as a good steward of the taxpayer’s dollars, I am restoring the appropriation back to my original recommendation. Therefore, I am reducing the appropriation by \$161,172 to \$3,066,216.

My eighteenth objection to the Bill is contained in Item 115, page 80, line 5, which states:

“Court Appointed Special Advocates xxxxx 1,100,000”

This program has primarily been funded by state and federal grants. In light of the ability to obtain grants and the ongoing budget challenges we are facing, a cautious and prudent approach must be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by \$800,000 to \$300,000.

Secretary of State Warner
April 17, 2025
Page 5

My nineteenth objection to the Bill is contained in Item 123, page 84, line 5, which states:

“Federal Funds/Grant Match..... 74900 1,250,000”

At a time when we are facing ongoing budget challenges, it is imperative that we take steps to limit new spending. Therefore, I am reducing the appropriation by \$500,000 to \$750,000.

My twentieth objection to the Bill is contained in Item 126, page 86, line 8, which states:

“Veterans’ Nursing Home (R)..... 28600 11,443,175”

In my budget adjustment letter submitted to the Legislature on March 27, 2025, I recommended a net zero adjustment. A necessary reduction was not reflected in House Bill 2026. Therefore, I am reducing the appropriation by \$187,650 to \$11,255,525.

My twenty-first objection to the Bill is contained in Item 139, page 90, line 7, which states:

“Tuition Contract Program (R)..... 16500 1,533,917”

At a time when we are facing ongoing budget challenges, it is imperative that we take steps to limit new spending. Therefore, I am reducing the appropriation by \$208,000 to \$1,325,917.

My twenty-second objection to the Bill is contained in Item 139, page 91, line 16, which states:

“West Virginia University College of Law..... xxxxx 250,000”

This provision was inserted into the budget bill, however, no supporting documentation was provided to the Executive to justify the expenditure. Therefore, I am reducing the appropriation by \$250,000 to \$0.

My twenty-third objection to the Bill is contained in Item 151, page 96, line 3, which states:

“LPN to BSN..... xxxxx 250,000”

This provision was inserted into the budget bill, however, no supporting documentation was provided to the Executive to justify the expenditure. Therefore, I am reducing the appropriation by \$250,000 to \$0.

My twenty-fourth objection to the Bill is contained in Item 156, page 99, line 4, which states:

“Maintenance..... 23700 700,235,315”

This modification will bring State Road Fund appropriations more in line with estimated collections. Therefore, I am reducing the appropriation by \$25,000,000 to \$675,235,315.

My twenty-fifth objection to the Bill is contained in Item 318, page 158 which states:

Secretary of State Warner
April 17, 2025
Page 6

“Higher Education Policy Commission –

Military College Advisory Council Fund

(W.V. Code Chapter 18B)

Fund XXXX FY 2026 Org 0442”

The above org number references “0442” which is the System branch of the Higher Education Policy Commission, which is typically responsible for capital projects and facility needs. House Bill 2718 states that this new fund is for the State Advisory Council on Establishing a Military College, which would fall under Higher Education Policy Commission – Administration, org number “0441”. Therefore, I hereby disapprove and strike the org number “0442”.

My twenty-sixth objection to the Bill is contained in Item 434, page 214, line 1, which states:

“Direct Transfer - Surplus 70099 \$ 125,000,000”

I am reducing this surplus appropriation by \$25,000,000 to \$100,000,000 to retain the ability of the State to address likely fiscal challenges involving Medicaid, PEIA, and potential changes to the federal tax code.

My twenty-seventh objection to the Bill is contained in Item 435, page 214, line 1, which states:

“Directed Transfer - Surplus..... 70099 \$ 75,000,000”

Currently the Economic Development Project Fund, where this surplus appropriation was to be transferred, has a sufficient cash and investment balance. A cautious and prudent approach must be taken to avoid spending the State’s surplus balances due to anticipated out-year budget gaps and to address likely fiscal challenges involving Medicaid, PEIA, and potential changes to the federal tax code. Therefore, I am reducing the appropriation by \$75,000,000 to \$0.

My twenty-eighth objection to the Bill is contained in Item 436, page 214, line 1, which states:

“Directed Transfer - Surplus..... 70099 \$ 10,000,000”

A cautious and prudent approach must be taken to avoid spending the State’s surplus balances due to anticipated out-year budget gaps and to address likely fiscal challenges involving Medicaid, PEIA, and potential changes to the federal tax code. Therefore, I am reducing the appropriation by \$10,000,000 to \$0.

My twenty-ninth objection to the Bill is contained in Item 437, page 215, line 1, which states:

Secretary of State Warner
April 17, 2025
Page 7

“Current Expense - Surplus 13099 \$ 250,000”

While the above projects may be of worth, I am hesitant to add funding for programs when the future challenges in West Virginia’s budget make it imperative that a cautious and prudent approach be taken to avoid spending the State’s surplus balances due to anticipated out-year budget gaps and to address likely fiscal challenges involving Medicaid, PEIA, and potential changes to the federal tax code. Therefore, I am reducing the appropriation by \$250,000 to \$0.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill 2026.

Sincerely,



Patrick Morrisey
Governor

cc: The Hon. Roger Hanshaw
Speaker, West Virginia House of Delegates

The Hon. Randy Smith
President, West Virginia Senate



Patrick Morrisey
Governor of West Virginia

April 24, 2025

The Honorable Kris Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

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

Committee Substitute for Senate Bill No. One (1), which was presented to me on April 17, 2025.

Committee Substitute for Senate Bill No. Thirty-Five (35), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Fifty (50), which was presented to me on April 17, 2025.

Senate Bill No. Seventy-Five (75), which was presented to me on April 17, 2025.

Committee Substitute for Senate Bill No. One Hundred Two (102), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. One Hundred Ninety-Six (196), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. One Hundred Ninety-Eight (198), which was presented to me on April 14, 2025.

Senate Bill No. Two Hundred Fifty-Seven (257), which was presented to me on April 14, 2025.

Committee Substitute for Senate Bill No. Two Hundred Seventy-Five (275), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Four Hundred Twenty-Seven (427), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Four Hundred Forty-Nine (449), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Four Hundred Fifty-Nine (459), which was presented to me on April 9, 2025.

Committee Substitute for Committee Substitute for Senate Bill No. Four Hundred Sixty-Four (464), which was presented to me on April 14, 2025.

Senate Bill No. Four Hundred Ninety-Six (496), which was presented to me on April 14, 2025.

Committee Substitute for Senate Bill No. Five Hundred (500), which was presented to me on April 10, 2025.

Committee Substitute for Senate Bill No. Five Hundred Twenty-Two (522), which was presented to me on April 8, 2025.

Committee Substitute for Senate Bill No. Five Hundred Twenty-Five (525), which was presented to me on April 8, 2025.

Committee Substitute for Senate Bill No. Five Hundred Twenty-Six (526), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Five Hundred Seventy-Three (573), which was presented to me on April 9, 2025.

Committee Substitute for Senate Bill No. Five Hundred Eighty-One (581), which was presented to me on April 21, 2025.

Committee Substitute for Committee Substitute for Senate Bill No. Five Hundred Eighty-Seven (587), which was presented to me on April 21, 2025.

Senate Bill No. Six Hundred Fifteen (615), which was presented to me on April 10, 2025.

Committee Substitute for Senate Bill No. Six Hundred Seventeen (617), which was presented to me on April 14, 2025.

Committee Substitute for Senate Bill No. Six Hundred Twenty-Seven (627), which was presented to me on April 14, 2025.

Senate Bill No. Six Hundred Fifty (650), which was presented to me on April 14, 2025.

Committee Substitute for Committee Substitute for Senate Bill No. Six Hundred Fifty-Two (652), which was presented to me on April 17, 2025.

Committee Substitute for Senate Bill No. Seven Hundred Ten (710), which was presented to me on April 21, 2025.

Senate Bill No. Seven Hundred Twelve (712), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Seven Hundred Fifteen (715), which was presented to me on April 10, 2025.

Senate Bill No. Seven Hundred Sixteen (716), which was presented to me on April 10, 2025.

Senate Bill No. Seven Hundred Twenty-Seven (734), which was presented to me on April 14, 2025.

Committee Substitute for Senate Bill No. Seven Hundred Thirty-Six (736), which was presented to me on April 14, 2025.

Senate Bill No. Seven Hundred Thirty-Eight (738), which was presented to me on April 14, 2025.

Committee Substitute for Senate Bill No. Seven Hundred Ninety-Four (794), which was presented to me on April 21, 2025.

You will note that I have approved these bills on April 24, 2025.

Sincerely,



Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk
The Honorable Jeff Pack, Clerk



Patrick Morrisey
Office of the Governor

April 25, 2025

The Honorable Kris Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

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

Committee Substitute for Senate Bill No. One Hundred Twenty-Eight (128), which was presented to me on April 17, 2025.

Committee Substitute for Senate Bill No. Two Hundred Sixty-Seven (267), which was presented to me on April 9, 2025.

Committee Substitute for Senate Bill No. Two Hundred Seventy (270), which was presented to me on April 14, 2025.

Senate Bill No. Seven Hundred Forty-Seven (747), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Eight Hundred (800), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Eight Hundred Twenty-Five (825), which was presented to me on April 21, 2025.

Senate Bill No. Eight Hundred Twenty-Eight (828), which was presented to me on April 9, 2025.

Committee Substitute for Senate Bill No. Eight Hundred Thirty-Three (833), which was presented to me on April 21, 2025.

Senate Bill No. Eight Hundred Thirty-Seven (837), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Eight Hundred Forty-Four (844), which was presented to me on April 14, 2025.

Senate Bill No. Eight Hundred Fifty-Six (856), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Eight Hundred Sixty-One (861), which was presented to me on April 14, 2025.

Senate Bill No. Eight Hundred Sixty-Two (862), which was presented to me on April 14, 2025.

Senate Bill No. Eight Hundred Sixty-Three (863), which was presented to me on April 14, 2025.

Senate Bill No. Eight Hundred Seventy-Six (876), which was presented to me on April 14, 2025.

Committee Substitute for Senate Bill No. Eight Hundred Eighty-Three (883), which was presented to me on April 21, 2025.

Senate Bill No. Nine Hundred Seven (907), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Nine Hundred Twelve (912), which was presented to me on April 21, 2025.

Senate Bill No. Nine Hundred Forty-Two (942), which was presented to me on April 21, 2025.

Committee Substitute for House Bill No. Two Thousand Eight (2008), which was presented to me on April 22, 2025.

House Bill No. Two Thousand Nine (2009), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Thirteen (2013), which was presented to me on April 14, 2025.

Committee Substitute for House Bill No. Two Thousand Forty-Two (2042), which was presented to me on April 10, 2025.

Committee Substitute for House Bill No. Two Thousand Sixty-Seven (2067), which was presented to me on April 14, 2025.

Committee Substitute for House Bill No. Two Thousand One Hundred Twenty-Three (2123), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand One Hundred Fifty-Two (2152), which was presented to me on April 14, 2025.

Committee Substitute for House Bill No. Two Thousand One Hundred Fifty-Seven (2157), which was presented to me on April 10, 2025.

House Bill No. Two Thousand One Hundred Sixty-Five (2165), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand One Hundred Sixty-Seven (2167), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand One Hundred Seventy-Two (2172), which was presented to me on April 10, 2025.

House Bill No. Two Thousand Two Hundred Seventeen (2217), which was presented to me on April 10, 2025.

Committee Substitute for House Bill No. Two Thousand Two Hundred Thirty-Three (2233), which was presented to me on April 10, 2025.

Committee Substitute for House Bill No. Two Thousand Three Hundred Thirty-One (2331), which was presented to me on April 10, 2025.

House Bill No. Two Thousand Three Hundred Forty-Four (2344), which was presented to me on April 22, 2025.

House Bill No. Two Thousand Three Hundred Fifty-Eight (2358), which was presented to me on April 15, 2025.

House Bill No. Two Thousand Three Hundred Sixty (2360), which was presented to me on April 10, 2025.

House Bill No. Two Thousand Three Hundred Ninety-Seven (2397), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Three Hundred Ninety-Nine (2399), which was presented to me on April 10, 2025.

House Bill No. Two Thousand Four Hundred Two (2402), which was presented to me on April 22, 2025.

House Bill No. Two Thousand Four Hundred Forty-Four (2444), which was presented to me on April 14, 2025.

House Bill No. Two Thousand Four Hundred Seventy-Nine (2479), which was presented to me on April 22, 2025.

House Bill No. Two Thousand Four Hundred Eighty-Four (2484), which was presented to me on April 14, 2025.

House Bill No. Two Thousand Six Hundred Seventy-Eight (2678), which was presented to me on April 22, 2025.

House Bill No. Two Thousand Seven Hundred Nine (2709), which was presented to me on April 10, 2025.

Committee Substitute for House Bill No. Two Thousand Seven Hundred Eleven (2711), which was presented to me on April 14, 2025.

Committee Substitute for House Bill No. Two Thousand Seven Hundred Eighteen (2718), which was presented to me on April 15, 2025.

House Bill No. Two Thousand Seven Hundred Forty-Two (2742), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Seven Hundred Fifty-Two (2752), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Seven Hundred Sixty-One (2761), which was presented to me on April 14, 2025.

House Bill No. Two Thousand Seven Hundred Seventy-Three (2773), which was presented to me on April 15, 2025.

House Bill No. Two Thousand Eight Hundred Two (2802), which was presented to me on April 21, 2025.

House Bill No. Two Thousand Eight Hundred Sixty-Seven (2867), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Eight Hundred Seventy-One (2871), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Eight Hundred Ninety-Seven (2897), which was presented to me on April 14, 2025.

House Bill No. Two Thousand Nine Hundred Forty-Two (2942), which was presented to me on April 22, 2025.

House Bill No. Two Thousand Nine Hundred Forty-Three (2943), which was presented to me on April 14, 2025.

Committee Substitute for House Bill No. Two Thousand Nine Hundred Sixty-Four (2964), which was presented to me on April 14, 2025.

House Bill No. Three Thousand Thirty (3030), which was presented to me on April 10, 2025.

House Bill No. Three Thousand Eighty (3080), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Eighty-Nine (3089), which was presented to me on April 10, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Twenty-Five (3125), which was presented to me on April 22, 2025.

House Bill No. Three Thousand One Hundred Fifty-Six (3156), which was presented to me on April 15, 2025.

House Bill No. Three Thousand One Hundred Fifty-Seven (3157), which was presented to me on April 14, 2025.

House Bill No. Three Thousand One Hundred Eighty-Seven (3187), which was presented to me on April 21, 2025.

House Bill No. Three Thousand Three Hundred Thirteen (3313), which was presented to me on April 10, 2025.

Committee Substitute for House Bill No. Three Thousand Three Hundred Forty-Two (3342), which was presented to me on April 14, 2025.

Committee Substitute for House Bill No. Three Thousand Three Hundred Thirty-Six (3336), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Three Hundred Seventy-Three (3373), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Three Hundred Eighty-Nine (3389), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Four Hundred Thirty-Four (3434), which was presented to me on April 21, 2025.

Committee Substitute for House Bill No. Three Thousand Four Hundred Forty (3440), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Five Hundred Thirteen (3513), which was presented to me on April 15, 2025.

House Bill No. Three Thousand Five Hundred Fifteen (3515), which was presented to me on April 22, 2025.

You will note that I have approved these bills on April 25, 2025.

Sincerely,



Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk
The Honorable Jeff Pack, Clerk



Patrick Morrisey
Office of the Governor

April 28, 2025

The Honorable Kris Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

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

Committee Substitute for Senate Bill No. Three Hundred Twenty-Five (325), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Five Hundred Seventy-Six (576), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Six Hundred Seventy-Seven (677), which was presented to me on April 21, 2025.

Senate Bill No. Nine Hundred Forty-One (941), which was presented to me on April 21, 2025.

Committee Substitute for House Bill No. Two Thousand Fifty-Four (2054), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand One Hundred Twenty-One (2121), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Two Hundred Sixty-Seven (2267), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Four Hundred Fifty-One (2451), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Four Hundred Ninety-One (2491), which was presented to me on April 21, 2025.

House Bill No. Two Thousand Five Hundred Eleven (2511), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Five Hundred Twenty-Eight (2528), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Six Hundred Ninety-Five (2695), which was presented to me on April 22, 2025.

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

Committee Substitute for House Bill No. Two Thousand Seven Hundred Ninety-Seven (2797), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Eight Hundred Thirty-Six (2836), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Eight Hundred Sixty-Six (2866), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Nine Hundred Sixty-One (2961), which was presented to me on April 21, 2025.

House Bill No. Three Thousand (3000), which was presented to me on April 21, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Thirty-Three (3133), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Fifty-Two (3152), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Sixty-Four (3164), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Eighty-One (3181), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand Two Hundred Nine (3209), which was presented to me on April 21, 2025.

House Bill No. Three Thousand Two Hundred Seventy-Two (3272), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Two Hundred Seventy-Four (3274), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Two Hundred Seventy-Five (3275), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Two Hundred Seventy-Seven (3277), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand Three Hundred Thirty-Eight (3338), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand Four Hundred Eleven (3411), which was presented to me on April 21, 2025.

House Bill No. Three Thousand Four Hundred Twenty-Four (3424), which was presented to me on April 21, 2025.

Committee Substitute for House Bill No. Three Thousand Four Hundred Twenty-Nine (3429), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Five Hundred Four (3504), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Four Hundred Fifty-Six (3456), which was presented to me on April 14, 2025.

You will note that I have approved these bills on April 28, 2025.

Sincerely,



Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk
The Honorable Jeff Pack, Clerk



Patrick Morrisey
Office of the Governor

April 29, 2025

The Honorable Kris Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

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

Committee Substitute for Senate Bill No. Two Hundred Twenty-Five (225), which was presented to me on April 21, 2025.

Senate Bill No. Two Hundred Eighty (280), which was presented to me on April 22, 2025.

Committee Substitute for Senate Bill No. Three Hundred Sixty-Nine (369), which was presented to me on April 9, 2025.

Committee Substitute for Committee Substitute for Senate Bill No. Five Hundred Eighty-Six (586), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Nine Hundred Fourteen (914), which was presented to me on April 21, 2025.

House Bill No. Two Thousand Three (2003), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Sixty-Six (2066), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand One Hundred Sixty-Four (2164), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Four Hundred Thirty-Four (2434), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Four Hundred Ninety-Nine (2499), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Eight Hundred Eighty-Nine (2889), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Nine Hundred Sixty-Three (2963), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand Twelve (3012), which was presented to me on April 14, 2025.

House Bill No. Three Thousand One Hundred Sixty-Two (3162), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Sixty-Six (3166), which was presented to me on April 21, 2025.

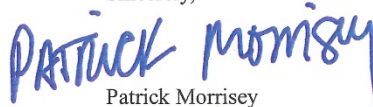
Committee Substitute for House Bill No. Three Thousand One Hundred Seventy-Nine (3179), which was presented to me on April 21, 2025.

House Bill No. Three Thousand Two Hundred Sixty-Three (3263), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Five Hundred Three (3503), which was presented to me on April 22, 2025.

You will note that I have approved these bills on April 29, 2025.

Sincerely,



Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk
The Honorable Jeff Pack, Clerk



Patrick Morrisey
Office of the Governor

April 30, 2025

The Honorable Kris Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

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

Committee Substitute for Committee Substitute for Senate Bill No. One Hundred Fifty-Four (154), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Two Hundred Ninety-Nine (299), which was presented to me on April 17, 2025.

Committee Substitute for Committee Substitute for Senate Bill No. Four Hundred Seventy-Four (474), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Four Hundred Eighty-Five (485), which was presented to me on April 14, 2025.

Senate Bill No. Five Hundred Thirty-Seven (537), which was presented to me on April 14, 2025.

Committee Substitute for Senate Bill No. Five Hundred Thirty-Eight (538), which was presented to me on April 9, 2025.

Senate Bill No. Five Hundred Sixty-One (561), which was presented to me on April 17, 2025.

Committee Substitute for Committee Substitute for Senate Bill No. Seven Hundred Sixty-Five (765), which was presented to me on April 21, 2025.

Committee Substitute for Senate Bill No. Eight Hundred Ten (810), which was presented to me on April 11, 2025.

Committee Substitute for House Bill No. Two Thousand Two (2002), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Fourteen (2014), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Two Thousand Four Hundred Eleven (2411), which was presented to me on April 22, 2025.

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

Committee Substitute for House Bill No. Two Thousand Five Hundred Seventy-Six (2576), which was presented to me on April 21, 2025.

Committee Substitute for House Bill No. Two Thousand Five Hundred Ninety-Five (2595), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Eight Hundred Eighty (2880), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Two Thousand Nine Hundred Sixty (2960), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand Sixteen (3016), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand Twenty-Four (3024), which was presented to me on April 15, 2025.

Committee Substitute for House Bill No. Three Thousand Two Hundred Seventy-Nine (3279), which was presented to me on April 22, 2025.

Committee Substitute for House Bill No. Three Thousand Two Hundred Ninety-Seven (3297), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Four Hundred Ninety-Two (3492), which was presented to me on April 22, 2025.

House Bill No. Three Thousand Five Hundred Seventeen (3517), which was presented to me on April 22, 2025.

You will note that I have approved these bills on April 30, 2025.

Sincerely,



Patrick Morrissey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk
The Honorable Jeff Pack, Clerk

[CLERK'S NOTE: Enr. Committee Substitute for Senate Bill 10, Enr. Committee Substitute for Senate Bill 22, Enr. Committee Substitute for Senate Bill 565, Enr. Committee Substitute for Senate Bill 746, Enr. Committee Substitute for House Bill 2347, Enr. House Bill 2575, Enr. Committee Substitute for House Bill 2755, Enr. Committee Substitute for House Bill 3014, Enr. Committee Substitute for House Bill 3144, and Enr. Committee Substitute for House Bill 3444 became law without the Governor's signature on May 1, 2025, under the provisions of Section 14, Article VII of the Constitution of West Virginia.]

Veto Messages



Patrick Morrisey
Office of the Governor

April 30, 2025

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State of West Virginia
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Committee Substitute for Senate Bill 158

Dear Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Committee Substitute for Senate Bill 158 with the following objections:

The bill violates State Board of Education members' fundamental and constitutionally protected right to participate in politics. If it became law, Senate Bill 158 would add several new restraints to the political participation of members of the State Board of Education. Appointees to that board already cannot be a "member of a political party executive committee" or hold "any other public office or public employment." W. Va. Code § 18-2-1 (2024). Senate Bill 158 would also prohibit a board member from becoming a candidate for "any other public office," serving as a delegate "to a national political party convention," or soliciting or receiving "campaign contributions" for "any candidate for partisan office." 87th Leg. Sess. S.B. 158, p.2 (Apr. 11, 2025).

Those new restrictions are constitutionally concerning. "The right to become a candidate for public office is a fundamental right" protected by the First Amendment of the United States Constitution, syl. pt. 3, *Carpenter v. Cobb*, 182 W. Va. 391, 391, 387 S.E.2d 858, 858 (1989), and by Article III and IV of the West Virginia Constitution, *State ex rel. Billings v. City of Point Pleasant*, 194 W. Va. 301, 304-05, 460 S.E.2d 436, 439-440 (1995). So, burdens imposed on the exercise of those rights must be "necessary to accomplish a legitimate and compelling governmental interest." Syl. pt. 2, *Billings*, 194 W. Va. at 436, 460 S.E.2d at 301. Senate Bill 158 likely falls short of that exacting test.

April 30, 2025

Page 2

To be sure, much of Senate Bill 158 mirrors the restraints already imposed on members of the county boards of education. W. Va. Code § 18-5-1a(a)(3). And the Supreme Court of Appeals has found that those restrictions on *county* board member's political participation serve a "compelling state interest" of "shield[ing] the integrity of that office from partisan political influence." *Carpenter*, 182 W. Va. at 394, 387 S.E.2d at 861.

But county boards differ from the State Board in an important way: the West Virginia Constitution mandates that members of the county boards of education be elected "without reference to political party affiliation," W. Va. Const. art. XII, § 6, whereas, the State Board of Education membership is expressly partisan: "No more than five members of the board shall belong to the same political party." W. Va. Const. art. XII, § 2. That constitutional difference severely weakens any compelling interest the State may have in imposing the same political participation restrictions on both boards. And it means further constraints on State Board members' fundamental right to engage in the political process is unlikely to stand up to constitutional scrutiny.

As a result of these issues, I hereby disapprove and return the Enrolled Committee Substitute for Committee Substitute for Senate Bill 158.

Sincerely,



Patrick Morrisey
Governor

cc: The Honorable Randy Smith,
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates



Patrick Morrisey
Office of the Governor

April 30, 2025

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for the Committee Substitute Senate Bill 531

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Committee Substitute for Senate Bill 531. This bill increases the penalties for assault and battery on an athletic official, and expands the subject of this charge to include participants in athletic events.

I find these offenses to be abhorrent. But I cannot justify a crime against a referee carrying a minimum sentence that is double that for assault on a police officer, particularly when only the former is mandatory. I would like to echo the sentiment of the Legislators: The individuals who devote their time to referee and coach our youth sports leagues—often as unpaid volunteers—provide an admirable service to our communities, and they are very much valued. But I cannot sign this bill, as it is currently written, and encourage the bill sponsor to work with my office to craft better legislation.

Accordingly, I hereby disapprove and return Enrolled Committee Substitute for Committee Substitute for Senate Bill 531.

Sincerely,

A handwritten signature in black ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

cc: The Honorable Randy Smith
President of the Senate

Roger Hanshaw
Speaker of the House of Delegates



Patrick Morrisey
Office of the Governor

April 30, 2025

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State of West Virginia
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 722

Dear Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 722 with the following objections:

First, the State cannot afford Senate Bill 722 at this time. It would create the West Virginia Short Line Railroad Modernization Act—giving short-line rail companies two new tax credits to be used to offset personal income tax, business franchise, and corporate net income tax liabilities. The first is for an amount equal to fifty percent of qualified short line railroad maintenance expenditures and is capped at \$5,000 per track mile. The second is for an amount equal to fifty percent of new rail infrastructure expenditures and is written to “not exceed \$2 million for an individual project and \$5 million annually for eligible taxpayers.” 87th Leg. Sess. S.B. 722, p. 3 (Apr. 11, 2025).

Those credits are calculated at a rate that is nearly double the available credit for tourism development projects, W. Va. Code § 5B-2E-7(a) (providing a twenty-five to thirty-five percent credit against the state sales and use tax for tourism development costs), and significantly higher than the comparable federal railroad maintenance credit, which is set at forty percent of expenditures not to exceed \$3,500 per track mile, 26 U.S.C. § 45G(a), (b)(1). I see no good reason for the State to provide a greater credit in this area than the federal government—particularly as the State is working to be more fiscally responsible.

April 30, 2025

Page 2

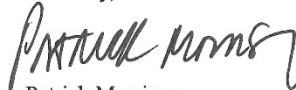
Second, even if those concerns were allayed, aggregate credits are extremely difficult to administer, and they tend to create issues of fairness. Unlike other aggregate credits in the tax code which are “distributed proportionately to the taxpayers,” *e.g.*, W. Va. Code § 11-14C-9(d)(10), this new infrastructure credit is supposed to be “processed in the order received” and “granted on a first-come, first-served basis.” 87th Leg. Sess. S.B. 722, p. 3 (Apr. 11, 2025). So, taxpayers would be required to race each other to be first in line to submit their credit applications. And one or two taxpayers could potentially sweep up the entire \$5 million credit while the others—who may have applied even minutes later—would be left with nothing. That uncertainty inherently disincentivizes long-term business planning and could embroil the Tax Commissioner in litigation.

Finally, this is not the right way to do tax reform. West Virginia’s tax code unquestionably needs significant work. But new credits and exemptions that single out a particular group for favorable treatment while providing no relief for the average hard-working West Virginian are non-starters for me. Reducing taxes is a top priority for my administration, and I look forward to working with the Legislature in the near future to develop a framework for this effort. But such reforms need to be comprehensive, and they need to move West Virginia away from a tax code that picks favorites. Senate Bill 722’s would be counter to that approach.

West Virginia’s leaders must make sound fiscal decisions if the State is going to reach its full potential. That includes long-term and structurally sound budgeting, right-sizing government operations, reducing red-tape and government bureaucracy, and rejecting laws that create costs with no strategy for funding. Committing to those principles and implementing them in practice is not easy. But West Virginia’s citizens deserve no less.

As a result of these issues, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 722.

Sincerely,



Patrick Morrissey
Governor

cc: The Honorable Randy Smith,
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates



Patrick Morrisey
Office of the Governor

April 30, 2025

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

RE: Enrolled House Bill 2120

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled House Bill 2120. This bill makes several modifications to the makeup and function of the Ethics Commission, and creates new requirements to comply with its regulations.

The Ethics Commission is recommending a veto of this legislation. They have advised me that the implementation of this bill would create significant hardship by increasing the cost of the monthly meetings, and by decreasing the likelihood that qualified individuals will be willing to serve as members. The Ethics Commission already operates on a tight budget, and the Legislature did not increase their budget to account for the effects of this bill, resulting in an unfunded mandate. It further modifies its online system and will likely lead to more travel expenses by its nine-person commission, which will place considerable strain on its budget. Its strength is obtained and retained through the appointment and retention of knowledgeable, principled members. The Ethics Commission has expressed concerns that this bill would make serving less desirable, particularly for those residing far from the State Capitol. The intent of this bill is undoubtedly a noble one, but the inadvertent consequences are too great.

I encourage the Legislature to revisit this issue and to meet with representatives from the Ethics Commission and my office to craft a bill which makes meaningful changes in the most effective and efficient way possible.

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

Accordingly, I hereby disapprove and return Enrolled House Bill 2120.

Sincerely,



Patrick Morrisey
Governor

cc: The Honorable Randy Smith
President of the Senate

Roger Hanshaw
Speaker of the House of Delegates



Patrick Morrisey
Office of the Governor

April 30, 2025

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute House Bill 2351

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute House Bill 2351. This bill increases the hourly compensation rate for panel attorneys from \$60 to \$70 for out-of-court work, and from \$80 to \$90 for in-court work. 87th Leg. Sess. H.B. 2351, p. 4 (Apr. 12, 2025).

I am sympathetic to the intent of this bill, and am open to increasing the hourly compensation rate for our panel attorneys. Yet, this bill creates a shortfall in appropriations, without any identified offsets. I want West Virginia to be a national model for fiscal responsibility, and this bill fails to meet that objective. While the Public Defender Services submitted a fiscal note which indicated that this bill would increase their budget by approximately \$5 million, the Legislature reduced appropriations for the Public Defender Services by approximately \$16 million from my proposed budget. 87th Leg. Sess. H.B. 2026 Intro., p. 25; 87 Leg. Sess. H.B. 2026, p. 26 (Apr. 11, 2025). The math does not add up. The Legislature did not fully fund this line item for the ensuing fiscal year, which necessitates the veto of this bill.

Accordingly, I encourage the Legislature to revisit this issue and to work with me to ensure a proper bill and budget to fully fund an increase in compensation for panel attorneys and other programs under the Public Defender Service budget.

Accordingly, I hereby disapprove and return Enrolled Committee Substitute House Bill 2351.

Sincerely,



Patrick Morrisey
Governor

cc: The Honorable Randy Smith
President of the Senate

Roger Hanshaw
Speaker of the House of Delegates



Patrick Morrisey
Office of the Governor

April 30, 2025

VIA HAND DELIVERY

The Honorable Kris Warner
Secretary of State
State Capitol Complex
Building 1, Suite 157-K
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute House Bill 3111.

Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute House Bill 3111. This bill increases the salaries for Supreme Court Justices, Intermediate Court judges, circuit court judges, and family court judges.

I respect the valuable public service provided by our judges and justices, and I am open to increasing the judicial branch compensation, but that should be pursued in conjunction with pay raises for other members of the judicial branch and other state employees. We have many hard working public employees who are instrumental to the health, safety, and success of our state, such as our teachers, police officers, CPS workers, park superintendents, and road construction crews, who are not included in this bill.

Accordingly, I hereby disapprove and return Enrolled Committee Substitute House Bill 3111.

Sincerely,

A handwritten signature in black ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

cc: The Honorable Randy Smith
President of the Senate

Roger Hanshaw
Speaker of the House of Delegates

All business of the sixty-day session now being concluded,

On motion of Senator Martin, at 11:56 p.m., the Senate adjourned *sine die*.
