

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SIXTH LEGISLATURE
REGULAR SESSION, 2024
TWENTY-FOURTH DAY

Charleston, West Virginia, Friday, February 2, 2024

The Senate met at 9:08 a.m.

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

Prayer was offered by the Honorable Vince S. Deeds, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, February 1, 2024,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4801—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b, and to amend and reenact §12-1-5; §12-1B-5; and §12-1B-7 of said code; all relating generally to the banking authority of the State Treasurer's Office; setting forth prohibited clauses in State Treasurer contracts consistent with general restrictions on other state contracts; providing that the State Treasurer may implement the West Virginia Security for Public Deposits Program; and requiring announcement of the West Virginia Security for Public Deposits Program commencement date on the State Treasurer's website.

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

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

Eng. House Bill 5332—A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to exempting persons previously commissioned as a notary public from the requirement that notary publics have a high school diploma or its equivalent in order to be recommissioned as a notary public.

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

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

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

The nays were: None.

Absent: Rucker—1.

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

Engrossed House Bill 5332 was then read a third time and put upon its passage.

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

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 5332) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Rucker—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. 5332) takes effect from passage.

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

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 325 (originating in the Committee on Health and Human Resources), Relating to distribution of drugs to safety net providers and contract pharmacies.

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

Com. Sub. for Com. Sub. for Senate Bill 325 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-8-6a, relating to the distribution of drugs to safety net providers and contract pharmacies; defining terms; penalties; promulgation of rules; and preemption.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 444, Clarifying health insurance coverage for certain emergency services.

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

Com. Sub. for Senate Bill 444 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §33-15-21 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3i of said code; to amend and reenact §33-24-7e of said code; to amend and reenact §33-25-8d of said code; and to amend and reenact §33-25A-8d of said code, all relating to health insurance coverage for emergency services; providing coverage mandates for ground ambulance services when a prudent layperson acting reasonably would have believed that an emergency medical condition existed; providing that covered services include pre-hospital screening and stabilization of emergency conditions by an ambulance service; providing that air ambulance service is excluded from coverage; providing that coverage is subject to deductibles or copayment requirements of the policy, contract, or plan; and providing that coverage be provided if the patient declines to be transported against medical advice.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 444), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 453, Requiring pricing and payment transparency from pharmacy benefits managers contracting with PEIA.

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

Com. Sub. for Senate Bill 453 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency; prohibiting a pharmacy benefit manager from reimbursing a pharmacy or pharmacist in an amount less than the national average drug acquisition cost for a prescription drug or pharmacy service; requiring the pharmacy benefit manager to pay a dispensing fee at least equal to the fee paid by West Virginia Medicaid; providing for alternative payment calculation in the event that the national average drug acquisition cost is not available; defining terms; providing effective date; requiring additional pharmacy data variables be reported to the Public Employees Insurance Agency; removing language requiring data provided by the pharmacy benefit manager to be kept confidential; requiring the director of the Public Employees Insurance Agency to report on an annual basis; requiring the Public Employees Insurance Agency to require specific terms in its contract with a pharmacy benefit manager; and requiring the Public Employees Insurance Agency to issue a request for proposal for pharmacy benefit manager services with an effective date of July 1, 2025 and at least every three years thereafter.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Maroney, unanimous consent being granted, the bill (Com. Sub. for S. B. 453) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 507, Relating to repeal of WV EDGE.

And,

Senate Bill 546, Updating STEM scholarship program.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 529, Including Salem University in PROMISE Scholarship program.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Tarr, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

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

Your Committee on Government Organization has had under consideration

Senate Bill 540, Updating surveying coordinate system.

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

Com. Sub. for Senate Bill 540 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §1-1-5 of the Code of West Virginia, 1931, as amended, relating to updating the West Virginia coordinate systems.

And,

Senate Bill 557, Updating compensation for firefighters required to work holidays.

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

Com. Sub. for Senate Bill 557 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §8-15-10a of the Code of West Virginia, 1931, as amended, relating to compensation for firefighters who are required to work holidays; establishing that firefighters who are required to work during a legal holiday are entitled to compensation for their entire shift even if the shift spans two calendar days.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Jack David Woodrum,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 547, Authorizing legislative rules for Higher Education Policy Commission.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 563, Updating Center for Nursing to Office of Nursing Education and Workforce Development.

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

Com. Sub. for Senate Bill 563 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-16-6; to amend and reenact §18C-3-4 of said code; to repeal §30-7A-7a of said code; and to repeal §30-7B-1, §30-7B-2, §30-7B-3, §30-7B-4, §30-7B-5, §30-7B-6, and §30-7B-7 of said code, all relating to abolishing the Center for Nursing; repealing the supplemental licensure fee for licensed practical nurses, which funds the Center for Nursing; creating within the Higher Education Policy Commission an Office of Nursing Education and Workforce Development; moving the functions of the Center for Nursing to the Office of Nursing Education and Workforce Development; changing name of Center for Nursing Fund to Nursing Scholarship and Workforce Fund; transferring certain fund-related duties from the Vice Chancellor for Administration to the Chancellor; modifying funding sources for the fund; and limiting application of the award eligibility requirement that a student in a registered nurse program have completed half of the program to only those students in pre-licensure programs.

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bill (Com. Sub. for S. B. 563), under the original double committee reference, was then referred to the Committee on Health and Human Resources.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 4595, Relating to the Legislative Oversight Commission on Health and Human Resources Accountability.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Woodrum:

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

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

By Senator Woodrum:

Senate Bill 619—A Bill to repeal §11-8-6E, §11-8-6F, and §11-8-6G of the Code of West Virginia, 1931, as amended, relating to required modification of levy rates resulting from increased valuation yield.

Referred to the Committee on Finance.

By Senator Rucker:

Senate Bill 620—A Bill to amend and reenact §16-66-2 of the Code of West Virginia, 1931, as amended, relating to pregnancy help organizations; and providing approved pregnancy help organizations flexibility to receive funding for various costs.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 621—A Bill to repeal §48-9-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-302 of said code, all relating to removing the discretion of the court to issue a written investigation for proceedings under this article; ensuring that the West Virginia judiciary remains neutral and detached in all matters pending before any court of this state; ensuring that the West Virginia judiciary does not in any way initiate or participate in investigations or other activities properly reserved to the executive consistent with the separation of powers required under Article V, Section 1, of the Constitution of the State of West Virginia; and ensuring that the West Virginia judiciary at all times in the performance of its duties acts in a manner consistent with West Virginia Judicial Code of Conduct.

Referred to the Committee on the Judiciary.

By Senators Tarr and Woodrum:

Senate Bill 622—A Bill to amend and reenact §3-2-25 of the Code of West Virginia, 1931, as amended, relating to time period of voting inactivity required to initiate a confirmation notice mailing.

Referred to the Committee on the Judiciary.

By Senators Tarr and Woodrum:

Senate Bill 623—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating to requiring Division of Motor Vehicles to provide images of persons issued any identification or license to the Secretary of State for voter identification purposes.

Referred to the Committee on the Judiciary.

By Senators Tarr and Woodrum:

Senate Bill 624—A Bill to amend and reenact §3-2-27 of the Code of West Virginia, 1931, as amended, relating to authorizing cancellation of voter registration records for individuals who are no longer West Virginia citizens and who have obtained a driver's license in another state.

Referred to the Committee on the Judiciary.

By Senators Tarr and Woodrum:

Senate Bill 625—A Bill to amend and reenact §3-1-41 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-19 of said code, all relating to expressly prohibiting the acceptance of illegal ballots cast in any election; and providing criminal penalties for intentionally and knowingly accepting an absentee ballot that does not comply with state requirements for absentee voting.

Referred to the Committee on the Judiciary.

By Senators Tarr and Takubo:

Senate Bill 626—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-18-1, §11-18-2, §11-18-3, and §11-18-4; and to amend said code by adding thereto a new article, designated §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, §15-1L-5, §15-1L-6, §15-1L-7, and §15-1L-8, all relating to creating a program to reward citizens for information on drug trafficking; providing findings and intent; defining terms; creating an excise

tax on opioid antagonists and test strips; creating a special revenue account; providing a short title; setting out a purpose; establishing a program for providing rewards for pertinent information; placing the program with the State Police; giving the Secretary of Homeland Security jurisdiction over the program; setting out privacy requirements; providing for exclusions; authorizing funding; requiring an application; exempting the reward from taxation and other legal processes; and providing for rulemaking.

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

By Senators Tarr and Woodrum:

Senate Bill 627—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to prohibiting ranked choice voting in elections in West Virginia.

Referred to the Committee on the Judiciary.

By Senators Tarr and Plymale:

Senate Bill 628—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

Senator Takubo offered the following resolution:

Senate Resolution 25—Designating February 5, 2024, as Recovery Advocacy Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 26, US Army PFC Clarence William (Buck) Holliday Memorial Road.

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

Senate Resolution 23, Designating February 2, 2024, as American Heart Association Day.

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

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

Senate Resolution 24, Recognizing February 2, 2024, as WV Home School Day.

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 50, Authorizing Department of Revenue to promulgate legislative rules.

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

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

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 50) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Rucker—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. 50) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 436, Prohibiting intentional motor vehicle emissions that create hazards.

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

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

Eng. House Bill 4026, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles.

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

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

The nays were: None.

Absent: Rucker—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4026) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Rucker—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. 4026) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 331, Eliminating cap on maximum amount of money in county's financial stabilization fund.

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

Com. Sub. for Senate Bill 466, Requiring State Board of Education develop Safety While Accessing Technology education program.

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

Com. Sub. for Senate Bill 539, Creating cold case database.

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

Eng. House Bill 4594, Relating to extending managed care.

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

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

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-27. Transitioning foster care into managed care.

(a) "Eligible services" means acute care, including medical, pharmacy, dental, and behavioral health services.

(b) The secretary shall transition to a capitated Medicaid program for a child classified as a foster child and a child placed in foster care under Title IV-E of the Social Security Act who is living in the state by January 1, 2020. The program shall be statewide, fully integrated, and risk based; shall integrate Medicaid-reimbursed eligible services; and shall align incentives to ensure the appropriate care is delivered in the most appropriate place and time.

(c) The secretary shall make payments for the eligible services, including home and community-based services, using a managed care model.

(d) The secretary shall submit, if necessary, applications to the United States Department of Health and Human Services for waivers of federal Medicaid requirements that would otherwise be violated in the implementation of the program and shall consolidate any additional waivers where appropriate: *Provided*, That this subsection does not apply to the Aged and Disabled Waiver, the Intellectual/Developmental Disabilities Waiver, and the Traumatic Brain Injury Waiver.

(e) If a selected managed care organization ceases to contract with the Department of Health and Human Services to provide Medicaid managed care services, it must provide all patient records, including medical records, to the next selected managed care organization to ensure the Eligible Medicaid Beneficiaries do not experience an interruption in care.

(f) In designing the program, the secretary shall ensure that the program:

(1) Reduces fragmentation and offers a seamless approach to meeting participants' needs;

(2) Delivers needed supports and services in the most integrated, appropriate, and cost-effective way possible;

(3) Offers a continuum of acute care services, which includes an array of home and community-based options; and

(4) Includes a comprehensive quality approach across the entire continuum of care services. and

~~(5) Consult stakeholders in the program development process, and the managed care organization that is awarded the contract shall create a voluntary advisory group of foster, adoptive, and kinship parents, which shall meet every quarter for the first year following the effective date of the changes made to this section during the 2019 Regular Session of the Legislature and then every six months thereafter, to discuss issues they are encountering with the managed care organization and recommend solutions. The managed care organization shall~~

~~report on the recommendations of the advisory group and address how and why procedures have or have not changed based on those recommendations. This report shall be submitted to the secretary and the Legislative Oversight Commission on Health and Human Resources Accountability as set forth in §16-29E-1 et seq. of this code, and the public in a timely fashion and shall be available on the managed care organization's webpage.~~

~~(g) The department shall evaluate the transition to managed care and shall collect and annually report on the following items: the number of claims submitted, the number of claims approved, the number of claims denied, the number of claims appealed, the resolution of appealed claims, the average time of an appeal, the average length of stay in a child residential care center, and health outcomes. The initial report will be filed by July 1, 2021, with the Legislative Oversight Commission on Health and Human Resources Accountability and the Foster Care Ombudsman with a final report submitted July 1, 2023.~~

~~(h) The transition of foster care to managed care shall terminate on June 30, 2024, unless cancelled by the secretary at an earlier date.~~

~~(i) (1) The Office of the Inspector General shall employ an independent foster care ombudsman, with experience as a former foster parent or experience in the area of child welfare;~~

~~(2) The duties of the ombudsman shall include, but are not limited to, the following:~~

~~(A) Advocating for the rights of foster children and foster parents;~~

~~(B) Participating in any procedure to investigate, and resolve complaints filed on behalf of a foster child or foster parent, relating to action, inaction or decisions of providers of managed care services, or the representatives of such providers, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare and rights of the foster child or foster parent;~~

~~(C) Monitoring the development and implementation of federal, state and local legislation, regulations and policies with respect to foster care services; and~~

~~(D) Establishing and maintaining a statewide uniform reporting system to collect and analyze data relating to complaints for the purpose of identifying and resolving significant problems faced by foster children and foster parents as a class. The data shall be submitted to the Bureau of Children and Families within the Department of Health and Human Resources and the Legislative Oversight Commission on Health and Human Resources Accountability on a quarterly basis;~~

~~(3) The ombudsman shall participate in ongoing training programs related to his or her duties or responsibilities.~~

~~(j) (g) An employee of the department who, as a function of that employment, has engaged in the development of any contract developed pursuant to the requirements of this section may not for a period of two years thereafter be employed by any agency or company that has benefitted or stands to benefit directly from a contract between the department and that agency or company.~~

~~(k) (h) Any managed care company selected as the managed care contractor pursuant to the provisions of this article shall have at least 80 percent of the total full-time equivalent positions allocated to manage care of foster children in West Virginia according to the contract must have a primary workplace in the state of West Virginia.~~

The bill (Eng. H. B. 4594), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 504, Relating to felony offense of sexual intercourse, intrusion, or contact with student.

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

Com. Sub. for Senate Bill 516, Determining venue for custodial allocation actions independent of divorce.

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

Senate Bill 543, Relating to research and economic development agreements for state institutions of higher education.

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

Com. Sub. for Senate Bill 571, Creating WV Corridor H Advanced Energy and Economic Corridor Authority.

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

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on February 1, 2024:

Senate Bill 190: Senator Barrett;

Senate Bill 443: Senator Roberts;

Senate Bill 444: Senators Barrett, Roberts, and Takubo;

Senate Bill 453: Senators Roberts and Deeds;

Senate Bill 529: Senator Oliverio;

Senate Bill 544: Senator Barrett;

Senate Bill 557: Senators Queen and Deeds;

Senate Bill 571: Senator Barrett;

Senate Bill 583: Senator Roberts;

Senate Bill 614: Senators Roberts, Taylor, and Rucker;

Senate Bill 616: Senator Woelfel;

Senate Bill 617: Senator Rucker;

Senate Concurrent Resolution 26: Senator Jeffries;

Senate Resolution 23: Senators Hamilton, Smith, Phillips, and Grady;

And,

Senate Resolution 24: Senators Hamilton, Smith, Roberts, Grady, and Taylor.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Takubo, at 9:42 a.m., the Senate adjourned until Monday, February 5, 2024, at 11 a.m.

SENATE CALENDAR

**Monday, February 05, 2024
11:00 AM**

UNFINISHED BUSINESS

S. R. 25 - Designating February 5, 2024, as Recovery Advocacy Day

THIRD READING

Eng. Com. Sub. for S. B. 331 - Eliminating cap on maximum amount of money in county's financial stabilization fund (original similar to HB4991)

Eng. Com. Sub. for S. B. 436 - Prohibiting intentional motor vehicle emissions that create hazards

Eng. Com. Sub. for S. B. 466 - Requiring State Board of Education develop Safety While Accessing Technology education program

Eng. Com. Sub. for S. B. 539 - Creating cold case database

Eng. H. B. 4594 - Relating to extending managed care. - (Com. title amend. pending) (original similar to SB329)

SECOND READING

Com. Sub. for S. B. 504 - Relating to felony offense of sexual intercourse, intrusion, or contact with student

Com. Sub. for S. B. 516 - Determining venue for custodial allocation actions independent of divorce

S. B. 543 - Relating to research and economic development agreements for state institutions of higher education

Com. Sub. for S. B. 571 - Creating WV Corridor H Advanced Energy and Economic Corridor Authority

FIRST READING

Com. Sub. for Com. Sub. for S. B. 325 - Relating to distribution of drugs to safety net providers and contract pharmacies (original similar to HB4892)

S. B. 507 - Relating to repeal of WV EDGE

S. B. 529 - Including Salem University in PROMISE Scholarship program

Com. Sub. for S. B. 540 - Updating surveying coordinate system

S. B. 546 - Updating STEM scholarship program (original similar to HB5153)

S. B. 547 - Authorizing legislative rules for Higher Education Policy Commission

Com. Sub. for S. B. 557 - Updating compensation for firefighters required to work holidays

Eng. Com. Sub. for H. B. 4801 - Relating generally to the banking authority of the State
Treasurer's Office

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2024

Monday, February 5, 2024

10:45 a.m.

Rules

(Room 219M)