

JOURNAL of THE SENATE State of West Virginia

EIGHTY-SEVENTH LEGISLATURE

Regular Sixty-Day Session, 2025

VOLUME II



NOTE: The second volume continues with Journal proceedings proper (page 1105) of March 28 and concludes with the proceedings of April 11 ending with page 2214 of the Regular Session.

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

Com. Sub. for Senate Bill 632, Relating to surprise billing of out-of-network ambulance services.

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

Com. Sub. for Senate Bill 790, Requiring quarterly reporting by certain water and wastewater utilities.

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

Com. Sub. for Senate Bill 869, Creating 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.

Senate Bill 886, Relating to Foster Child Bill of Rights.

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

Com. Sub. for Senate Bill 890, Relating to auctioneers.

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

Com. Sub. for Senate Bill 892, Relating to property valuation.

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

Com. Sub. for Senate Bill 916, Recognizing authority of Agriculture Commissioner to intervene in matters that negatively affect agritourism.

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

Senate Bill 939, Relating to testing for substance use disorder.

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

Eng. House Bill 2516, To repeal antiquated and inoperative portions of code.

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

Eng. Com. Sub. for House Bill 3192, To repeal obsolete, conflicting or inoperative provisions of code that pertain to higher education.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 27, 2025:

Senate Bill 804: Senator Hart.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on March 27, 2025:

Senate Bill 66: Senator Hart;

Senate Bill 197: Senator Deeds;

Senate Bill 517: Senator Willis;

Com. Sub. for Senate Bill 531: Senator Willis;

Senate Bill 593: Senator Rose;

Com. Sub. for Senate Bill 663: Senator Rucker;

Senate Bill 664: Senator Rose;

Senate Bill 724: Senator Willis;

Com. Sub. for Senate Bill 761: Senator Deeds;

Com. Sub. for Senate Bill 765: Senator Deeds;

Senate Bill 912: Senator Deeds;

Senate Bill 914: Senators Taylor and Willis;

And,

Senate Bill 916: Senator Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:58 p.m., the Senate adjourned until tomorrow, Saturday, March 29, 2025, at 10 a.m.

SATURDAY, MARCH 29, 2025

The Senate met at 11:02 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 the Honorable Jason Barrett, a senator from the sixteenth district.

Pending the reading of the Journal of Friday, March 28, 2025,

At the request of Senator Weld, 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 Com. Sub. for House Bill 2043—A Bill to amend and reenact §20-2-5j and §61-10-34 of the Code of West Virginia, 1931, as amended, to authorize the use of Unmanned aerial vehicles and dogs while hunting and describe their administration; and to add to the definition of "critical infrastructure" certain licensed or commercial livestock and poultry facilities to protect them from unauthorized Unmanned aerial vehicle surveillance or attack; all generally relating to the regulated use of Unmanned aerial vehicles in West Virginia airspace.

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.

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 2052—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to the tax credit for apprenticeship training; eliminating the requirement that the credit base be limited to wages paid to apprentices in the construction trades, specifying effective date; and making stylistic changes.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2121—A Bill to amend and reenact §11-13MM-2 and §11-13MM-4 of the Code of West

Virginia, 1931, as amended, relating to providing for a deceased disabled veteran real property exemption for widowed spouses.

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

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

Eng. House Bill 2145—A Bill to amend and reenact §5A-3-4 and §5A-3-12 of the Code of West Virginia, 1931, as amended, relating to terminating the authority of the Director of the Purchasing Division to impose a certain annual fee upon vendors.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2205—A Bill to amend the Code of West Virginia, 1931, as amended; by adding a new section, designated §24-2-1s, relating to certification by the Public Service Commission of advanced small modular and micro nuclear reactors; clarifying that the commission has authority and may issue and, as applicable, modify siting certificates and certificates of convenience and necessity for advanced small modular and micro nuclear reactors for the generation of electric power to the extent the authority is not preempted by federal law; and providing for rule making authority over the same to the extent the authority is not preempted by federal law.

Referred to the Committee on Energy, Industry, and Mining.

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 2377—A Bill to amend and reenact §49-2-809, §49-5-101, and §49-11-101 of the Code of West

Virginia, 1931, as amended; 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; updating abuse and neglect reporting; permitting the Foster Care Ombudsman to have access to information related to proceedings involving child abuse or neglect; providing the public shall have access to reports of child abuse or neglect adding additional terms to the child welfare dashboard; providing for effective date; creating the Critical Incident Review Team; defining terms; setting forth responsibilities of the Critical Incident Review Team; requiring reporting; providing the Critical Incident Review Team access to information and providing for confidentiality.

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

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

Eng. Com. Sub. for House Bill 2399—A Bill to amend and reenact §11-1C-10 and §11-1C-11 of the Code of West Virginia, 1931, as amended, relating to changing frequency of landowner managed timberland certifications required to be made to the Division of Forestry to every five years; and specifying rulemaking authority for the State Tax Commissioner and the Division of Forestry.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2456—A Bill to amend and reenact §16-66-2 of the Code of West Virginia, 1931, as amended, relating to the pregnancy support program; and distribution of funding to pregnancy help organizations.

Referred to the Committee on Finance.

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

Eng. House Bill 2484—A Bill to amend and reenact §8-15-20 of the Code of West Virginia, 1931, as amended, relating to increasing the probationary appointment period for vacancies filled by the Firemen's Civil Service Commission from six months to one year.

Referred to the Committee on Government Organization.

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

Eng. House Bill 2736—A Bill to amend and reenact §24C-1-2, §24C-1-2a, §24C-1-3, and §24C-1-9 of the Code of West Virginia, 1931, as amended, relating generally to Underground Facilities Damage prevention.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Government Organization.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2889—A Bill to amend and reenact §32-4-402 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §32-4-402a, all relating to authorizing the Commissioner of the State Auditor of West Virginia, or his or her designee, to conduct a fairness hearing for transactions involving the exchange of a security for one or more outstanding securities, claims or property interests, or partly for cash; expressly authorizing the Commissioner, or his or her designee, to conclude whether the conditions of the exchange are fair to all security holders participating in the exchange; providing an exemption for successful applicants from the registration requirements proscribed under Section 3(a)(1) of the Securities Act, 15 U.S.C. § 77c(a)(10)

and §32-3-301 of this code; providing definitions; providing for an application process to set fairness hearings; proscribing timelines for the Commissioner, or his or her designee, to set fairness hearings and issue decisions; proscribing notice requirements; proscribing a filing fee and hearing fee caps; and authorizing the Commissioner to conduct fairness hearings via telephone conference, video conference, or any mode authorized by any rule or order of the Commissioner.

Referred to the Committee on Banking and Insurance.

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 2963—A Bill to amend the Code of West Virginia, 1931, by adding a new section, designated §31A-1-7, relating to the sale or transfer of all or substantially all of state bank's assets; requiring that the buyer or transferee be insured by the Federal Deposit Insurance Corporation;; authorizing interested persons to seek equitable relief to prohibit certain sales or transfers; clarifying that the prohibition on the sale or transfer of a West Virginia state chartered bank to buyers or transferors that are not insured by the Federal Deposit Insurance Corporation does not apply in certain circumstances.

Referred to the Committee on Banking and Insurance.

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

Eng. House Bill 3001—A Bill to amend and reenact §7-11-1 and §7-11-3, of the Code of West Virginia, 1931, as amended, both relating to requiring county parks and recreation commissions to be established.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3012—A Bill to amend and reenact §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to the racetrack video lottery and the distributions of video lottery net terminal and excess net terminal income to municipalities and counties.

Referred to the Committee on Finance.

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

Eng. House Bill 3080—A Bill to amend and reenact §16B-17-9 and §16B-17-9a of the Code of West Virginia, establishing that an employer granting preference in hiring a military spouse does not violate the state Human Rights Act under certain circumstances.

Referred to the Committee on Military.

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 3150—A Bill to amend and reenact §18C-3-1 and §18C-3-3 of the Code of West Virginia, 1931, as amended, relating generally to higher education loan programs; amending the medical student loan program by amending definitions; clarifying amount of award and service commitment; revising interest rate determinations and time period for loan repayment; amending health sciences and mental health provider loan repayment programs by replacing scholarship language with loan repayment language, amending award preferences provisions, requiring the commission to pay awards directly to federal loan service providers, removing provisions regarding licensure as it relates to repayment, clarifying language regarding mental health provider student loan repayment program,

clarifying language regarding the mental health provider student loan repayment fund; and making technical changes.

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

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

Eng. Com. Sub. for House Bill 3174—A Bill to amend and reenact §8-19-17, §8-20-16, §16-13-22a, and §16-13A-24 of the Code of West Virginia, 1931, relating to requiring municipalities and public service districts to determine the cost of adding potential customers to water service from the municipality or public service district; requiring municipalities and public service districts to apply through the West Virginia Infrastructure and Jobs Development Council for available funding; requiring municipalities and public service districts to extend service to potential customers who have paid required fees if a grant or grants are awarded to cover the fees for the service extension; and providing for funding and reimbursement of application costs to potential customers.

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

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

Eng. House Bill 3269—A Bill to amend and reenact §5F-2-1, §31A-2-2, §31A-2-3, §31A-2-4, §31A-2-4a, §31A-2-4b, §31A-2-5, §31A-2-6, §31A-2-7, §31A-2-8, §31A-2-9, §31A-2-12, §31A-2-14, §31A-3-1 and §31A-3-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding two new sections, designated §5F-2-1b and §5F-2-9; relating to reorganizing Board of Banking and Financial Institutions, Division of Financial Institutions, and Lending and Credit Rate Board into independent division and boards of the executive branch beginning January 1,

2026; removing references to former Department of Banking; designating Board of Banking and Financial Institutions as chief executive body under reorganization structure; providing Division of Financial Institutions and Lending and Credit Rate Board with oversight and supervision by Board of Banking and Financial Institutions; requiring Board of Banking and Financial Institutions to approve any policy decision, proposed budget, or personnel-related decision of Division of Financial Institutions; exempting Division of Financial Institutions from classified service system; establishing merit-based system for personnel administration for Division of Financial Institutions; authorizing commissioner to establish merit-based system; authorizing current employees to opt into classified-exempt system in writing; modifying qualifications for positions of commissioner and deputy commissioner; providing for reimbursement of travel expenses; providing uniformity in code to references of National Multistate Licensing System and Registry; providing requirements for commissioner's merit-based policy for employment positions; authorizing commissioner to employ additional staff; requiring commissioner to propose annual budget to Board of Banking and Financial Institutions; requiring ten percent of total revenue collected by commissioner be deposited into the General Revenue Fund of the State Treasury; authorizing commissioner to employ additional support staff; providing that balances of commissioner's assessment and examination fund" remaining at end of each fiscal year remain in the fund; requiring all fees not otherwise directed be deposited in commissioner's assessment and examination fund; requiring commissioner by rule to establish minimum standards and practices for the officers and directors of each financial institution under the jurisdiction, supervision and control of the commissioner; requiring reports to commissioner; requiring submission of plan to meet the minimum standards and practices for approval to commissioner and the Board of Banking and Financial Institutions; fixing compensation of the officers and directors of the financial institution pending compliance; providing that commissioner as chairman of the Board of Banking and Financial Institutions to vote only in instances of tie; requiring the Board of Banking and Financial Institutions to meet bi-monthly; and removing requirement that reimbursement of Board of

Banking and Financial Institutions member expenses be determined per policies of Travel Management Unit of Purchasing Division.

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

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

Eng. House Bill 3434—A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210, and §60A-2-212 of the Code of West Virginia, 1931, as amended, relating to the controlled substance schedules and to clean-up errors identified in the code sections.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3456—A Bill to amend and reenact §15A-3-12 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §15A-3-4a, relating to the powers and duties of the commissioner of the Division of Corrections and Rehabilitation generally regarding Stevens Correctional Center; clarifying the authority of the commissioner of the Division of Corrections and Rehabilitation to manage, direct, control, and govern Stevens Correctional Center; authorizing the transfer of facilities, equipment, and assets of the Stevens Correctional Center to the Division of Corrections and Rehabilitation; clarifying the debt liability of Stevens Correctional Center; authorizing the transfer of employees of the Stevens Correctional Center to the Division of Corrections and Rehabilitation; and clarifying that the Stevens Correctional Center is an institution managed by the commissioner of the Division of Corrections and Rehabilitation.

Referred to the Committee on Government Organization.

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

Eng. House Bill 3503—A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-11-31, relating to the regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act; providing that regulations within the subject matter of the Water Pollution Control Act governing commercial horticulture by counties, municipalities, and political subdivisions are invalid and unenforceable; and providing limitations of causes of action against commercial horticulture operations brought by counties, municipalities, and political subdivisions within the subject matter of the Water Pollution Control Act.

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

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

Com. Sub. for House Concurrent Resolution 14—Requesting the Division of Highways name Bridge Number: 41-077/00-043.59 (SB) (41A229), (37.78047, -81.22121) locally known as I-77 OVER CABELL RD, carrying IS 077 over WHITESTICK CRK/CABELL RD in Raleigh County, the "U.S. Navy S1c Curtis Hatcher Memorial Bridge."

Com. Sub. for House Concurrent Resolution 30—Requesting the Division of Highways name Bridge Number: 55-009/04-006.66 () (55A028), (37.66467, -81.60096) locally known as COON BRANCH BRIDGE, carrying CR 009/04 over LAUREL FORK in Wyoming County, the "Pastor Roger D. Stewart Memorial Bridge."

Com. Sub. for House Concurrent Resolution 43—
Requesting the Division of Highways name Bridge Number: 16-055/00-011.96 () (16A134), (39.07833, -78.95205) locally known as MOOREFIELD INTERCHANGE, carrying WV 055 over US 48 (X) (Corridor H) in Hardy County the "Sgt. Ray 'Mutt' Sherman Memorial Bridge."

Com. Sub. for House Concurrent Resolution 51—
Requesting the Division of Highways name bridge number 53-032/003.45, locally known as the Peewee Pony Truss (SSPT), carrying CR 032 over Right Fork Reedy Creek in Wirt County, the "U. S. Army PFC Roy Lee Hill Memorial Bridge".

Com. Sub. for House Concurrent Resolution 52—
Requesting the Division of Highways name Bridge Number: 40-064/00-044.47 () (40A075), (38.44092, -81.83320) locally known as I-64 NITRO INTERCHANGE BRIDGE, carrying IS 064 over WV25, CR25/30, N&S RR in Putnam County, the "Private Ronnie W. Matthews Memorial Bridge."

Com. Sub. for House Concurrent Resolution 55—
Requesting the Division of Highways rename the section of road beginning at (37.765157, -80.466491) and ending at (37.787638, -80.452570), known locally as the Seneca Trail, to the "Vance Brothers Six Military Veterans Highway" and have signs placed identifying it as such.

Com. Sub. for House Concurrent Resolution 70—
Requesting the Division of Highways name bridge number 044-14/00-9.87(44A198), at Lat/Long: 38.90043, -81.42299, locally known as Reedy Bridge, carrying WV 14 over Reedy Creek in Roane County, the "U. S. Revolutionary War Patriot Private Patrick Board Memorial Bridge".

Com. Sub. for House Concurrent Resolution 77—
Requesting the Division of Highways name bridge number: (55A106), (37.69680, -81.52925), locally known as the Laurel Fork Bridge, carrying Mabel Street over Glen Fork in Wyoming County, the "Jim Sigmon Family Memorial Bridge."

Com. Sub. for House Concurrent Resolution 82—Requesting the Division of Highways name Bridge Number: 13-036/03-000.30 () (13A193), (37.80392, -80.30595) locally known as CAN CREEK BRIDGE, carrying CR 036/03 over CAN CREEK in Greenbrier County, the "U.S. Army PFC Paul Ralph Bittinger, Sr. Memorial Bridge".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

At the request of Senator Martin, unanimous consent being granted, the provisions of Joint Rule 31 were suspended in order to receive the following House concurrent resolutions naming transportation infrastructure introduced after the twenty-fifth day.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of the following resolutions:

Com. Sub. for House Concurrent Resolution 85—Requesting the Division of Highways name bridge number: 30-010/01-000.02 () (30A050), (37.55534, -81.96599) locally known as Wharncliffe Box Beam, carrying CR 010/01 over Bens Creek in Mingo County, the "U.S. Army Corporal Lavern 'Mousey' Testerman Memorial Bridge".

Com. Sub. for House Concurrent Resolution 86—Requesting the Division of Highways name Bridge Number: 32-122/00-008.20 () (32A055), (37.53944, -80.66056) locally known as INDIAN CREEK BRIDGE, carrying WV 122 over INDIAN CREEK in Monroe County, the "U.S. Army PFC Robert F. Mann Memorial Bridge".

Com. Sub. for House Concurrent Resolution 87—Requesting the Division of Highways name a bridge bearing the Bridge Number: 43-021/00-000.06 () (43A071), (39.07742, -81.19013), locally known as DUTCHMAN BRIDGE (CSPG), carrying CR 021 over SOUTH FORK HUGHES RIVER in Ritchie County as the "Clark Brothers Memorial Bridge."

Com. Sub. for House Concurrent Resolution 89—Requesting the Division of Highways name Bridge Numbers: 26-002/00-018.04 (NB & SB) (26A014, 26A013), (39.90549, -80.75723) locally known as Lindsey Bridge & Lindsey Bridge SB, carrying WV 002 over Big Grave Creek in Marshall County, the "U.S. Army Spec 4 Kermit Harold Yoho Memorial Bridge".

Com. Sub. for House Concurrent Resolution 91—Requesting the Division of Highways name a portion of West Virginia Route 20 from the Upshur/Webster County Line GPS coordinates 38.730195, -80.387633 to Mount Zion Road GPS coordinates 38.699640, -80.393504, in Webster County, the "U.S. Army Sergeant Major Charles Grant Hoke Memorial Road".

Com. Sub. for House Concurrent Resolution 93—Requesting the Division of Highways name a portion of 4.3-mile bypass from Tuckers Run to Middle Fork on US 33, in Roane County, the "Scott Miller Bypass Road".

The preceding resolutions were referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 67, Allowing motor vehicle racing on county or municipal roads under certain circumstances.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for S. B. 67) contained in the preceding

report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 158 (originating in the Committee on Education), Modifying eligibility requirements for serving as member of State Board of Education.

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

Com. Sub. for Com. Sub. for Senate Bill 158 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to modifying eligibility and qualifications to serve as an appointed member of the State Board of Education; prohibiting certain political and other activities; and permitting certain political activities.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 158) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator 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

Senate Bill 553, Relating to offense of driving above speed limit on controlled access highway or interstate highway.

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 Banking and Insurance.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Azinger, as chair of the Committee on Banking and Insurance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

At the further request of Senator Azinger, and by unanimous consent, the bill (S. B. 553) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

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

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

Com. Sub. for Senate Bill 677 (originating in the Committee on Finance)—A Bill to amend and reenact §32-2-202, §32-3-304a, §32-3-305, and §32-4-406 of the Code of West Virginia, 1931, as amended, relating to fee changes in the Uniform Securities Act; adjusting fees to be remitted to the State Auditor; placing submission requirements on certain issuers of securities; and adjusting fund distributions made by the State Auditor.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for S. B. 677) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 701 (originating in the Committee on Natural Resources), Classifying forestry equipment for levy purposes.

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

Com. Sub. for Com. Sub. for Senate Bill 701 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding one new section, designated §11-8-5a, relating to taxation; classifying forestry equipment as Class I property; recognizing forestry as a component of agriculture essential to this state's economy; defining forestry equipment; exempting the sale of forestry equipment from the consumers sales and service tax; and providing for effective dates.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 701) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 730 (originating in the Committee on Energy, Industry, and Mining), Establishing Forest Carbon Registry.

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

Com. Sub. for Com. Sub. for Senate Bill 730 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §19-1D-1, §19-1D-2, §19-1D-3, and §19-1D-4, relating to the establishment of a Forest Carbon Registry under the administration of the Division of Forestry; providing for the registration of carbon offset agreements and projects affecting West Virginia forestlands; requiring the inclusion of geographic information system shapefiles for encumbered properties; assigning responsibility to purchasers and certain landowners to record such agreements or projects; establishing a deadline for recording; and imposing civil penalties for noncompliance.

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

Respectfully submitted,

Jason Barrett,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 745, Strengthening and reforming lobbying requirements.

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

Com. Sub. for Senate Bill 745 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-3a, §6B-3-4, §6B-3-5, §6B-3-7, §6B-3-9, and §6B-3-11 of the Code of West Virginia, 1931, as amended; and to amend the code by adding two new sections, designated §6B-2-12 and §6B-3-12, relating to enhancing transparency in lobbying; requiring Ethics Commission to develop searchable lobbyist registration and reporting system; revising lobbying registration and reporting requirements; increasing the lobbyist registration fees; requiring the commission to publish an electronic photograph and information about registered lobbyists; requiring wear of lobbyist identification badge on capitol grounds; increasing reporting thresholds for grass roots lobbying campaigns; updating document retention requirements; updating lobbyist duties; prohibiting lobbyist contingent fees; updating penalties; requiring compliance audits, and prohibiting lobbyists from offering or providing political campaign contributions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for S. B. 745) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 828, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (S. B. 828) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 848, Enacting bank protections for eligible adults from financial exploitation.

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

Com. Sub. for Senate Bill 848 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §31A-2C-1, §31A-2C-2, §31A-2C-3, §31A-2C-4, §31A-2C-5, §31A-2C-6, and §31A-2C-7, relating to enacting banking and financial services provider protections for eligible adults from financial exploitation; providing findings, purpose, and intent; providing definitions; permitting disclosure of eligible persons financial information to certain third parties and designated government agencies;

authorizing depository institutions, broker-dealers, and investment advisors to delay, refuse, or prevent certain activities and transactions to prevent financial exploitation of an eligible adult; and providing that this article shall not serve as the basis for any private cause of action against depository institutions, broker-dealers, or investment advisors, or their employees, acting in good faith.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for S. B. 848) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

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

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

Com. Sub. for Senate Bill 883 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22A-1-8, §22A-1-9, §22A-1-11, §22A-1-12, §22A-1-13, §22A-4-5, §22A-6-3, and §22A-9-1 of the Code of West Virginia, 1931, as amended, relating to providing the Director of the West Virginia Office of Miners' Health, Safety, and Training discretion and

authority in the appointment of surface mine inspectors, mine safety instructors, electrical inspectors, underground mine inspectors, and inspectors; requiring Office of Miners' Health, Safety and Training report certain information to Board of Coal Mine Health and Safety; modifying certain age limit provisions regarding certain mine inspectors; and limiting tenure eligibility for certain mine inspectors.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Christopher A. Rose,
Chair.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 941 (originating in the Committee on Energy, Industry, and Mining)—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 designed by the U.S. Conservation Service.

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

Respectfully submitted,

Christopher A. Rose,
Chair.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 942 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22A-2A-101, §22A-2A-308, §22A-2A-309, §22A-2A-310, and §22A-2A-401 of the Code of West Virginia, 1931, as amended; to amend the code by adding four new sections, designated §22A-2A-1001, §22A-2A-1002, §22A-2A-1003, and §22A-2A-1004; and to repeal §22A-2A-402, §22A-2A-403, §22A-2A-404, and §22A-2A-405, relating to modifying the requirements for diesel-powered equipment used in mines; authorizing legislative rules; removing site-specific testing; establishing regulatory limitations; clarifying approval standards; and establishing diesel equipment operating requirements and exemptions.

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

Respectfully submitted,

Christopher A. Rose,
Chair.

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

Senate Concurrent Resolution 6, US Army Major Jerome Lee Workman Memorial Bridge.

And,

Senate Concurrent Resolution 16, US Army SPC Johnny Long 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 (S. C. R. 6 and 16) 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 and request concurrence therein.

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

Senate Concurrent Resolution 9, Becker Brothers, Eugene and Kermit Becker Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 9 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 12-028/07-012.02 (12A094), (39.12160, -79.21598) locally known as WEIMER BRIDGE, carrying CR 028/07 over NORTH FORK LUNICE CREEK in Grant County, the "U.S. Army PVT Eugene Becker and PFC Kermit Becker Memorial Bridge."

And,

Senate Concurrent Resolution 17, US Marine Corps PVT Arlie Haught Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 17 (originating in the Committee on Transportation and Infrastructure)—

Requesting the Division of Highways name bridge numbers 25-218/00-010.86 () (25A270), (39.58637, -80.23675), locally known as Basnettville Bridge, carrying County Route 17 over Paw Paw Creek in Marion County, the "U.S. Marine Corps PVT Arlie Haught Memorial Bridge".

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. 9 and 17) 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 and request concurrence therein.

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 78, Urging the Commissioner of Highways to prioritize completion of I-73, the King Coal Highway.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The Senate proceeded to the sixth order of business.

Senators Woodrum and Rucker offered the following resolution:

Senate Resolution 42—Designating March 31, 2025, as West Virginia Nurses Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 197, Limiting requirements for issuance of professional teaching certificate.

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

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. S. B. 197) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 506, Relating to enhanced pay for certain teachers.

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

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

Eng. Senate Bill 517, Requiring medical professionals to report injuries and side effects from vaccines to Bureau for Public Health.

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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. S. B. 517) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Barrett, Chapman, Charnock, Clements, Fuller, Garcia, Hamilton, Helton, Jeffries, Martin, Morris, Oliverio, Phillips, Queen, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, and Woelfel—24.

The nays were: Azinger, Bartlett, Deeds, Grady, Hart, Maynard, Roberts, Woodrum, and Smith (Mr. President)—9.

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 S. B. 576) passed with its title.

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

Eng. Com. Sub. for Senate Bill 593, Preserving voting data from electronic voting machines.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, 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: Charnock and Takubo—2.

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 S. B. 593) passed with its 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, 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. 593) takes effect July 1, 2025.

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

At the request of Senator Martin, and by unanimous consent, the Senate proceeded to the consideration of

Eng. Com. Sub. for Com. Sub. for Senate Bill 761, Creating Joel Archer Substance Abuse Intervention Act.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 761 pass?"

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 Com. Sub. for S. B. 761) passed with its 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 Garcia, and by unanimous consent, the remarks by Senators Stuart, Helton, and Bartlett as to the passage of Engrossed Committee Substitute for Committee

Substitute for Senate Bill 761 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Com. Sub. for Senate Bill 626, Relating to qualifications of regional airport authority members.

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—32.

The nays were: Thorne—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 Com. Sub. for S. B. 626) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 663, Creating Fair Access to Financial Services Act.

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

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

Eng. Com. Sub. for Senate Bill 707, Providing increase in salary to WV Birth-to-Three contracted therapists and employees.

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 Senate Bill 707 pass?"

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 S. B. 707) passed with its 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, 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. 707) takes effect July 1, 2025.

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

Eng. Com. Sub. for Senate Bill 718, Relating to hospital transparency.

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

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

Eng. Com. Sub. for Senate Bill 722, Creating WV Short Line Railroad Modernization Act.

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 Senate Bill 722 pass?"

Senator Martin requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he could potentially benefit from the tax credit contained within the bill.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 722) passed with its title.

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

Eng. Com. Sub. for Senate Bill 724, Relating to taxation.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 S. B. 724) passed with its title.

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

Eng. Senate Bill 728, Relating generally to transfer on death deed.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. S. B. 728) passed with its title.

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

Eng. Com. Sub. for Senate Bill 739, Relating to recovery residences.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 S. B. 739) 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 S. B. 739) 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 748, Creating Safer Communities Act.

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 Senate Bill 748 pass?"

On the passage of the bill, the yeas were: Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Rucker, Stuart, Takubo, Taylor, Weld, Woodrum, and Smith (Mr. President)—25.

The nays were: Azinger, Martin, Maynard, Rose, Tarr, Thorne, Willis, and Woelfel—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 S. B. 748) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 765, Establishing Troops-to-Teachers Program.

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 Committee Substitute for Senate Bill 765 pass?"

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 Com. Sub. for S. B. 765) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 801, Creating WV Public Waterway Access Act.

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

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

The nays were: Hamilton, Tarr, and Thorne—3.

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 Com. Sub. for S. B. 801) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 S. B. 810) passed.

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

Eng. Com. Sub. for Senate Bill 810—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to clarifying the qualifications required for the administration of anesthesia, permitting qualified registered nurse may administer anesthesia in cooperation with certain health care professionals; defining term; providing dentist holding specified permit may cooperate with certified registered nurse anesthetist; limiting liability; setting conditions in which a certified registered nurse anesthetist may perform acts; stating that certified registered nurse anesthetist does not have independent practice; setting forth approved titles; and requiring reporting.

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 833, Excluding pharmaceutical medication from prior authorization gold card process.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 S. B. 833) 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 S. B. 833) takes effect from passage.

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

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

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 837 pass?"

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, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Woodrum, and Smith (Mr. President)—29.

The nays were: Garcia, Oliverio, Willis, and Woelfel—4.

Absent: Boley—1.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 874,
Permitting current home confinement officers to participate in
Emergency Medical Services Retirement System.

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

On the passage of the bill, the yeas were: Azinger, Barrett,
Bartlett, 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 Com. Sub. for S. B. 874) passed with its 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,
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. 874) takes effect July 1, 2025.

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

Eng. Com. Sub. for Senate Bill 875, Relating to container labeling of nonintoxicating beer and nonintoxicating craft beer.

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

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

Eng. Com. Sub. for Senate Bill 904, Clarifying requirements for Commissioner of Bureau for Public Health.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, 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)—31.

The nays were: Grady and Weld—2.

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 S. B. 904) passed with its title.

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

Eng. Senate Bill 907, Relating to high impact development projects.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 907) passed with its title.

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

Eng. Senate Bill 940, Relating to Water Pollution Control Act.

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

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

Eng. Senate Joint Resolution 16, Homestead Exemption Increase Amendment.

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

On the adoption of the resolution, the yeas were: Azinger, Barrett, 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 resolution (Eng. S. J. R. 16) adopted, as follows:

Eng. Senate Joint Resolution 16—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increases; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2026, which proposed amendment is that section one-b, article X thereof, be amended to read as follows:

ARTICLE X. TAXATION AND FINANCE.

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

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

SUBSECTION A — VALUE; RATE OF ASSESSMENT; EXCEPTIONS

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

Notwithstanding the foregoing, for July 1, 1982, and July 1 of each year thereafter, until the values may be fixed as a result of the first statewide reappraisal hereinafter required, assessments shall be made under the provisions of current statutory law, which is hereby validated for that purpose until and unless amended by the Legislature. Assessment and taxation in accord with this section ~~shall be deemed to be~~ is equal and uniform for all purposes.

SUBSECTION B — DETERMINATION OF VALUE

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

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

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

SUBSECTION C — GENERAL HOMESTEAD EXEMPTION

Notwithstanding any other provisions of this Constitution to the contrary, not less than the first twenty thousand dollars \$25,000 of assessed valuation of any real property, or of personal property in the form of a mobile home, used exclusively for residential purposes and occupied by the owner or one of the owners thereof as his or her residence who is a citizen of this state and who is 65 years of age or older or is permanently and totally disabled as that term may be defined by the Legislature, shall be exempt from ad valorem property taxation, subject to ~~such~~ the requirements, limitations, and conditions as shall be prescribed by general law.

Notwithstanding any other provision of this Constitution to the contrary, the Legislature ~~shall have the authority to~~ may provide by general law for an exemption from ad valorem property taxation in an amount ~~not to exceed not less than the first twenty thousand dollars \$25,000~~ of value of any real property, or of personal property in the form of a mobile home, used exclusively for residential purposes and occupied by the owner or one of the owners thereof as his or her residence who is a citizen of this state, and who is under 65 years of age and not totally and permanently disabled. Effective January 1, 2027, the Legislature has the authority to make any future modifications to the homestead exemption in general law. ~~Provided, That~~ Upon enactment of ~~such~~ the general law, this exemption shall only apply to ~~such~~ the property in any county in which the property was appraised at its value as of January 1, 1980, or thereafter, as determined by the Legislature, and this exemption shall be phased-in over ~~such~~ the period of time not to exceed five years from the date ~~such~~ the property was so appraised, or ~~such~~ longer time as the Legislature may determine by general law. ~~Provided, however, That~~ In no event ~~shall~~ is any one person and his or her spouse, or one homestead, ~~be~~ entitled to more than one exemption under these provisions. ~~Provided further, That~~ In addition, these provisions are subject to ~~such~~ the requirements, limitations, and conditions as shall be prescribed by general law.

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

SUBSECTION D — ADDITIONAL LIMITATIONS ON VALUE

With respect to the first statewide reappraisal, pursuant to this section, the resulting increase in value in each and every parcel of land or interest therein and various items of personal property subject to ad valorem property taxation over and above the previously assessed value shall be allocated over a period of ~~ten~~ 10 years in equal amounts annually. The Legislature may by general law also provide for the phasing in of any subsequent statewide reappraisal of property.

SUBSECTION E — LEVIES FOR FREE SCHOOLS

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

Within the limits of the maximum levies permitted for excess levies for schools or better schools in sections one and ten of this article, the Legislature may, in lieu of the exercise of such powers by the local school districts as heretofore provided, submit to the voters, by general law, a statewide excess levy, and if it ~~be~~ is approved by the required number of voters, impose ~~such~~ the levy, subject however to all the limitations and requirements for the approval of ~~such~~ the levies as in the case of a district levy. The law submitting the question to the voters shall provide, upon approval of the levy by the voters, for the assumption of the obligation of any local excess levies for schools then in force theretofore authorized by the voters of a local taxing unit to the extent of ~~such~~ the excess levies imposed by the state and so as to avoid double taxation of those local districts. The Legislature may also by general law reserve to the school districts ~~such~~ the portions of the power to lay authorized excess levies as it may deem appropriate to enable local school districts to provide educational services

which are not required to be furnished or supported by the state. If a statewide excess levy for the support of free schools is approved by the required majority, the revenue from such a statewide excess levy shall be deposited in the State Treasury and be allocated first for the local obligations assumed and thereafter for ~~such~~ the part of the state effort to support free schools, by appropriation or as the law submitting the levy to the voters shall require, as the case may be.

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

SUBSECTION F — IMPLEMENTATION

In the event of any inconsistency between any of the provisions of this section and other provisions of this Constitution, the provisions of this section shall prevail. The Legislature shall have plenary power to provide by general law for the equitable application of this article and, as to taxes to be assessed prior to the first statewide reappraisal, to make ~~such~~ the laws retroactive to July 1, 1982, or thereafter.

Resolved further, That in accordance with the provisions of article eleven, chapter three, of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and designated as the "Homestead Exemption Increase Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to change the language relating to the amount of the Homestead Exemption from 'the first \$20,000' to 'not less than the first \$25,000' and to provide the Legislature to make further modifications to the Homestead Exemption in general law."

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

Eng. House Bill 2387, To repeal the class A1 Pistol stamp for hunting.

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

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Martin, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Stuart, Takubo, Tarr, Taylor, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—29.

The nays were: Hart, Maynard, Rucker, and Thorne—4.

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. 2411) 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 2411—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass a minimum of one credit of computer science; defining computer science; allowing computer science credit to be earned in grades eight through twelve; establishing requirements for the classes; allowing computer science credit to substitute for one math credit

or one personalized education plan credit; requiring the computer science credit to be approved for on credit in career technical education if the credit is relevant to the program of study; requiring computer science course if used to fulfil a math or science credit to be denoted as the equivalent of a high school math course or a high school science course, as applicable, on the student's transcript for certain purpose; requiring West Virginia Board of Education rules detailing how certain credit fulfillment is to be granted; requiring West Virginia Board of Education to make available to all public schools a list of course options that can meet the requirements for this computer science credit; and allowing the West Virginia Board of Education to adopt rules to administer the computer science credit provisions.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 531, Relating to offenses of assault and battery on athletic officials.

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 632, Relating to surprise billing of out-of-network ambulance services.

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 790, Requiring quarterly reporting by certain water and wastewater utilities.

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

On motion of Senator Rucker, 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:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.

§8-19-1a. Municipality or County Commission to Require Reporting and Training.

(a) The Legislature finds that municipal and county waterworks provide critical water utility services to West Virginians. Proper oversight by governing bodies and board member training are necessary to ensure financial accountability, regulatory compliance, and operational efficiency.

(b) Any municipal governing body that is operating or has oversight of a waterworks system shall require that waterworks system to provide quarterly operational and financial reports to the governing body of the municipality.

(c) Any county commission with oversight of a waterworks system shall require that waterworks system to provide quarterly operational and financial reports to the county commission.

(d) *Continuing Education* – Any municipal governing body or county commission that is operating or has oversight of a waterworks system shall require all board members and senior managers of the municipal or county waterworks system to complete at least six hours of continuing education annually, focusing on financial management, regulatory compliance, and operational best practices.

ARTICLE 20. COMBINED SYSTEMS.

§8-20-1d. Municipality to Require Reporting and Training.

(a) The Legislature finds that combined municipal waterworks and sewerage systems provide critical utility services to West Virginians. Proper oversight by governing bodies and board

member training are necessary to ensure financial accountability, regulatory compliance, and operational efficiency.

(b) Any municipal governing body that is operating or that has oversight of a combined waterworks and sewerage system shall require the combined municipal waterworks and sewerage system to provide quarterly operational and financial reports to the governing body of the municipality.

(c) *Continuing Education* – Any municipal governing body that is operating or has oversight of a combined waterworks and sewerage system shall require all combined municipal waterworks and sewerage systems board members and senior management to complete at least six hours of continuing education annually, focusing on financial management, regulatory compliance, and operational best practices.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-18b. Municipality to Require Reporting and Training.

(a) The Legislature finds that municipal sanitary boards provide critical wastewater utility services and may also provide stormwater service to West Virginians. Proper oversight by governing bodies and board member training are necessary to ensure financial accountability, regulatory compliance, and operational efficiency.

(b) Any municipal governing body that is operating or that has oversight of a sewage or stormwater system supervised and controlled by a municipal sanitary board shall require the sanitary board to provide quarterly operational and financial reports to the governing body of the municipality.

(c) *Continuing Education* – A municipal governing body shall require all municipal sanitary board members and senior management to complete at least six hours of continuing education

annually, focusing on financial management, regulatory compliance, and operational best practices.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

16-13A-1d. County Commission to Require Reporting and Training.

(a) The Legislature finds that public service districts provide critical utility services to West Virginians, including water, sewer, and gas. Proper oversight by governing bodies and board member training are necessary to ensure financial accountability, regulatory compliance, and operational efficiency.

(b) Any county commission that has created or established public service districts whose principal offices are within the county shall require every such public service district utility to provide quarterly operational and financial reports to the county commission.

(c) *Continuing Education* – Every county commission shall require all board members and senior managers of any public service district whose principal offices are within the county to complete at least six hours of continuing education annually, focusing on financial management, regulatory compliance, and operational best practices.

The bill (Com. Sub. for S. B. 790), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 850, Creating Protecting Shareholders Act.

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

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

Com. Sub. for Senate Bill 869, Creating Corridor H Advanced Energy and Economic Corridor Authority.

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

Senate Bill 886, Relating to Foster Child Bill of Rights.

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 890, Relating to auctioneers.

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 892, Relating to property valuation.

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

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

Com. Sub. for Senate Bill 916, Recognizing authority of Agriculture Commissioner to intervene in matters that negatively affect agritourism.

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

Senate Bill 939, Relating to testing for substance use disorder.

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

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

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

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

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

Eng. House Bill 2516, To repeal antiquated and inoperative portions of code.

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

Eng. Com. Sub. for House Bill 3192, To repeal obsolete, conflicting or inoperative provisions of code that pertain to higher education.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 85, Prohibiting use or sale of abortifacients.

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

Com. Sub. for Com. Sub. for Senate Bill 585, Relating to Cohen Craddock Student Athlete Safety Act.

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

Com. Sub. for Senate Bill 911, Relating to adjunct teaching permits.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Maynard.

The Senate proceeded to the thirteenth order of business.

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

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 resolution on March 28, 2025:

Senate Bill 85: Senator Bartlett;

Com. Sub. for Senate Bill 531: Senators Taylor and Helton;

Com. Sub. for Senate Bill 701: Senators Hamilton and Jeffries;

Senate Bill 722: Senator Hamilton;

Senate Bill 724: Senator Hamilton;

Senate Bill 748: Senator Hamilton;

And,

Senate Joint Resolution 14: Senator Hart.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:39 p.m., the Senate adjourned until Monday, March 31, 2025, at 11 a.m.

MONDAY, MARCH 31, 2025

The Senate met at 12:58 p.m.

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

Prayer was offered by the Honorable Craig A. Hart, a senator from the sixth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Saturday, March 29, 2025,

At the request of Senator Clements, 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 fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 470, Creating WV Athletic Freedom Act.

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

Com. Sub. for Senate Bill 470 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-2-25f, relating to allowing a student, coach, and athletic trainer to compete in non-school-sponsored events or participate on non-school-sponsored competitive teams; allowing an interscholastic coach to prohibit a player from missing a team-related activity due to that

player's competing in a non-school-sponsored event or participating on a non-school-sponsored competitive team; and providing that the requirements of the interscholastic team shall be prioritized leading up to and during post season play.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for S. B. 470) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senator Takubo offered the following resolution:

Senate Resolution 43—Designating April 1, 2025, as Rural Health Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 42, Designating March 31, 2025, as WV Nurses Day.

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

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

Com. Sub. for House Concurrent Resolution 78, Urging the Commissioner of Highways to prioritize completion of I-73, the King Coal Highway.

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

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 506, Relating to enhanced pay for certain teachers.

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

Senator Martin requested unanimous consent that the bill be referred to the Committee on Rules.

Which consent was not granted, Senator Tarr objecting.

Senator Martin then moved that the bill be referred to the Committee on Rules.

The question being on the adoption of Senator Martin's aforesaid motion, and on this question, Senator Tarr demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Queen, Roberts, Rose, Takubo, Taylor, Thorne, Weld, Woelfel, Woodrum, and Smith (Mr. President)—25.

The nays were: Barrett, Fuller, Garcia, Grady, Oliverio, Rucker, Stuart, Tarr, and Willis—9.

Absent: None.

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

Thereafter, the bill (Eng. Com. Sub. for Com. Sub. for S. B. 506) was referred to the Committee on Rules.

Eng. Com. Sub. for Com. Sub. for Senate Bill 531, Relating to offenses of assault and battery on athletic officials.

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 Committee Substitute for Senate Bill 531 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, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Thorne—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 531) passed with its title.

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

Eng. Com. Sub. for Senate Bill 632, Relating to surprise billing of out-of-network ambulance services.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 632) passed with its title.

Senator Martin moved that the bill take effect January 1, 2026.

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. 632) takes effect January 1, 2026.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 663, Creating Fair Access to Financial Services Act.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 663 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Fuller, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, and Smith (Mr. President)—25.

The nays were: Clements, Deeds, Garcia, Grady, Takubo, Tarr, Weld, Woelfel, and Woodrum—9.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 663) passed with its title.

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

Eng. Com. Sub. for Senate Bill 718, Relating to hospital transparency.

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

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

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

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

ARTICLE 67. HOSPITAL TRANSPARENCY.

§16-67-1. Legislative findings.

The West Virginia Legislature finds that the rising cost of health care and services provided by hospitals are matters of vital concern to the people of this state and have a direct relationship to the ability of the people to obtain health care. Of particular concern is the impact of hospital consolidation on health care prices. Data indicates that hospital consolidation leads to increased prices, even as much as 40 percent. Hospital price transparency is vital to drive the cost of health care down for both consumers and health plans.

§16-67-2. Definitions.

As used in this article.

"Annual report" means an annual financial report for the hospital's fiscal year prepared by an accountant as required by §16-29B-24 of this code.

"Authority" means the West Virginia Health Care Authority as defined in §16-29B-3 of this code.

"Board" means the five-member board of directors of the West Virginia Health Care Authority as defined in §16-29B-3 of this code.

"Discount contract" means any rate in effect in the discount contract for the payment of patient care services between a purchaser or third-party payor and a hospital which contract establishes discounts to the purchaser or third-party payor. Examples of discount contracts shall include, but not be limited to, written contracts between a hospital and a third-party payor or purchaser establishing a discount to the payor or purchaser in the form of a percentage reduction in the amount of charges or other adjustments that have the effect of decreasing the amount of charges and informal arrangements between hospitals and purchasers or third-party payors which have the effect of decreasing the amount of charges for a group of patients.

"Facility fee" means an administrative charge for using a hospital-owned facility.

"Hospital" means a hospital or extended care facility operated in connection with a hospital, within the meaning of this article, and shall mean any institution, place, building, or agency in which an accommodation of five or more beds is maintained, furnished, or offered for the hospitalization of the sick or injured: *Provided*, That nothing contained in this article shall apply to nursing homes, rest homes, personal care facilities, homes for the aged, extended care facilities not operated in connection with a hospital, boarding homes, homes for the infirm or chronically ill, convalescent homes, hotels, or other similar places that furnish to their guests only board and room, or either of them: *Provided, however*, That the hospitalization, care, or treatment in a household, whether for compensation or not, of any person related by blood or marriage, within the degree of consanguinity of second cousin to the head of the household, or his or her spouse, shall not be deemed to constitute the premises of a hospital or extended care facility operated in connection with a hospital, within the meaning of this article. "Hospital" shall not include state hospitals as defined by §27-1-6 of this code.

"Rates" means all rates, fees, or charges imposed by all hospitals and payers as specified in this article for health care services.

"Records" means accounts; books; charts; contracts; documents; files; maps; papers; profiles; reports; annual and otherwise, schedules, and any other fiscal data, however recorded or stored.

§16-67-3. General powers and duties of the Director of the West Virginia Health Care Authority.

(a) Notwithstanding any other provision, the board shall have the powers as indicated by this article and it shall be his or her duty to:

(1) Promulgate rules and regulations in accordance the provisions of §29A-3-1 *et seq.* of this code to implement and make effective the powers, duties, and responsibilities contained in the provisions of this article;

(2) Require the filing of fiscal information by hospitals relating to any matter relating to the cost of health care services in this state; and

(3) Exercise, subject to the limitations and restrictions imposed in this article, all other powers which are reasonably necessary or essential to carry out the expressed purposes of this article.

(b) The board shall also investigate and recommend to the Legislature whether other health care providers should be made subject to the provisions of this article.

(c) The board shall, not later than December 31 of each year, prepare and transmit to the Governor and the clerks of both houses of the Legislature a report containing the material and data as required by this article, based upon the most recent data available.

§16-67-4. Reports required to be published and filed; form of reports; right of inspection.

(a) Every hospital as defined in this article, within 120 days after the end of each facility's fiscal year end, unless an extension be granted by the board for good cause shown, shall be required to file the following:

(1) Proof of publication of an annual report on its hospital web page which shall include a complete statement of the following:

(i) Assets and liabilities;

(ii) Income and expenses;

(iii) Profit and loss for the period reported;

(iv) A statement of ownership for persons owning more than five percent of the capital stock outstanding and the dividends paid thereon, if any, and to whom paid for the period reported; and

(v) A statement that includes details concerning the contents of the publication of the hospital web page, together with other reports, statements, and schedules required to be filed with the

board required by the provisions of this section and shall be available for public inspection at the board's office.

(b) Every hospital shall also file with the board, which shall be made available to the public on authority's existing online document archive system, the following statements, schedules, or reports in such form as specified by the board within 120 days after the end of each facility's fiscal year end:

(1) A statement of services available and services rendered;

(2) A complete schedule of such hospital's then current rates, broken down by each individual service, with costs allocated to each category of costs in accordance with the rules and regulations as promulgated by the board;

(3) A statement of all charges, fees, or salaries for goods or services rendered to the hospital for the period reported which shall exceed the sum of \$150,000 and a statement of all charges, fees, or other sums collected by the hospital for or on the account of any person, firm, partnership, corporation, or other entity however structured, which shall exceed the sum of \$150,000 during the period reported;

(4) A listing of facility fees charged and a description of how such facility fees are calculated;

(5) A form to be developed by the Authority that includes a breakdown of the hospital's total uncompensated care amount;

(6) A form to be developed by the Authority that includes a breakdown of the hospital's total charity care amount;

(7) A copy of all discount contracts provided by each third party; and

(8) Such other reports of the costs as the board may prescribe. The board may require the certification of specified financial reports by the hospital's auditor or independent accountant.

(c) No report, statement, schedule, or other filing required or permitted to be filed hereunder shall contain any medical or individual information personally identifiable to a patient or consumer of health services, whether directly or indirectly.

(d) All reports, statements, and schedules filed with the board under this section shall be open to public inspection and shall be available for examination via the authority's existing online document archive system.

(e) In the event that further information is deemed necessary to verify the accuracy of any information set forth in any statement, schedule, or report filed by a covered facility under the provisions of this article, the board shall have the authority to require the production of any records necessary to verify such information.

(f) The board shall engage in analysis and studies relating to health care costs, the financial status of hospitals, or hospital costs in the state.

(g) Notwithstanding any provision to the contrary, the board shall have the ability to take any steps necessary to protect the privacy, confidentiality, or propriety nature of any information on file: *Provided*, That this does not compromise the board's ability to conduct a data analysis or provide a comparison of hospital rates by payer and by procedure.

§16-67-5. Information from state payers.

(a) Notwithstanding any other provision to the contrary, the Public Employees Insurance Agency shall provide the board with its rates by procedure code beginning July 1, 2026, and annually thereafter. In the event that the rates by procedure code vary by hospital, the rates by procedure code shall be provided on a hospital-by-hospital basis to allow for a comparison by each hospital and hospital-affiliated procedure.

(b) Notwithstanding any other provision to the contrary, the Bureau for Medical Services shall provide the board with its rates by procedure code beginning July 1, 2026, and annually thereafter. In the event that the rates by procedure code vary by hospital, the

rates by procedure code shall be provided on a hospital-by-hospital basis to allow for a comparison by each hospital and hospital-affiliated procedure.

§16-67-6. Rulemaking.

The board shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*, of this code to implement the provisions of this section including, but not limited to, provisions related to confidentiality.

§16-67-7. Penalty.

(a) Every hospital failing to comply with the requirements of this article shall be notified by the board of its non-compliance.

(b) In the event that such non-compliance continues for 10 days after receipt of the notice, the delinquent hospital shall be subject to a penalty of \$1,000 for each day thereafter such failure continues.

(c) This penalty shall be recovered by the board in a civil action and paid into an account for use by the board.

§16-67-8. Effective date.

The effective date of the article shall be July 1, 2026.

Following discussion,

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

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

Engrossed Committee Substitute for Senate Bill 718 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 718 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Fuller, Grady, Hamilton, Hart, Helton, Martin, Maynard, Phillips, Queen, Rose, Rucker, Stuart, Taylor, Thorne, Willis, and Smith (Mr. President)—22.

The nays were: Clements, Deeds, Garcia, Jeffries, Morris, Oliverio, Roberts, Takubo, Tarr, Weld, Woelfel, and Woodrum—12.

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 S. B. 718) passed.

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

Eng. Com. Sub. for Senate Bill 718—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, and §16-67-8; relating to hospital transparency; setting forth legislative findings; defining terms; setting forth duties of West Virginia Health Care Authority; setting forth reports to be filed; setting forth the form of the reports to be filed; requiring the submission of public payor information; providing the commissioner may protect information; requiring rulemaking; providing for penalties; and adding effective date.

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

Eng. Com. Sub. for Senate Bill 790, Requiring quarterly reporting by certain water and wastewater utilities.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard,

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 790) passed with its title.

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

Eng. Com. Sub. for Senate Bill 869, Creating Corridor H Advanced Energy and Economic Corridor Authority.

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

Senator Morris requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a member of the Corridor H Authority.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, 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: Hart—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 869) passed with its title.

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

Eng. Com. Sub. for Senate Bill 875, Relating to container labeling of nonintoxicating beer and nonintoxicating craft beer.

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

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

Eng. Senate Bill 886, Relating to Foster Child Bill of Rights.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 886) passed with its title.

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

Eng. Com. Sub. for Senate Bill 890, Relating to auctioneers.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 890) passed with its title.

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

Eng. Com. Sub. for Senate Bill 916, Recognizing authority of Agriculture Commissioner to intervene in matters that negatively affect agritourism.

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

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

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

On page 1, section 7, lines 4 - 31, by striking out the remainder of the bill inserting in lieu thereof the following:

(b) A county commission, municipality, or public health department may not adopt or enact an ordinance, rule, license requirement, or other authorization that contravenes or is stricter than any state law, rule, or regulation relating to agricultural operations, as defined in §19-19-2 of this code. Any ordinance,

rule, regulation, license requirement, or other authorization previously adopted by a county commission, municipality, or public health department that contravenes or is stricter than any state law, rule, or regulation regarding agricultural operations is revoked.

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

Engrossed Committee Substitute for Senate Bill 916 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 916 pass?"

On this question, the yeas were: Azinger, Barrett, Boley, Chapman, Charnock, Hamilton, Martin, Maynard, Rucker, Taylor, Thorne, Woodrum, and Smith (Mr. President)—13.

The nays were: Bartlett, Clements, Deeds, Fuller, Garcia, Grady, Hart, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Stuart, Takubo, Tarr, Weld, Willis, and Woelfel—21.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 916) rejected.

Eng. Senate Bill 940, Relating to Water Pollution Control Act.

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

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

Eng. House Bill 2387, To repeal the class A1 Pistol stamp for hunting.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2387) passed with its title.

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

Eng. House Bill 2516, To repeal antiquated and inoperative portions of code.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2516) passed with its title.

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

Eng. Com. Sub. for House Bill 3192, To repeal obsolete, conflicting or inoperative provisions of code that pertain to higher education.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3192) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 67, Allowing motor vehicle racing on county or municipal roads under certain circumstances.

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 85, Prohibiting use or sale of abortifacients.

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

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 first reading calendar.

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

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

Senate Bill 553, Relating to offense of driving above speed limit on controlled access highway or interstate highway.

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

Com. Sub. for Com. Sub. for Senate Bill 585, Relating to Cohen Craddock Student Athlete Safety Act.

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 677, Increasing fees charged by Commissioner of Securities for each offering.

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

Com. Sub. for Com. Sub. for Senate Bill 701, Classifying forestry equipment for levy purposes.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 2:54 p.m., the Senate recessed until 5:30 p.m. today.

The Senate reconvened at 6:47 p.m.

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

On motion of Senator Martin, at 6:48 p.m., the Senate recessed until 7:30 p.m. tonight.

The Senate reconvened at 7:36 p.m. and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

Com. Sub. for Senate Bill 745, Strengthening and reforming lobbying requirements.

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

On motion of Senator Garcia, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 17, section 12, by striking out all of subsection (a) and inserting in lieu thereof a new subsection (a), to read as follows:

(a) A lobbyist or a person acting on behalf of a lobbyist may not offer or provide political campaign contributions to any elected state or local official or candidate for a state or local elected office, or to any candidate committee, political party committee, or political caucus campaign committee.;

And,

On page 17, section 12, line 4, after the word "office" by inserting a comma and the words "or any candidate committee, political party committee, or political caucus campaign committee,".

All the senators requested a ruling from the Chair as to whether they should be excused from voting on any matter pertaining to the bill under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on all the senators would be as members of a class of persons and that they would be required to vote on any matter pertaining to the bill.

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

The bill (Com. Sub. for S. B. 745), as amended, was then ordered to engrossment and third reading.

Senate Bill 828, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

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 848, Enacting bank protections for eligible adults from financial exploitation.

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

On motion of Senator Willis, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 5, section 5, lines 33-36, by striking out subsection (d) in its entirety;

And,

By re-lettering the remaining subsections.

The bill (Com. Sub. for S. B. 848), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 850, Creating Protecting Shareholders Act.

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

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

Com. Sub. for Senate Bill 911, Relating to adjunct teaching permits.

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

On motion of Senator Grady, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 7, section 2b, after line 15, by inserting a new subsection (c), to read as follows:

(c) An adjunct teacher permit is valid for one year from the date of issuance, but renewable if the teacher's performance meets a basic standard as determined by an evaluation. For this purpose, the state board shall include in its evaluation rule required by §18A-3C-2 a process for the evaluation of teachers holding an adjunct teacher permit.;

And,

By relettering the remaining subsections.

The bill (Com. Sub. for S. B. 911), as amended, was then ordered to engrossment and third reading.

Senate Bill 939, Relating to testing for substance use disorder.

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

On motion of Senator Takubo, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 1, section 4a, line 1, by striking out the words "as a patient to an office-based medication assisted treatment" and inserting in lieu thereof inserting the words "to a drug";

On page 1, section 4a, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c), to read as follows:

(c) For the next year, the patient shall undergo a direct observation, qualitative or quantitative test every 45 days while in treatment.;

And,

On page 1, section 4a, by striking out all of subsection (d) and inserting in lieu thereof a new subsection (d), to read as follows:

(d) After the first year of treatment, the patient shall undergo a direct observation, qualitative or quantitative test every six months thereafter until discharge from the program.

Following discussion,

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

The bill (S. B. 939), as amended, was then ordered to engrossment and third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2043, Relating to use of dog and/or drones for tracking or locating mortally wounded deer, elk, turkey, wild boar or bear.

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

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

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

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Com. Sub. for Senate Bill 730, Establishing Forest Carbon Registry.

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

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

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

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

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

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

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

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

Com. Sub. for Senate Bill 85, Prohibiting use or sale of abortifacients.

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

On motion of Senator Rucker, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page 4, section 10, after line 23, by inserting a new subsection (c), to read as follows:

(c) A pregnant woman who unlawfully receives an abortifacient may bring a civil action against a person or entity that knowingly and willfully violates subsection (a) of this section.

(1) If a claimant prevails in a civil action alleging a violation of subsection (a) of this section, and in addition to any permissive relief the circuit court may award in law or equity, the circuit court shall award:

(A) Injunctive relief directing the person or entity to refrain from engaging in the prohibited conduct set forth in subsection (a) of this section; and

(B) Damages of \$10,000 for each abortion that the person or entity knowingly and willfully performed or attempted to perform.

(2) Neither an indictment nor a conviction is required for establishing liability against a person or entity in a civil action alleging a violation of subsection (a) of this section.,

And,

By re-lettering the remaining subsections.

Following discussion,

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

On motion of Senator Weld, the following amendments to the bill (Com. Sub. for S. B. 85) were next reported by the Clerk, considered simultaneously, and adopted:

On page 4, section 10, after line 24, by inserting a new subdivision (1), to read as follows:

(1) A manufacturer, distributor, or courier, delivery, or mail service sending an abortifacient for use in connection with a lawfully valid prescription issued by a licensed medical professional in this state.

And,

By re-numbering the remaining subdivisions.

On motion of Senator Tarr, the following amendments to the bill (Com. Sub. for S. B. 85) were next reported by the Clerk, considered simultaneously, and adopted:

On page 4, section 10, after line 16, by inserting a new subdivision (2) to read as follows:

(2) The Attorney General of West Virginia may pursue a civil claim against a person or entity who has violated subsection (a) of this section in the circuit court where the abortion or the attempted abortion occurred. In addition to injunctive relief, the Attorney General may recover against the person or entity a sum not to exceed \$150,000 for each demonstrated violation of subsection (a) of this section: *Provided*, That neither an indictment nor a conviction is required for establishing liability against a person or entity in a civil action alleging a violation of subsection (a) of this section.;

And,

By re-numbering the remaining subdivisions.

The bill (Com. Sub. for S. B. 85), as amended, was then ordered to engrossment and third reading.

At the request of Senator Martin, and by unanimous consent, the Senate returned 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 2528—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to authorizing elementary and middle school students enrolled in any private, parochial or church school or school of a religious order or other nonpublic school to participate in county basketball tournaments under certain circumstances.

Referred to the Committee on Education.

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

Eng. House Bill 2645—A Bill to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended, relating to requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees, or charges may be increased.

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

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

Eng. Com. Sub. for House Bill 2836—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, §20-2D-3, §20-2D-4, §20-2D-5, §20-2D-6, §20-2D-7, §20-2D-8, and §20-2D-9, all relating to authorizing rehabilitation of wildlife, establishing a system for issuing permits for persons to provide rehabilitation of orphaned, sick, and injured wildlife; setting forth a purpose for the legislation; defining certain terms; establishing qualifications and duties of wildlife rehabilitators; providing for the issuance of permits by the Division of Natural Resources; listing criteria for revocation of permits; establishing criminal penalties and fines for violations; and providing that the Director of the Division of Natural Resources may propose legislative rules.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 3016—A Bill to amend and reenact §3-1-34 and §17B-2-1 of the Code of West Virginia, 1931, as amended, all relating to the identification of voters; modifying

the types of valid identifying documents for voting purposes by requiring generally a photograph on each form of voter identification; providing certain limited exemptions from the requirement to present a photo identification card; and providing generally that, subject to enumerated exceptions, any identification card issued without a photograph shall not otherwise be recognized as a valid identifying document for voting purposes.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3084—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto seven new sections, designated §5-16-8b, §9-5-34, §33-15-24, §33-16-20, §33-24-15, §33-25-23 and §33-25A-37, relating to requiring health benefit plan coverage; requiring coverage for oral health medical procedures that are necessary as a side effect of cancer treatments; explaining scope of procedures covered as a result of certain cancer treatments; and reports.

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

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

Eng. Com. Sub. for House Bill 3090—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto seven new sections, designated §5-16-8b, §9-5-34, §33-15-24, §33-16-20, §33-24-15, §33-25-23 and §33-25A-37, relating to requiring health benefit plan coverage; requiring coverage for habilitative services and rehabilitative services as a treatment for stuttering; and defining terms.

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

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

Eng. Com. Sub. for House Bill 3092—A Bill to amend and reenact §33-15-4t, §33-16-3ee, §33-24-7t, §33-25-8q , and §33-25A-8t of the Code of West Virginia, 1931, as amended, relating to cost sharing under health plans; requiring pharmacy benefits managers to include any cost sharing amounts paid by insured or by another person when calculating insured's contribution to any applicable cost sharing requirement; applying certain annual limitation on cost sharing to all health plans issued in this state; preventing insurers, pharmacy benefits managers, and third-party administrators from changing the terms of health plan coverage based on the availability or amount of financial assistance available for a prescription drug; defining terms; providing civil penalties and authorizing restitution; and providing effective date.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 3142—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §39A-2-1a, relating to consumer protection and electronic communication; permitting health benefit plan sponsors to authorize electronic means for written communications with covered persons; defining terms; requiring a plan sponsor to confirm that a covered person routinely uses electronic communications during the normal course of employment before consenting on behalf of the covered person in the plan; and providing a means to opt out of electronic communications.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 3156—A Bill to amend and reenact §5A-2B-2 of the Code of West Virginia, 1931, as amended, relating to exempting the Legislature from the requirement of using Shared Services for auditing and reporting.

Referred to the Committee on Government Organization.

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

Eng. House Bill 3157—A Bill to amend and reenact §14-2-17a of the Code of West Virginia, as amended, relating to the shortened procedure for road condition claims; and establishing process by which the Clerk of the Claims Commission, the Claims Commission, and the Division of Highways expedite certain road condition claims.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3164—A Bill to amend and reenact §15-2C-2 and §15-12-2 of the Code of West Virginia, 1931, as amended, relating to establishing an annual fee for by a person required to be placed on the Central Abuse Registry, relating to providing that the funds from said annual fee shall be credited to the account of the State Police, relating to nonpayment of the annual fee having the effect of a judgment, relating to the State Police providing notice of nonpayment, relating to the creation of a lien, and the release thereof, also relating to the establishment of an annual fee by a person required to be placed on the the Sex Offender Registration Act, relating to providing that the funds from said annual fee shall be credited to the account of the State Police, relating to nonpayment of the annual fee having the effect of a judgment, relating to the State Police providing notice of nonpayment, relating to the creation of a lien, and the release thereof.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3304—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §10-3-3, relating to the establishment of patriotic memorials to commemorate the Semiquincentennial Celebration of the United States; providing for a timeline of construction; and providing for the establishment of a commission.

Referred to the Committee on Finance.

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

Eng. House Bill 3305—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to elections and certificate of announcements; and changing the time limit on switching parties before filing to run office prior to an election.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3342—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, and §5A-13-6, relating to the Firearms Industry Nondiscrimination Act; establishing the short title; defining terms; establishing application of act to certain government contracts; providing an exception; setting forth when certain contracts are void; prohibiting financial institutions from discriminating against a firearm entity or firearm trade association; specifying the applicability of the prohibition; providing civil remedies for a violation by an individual; providing for enforcement by the Attorney General;

providing that an enforcement action by the Attorney General does not prohibit a civil action by an individual; creating civil cause of action; requiring the Attorney General to submit names of financial institutions in violation to the Governor and to request that the state terminate any business relationship with the financial institution; providing a statute of limitations for actions; and providing exceptions to the prohibition.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3440—A Bill to repeal §12-1A-1, §12-1A-2, §12-1A-3, §12-1A-4, §12-1A-5, §12-1A-6, §12-1A-7, §12-1A-8 and §12-1A-9 of the Code of West Virginia, 1931, as amended, relating to repealing obsolete provisions establishing the West Virginia Small Business Linked Deposit Program.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3506—A Bill to amend and reenact §51-9-4 of the Code of West Virginia, 1931, as amended, relating to contributions to the retirement system for judges of courts of record; setting the employee contribution at 7 percent of salary; and providing for suspension of employer contribution under certain circumstances.

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

The Senate again proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 89, Creating alternative high-risk population public charter schools.

Senate Bill 163, Including certain mental health disorders in existing public health programs.

Senate Bill 252, Requiring coverage of home blood pressure monitoring devices for certain Medicaid recipients.

And,

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

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (S. B. 89, S. B. 163, S. B. 252, and Com. Sub. for S. B. 794) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 569 (originating in the Committee on Government Organization), Establishing certain rights for purchasers of residential improvements.

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

Com. Sub. for Com. Sub. for Senate Bill 569 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-42-15 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new article, designated §21-11B-1, §21-11B-2, and §21-11B-3, relating to establishing certain rights for purchasers of new residences; stating legislative purpose; defining terms; mandating contract for purchase or construction of new single-family residence contain warranty; stating required minimum provisions of warranty; setting length of warranty; establishing that warranty is cumulative of other warranties; prohibiting exclusion or limitation of express or implied warranties; prohibiting limitation of remedies; mandating that arbitration proceedings be held within certain distance from location of new single-family residence; requiring alternative dispute resolution provisions of contract be prominently displayed; and establishing grounds for disciplinary action by Contractor Licensing Board.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 569) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 639 (originating in the Committee on Economic Development), Creating WV Small Business Appreciation and Acknowledgement Act.

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

Com. Sub. for Com. Sub. for Senate Bill 639 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §11-13NN-1, relating to taxes; providing a short title; providing findings and purpose; providing definitions; creating a tax credit against personal income tax or corporation net income tax; establishing gross receipts threshold requirements for tax credit; tying dollar figures to inflation; and providing for July 1, 2025, effective date.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 639) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 723 (originating in the Select Committee on Substance Use Disorder and Mental Health), Relating to clinical inpatient medical treatment centers for substance use disorder.

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

Com. Sub. for Com. Sub. for Senate Bill 723 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §9-5-29b, relating to clinical inpatient medical treatment centers for substance use disorder; defining terms; setting forth requirements for clinical inpatient medical treatment centers for substance use disorder; setting forth reporting requirements; providing for revocation of license for noncompliance; requiring rulemaking; and providing effective date.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 723) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 726 (originating in the Select Committee on Substance Use Disorder and Mental Health), Relating to medication-assisted treatment programs.

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

Com. Sub. for Com. Sub. for Senate Bill 726 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §16b-13-14, relating to medication-assisted treatment programs; requiring these facilities to provide an integrated-care model;

requiring these facilities to expand their offering of medical services; requiring informed consent by trained professional; requiring rulemaking; and requiring reporting.

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

Respectfully submitted,

Jason Barrett,
Chair.

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

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 834 (originating in the Committee on Economic Development), Relating to tax credit for qualified rehabilitated buildings investment.

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

Com. Sub. for Com. Sub. for Senate Bill 834 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, §11-13NN-7, §11-13NN-8, §11-13NN-9, §11-13NN-10, §11-13NN-11, §11-13NN-12, §11-13NN-13, and §11-13NN-14; and to amend the code by adding two new sections, designated §11-21-8i and §11-24-23h, relating to the West Virginia historic rehabilitated buildings tax credits; providing a sunset on the current rehabilitation credits; providing a centralized article providing for historic rehabilitation credits; providing legislative

findings; defining terms; setting forth procedures to claim the credit; providing for recapture of the credit; and providing effective dates.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 834) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Senate Bill 912, Relating to student growth assessment program.

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

Com. Sub. for Senate Bill 912 (originating in the Committee on Education)—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; changing the grade levels for which the assessment is applicable; requiring the program to be composed of benchmark assessments to be given in the first 30 days of the school year, mid-year, and at the end of the school year to determine student progression in reading and mathematics in grades four through eight; and removing obsolete language.

And,

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

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

Com. Sub. for Senate Bill 914 (originating in the Committee on Education)—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 800 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; removing 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.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Com. Sub. for S. B. 912 and 914) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 933, Creating Small Business Protection Act.

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

Com. Sub. for Senate Bill 933 (originating in the Committee on Finance)—A Bill to amend and reenact §8-13-4, §8-13-5, and §11-12-3 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new article, designated §8-40-1 and §8-40-2, relating to small businesses; increasing the amount of income and revenue before a business has to obtain a business license; exempting independent contractors and sole proprietors from business licenses under certain requirements; increasing the amount of annual revenue for businesses to be exempt from business and occupation taxes and privilege taxes; creating the Small Business Protection Act; providing intent and legislative findings; and providing a short title.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Com. Sub. for S. B. 933) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 943 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §19-13-1 and §19-13-3 of the Code of West Virginia, 1931, as amended, relating to clarifying that apiaries are protected agricultural operations; and providing findings of the West Virginia Apiary Act.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (S. B. 943) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 944 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §9-5-34, relating to the creation of the West Virginia Child First Advisory Committee and the West Virginia Child First Fund; creating advisory committee; setting forth composition of advisory committee; providing duties of advisory committee; providing for minimum number of meetings; requiring annual findings and report; providing authority to create subcommittees and working groups; establishing West Virginia Child First Fund; providing for promulgation of rules; and providing for management of moneys within fund.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (S. B. 944) contained in the preceding report from

the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Joint Resolution 2, Incorporation of Churches or Religious Denominations Amendment.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolution (S. J. R. 2) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Joint Resolution 8 (originating in the Committee on the Judiciary), Citizenship Requirement to Vote in WV Elections Amendment.

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

Com. Sub. for Com. Sub. for Senate Joint Resolution 8 (originating in the Committee on Finance)—Proposing an amendment to the Constitution of the State of West Virginia, amending section 1, article IV thereof, to prohibit persons who are not United States citizens from voting in any elections held in West Virginia; numbering and designating such proposed amendment;

and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute for committee substitute be adopted.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolution (Com. Sub. for Com. Sub. for S. J. R. 8) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Senate Concurrent Resolution 23 (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance to study the mission of the West Virginia Secondary School Activities Commission; how effective it is in achieving that mission; improving the commission's efficiency; whether the commission is sufficiently transparent; whether the commission has sufficient accountability; and whether a performance evaluation would be appropriate.

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

Respectfully submitted,

Amy N. Grady,
Chair.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2513, Enhancing training requirements for county boards of education members.

And has amended same.

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

Respectfully submitted,

Charles H. Clements,
Vice Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2513) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2548, Clarifying duties of state superintendent regarding rule implementation.

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

Respectfully submitted,

Charles H. Clements,
Vice Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2548) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



SENATE CHAMBER, ROOM M-211
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

March 31, 2025

The Honorable Patrick Morrisey, II
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:

Com. Sub. for S. B. 283, Expanding grade levels of personal finance course requirements needed for graduation.

This bill is presented to you on this day, March 31, 2025.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

LEE.CASSIS@WVSINATE.GOV

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on March 29, 2025:

Com. Sub. for Com. Sub. for Senate Bill 506: Senator Takubo.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on March 29, 2025:

Senate Bill 828: Senator Garcia;

And,

Senate Bill 848: Senators Rucker and Taylor.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 8:17 p.m., the Senate adjourned until tomorrow, Tuesday, April 1, 2025, at 11 a.m.

TUESDAY, APRIL 1, 2025

The Senate met at 11:31 a.m.

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

Prayer was offered by Pastor Bo Burgess, Jordan Baptist Church, Gallipolis Ferry, West Virginia.

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

Pending the reading of the Journal of Monday, March 31, 2025,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 823, Clarifying and separating duties between Division of Emergency Management and DEP.

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 Com. Sub. for House Bill 2002—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, and §5A-13-6, relating to the creation of the One Stop Shop Permitting Program in West Virginia; providing for the creation of a Permitting Dashboard to operate as a "one-stop-shop" for obtaining and renewing permits, licenses, and business registrations; identifying the offices, departments, divisions, and agencies that shall participate in the One Stop Shop Permitting Program; establishing certain permitting and renewal fees; creating a refund requirement for late processing of a permit; maintaining the option to file applications for permits directly with participating agencies until July 1, 2027; protecting confidential information submitted with applications; and empowering the secretary of administration to promulgate rules to implement this program including rules related to deadlines and fees including for expedited processing of applications; establishing effective dates; and providing for certain limited exceptions.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2013—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §5F-2-9, relating to exempting new hires and employees who leave their positions within the Bureau of Senior Services, Department of Administration, Department of Environmental Protection, Department of Revenue, and Department of Veterans' Assistance from the classified civil service system and the state grievance procedures beginning on July 1, 2025; stating a legislative finding; providing that as of July 1, 2025, any new hire and any employee who leaves his or her position will be exempt from the classified civil service system and from the state grievance procedures; providing that any employee who is currently covered by the civil service system and who currently has access to the state grievance procedures will continue to be covered and have access, so long as he or she remains in his or her current position; providing that the chief administrative officers of the bureau and the departments may designate certain employees' status within the civil service system in order to comply with federal law or receive federal funds; clarifying that this section does not affect any other employee protections found elsewhere in code.

Referred to the Committee on Government Organization.

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

Eng. House Bill 2120—A Bill to amend and reenact §6B-2-2, §6B-3-2 and §6B-3-5 of the Code of West Virginia, 1931, as amended, relating to disclosure forms, statements, and reports of the Ethics Commission; requiring disclosure forms, statements, and reports to be prescribed by procedural rule and made available on the Commission website; requiring certain information be included on lobbyist registration form; and requiring reports of

expenditures over \$5,000 in grassroots campaigns specify media outlet.

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

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

Eng. Com. Sub. for House Bill 2156—A Bill to amend and reenact §17-16-6 of the Code of West Virginia, 1931, as amended, relating to imposing a time limit for the Department of Highways to grant an entrance permit for work on a highway; describing the time limit for requested changes; describing when a permit shall be considered approved; and improving obsolete language.

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

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

Eng. House Bill 2159—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to assessment of interest on overpayments by Bureau for Medical Services; establishing interest rate and method for accrual; and retention of interest received.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2167—A Bill to amend and reenact §18-5G-3, §18-5G-4, and §18-5G-7 of the Code of West Virginia, 1931, as amended, relating to providing for technical cleanup of certain provisions of the public charter school

code provisions; providing that public charter schools may not charge full-time tuition and may only charge such tuition or fees as may be imposed by noncharter public schools in this state, such as for part-time Hope Scholarship enrollment or for participation in student activities; providing that a closing public school shall be eligible for a fast-track charter school conversion for its upcoming school year; providing a tracking process for when a parent or guardian withdraws a student from a public charter school; and providing that public charter school teachers shall be permitted to proctor state assessments in the event they are not certified or licensed.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2351—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to attorneys appointed to represent indigent persons in criminal, juvenile, and abuse and neglect cases, and attorneys appointed to serve as guardians ad litem in the state courts; increasing compensation paid by Public Defender Services; and requiring Public Defender Services to annually provide report summarizing certain legal services provided by guardians ad litem.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2571—A Bill to amend and reenact §17A-2A-7 of the Code of West Virginia, 1931, as amended, relating to granting West Virginia companies operating towing and recovery vehicles regulated by the Public Service Commission access to driver registration information on demand, providing Division of Motor Vehicles carry out steps needed to

achieve this goal; and providing a date certain to meet this requirement.

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

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

Eng. House Bill 2575—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §16-5R-9, relating to the establishment of a full-time Dementia Services Director position.

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

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

Eng. Com. Sub. for House Bill 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.

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

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

Eng. Com. Sub. for House Bill 2816—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section,

designated §2-1-3, relating to reliance on secondary sources in developing state common law.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2894—A Bill to amend and reenact §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 and creating a new section §61-14-9 of the Code of West Virginia, 1931, as amended, relating to human trafficking, and creating crimes relating to human smuggling of an adult and human smuggling of a minor and establishing penalties for each of these newly created crimes, amending the definition of "coercion", adding definitions for "human smuggling, smuggling, or smuggles", "illegal alien", and immediate family member"; general provisions and enhancement of criminal penalties; providing that an individual convicted of an offense under this article when a finding of an "aggravated circumstance" has been made may not be eligible for parole before serving five years in a correctional facility when the sentence is of an indeterminate nature; providing that if an individual is convicted of an offense under this article when the victim is a minor shall not be eligible for parole; redefining what constitutes an "aggravating circumstance"; and providing that illegal aliens are not eligible for restitution and under what other situations restitution may be ordered by a court; and creating an exemption for medical, mental health, and legal services being provided for an illegal alien

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2897—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-46; relating to permitting the Joint

Committee on Government and Finance, in conjunction with the Legislative Oversight Commission on Education Accountability, to direct the Legislative Auditor to conduct periodic performance audits of the West Virginia Department of Education; allowing granting the Legislative Auditor the power and authority to conduct examinations and inspections; requiring the Legislative Auditor to protect the confidentiality, privacy, and security of protected information; and establishing deadline for initial performance audit and reporting requirements.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 2958—A Bill to amend and reenact §61-3B-4 of the Code of West Virginia, 1931, as amended, relating to trespassing on premises of an institution of higher education generally; relating to trespassing on a student residence hall or student facility of a state institution of higher education.

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

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

Eng. Com. Sub. for House Bill 2978—A Bill to amend and reenact §5F-2-1, §11B-1-2, §13-3-3, §13-3-6, and §13-3-7 of the Code of West Virginia, 1931, as amended, to amend said code by adding thereto a new section, designated §12-6A-8, relating generally to the Municipal Bond Commission governance; designating the State Treasurer as chairman of the commission; requiring the State Treasurer to provide office space and staff to support the commission; increasing the per diem rate for members of the commission; requiring the commission to produce quarterly financial statements; requiring the commission to undergo an annual audit; providing for an exemption from state purchasing;

permitting the commission to conduct business via video conferencing; authorizing the commission to enter into any existing contracts or agreements with financial institutions; removing obsolete language; and making technical corrections.

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

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3111—A Bill to amend and reenact §50-1-3, §51-2-13 and §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to increasing the annual salary of magistrates, circuit court judges and family court judges.

Referred to the Committee on Finance.

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 3133—A Bill to amend and reenact §7-1-3ff and §8-12-16 of the Code of West Virginia, 1931, as amended, relating to permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures.

Referred to the Committee on Government Organization.

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 3152—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.

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 3167—A Bill to amend the Code of West Virginia, 1931, as amended, by inserting a new section thereto, designated §49-4-611, relating to drug testing relating to child neglect or abuse; allowing a 12-panel hair follicle drug testing after the filing of a petition alleging child abuse and neglect; permitting a circuit court to order a pediatric neurological evaluation of certain children under two months of age in certain circumstances; allowing usage of a 12-panel hair follicle drug test to verify drug use; providing that attempting to alter hair to evade detection of drug usage as demonstrated by a result from a 12-panel hair follicle drug test or the refusal to take such test shall be considered a positive test; establishing that the results of a 12-panel hair follicle drug test can be reported to a multidisciplinary treatment team subject to limitations by a circuit court; and allowing for rebuttal of a allegation of drug use with the use of the 12-panel hair follicle drug test.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3179—A Bill to amend and reenact §24-2H-7 of the Code of West Virginia, 1931, as amended, relating to utility acquisitions; limiting the commission's authority on ordering the acquisition of distressed or failing authorities; and establishing guidelines for when the commission can order acquisitions.

Referred to the Committee on Energy, Industry, and Mining.

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 3181—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §30-29-15, relating to law-enforcement purchase of service handguns; authorizing certain law-enforcement officers to purchase service handguns upon honorable separation; providing exceptions for when a service handgun may be purchased; providing that this section does not supersede other specific laws; and creating definitions.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3209—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to requiring a statewide full-time professional counselor-to-student ratio of one to every 1000 students; providing that the requirement shall not increase the number of student support personnel for which an allowance is required under certain statutory provisions; allowing counties to follow a one to 400-450 counselor-to-student ratio in elementary and middle school and a one to 250-300 counselor-to-student ratio in high school.

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

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

Eng. Com. Sub. for House Bill 3276—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section designated as §24-2-4i, relating to setting a process for rate increases for water and sewerage utilities.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3279—A Bill to amend and reenact §18B-2A-1 and §18B-2A-2 of the Code of West Virginia, 1931, as amended, relating to institutional boards of governors; amending legislative findings; increasing number of Board of Governors members at West Virginia University; clarifying that elected faculty, student, and classified or non-classified employees serve as nonvoting advisory members; increasing the number of lay members appointed by the Governor to West Virginia University's Board of Governors; requiring one person of the West Virginia University Board of Governors and of the West Virginia State University Board of Governors to have a background in agriculture, forestry, or the agricultural or silvicultural sciences; clarifying that graduates of West Virginia Institute of Technology of West Virginia University and West Virginia Potomac State College of West Virginia University have a representative serve on West Virginia University's Board of Governors; adding a requirement that the Governor consider the needs of the state of West Virginia and its citizens in making appointments to the institutional board of governors; and making technical changes.

Referred to the Committee on Government Organization.

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 3347—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 Administration, Division of General Services, fund 0230, fiscal year 2025, organization 0211, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025, by adding a new item of appropriation.

Referred to the Committee on Finance.

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 3363—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, the Department of Administration, Public Defender Services, fund 0226, fiscal year 2025, organization 0221, by increasing existing items of appropriation for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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 3368—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 Department of Administration, Office of the Secretary, fund 0186, fiscal year 2025, organization 0201, by increasing an existing item of appropriation for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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

Eng. House Bill 3373—A Bill to amend and reenact §5B-2E-11 of the Code of West Virginia, 1931, as amended, extending and revising the sunset provision to December 31, 2030; and correcting titles of affected divisions.

Referred to the Committee on Government Organization.

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

Eng. House Bill 3389—A Bill to amend and reenact §18-10G-2 of the Code of West Virginia, 1931, as amended, relating to exempting Department of Tourism from the division of vocational rehabilitation food services facilities program.

Referred to the Committee on Government Organization.

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

Eng. House Bill 3424—A Bill to amend and reenact §15A-4-21 of the Code of West Virginia, 1931, as amended, relating to corrections management; and removing language authorizing short term loans to released inmates.

Referred to the Committee on Finance.

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

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

Referred to the Committee on Energy, Industry, and Mining.

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

Eng. House Bill 3492—A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to authorizing the City of Huntington to levy a special district excise tax for the benefit of the City of Huntington Economic Opportunity Development District.

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

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

Eng. House Bill 3505—A Bill to amend the Code of West Virginia, 1931, as amended, by adding seven new sections, designated §5-16-8b, §9-5-34, §33-15-24, §33-16-20, §33-24-15, §33-25-23 and §33-25A-37, relating to insurance; and providing health insurance coverage for scalp cooling systems for the preservation of hair during cancer chemotherapy treatment.

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

The Senate proceeded to the sixth order of business.

Senators Oliverio, Smith (Mr. President), 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 and Woodrum offered the following resolution:

Senate Resolution 44—Memorializing the life of Jerry West, basketball legend and son of West Virginia.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 23, Requesting Joint Committee on Government and Finance study WV Secondary School Activities Commission.

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

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

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

Senate Resolution 43, Designating April 1, 2025, as Rural Health 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 67, Allowing motor vehicle racing on county or municipal roads under certain circumstances.

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

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

The nays were: None.

Absent: Woelfel—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. 67) passed with its title.

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

Eng. Com. Sub. for Senate Bill 85, Prohibiting use or sale of abortifacients.

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 Senate Bill 85 pass?"

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

The nays were: Clements, Garcia, Takubo, Tarr, and Weld—5.

Absent: Woelfel—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. 85) passed.

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

Eng. Com. Sub. for Senate Bill 85—A Bill to amend and reenact §16-2R-2 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §16-2R-10, relating to prohibiting mailing of abortifacients; prohibiting placing abortifacients in the stream of commerce; prohibiting prescribing abortifacients; prohibiting dissemination of abortifacients without lawfully valid prescription; defining terms;

creating criminal penalties; providing for revocation of medical license in certain circumstances; creating civil cause of action; providing exceptions to applicability; and creating severability.

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

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

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

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

The nays were: None.

Absent: Woelfel—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 Com. Sub. for S. B. 158) passed with its title.

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

Eng. Senate Bill 553, Relating to offense of driving above speed limit on controlled access highway or interstate highway.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart,

Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 553) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 585, Relating to Cohen Craddock Student Athlete Safety Act.

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

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

The nays were: None.

Absent: Woelfel—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 Com. Sub. for S. B. 585) passed with its title.

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

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

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

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

The nays were: Chapman, Hart, Helton, Martin, Maynard, and Rose—6.

Absent: Woelfel—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. 677) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 701, Classifying forestry equipment for levy purposes.

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 Committee Substitute for Senate Bill 701 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, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Woelfel—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 Com. Sub. for S. B. 701) passed with its title.

Senator Martin moved that the bill take effect July 1, 2025.

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, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Woelfel—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. 701) takes effect July 1, 2025.

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

Eng. Com. Sub. for Senate Bill 745, Strengthening and reforming lobbying requirements.

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

Senator Martin requested unanimous consent that the bill be referred to the Committee on Rules.

Which consent was not granted, Senator Stuart objecting.

Senator Martin then moved that the bill be referred to the Committee on Rules.

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

The roll being taken, the yeas were: Azinger, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Jeffries, Martin, Morris, Oliverio, Phillips, Queen, Takubo, Tarr, Taylor, Thorne, Weld, and Woodrum—22.

The nays were: Barrett, Garcia, Hart, Helton, Maynard, Roberts, Rose, Rucker, Stuart, Willis, and Smith (Mr. President)—11.

Absent: Woelfel—1.

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

Thereafter, the bill (Eng. Com. Sub. for S. B. 745) was referred to the Committee on Rules.

Eng. Senate Bill 828, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

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

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

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 828) passed with its title.

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

Eng. Com. Sub. for Senate Bill 848, Enacting bank protections for eligible adults from financial exploitation.

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

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

The nays were: None.

Absent: Woelfel—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. 848) passed with its title.

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

Eng. Com. Sub. for Senate Bill 875, Relating to container labeling of nonintoxicating beer and nonintoxicating craft beer.

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

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

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

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

ARTICLE 16. NONINTOXICATING BEER.

§11-16-17. Container labeling.

(a) It ~~shall be~~ is unlawful for any brewer, brewpub, manufacturer, distributor, or retailer to have affixed upon any beer, ale, or other malt beverage or malt cooler container, sold or for sale in this state, a label bearing any design, picture, or wording, indicating that the contents of the container are brewed or manufactured for one particular distributor or retailer or group of retailers, or use any trademark other than that of a licensed brewer or manufacturer.

(b) Notwithstanding the provisions of subsection (a) of this section, any brewer, brewpub, or resident brewer may make a private label for a nonintoxicating beer or nonintoxicating craft beer brand available for purchase by a Class A licensee exclusively for sale by the licensee at a one-time commemorative event held by the licensee. The private label shall contain designs, pictures, or wording relating to the Class A licensee's commemorative event and may not contain any statement or display that may encourage intemperance or advertising presentations designed to appeal to persons under 21 years of age. No beer brand bearing a private label may be made available for purchase under this subsection prior to the label's registration and approval by the Commissioner.

(1) A nonintoxicating beer or nonintoxicating craft beer brand made available for purchase with a private label under this subsection shall:

(A) Be made available exclusively for a limited purchase by one Class A licensee who purchases the entire production of the beer brand bearing the private label;

(B) In the case of an existing formulated brand with just the addition of the private label, be purchased at the regular, posted price for the existing nonintoxicating beer or nonintoxicating craft beer brand, with no reduced price or discount to be offered to the purchasing licensee; and

(C) Not be manufactured, sold, and labeled in a quantity exceeding 25 cases of 24 bottles, cans, or other sealed containers annually.

(2) As used in this subsection:

(A) The term "Class A licensee" means an entity issued a Class A license for on-premise consumption by the West Virginia Alcohol Beverage Control Administration.

(B) The term "commemorative event" means a one-time celebration of a Class A licensee's business anniversary.

(C) The term "private label" means a label affixed to a nonintoxicating beer or nonintoxicating craft beer container that bears any design, picture, or wording indicating that the contents of the container are brewed or manufactured for one particular purchaser.

(3) The provisions of this subsection shall be effective beginning on July 1, 2025, and shall expire and have no further force or effect on or after July 1, 2026.

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

Engrossed Committee Substitute for Senate Bill 875 was then put upon its passage.

On the passage of the bill, the yeas were: Boley, Chapman, Charnock, Clements, Fuller, Garcia, Hamilton, Jeffries, Morris, Oliverio, Phillips, Queen, Rucker, Stuart, Takubo, Taylor, Weld, Willis, Woodrum, and Smith (Mr. President)—20.

The nays were: Azinger, Barrett, Bartlett, Deeds, Grady, Hart, Helton, Martin, Maynard, Roberts, Rose, Tarr, and Thorne—13.

Absent: Woelfel—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. 875) passed.

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

Eng. Com. Sub. for Senate Bill 875—A Bill to amend and reenact §11-16-17 of the Code of West Virginia, 1931, as amended, relating to container labeling of nonintoxicating beer and nonintoxicating craft beer; permitting certain brewers, brewpubs, manufacturers, and resident brewers to make privately labeled nonintoxicating beer or nonintoxicating craft beer brands available for purchase; providing for label requirements; providing for pricing and purchasing restrictions; defining terms; and setting effective and sunset dates.

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 911, Relating to adjunct teaching permits.

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

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

The nays were: None.

Absent: Woelfel—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. 911) 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 Senate Bill 911—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18A-3-2b, relating to allowing an adjunct teaching permit to be issued

to an individual meeting certain specified requirements; permitting an individual with an adjunct teaching permit to be hired to fill a vacant teaching position, offer a new program or class, or to supplement a program currently being offered only if no other teacher holding certification in the subject area is available and accepts the position or assignment; limiting validity of adjunct teacher permit to one year; allowing adjunct teacher permit to be renewed based on performance as determined by an evaluation; allowing adjunct teacher to be employed full- or part-time; allowing the compensation to be any amount both the county board and the adjunct teacher agree to; providing that county board is not required to provide any type of employment benefit unless both the county board and the adjunct teacher agree to those benefits; requiring county board and the adjunct teacher enter into a contract; specifying what is to be included in the contract; allowing adjunct teacher to teach in any content area in which the individual is allowed to teach based on the individual's experience; requiring assignment of a teacher mentor; requiring adjunct teacher to complete certain training and education; prohibiting adjunct teacher from providing special education instruction; requiring each county board that employees an adjunct teacher to report certain information to the West Virginia Department of Education; requiring posting of adjunct teacher position; allowing notification of parents of a vacant adjunct teacher position; and requiring county board to announce any vacant adjunct teacher positions at its meetings.

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

Eng. Senate Bill 939, Relating to testing for substance use disorder.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart,

Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 939) passed.

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

Eng. Senate Bill 939—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §16B-13-4a, relating to testing for substance use disorder; and setting forth testing guidelines for medication-assisted treatment programs.

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. 939) takes effect from passage.

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

Eng. Senate Bill 940, Relating to Water Pollution Control Act.

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

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

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

On page 3, section 8, line 44, after the word "regime", by changing the comma to a period and striking out the remainder of the bill.

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

Engrossed Senate Bill 940 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, Woodrum, and Smith (Mr. President)—32.

The yeas were: Garcia and Woelfel—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 940) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2043, Relating to use of dog and/or drones for tracking or locating mortally wounded deer, elk, turkey, wild boar or bear.

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

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

The nays were: Willis—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2043) passed with its title.

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

The Senate proceeded to the ninth order of business.

Senate Bill 89, Creating alternative high-risk population public charter schools.

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

Senate Bill 163, Including certain mental health disorders in existing public health programs.

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

Senate Bill 252, Requiring coverage of home blood pressure monitoring devices for certain Medicaid recipients.

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 470, Creating WV Athletic Freedom Act.

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

Com. Sub. for Com. Sub. for Senate Bill 569, Establishing certain rights for purchasers of residential improvements.

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

Com. Sub. for Com. Sub. for Senate Bill 639, Creating WV Small Business Appreciation and Acknowledgement Act.

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

Com. Sub. for Com. Sub. for Senate Bill 723, Relating to clinical inpatient medical treatment centers for substance use disorder.

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

Com. Sub. for Com. Sub. for Senate Bill 726, Relating to medication-assisted treatment programs.

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

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

On page 3, section 14, lines 55 through 56, by striking out the words "have an in-person visit at a licensed facility in West Virginia owned, leased, or possessed by the telehealth service a minimum of once every six months" and inserting in lieu thereof the words "be referred every three months to a primary care provider".

Following discussion,

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

The bill (Com. Sub. for Com. Sub. for S. B. 726), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 730, Establishing Forest Carbon Registry.

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 794, Authorizing DOH to erect warning signs.

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

Com. Sub. for Com. Sub. for Senate Bill 834, Relating to tax credit for qualified rehabilitated buildings investment.

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 850, Creating Protecting Shareholders Act.

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

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

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

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 912, Relating to student growth assessment program.

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

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 second reading calendar.

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

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 933, Creating Small Business Protection Act.

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

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

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

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

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

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

Senate Bill 943, Clarifying apiaries are protected agricultural operations.

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

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

Senate Bill 944, Creating WV Child First Advisory Committee.

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

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

Senate Joint Resolution 2, Incorporation of Churches or Religious Denominations Amendment.

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

Com. Sub. for Com. Sub. for Senate Joint Resolution 8, Citizenship Requirement to Vote in WV Elections Amendment.

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

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

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

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

Eng. Com. Sub. for House Bill 2513, Enhancing training requirements for county boards of education members.

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

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

Eng. Com. Sub. for House Bill 2548, Clarifying duties of state superintendent regarding rule implementation.

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

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

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

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

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

On page 5, section 5, lines 93 through 100, by striking out subdivision (2) and inserting in lieu thereof a new subdivision (2), to read as follows:

(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 twelve 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 twelve;.

The bill (Com. Sub. for S. B. 912), as amended, was then ordered to engrossment and third reading.

At the request of Senator Martin, unanimous consent being granted, the Senate reconsidered its action by which in earlier proceedings today it advanced to third reading

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

The action thereon having been reconsidered,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stuart and Weld.

The Senate then proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills on March 31, 2025:

Senate Bill 19: Senator Hart;

Senate Bill 252: Senator Chapman;

Senate Bill 469: Senator Hart;

Senate Bill 481: Senator Hart;

Senate Bill 507: Senator Hart;

Senate Bill 854: Senator Helton;

Senate Bill 929: Senator Helton;

And,

Senate Bill 933: Senator Helton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 1:05 p.m., the Senate adjourned until tomorrow, Wednesday, April 2, 2025, at 11 a.m.

WEDNESDAY, APRIL 2, 2025

The Senate met at 11:27 a.m.

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

Prayer was offered by Pastor Wanda Shelton, Greater New Jerusalem Worship Center, Charleston, West Virginia.

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

Pending the reading of the Journal of Tuesday, April 1, 2025,

At the request of Senator Hart, 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 Honorable Jason Barrett, a senator from the sixteenth district, privileges of the floor for the day.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the 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 Senate Bill 458, Universal Professional and Occupational Licensing Act of 2025.

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 2, section 27, line 22, by striking the semicolon and inserting in lieu thereof a colon and the following words: "*Provided further*, That for professions regulated by §30-4-1 *et seq.* of this code, the person shall have completed a clinical hand-skills exam;";

And,

On page 3, section 27, line 60, by striking out the words "background investigation by the West Virginia State Police under §29-22B-601 *et seq.* of this code" and inserting in lieu thereof the words "state or national criminal history record check that a board may require pursuant to any provision of this chapter".

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

Engrossed Committee Substitute for Senate Bill 458, 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. 458) 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 passage by that body and requested the concurrence of the Senate in the passage of

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 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, related to enacting the Power Generation and Consumption Act of 2025 which creates the Certified Microgrid Development Program administered by Economic Development; renaming and amending the certified industrial business expansion development program; renaming and amending the high impact industrial business development district program; grandfathering aspects of previously certified districts; defining terms; providing legislative purpose and findings; providing that any type of business may participate in the program; removing requirements that the districts be located on certain lands; eliminating requirements that electrical service in districts be generated from renewable sources; providing for a program and certification of high impact data centers and microgrid districts under defined circumstances; providing for the submission of defined information and negotiation requirements; prohibiting payment in lieu of taxes and tax increment financing under certain circumstances; providing requirements for in-district electric generation and out-of-district marketing; providing for special valuation by the Board of Public Works of certain property, applying a special apportionment formula for the property tax proceeds; providing for special contracts through PSC with regulated utilities; providing defined protections for utility rate payers; providing notification and information submission requirements for data centers; requiring record keeping by the agency; providing duties for the agency; prohibiting and preempting local government regulations; providing for certain taxes, fees, and rates to be remitted; creating a grid stabilization fund and providing administration and requirements therefore; creating an income tax reduction fund and providing

administration and requirements therefore; requiring PSC to review consumer economic dispatch for electric generating units, including listed factors to consider, and include capacity factor, as defined, for analysis of future capacity requirements to maximize electrical generation from existing units; modifying fuel storage requirements for coal-fired units; allowing for price indexes and automatic adjustment clauses in certain circumstances; requiring supplemental integrated resource plans through and beyond planned retirement for electric generating units; and specifying dates, deadlines, and rule-making.

Referred to the Committee on Economic Development.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2152—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §12-10-1, §12-10-2, and §12-10-3, relating to prompt payment by state agencies of certain obligations; providing a short title; defining terms; providing that grantees and vendors shall be entitled to prompt payment upon presentation to a state agency of a legitimate claim for payment; determining the date a legitimate claim for payment is considered received by a state agency; requiring an agency to notify the State Auditor when it has violated this act; allowing vendors and grantees to notify the State Auditor when an agency has violated this act; and requiring the State Auditor to publish a list of noncompliant agencies on the State Auditor's website and update the list on at least a monthly basis; providing the timeline in which state agencies shall process payments; providing the timeline in which state agencies shall process payments for other agencies; and providing for exceptions.

Referred to the Committee on Finance.

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 2576—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §18B-22-1, §18B-22-2, §18B-22-3, §18B-22-4, and §18B-22-5, relating to name, image, or likeness in intercollegiate athletics; defining terms; authorizing institutions of higher education to facilitate and enter into agreements relating to a student-athlete's name, image, or likeness; limiting the ability of athletic associations, athletic conferences, or other similarly situated oversight or regulatory organizations to regulate an institution or a student-athlete with respect to activities for compensation involving a student-athlete name, image, or likeness; limiting the purposes for which student-athletes may earn compensation for the use of name, image, or likeness; and providing provisions for causes of action.

Referred to the Committee on Education.

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 2595—A Bill to amend and reenact §18B-12-2, §18B-12-3, and §18B-12-4 of the Code of West Virginia, 1931, as amended, and to repeal §18B-12-10 of said code, all relating to agreements for institutions of higher education with private corporations established to benefit institutions of higher education; providing legislative findings and purposes; authorizing institutions of higher education to contract with one or more private corporations authorized to conduct operational, economic, fiscal, and educational development activities and services related to intercollegiate athletics; limiting the voting corporate directors of private corporations who have entered into agreements to conduct operational, economic, fiscal, and educational development activities and services related to intercollegiate athletics on behalf of an institution of higher education; authorizing institutions of higher education to transfer real and personal property to qualifying private corporations; clarifying that the activities of private corporations who have entered into agreements to conduct operational, economic, fiscal, and educational development activities and services related to

intercollegiate athletics are exempt from state requirements and procedures; authorizing private corporations who have entered into agreements to conduct operational, economic, fiscal, and educational development activities and services related to intercollegiate athletics to undertake activities authorized by the West Virginia Nonprofit Corporation Act.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 2892—A Bill to amend and reenact §17C-10-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting unlawful traffic interference; creating the offense of unlawful traffic interference; creating criminal penalties; and providing exceptions.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3013—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §47-11D-5, relating to requiring certain theatres to make showings of certain motion pictures accessible to persons with disabilities; requiring exhibitors of motion pictures who operate theatres in more than one location in this state to provide open captioning during at least two showings per week of each digital motion picture that is produced and offered with open captioning; requiring, when requested, audio description be provided for any digital motion picture that is produced and offered with audio description; requiring theatres to have at least two audio description devices; providing exceptions.

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

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

Eng. House Bill 3358—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2025, organization 0511 by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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 3365—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Health, West Virginia Birth-to-Three Fund, fund 5214, 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.

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 3366—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Health, Office of the Inspector General, fund 8211, fiscal year 2025, organization 0513, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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 3367—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2025, organization 0310 by increasing and decreasing appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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 3370—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Human Services, fund 8722, fiscal year 2025, organization 0511, by increasing existing items of appropriation for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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 3372—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Veterans' Assistance, Department of Veterans' Assistance Fund, fund 8858, fiscal year 2025, organization 0613, by increasing an existing appropriation for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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 3411—A Bill to amend and reenact §4-5-1 of the Code of West Virginia, 1931, as amended; to repeal §4-7-1, §4-7-2, §4-7-3, §4-7-4, §4-7-5, §4-7-6, §4-7-7, §4-7-8, §4-7-9, §4-7-10 and §4-7-11 of said code; to amend and reenact §4-10-3 of said code; to repeal §4-10-4 of said code; to amend and reenact §4-10-5, §4-10-6, §4-10-7, §4-10-9, §4-10-11 and §4-10-13 of said code; to repeal §4-13-1, §4-13-2, §4-13-3, §4-13-4, §4-13-5, §4-13-6, and §4-13-7 of said code; to amend and reenact §4-14-1 and §4-14-2 of said code; to repeal §4-14-3 of said code; to repeal §4-15-1 of said code; to amend and reenact §5-24-3 of said code; to amend and reenact §5B-2B-2 of said code; to repeal §5B-2B-4a of said code; to repeal §5B-2B-7 of said code; to amend and reenact §5B-3-2 of said code; to repeal §12-6D-4 of said code; to repeal §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, §15-9C-5 and §15-9C-6 of said code; to repeal §16-29E-4 of said code; to amend and reenact §16-29E-5 of said code; to repeal §17-2B-1, §17-2B-2, §17-2B-3, §17-2B-4, §17-2B-5 and §17-2B-6 of said code; to repeal §18B-14-1 and §18B-14-9 of said code; to repeal §21-5E-1, §21-5E-2, §21-5E-3, §21-5E-4, §21-5E-5 and §21-5E-6 of said code; to repeal §22-26-5 of said code; to repeal §29-1B-1, §29-1B-2, §29-1B-3, §29-1B-4, §29-1B-5, §29-1B-6 and §29-1B-7 of said code; to amend and reenact §29A-3A-11 of said code; and to repeal §31-20-26 of said code, relating to commissions; removing the legislative members; and eliminating expired commissions.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3444—A Bill to repeal §16-3-7, §16-3-8, §16-3-9, and §16-3-10 of the Code of West Virginia, 1931, as amended, relating to inflammation of the eyes of newborns.

Referred to the Committee on Health and Human Resources.

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

Com. Sub. for House Concurrent Resolution 17—Requesting that the Division of Highways place roadway welcome signs containing the phrase "West Virginia - A Purple Heart State" on interstates at the entrance to West Virginia.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 76—Requesting the Division of Highways name bridge number 20-079/00-008.48 (SB) (20A505), Latitude 38.44906, Longitude -81.51358, locally known as Little Sandy Creek bridge 8.48 SB, carrying Interstate 79 over CR 45 and Little Sandy Creek in Kanawha County, the "U.S. Army PFC Charles H. Moore Memorial Bridge."

Referred to the Committee on Transportation and Infrastructure.

At the request of Senator Martin, unanimous consent being granted, the provisions of Joint Rule 31 were suspended in order to receive the following House concurrent resolution naming transportation infrastructure introduced after the twenty-fifth day.

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

Com. Sub. for House Concurrent Resolution 90—Requesting the Division of Highways to name a portion of U.S. 250 in Marshall County, from the intersection of WV 891 to the

Wetzel County line as the Dragon Highway, reflecting the Cameron High School Dragons, and that one sign is to be placed immediately South of the U.S. 250 WV 891 intersection and the other at the Wetzel County line heading North towards Cameron.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 97—Creating the West Virginia Justice Reinvestment Taskforce.

Referred to the Committee on the Judiciary.

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 1, 2025

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

Dear Mr. Clerk:

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

Committee Substitute for Senate Bill No. Two Hundred Eighty-Three (283), which was presented to me on March 31, 2025.

Committee Substitute for Senate Bill No. Three Hundred Thirty-Six (336), which was presented to me on March 26, 2025.

Senate Bill No. Four Hundred Ninety-Two (492), which was presented to me on March 26, 2025.

Senate Bill No. Six Hundred Twenty-One (621), which was presented to me on March 26, 2025.

You will note that I have approved these bills on April 1, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Jeff Pack, Clerk

The Senate proceeded to the fourth order of business.

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

Senate Concurrent Resolution 5, US Marine Corps Sergeant Robert Milford Payne Memorial Bridge.

Com. Sub. for House Concurrent Resolution 37, CPT Ray Leslie Memorial Bridge.

Com. Sub. for House Concurrent Resolution 44, Corporal Charles W. Wolfe Memorial Bridge.

Com. Sub. for House Concurrent Resolution 46, U.S. Army Ronald Gene Sybolt Memorial Bridge.

Com. Sub. for House Concurrent Resolution 51, U.S. Army Roy Lee Hill Memorial Bridge.

Com. Sub. for House Concurrent Resolution 62, U.S. Army PFC Henry James Miller Memorial Bridge.

Com. Sub. for House Concurrent Resolution 85, Lavern "Mousey" Testerman Memorial Bridge.

And,

Com. Sub. for House Concurrent Resolution 91, Charles Grant Hoke Memorial.

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 (S. C. R. 5 and Com. Sub. for H. C. R. 37, 44, 46, 51, 62, 85, and 91) 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 and request concurrence therein.

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

Senate Concurrent Resolution 8, US Army E6 Dennis Charles Hurley Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 8 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 55-956/00-000.01 (NB) (55A240), (37.75117, -81.67505) locally known as Flatrock Street Bridge, carrying Flatrock Street over HUFF CREEK in Wyoming County, the "U.S. Army Sergeant Dennis Charles Hurley Memorial Bridge".

Senate Concurrent Resolution 10, Donald Lucas & Ronald Lucas Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 10 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 22-

037/00-004.35 (22A167), (38.10346, -82.17775) locally known as U.S. Army TEC5 Donald "Tiny" Lucas Memorial Bridge, carrying CR 037 over EAST FK OF 14 MI. CK in Lincoln County, as the "U.S. Army T/5 Donald Lucas and U.S. Air Force SSgt Ronald Lucas Memorial Bridge".

And,

Senate Concurrent Resolution 19, US Army ST4 Gregory Kent Stephens Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 19 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 23-016/83-000.02 (23A157) (37.75836, -81.84628) locally known as BULL HOLLOW BEAM SPAN, crossing BUFFALO CREEK in Logan County, the "U.S. Army SP4 Gregory K. Stephens Memorial Bridge".

With the recommendation that the three committee substitutes be adopted.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. 8, 10, and 19) 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 and request concurrence therein.

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

Eng. Com. Sub. for House Bill 2157, Provide one trip temporary vehicle permits to be purchased and printed online.

And has amended same.

And,

Eng. House Bill 2678, Relating to school zones of public or private schools.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2157 and Eng. H. B. 2678) contained in the preceding report from the Committee on Transportation and Infrastructure were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

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

And,

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

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

Respectfully submitted,

Amy N. Grady,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2172, Relating to adding an athletic trainer to the Board of Physical Therapy.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2172) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2233, Authorizing the Department of Environmental Protection to promulgate legislative rules.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2233) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2397, Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority.

And has amended same.

And,

Eng. House Bill 2709, Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2397 and Eng. H. B. 2709) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

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

And has amended same.

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

Respectfully submitted,

Christopher A. Rose,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3030) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 3146, Relating to special registration plates for military personnel.

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 Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Transportation and Infrastructure pending.

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

Your Committee on Education has had under consideration

Eng. House Bill 3313, Providing more opportunities for high school students in community colleges.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3313) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 3336, Well Plugging methods.

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 the Judiciary.

Respectfully submitted,

Christopher A. Rose,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Eng. House Bill 3347, Supplemental Appropriation - Administration - Diamond Bldg.

Eng. House Bill 3363, Supplemental Appropriation - Public Defender.

And,

Eng. House Bill 3368, Supplemental Appropriation - Administration - Lease Rental Payment.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. H. B. 3347, 3363, and 3368) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Oliverio, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. House Bill 3506, Relating to contributions to the retirement system for judges of courts of record.

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 Finance.

Respectfully submitted,

Michael A. Oliverio II,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Pensions pending.

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 8, PFC Lester E. Maynard Memorial Bridge.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolution (Com. Sub. for H. C. R. 8) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration.

The following amendment to the resolution, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

On page one, in the seventh Whereas clause, line fifteen, after the word "awarded" by inserting the words "a Bronze Star Medal for Valor,".

The question now being on the adoption of the resolution (Com. Sub. for H. C. R. 8), as amended, the same was put and prevailed.

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

Senator 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 9, Robert S. Pomeroy Memorial Bridge.

Com. Sub. for House Concurrent Resolution 10, USMC PFC Robert Thomas Taylor Memorial Road.

And,

Com. Sub. for House Concurrent Resolution 27, BG Edmund "Frank" Roleff, WVNG Memorial Road.

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. Sub. for H. C. R. 9, 10, and 27) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

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

Senator 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 15, US Marines PFC Delbert Carles Roles Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution 31, U.S. Army Lieutenant Colonel Qewanncoll "Que" Stephens, Sr. Memorial Bridge.

And has amended same.

Com. Sub. for House Concurrent Resolution 34, U. S. Merchant Marine Joseph Ward Teter Memorial Bridge.

And has amended same.

And,

Com. Sub. for House Concurrent Resolution 43, Ray William "Mutt" Sherman Memorial Bridge.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the resolutions (Com. Sub. for H. C. R. 15, 31, 34, and 43) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

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

Com. Sub. for House Concurrent Resolution 15, US Marines PFC Delbert Carles Roles Memorial Bridge.

On page 2, in the Resolved clause, lines 23-25, by striking out the words "41-077/00-043.59 (SB) (41A229), (37.78047, -81.22121) locally known as I-77 OVER CABELL RD, carrying IS 077 over WHITESTICK CRK/CABELL RD" and inserting in lieu thereof the words "41-077/00-028.93 (NB) (41A210), (37.61525, -81.11937) locally known as I-77 NB OVER RAL 48, carrying IS 077 over CR 48".

Com. Sub. for House Concurrent Resolution 31, U.S. Army Lieutenant Colonel Quewanncoll "Que" Stephens, Sr. Memorial Bridge.

On page one, in the first Whereas clause, line five, by striking out "1945" and inserting in lieu thereof "1944";

And,

On page four, in the tenth Whereas clause, line seventy-three, by striking out "21" and inserting in lieu thereof "30".

Com. Sub. for House Concurrent Resolution 34, U. S. Merchant Marine Joseph Ward Teter Memorial Bridge.

On page 2, in the Resolved clause, line 29, by striking out the words "U.S. Merchant Marine";

On page 2, in the first Further Resolved clause, line 32, by striking out the words "U.S. Merchant Marine";

And,

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

Requesting the Division of Highways name bridge number 36-28-24.07(36A082), locally known as Mouth of Seneca Bridge, carrying WV 28 and WV 55 over Seneca Creek in Pendleton County, the "J. Ward Teter Memorial Bridge".

Com. Sub. for House Concurrent Resolution 43, Ray William "Mutt" Sherman Memorial Bridge.

On page 2, in the seventh Whereas clause, line 20, by striking out the single quote and inserting in lieu thereof a quotation mark;

On page 2, in the Resolved clause, line 29, by striking out the words "Sgt. Ray "Mutt"" and inserting in lieu thereof the words "U.S. Army Sgt. Ray";

On page 2, in the first Further Resolved clause, line 32, by striking out the words "Sgt. Ray "Mutt"" and inserting in lieu thereof the words "U.S. Army Sgt. Ray";

And,

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

Requesting the Division of Highways name Bridge Number: 16-055/00-011.96 () (16A134), (39.07833, -78.95205) locally known as MOOREFIELD INTERCHANGE, carrying WV 055 over US 48 (X) (Corridor H) in Hardy County the " U.S. Army Sgt. Ray Sherman Memorial Bridge."

The question now being on the adoption of the resolutions (Com. Sub. for H. C. R. 15, 31, 34, and 43), as amended, the same was put and prevailed.

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

The Senate proceeded to the sixth order of business.

Senator Boley offered the following resolution:

Senate Resolution 45—Designating April 3, 2025, as Women and Girls' Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 44, Memorializing life of basketball legend Jerry West.

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

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

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 89, Creating alternative high-risk population public charter schools.

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

Pending discussion,

The question being "Shall Engrossed Senate Bill 89 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, 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 and Hart—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 89) passed with its title.

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

Eng. Senate Bill 163, Including certain mental health disorders in existing public health programs.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 163) passed with its title.

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

Eng. Senate Bill 252, Requiring coverage of home blood pressure monitoring devices for certain Medicaid recipients.

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

On the passage of the bill, the yeas were: Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Rucker, Stuart, Takubo, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—28.

The nays were: Azinger, Hart, Martin, Maynard, Rose, and Tarr—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 252) passed with its title.

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

Eng. Com. Sub. for Senate Bill 470, Creating WV Athletic Freedom Act.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 470) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 569, Establishing certain rights for purchasers of residential improvements.

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 Committee Substitute for Senate Bill 569 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, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Taylor, Weld, Willis, Woelfel, and Smith (Mr. President)—30.

The nays were: Phillips, Tarr, Thorne, and Woodrum—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 569) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 639, Creating WV Small Business Appreciation and Acknowledgement Act.

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 Committee Substitute for Senate Bill 639 pass?"

Senators Tarr and Woodrum requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Tarr and Woodrum would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Fuller, Garcia, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, Woelfel, and Smith (Mr. President)—27.

The nays were: Clements, Deeds, Grady, Takubo, Tarr, Weld, and Woodrum—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 639) passed with its title.

Senator Martin moved that the bill take effect July 1, 2025.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 639) takes effect July 1, 2025.

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

Thereafter, at the request of Senator Stuart, and by unanimous consent, the remarks by Senators Tarr, Willis, and Clements as to the passage of Engrossed Committee Substitute for Committee Substitute for Senate Bill 639 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Com. Sub. for Senate Bill 723, Relating to clinical inpatient medical treatment centers for substance use disorder.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 723) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 726, Relating to medication-assisted treatment programs.

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

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

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

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

The nays were: None.

Absent: None.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 730,
Establishing Forest Carbon Registry.

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

Pending discussion,

(Senator Weld in the Chair.)

Pending discussion,

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 730 pass?"

On this question, the yeas were: Barrett, Boley, Charnock, Deeds, Grady, Hamilton, Jeffries, Oliverio, Phillips, Queen, Takubo, Tarr, Thorne, Weld, Woodrum, and Smith (Mr. President)—16.

The nays were: Azinger, Bartlett, Chapman, Clements, Fuller, Garcia, Hart, Helton, Martin, Maynard, Morris, Roberts, Rose, Rucker, Stuart, Taylor, Willis, and Woelfel—18.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 730) rejected.

Thereafter, at the request of Senator Stuart, and by unanimous consent, the remarks by Senators Tarr, Woelfel, Willis, and Woodrum as to Engrossed Committee Substitute for Committee Substitute for Senate Bill 730 were ordered printed in the Appendix to the Journal.

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 794) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 834, Relating to tax credit for qualified rehabilitated buildings investment.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 834) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart,

Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 883) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, 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 S. B. 912) 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 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; changing the grade levels for which the assessment is

applicable; requiring the program to be composed of benchmark assessments to be given in the first 30 days of the school year, mid-year, and at the end of the school year to determine student progression in reading and mathematics in grades four through eight; and modifying language pertaining to alignment of the assessment with certain standards.

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 914, Relating to testing and attendance requirements for private, parochial, and church schools.

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

Senator Roberts requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is an administrator of a church school.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, 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)—32.

The nays were: Garcia and Weld—2.

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 S. B. 914) passed with its title.

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

Eng. Com. Sub. for Senate Bill 933, Creating Small Business Protection Act.

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

At the request of Senator Queen, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Queen, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 4, line 15, by striking out "\$25,000" and inserting in lieu thereof "10,000";

And,

On page 4, section 5, line 62, by striking out "\$25,000" and inserting in lieu thereof "10,000".

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

Engrossed Committee Substitute for Senate Bill 933 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 933 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Clements, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, Woelfel, and Smith (Mr. President)—25.

The nays were: Boley, Charnock, Deeds, Garcia, Phillips, Takubo, Tarr, Weld, and Woodrum—9.

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 S. B. 933) passed with its 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 Grady, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

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

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

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, April 1, 2025, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Senate Bill 941 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 present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 941) passed with its title.

Senator Martin moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

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

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

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

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, April 1, 2025, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Senate Bill 942 was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed Senate Bill 942 pass?"

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

The nays were: Garcia, Hamilton, Takubo, and Woelfel—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 942) 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, 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, Hamilton, and Woelfel—3.

Absent: None.

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

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

Eng. Senate Bill 944, Creating WV Child First Advisory Committee.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, April 1, 2025, for amendments to be received on third reading, was read a third time.

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

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-34. Creation of the West Virginia Child First Advisory Committee and the West Virginia Child First Fund.

(a) There is hereby created the West Virginia Child First Advisory Committee, which shall be administered by the Department of Human Services. The necessary expenses incurred by the West Virginia Child First Advisory Committee shall be paid by the Department of Human Services.

(b) The West Virginia Child First Advisory Committee is comprised of the following members:

(1) The Cabinet Secretary for the Department of Human Services, or his or her designee, who shall also serve as the Chair of the Committee;

(2) The Foster Care Ombudsman, or his or her designee;

(3) Two individuals appointed by the Governor, by and with the advice and consent of the Senate, who have a background in child welfare issues, including, but not limited to, the following:

(A) Child abuse and neglect proceedings in West Virginia;

(B) Child welfare laws, rules, and regulations;

(C) The structure and workflow of the components of the child welfare system, including, but not limited to, abuse and neglect case intake, investigations into abuse and neglect allegations, case management, court processes, placement, reunification, and child permanency plannings; and

(D) The permanent and temporary child placement system, including the child foster care system, child placement process, and child adoption process;

(4) Two members of the West Virginia House of Delegates, ex officio non-voting, appointed by the Speaker of the House of Delegates;

(5) Two members of the West Virginia Senate, ex officio non-voting, appointed by the President of the Senate;

(6) The Speaker of the House of Delegates, ex officio non-voting, or his or her designee;

(7) The President of the Senate, ex officio non-voting, or his or her designee; and

(8) The Administrative Director of the Supreme Court of Appeals, or his or her designee.

(c) The West Virginia Child First Committee shall:

(1) Evaluate child welfare outcomes in the state of West Virginia;

(2) Evaluate the potential improvement of child welfare outcomes in the state of West Virginia;

(3) Evaluate the administration of child abuse and neglect laws including an evaluation of the performance of judges, guardians ad litem and other attorneys representing children, attorneys representing respondent parents, child protective services workers, and Department of Human Services administrators;

(4) Evaluate state child welfare laws, rules, and regulations;

(5) Evaluate areas of specific concern for children within the abuse and neglect court system; and

(6) Identify the issues of priority and areas of most concern for the Department of Health as it relates to the child welfare system;

(d) The West Virginia Child First Advisory Committee shall meet at least quarterly and shall make findings and annual recommendations contained in a report delivered to the Governor and the Joint Committee on the Judiciary with respect to:

(1) Improving the child welfare system in West Virginia;

(2) Improving the permanent and temporary child placement system, including the child foster care system, child placement process, and child adoption process;

(3) Opportunities for reducing the removal rate of children from parents and facilitating an increase in the rates of family reunification outcomes;

(4) Opportunities for increased efficiency in the administration and delivery of child welfare services that do not otherwise compromise child welfare outcomes;

(5) Opportunities for increasing transparency and accountability within the child welfare system; and

(6) Any other opportunities for legislative or executive action that could address, resolve, or otherwise improve upon any problem identified including, but not limited to, the following:

(A) Mapping the structure and workflow of all major components of the child welfare system, including intake, investigation, case management, court processes, placement, reunification, and permanency plannings;

(B) Identifying duplication of efforts, unnecessary complexity, communication breakdowns, and other operational inefficiencies across agencies and stakeholder groups;

(C) Evaluating the alignment of information systems and data infrastructure to support efficient service delivery and accountability;

(D) Analyzing the system's ability to provide predictable, timely, and high-quality services to children and families, using metrics such as decision timelines, placement stability, and reunification rates;

(E) Assessing opportunities for cross-agency coordination, integration of services, and modernization of workflows through technology or policy innovation; and

(F) Providing a framework for continuous quality improvement using principles of systems design, performance feedback, and organizational development.

(e) The West Virginia Child First Advisory Committee shall deliver its annual report containing the required findings and recommendations to the Governor and the Joint Committee on the

Judiciary on or before January 1 of each year, beginning January 2026.

(f) The West Virginia Child First Advisory Committee may create subcommittees and working groups it considers appropriate.

(g) The West Virginia Child First Fund is hereby established and shall be administered by the Department of Human Services. The Department of Human Services shall promulgate rules for purposes of administering this fund.

(1) Expenditures from the West Virginia Child First Fund shall be used for the sole purpose of improving child welfare outcomes in the state of West Virginia.

(2) The West Virginia Child First Fund shall consist of moneys that may be 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. The Department of Human Services, political subdivisions, and any private entity may engage in fundraising efforts to solicit donations to the West Virginia Child First Fund.

(3) Any moneys remaining in the West Virginia Child First Fund at the end of the fiscal year shall not revert to the General Revenue Fund but shall remain in the fund solely for the purpose stated in this article.

(4) The moneys accrued in the West Virginia Child First Fund, any earnings thereon, and any yields from investments by the Treasurer or West Virginia Investment Management Board are reserved solely and exclusively for the purposes set forth in this subsection.

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

Engrossed Senate Bill 944 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard,

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 944) passed with its title.

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

Eng. Senate Joint Resolution 2, Incorporation of Churches or Religious Denominations Amendment.

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

Pending discussion,

The question being "Shall Engrossed Senate Joint Resolution 2 be adopted?"

On the adoption of the resolution, 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 resolution (Eng. S. J. R. 2) adopted, as follows:

Eng. Senate Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section 47, article VI thereof, relating to authorizing the incorporation of religious denominations; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2026, which proposed amendment is that section 47, article VI thereof, be amended to read as follows:

Article VI. The Legislature.

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

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

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

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

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 8, Citizenship Requirement to Vote in WV Elections Amendment.

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

On the adoption of the resolution, the yeas were: Azinger, Barrett, 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 resolution (Eng. Com. Sub. for Com. Sub. for S. J. R. 8) adopted, as follows:

Eng. Com. Sub. for Com. Sub. for Senate Joint Resolution 8—Proposing an amendment to the Constitution of the State of West Virginia, amending section 1, article IV thereof, to prohibit persons who are not United States citizens from voting in any elections held in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2026, which proposed amendment is that section 1, article IV thereof, be amended to read as follows:

ARTICLE IV. Elections and Officers.**§1. Elections and Officers.**

The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the state and of the county in which he or she offers to vote, for 30 days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval, or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein, nor shall any person who is not a citizen of the United States be entitled to vote at any election held within this state.

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and designated as the "Citizenship Requirement to Vote in West Virginia Elections Amendment" and the purpose of the proposed amendment is summarized as follows: "This amendment provides that in all elections held in West Virginia only citizens of this state who are citizens of the United States are qualified to vote."

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

Eng. Com. Sub. for House Bill 2548, Clarifying duties of state superintendent regarding rule implementation.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr,

Taylor, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Garcia, Hamilton, and Thorne—3.

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. 2548) passed with its title.

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

The Senate proceeded to the ninth order of business.

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

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

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

Eng. Com. Sub. for House Bill 2513, Enhancing training requirements for county boards of education members.

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On page 4, section 1a, line 64, after the word "training" by inserting the word "provided";

On page 5, section 1a, line 98, by striking out the words "before January 1";

On page 6, section 1a, line 112, by striking out the words "the State Superintendent shall report annually" and inserting in lieu thereof the words "and annually on or before January 1 thereafter, the State Superintendent shall report";

And,

On page 7, section 4, line 38, by changing the period to a colon and adding the following proviso: *Provided*, That the presentation of receipts in not required for payment for mileage.

The bill (Eng. Com. Sub. for H. B. 2513), as amended, was then ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Rucker and Bartlett.

The Senate proceeded to the thirteenth order of business.

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 BOULEVARD, EAST
CHARLESTON, WV 25305-0800
304-557-7800

April 2, 2025

The Honorable Patrick Morrisey, II
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:

Com. Sub. for S. B. 823, Clarifying and separating duties between Division of Emergency Management and DEP.

This bill is presented to you on this day, April 2, 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



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 2, 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. 2387, To repeal the class A1 Pistol stamp for hunting ;

H. B. 2516, To repeal antiquated and inoperative portions of code.;

And,

Com. Sub. for H. B. 3192, To repeal obsolete, conflicting or inoperative provisions of code that pertain to higher education.

These bills are presented to you on this day, April 2, 2025

Respectfully submitted,

Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 2 p.m., the Senate adjourned until tomorrow, Thursday, April 3, 2025, at 11 a.m.

THURSDAY, APRIL 3, 2025

The Senate met at 11:07 a.m.

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

Prayer was offered by the Honorable Christopher A. Rose, a senator from the second district.

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

Pending the reading of the Journal of Wednesday, April 2, 2025,

At the request of Senator Taylor, 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 the family of the Honorable Ben Queen, a senator from the twelfth district, and Medal of Valor recipients and their family members privileges of the floor for the day.

The Senate then proceeded to the third order of business.

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

Eng. House Bill 2010—A Bill to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating to the real estate license act; and creating an exception to the requirement that a real estate broker maintain a definite place of business within the state for non-residents who maintain a definite place of business in their jurisdiction of residence.

Referred to the Committee on Rules.

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 2011—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2025, to the Department of Human Services, Health Care Provider Tax, Medical State Share Fund, fund 5090, fiscal year 2025, organization 0511 by supplementing and amending the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2015—A Bill to amend the Code of West Virginia, 1931, as amended, by amending §29-12-15, relating to extending the moratorium on providing new or additional property or liability insurance coverage to certain entities by the Board of Risk and Insurance Management.

Referred to the Committee on Banking and Insurance.

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 Com. Sub. for House Bill 2027—A Bill to amend and reenact §49-4-111 of the Code of West Virginia, 1931, as amended, relating to changing circumstances for when a child may be removed from a foster home.

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

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

Eng. Com. Sub. for House Bill 2054—A Bill to amend and reenact §60-4-3a; §60-7-2; §60-7-3; §60-7-8c; §60-7-8d; §60-7-8e; §60-7-8g; §60-8-2; and §60-8-32a of the Code of West Virginia, 1931, as amended, amending liquor sampling requirements; revising definitions; addressing and making minor corrections in the Alcohol Beverage Control Administration ("ABCA") code sections correcting mistakes relating to a \$100 requirement for canned or packaged food; removing the requirement that a private farmers market or private food court with two or more unrelated vendors applying for a license must certify that all vendors have agreed to liability responsibility therein and removing the requirement that a private farmers market or private food court provide a written copy of the agreement between all vendors acknowledging that each vendor is jointly and severally liable for any violations; authorizing the use of self-pour automated systems for nonintoxicating beer, cider, and wine by the drink on licensee premises; removing the requirement that a joint and several liability agreement be executed between the multiple vendors at a multi-vender fair or festival; regulating private clubs sale and service of alcoholic and non-intoxicating beverages; providing limitations on sealed craft cocktail or wine growlers sold to persons who have dined in an establishment, or a patron who is in vehicle while picking up food or a meal and ordered a sealed craft cocktail or wine growler; clarifying and expanding the types of licensed

entities authorized to participate in a duly permitted private outdoor designated area ("PODA"); defining terms; exempting certain licensees from certain fees; authorizing consumer activity within a PODA; authorizing S1, S2, and S3 licensees to participate in a private outdoor designated area on the premises of a participating Class S4 permit holder upon written invitation of the Class S4 permit holder; correcting mistaken listed percentage for fortified wine; all generally relating to the licensing, sale and service of alcoholic liquor, nonintoxicating beer or nonintoxicating craft beer, wine, cider, craft and cocktails as beverages or sealed containers, and where same may be sold and served.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2410—A Bill to amend and reenact §16-51-3 of the Code of West Virginia, 1931, as amended; and to repeal §16-51-2, relating to the right to try individualized treatments; and defining terms.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2491—A Bill to amending and reenacting §47-21A-1, §47-21A-2, §47-21A-3, §47-21A-4, §47-21A-5, §47-21A-8, and §47-21A-13 of the Code of West Virginia, 1931, as amended, relating to establishing that legislative intent that institutions of higher education have a need for raising funds and granted the privilege of holding online raffles, relating to amending and adding definitions relating to the allowance that institutions of higher education are subject to this article, relating to allowing institutions of higher education to be authorized to conduct certain online raffles without a license, relating to designating that an institution of higher education may hold an

online raffle, apply for a license including an annual license, relating to striking the requirement that online charitable raffle licensees utilize a geo-location or geo-fencing technology licensee, relating to striking language that required a licensee to maintain in the state of West Virginia its servers used to transmit information for the purposes of patron participation, relating to providing that charitable online raffle occasions are not considered as a sports wagering activity or an interactive wagering activity, relating to gross proceeds from an institution of higher education's charitable online raffle occasion shall be exempt from certain taxes, relating to the expanded and other information that institutions of higher education must provide in an application for a license to conduct charitable online raffle occasions, and relating to the net proceed disbursement that must occur for proceeds generated by an online charitable raffle occasion conducted by an institution of higher education.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2551—A Bill to amend and reenact §19-18-3 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for trespassing livestock; increasing the criminal penalties for the second and subsequent misdemeanor offenses of negligently permitting livestock to run at large and trespass on the property of other landowners which injures a person or destroys the property of another person; extending the period of time in which a person may be charged with a violation of the section; and creating criminal penalties.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2566—A Bill to amend and reenact §50-1-8, §50-1-9, §50-1-9a and §51-2A-6 of the Code of West Virginia, 1931, as amended; relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2720—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §5B-2R-1, §5B-2R-2, §5B-2R-3, §5B-2R-4, §5B-2R-5, §5B-2R-6, §5B-2R-7, §5B-2R-8, §5B-2R-9, and §5B-2R-10, relating to creating the Southern Coalfield Resiliency and Revitalization Program for a period of five years; defining terms; finding that there are challenges facing the counties in which the southern coalfields are located; establishing the Southern Coalfield Resiliency and Revitalization Program; providing that the program will terminate five years after this section goes into effect; establishing revitalization council to organize and prioritize state resources and technical assistance for these counties; directing revitalization council to develop strategies to stimulate economic activity in and around the municipalities in Boone, Logan, McDowell, Mingo, and Wyoming counties in coordination with certain contributing partners to the extent possible; directing revitalization council to annually report; directing Department of Economic Development and revitalization council to facilitate economic development incentives for the counties in which the southern coalfields are located; authorizing Department of Economic Development or other state body to provide state property and equipment to businesses investing in the counties of the southern coalfield area of the state at a reduced cost; providing that the program shall prioritize West Virginia's natural resources, industries, businesses, raw materials, agricultural commodities, and reliable forms of energy.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

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

Eng. Com. Sub. for Com. Sub. for House Bill 2777—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to compulsory school attendance; removing requirements to submit certain evidence on behalf of home-schooled children; establishing a school choice portal; and providing for exemptions.

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

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

Eng. Com. Sub. for Com. Sub. for House Bill 2787—A Bill to amend and reenact §7-1-3k of the Code of West Virginia, 1931, as amended; relating to permitting county commissions to lease, rent, or permit the use of county-owned wireless towers or any portions thereof to any entity or entities meeting certain criteria, with equipment and systems meeting minimum requirements, and for purposes not prohibited; and prohibiting county commissions from levying charges for use of county-owners wireless towers or any portions thereof by public safety operations, the West Virginia Department of Highways, or any other state agencies provided the same requirements are met as for other applicants.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2866—A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended,

relating to fees and charges for municipality-provided fire services; providing that no municipality may impose any new fire protection service fee, effective on or after June 30, 2024, on a person located in a county that has imposed a fire service fee without an intergovernmental agreement in place between the municipality and the county commission; providing the required contents of the agreement; providing an exception for increasing existing fees.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2961—A Bill to amend the Code of West Virginia, 193, as amended by adding a new article, designated §37-3A-1 and §37-3A-2, relating to prohibiting ownership and possession of real estate by foreign adversaries.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2964—A Bill to amend and reenact §8-29-6 of the Code of West Virginia, 1931, as amended, relating to allowing members of regional airport boards to be a resident of the municipality or county in which the airport is located.

At the request of Senator Martin, 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 and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for Com. Sub. for House Bill 2973—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to legal actions involving the West Virginia

Secondary School Activities Commission; requiring 30 days' notice of claims; establishing procedures for providing 30 days' notice of claims; providing for tolling of claims; providing exceptions for certain claims involving injunctive relief; and clarifying the venue where actions may be brought and prosecuted.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 3014—A Bill to amend and reenact §16B-3-19 of the Code of West Virginia, 1931, as amended, relating generally to hospital police; creating certain immunities for hospitals with police departments; and clarifying the effect of the section.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3145—A Bill to amend and reenact §30-40-26 of the Code of West Virginia, 1931, as amended, relating to the duties of Real Estate Commission licensees; requiring a licensee to have the commission's notice of agency and consumer guide to agency signed at first contact; requiring a licensee to enter into a written notice with a prospective client prior to listing or showing property.

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

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

Eng. House Bill 3189—A Bill to amend and reenact §61-5-8 of the Code of West Virginia, 1931, as amended, relating to federal

correctional institutions; adding federal correctional institutions to the list of correctional facilities in which it is a criminal offense to deliver any thing unlawfully to a person in custody or confined therein.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 3294—A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-2C-1, §31A-2C-2, §31A-2C-3, §31A-2C-4, §31A-2C-5, §31A-2C-6, and §31A-2C-7, relating to enacting the Banking and Financial Services Provider Protections for Eligible Adults from Financial Exploitation; providing findings, purpose, and intent to provide immunities to certain persons for government disclosure of information when financial exploitation of an eligible adult is suspected; providing definitions; permitting disclosure of eligible persons financial information to certain third parties and designated government agencies; authorizing depository institutions, broker-dealers, and investment advisors to delay, refuse, or prevent certain activities and transactions to prevent financial exploitation of an eligible adult; and proscribing immunities for depository institutions, broker-dealers, and investment advisors.

Referred to the Committee on the Judiciary.

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 3350—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 Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2025,

organization 0608, and to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2025, organization 0608, by increasing the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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

Com. Sub. for House Concurrent Resolution 88—Recognizing and honoring the First Responders Honor Board's nominees of the Medal of Valor.

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

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

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

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (Com. Sub. for H. C. R. 88) adopted.

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, at 11:25 a.m., the Senate recessed.

The Senate reconvened at 11:33 a.m. and, at the request of Senator Maynard, 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3361—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 Department of Health, Bureau for Public Health – Office of Maternal, Child, and Family Health – West Virginia Birth to Three, fund 0426, fiscal year 2025, organization 0506, by increasing an existing item of appropriation for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

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

Eng. House Bill 3412—A Bill to amend and reenact §29B-1-2 of the Code of West Virginia, 1931, and to amend the code by adding a new section, designated §29B-1-8, relating to public records; providing exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own rules.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 3422—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-36-1, relating to the creation of a school choice portal; and requiring the Board of Education to adopt a school choice portal.

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

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

Eng. House Bill 3446—A Bill to amend and reenact §18-5G-3; of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new section, designated §18-2-46, relating to requiring public high schools to provide information and support to each student to fill out a Free Application for Federal Student Aid (FAFSA) to promote access to post-secondary education; setting forth support to be provided; allowing the state board to adopt rules; and protecting personal or identifiable data.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect August 1, 2025, and requested the concurrence of the Senate in the passage of

Eng. House Bill 3513—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto two new sections, designated §60-7-12b and §60-7-12c, relating to standards of liability and insurance requirements in certain civil actions; clarifying liability for injury, death, or damages caused by an owner, lessor or licensee of a private club; clarifying liability of intoxicated persons; clarifying liability of persons or licensees for knowingly unlawful sales; setting forth findings and purposes; setting forth standards of liability to bring cause of action for damages resulting from intoxication against an owner, lessor or licensee of a private club; setting forth a rebuttable presumption and exceptions to liability; creating certain insurance requirements;

defining terms; and clarifying liability for owners or lessors of property for gross negligence.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3514—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to providing that any person convicted of a crime pursuant to §61-8B-1 et seq. shall be required to register pursuant to this article, and also relating to clarifying that a person convicted of the former 61-8B-6, relating to the offense of sexual assault of a spouse, which was repealed by an act of the Legislature during the 2000 legislative session shall be required to continue to be registered pursuant to this article.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3515—A Bill to amend and reenact §15-2-4 of the Code of West Virginia, 1931, as amended, relating to appointment of officers of the West Virginia State Police; and increasing the number of principal supervisors to 20.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 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-2a, §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 and §6-9D-12; and to amend said code

by adding thereto by adding 4 new sections, designated §8-35-3, §8-35-4, §8-35-5 and §8-35-6, all relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; requiring certain action be taken by the State Auditor or a designee; and modernizing the process for the dissolution of municipalities.

Referred to the Committee on Finance.

Executive Communications

Senator Smith (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:



Patrick Morrisey
Governor of West Virginia

April 1, 2025

VIA HAND DELIVERY

The Honorable Randy Smith
President of the West Virginia Senate
State Capitol Complex
Building 1, Room 229M
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for Senate Bill 369

Dear President Smith:

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 369 with the following objections:

First, the bill authorizes the Board of Pharmacy to promulgate 15 C.S.R. § 15, related to the licensure and regulation of pharmacies. But this rule contains a technical flaw. Several sections provide for *annual* registration and related *annual* licensing fees, *see* 15 C.S.R. § 15-3.2, 5.1, 5.2, even though a bill passed by this Legislature and signed last week directed registrations by this board “be renewed *biennially*.” 87th Leg. Sess. S.B. 291 (eff. June 12, 2025), *codified in* W. Va. Code § 30-5-22(f) (2025) (emphasis added). That means this rule will be out of line with the West Virginia Code almost as soon as it is effective.

Second, the bill authorizes the Board of Respiratory Care to promulgate 30 C.S.R. § 11, related to the practice of telehealth by a licensed respiratory therapist. But the last section of this rule is missing a section name and so is inconsistent with procedural formatting standards for legislative rules, *see* 153 C.S.R. § 5.9 (requiring that section heads “contain the title number, series number, section number, and name of the section”).

Third, the bill authorizes the Election Commission to promulgate 146 C.S.R. § 3, which is a legislative rule regarding the regulation of campaign finance. While campaign finance laws should ensure transparency, they must also be clear enough to enable citizens to participate in our political process. This rule falls short of that mark and instead, its imprecise and unwieldy regulation of political action committees will likely cause confusion for those attempting to have

their voices heard in our political process. That raises concerns under the First Amendment to the United States Constitution. As the Supreme Court of the United States insists, the "whole point of the First Amendment is to afford individual protections" against "laws that restrict free speech." *McCutcheon v. FEC*, 572 U.S. 185, 205 (2014).

While I am disapproving Senate Bill 369, the bill authorizes, repeals, and directs the promulgation of several important and timely legislative rules by various constitutional officers, boards, and commissions. I am therefore asking you to expeditiously work to modify and fix the technical flaws I have identified in 15 C.S.R. § 15 and 30 C.S.R. § 11. I also look forward to working with the sponsor of 146 C.S.R. § 3 and the Legislature in the future to craft campaign finance reforms that better protect citizens' speech and ability to participate in our political process.

As a result of these issues, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill 369.

Sincerely,



Patrick Morrissey
Governor

cc: The Honorable Roger Hanshaw
Speaker of the House of Delegates

The Honorable Kris Warner
West Virginia Secretary of State

Senator Martin moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate proceed to reconsider

Enr. Com. Sub. for Senate Bill 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Martin's motion that the Senate reconsider Enrolled Committee Substitute for Senate Bill 369, the same was put and prevailed.

On motion of Senator Martin, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages 8 and 9, by striking out all of section 7 and inserting in lieu thereof a new section 7 to read as follows:

§64-9-7. Election Commission.

The legislative rule filed in the State Register on August 30, 2024, authorized under the authority of §3-1A-5 of this code, modified by the Election Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 3, 2025, relating to the Election Commission (regulation of campaign finance, 146 CSR 03), is authorized with the amendments set forth below:

On page 6, by striking out all of paragraph 2.28.2.e.;

On page 13, subsection 6.5. by striking out the words "or candidate's leadership PAC"

On page 22, subdivision 13.2.1. by striking out the words "including a leadership PAC";

And,

On page 28, by striking out all of subsection 14.8. and inserting in lieu there of a new subsection 14.8. to read as follows:

14.8. Candidate PAC Activities; Prohibitions:

14.8.1. A candidate seeking or an individual holding statewide or legislative office may:

14.8.1.a. Be the principal officer, treasurer, fundraiser, or decision maker for a PAC;

14.8.1.b. Receive contributions to the PAC: *Provided*, that contributions received are subject to the contribution limitations in W. Va. Code § 3-8-5c and the regulation of coordinated expenditures in W. Va. Code § 3-8-9a and subsection 14.2 of this Section;

14.8.1.c. Receive reimbursement for travel and other expenses incurred in the performance of duties for the PAC, and for purchases made on behalf of the PAC: *Provided*, that no reimbursement shall be made for any activities that would constitute personal use or prohibited expenditures; and

14.8.1.d. Sponsor another candidate or individual holding statewide or legislative office for non-campaign political activities as follows:

14.8.1.d.1. For political events not specifically organized for any candidate's committee or campaign, political party events, political meetings, and expenses related thereto such as necessary travel, hotels, meals, and entry fees.;

And,

On pages 13 and 14, section 17, lines 19-25, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The legislative rule filed in the State Register on January 26, 2024, authorized under the authority of §30-1-26 of this code, modified by the Board of Respiratory Care to meet the objections

of the Legislative Rule-Making Review Committee and refiled in the State Register on September 9, 2024, relating to the Board of Respiratory Care (telehealth practice requirements and definitions, 30 CSR 11), is authorized with the amendment set forth below:

On page 2, subdivision 5.2.4. by striking out the word "statue" and inserting in lieu thereof the word "statute";

And,

On page 3, after "§30-11-6." by inserting the words "Authorized Procedures.".

The question now being on the passage of the bill, disapproved by the Governor and amended by the Senate.

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 (Enr. Com. Sub. for S. B. 369) passed with its title, as amended, as a result of the objections of the Governor.

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 (Enr. Com. Sub. for S. B. 369) takes effect from passage.

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

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2123, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse.

And has amended same.

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

And has amended same.

And,

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

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2123, Eng. Com. Sub. for Com. Sub. for H. B. 2217, and Eng. H. B. 2360) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2267) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Martin, and by unanimous consent, the bill was then referred to the Committee on Finance, with an amendment from the Committee on the Judiciary pending.

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

Your Committee on Natural Resources has had under consideration

Eng. Com. Sub. for House Bill 2399, Relating to the taxation of managed timber.

And,

Eng. Com. Sub. for House Bill 2836, Relating to wild animal rehabilitation permits.

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

Respectfully submitted,

Bill Hamilton,
Chair.

At the request of Senator Barrett, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of Engrossed Committee Substitute for House Bill 2399 contained in the foregoing report from the Committee on Natural Resources.

At the further request of Senator Barrett, and by unanimous consent, the bill (Eng. Com. Sub. for H. B. 2399) was taken up for immediate consideration, read a first time, and ordered to second reading.

Engrossed Committee Substitute for House Bill 2386, under the original double committee reference, was then referred to the Committee on Finance.

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

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

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 3089) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. House Bill 3162, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party.

And has amended same.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

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

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

Your Committee on Finance has had under consideration

Eng. House Bill 3358, Supplemental Appropriation - FBGR - DHHR.

Eng. House Bill 3365, Supplemental Appropriation - HLTH - Birth to Three.

Eng. House Bill 3366, Supplemental Appropriation - FEDA - HLTH - OIG.

Eng. House Bill 3367, Supplemental Appropriation - SAPR - DNR.

Eng. House Bill 3370, Supplemental Appropriation - FEDA - HMSV - Summer EBT.

And,

Eng. House Bill 3372, Supplemental Appropriation - FEDA - Veterans.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. H. B. 3358, 3365, 3366, 3367, 3370, and 3372) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the seventh order of business.

Senate Resolution 44, Memorializing life of basketball legend Jerry West.

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

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

Senate Resolution 45, Designating April 3, 2025, as Women and Girls' Day.

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

At the request of Senator Boley, 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 House Bill 2513, Enhancing training requirements for county boards of education members.

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

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

The nays were: Chapman, Hart, Maynard, Rose, Rucker, Thorne, and Willis—7.

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. 2513) 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 2513—A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, relating to adding to topics required to be covered by the county board of education member orientation; requiring that any county board of education member who is unable to attend the initial orientation training for good cause complete a make-up orientation training within 30 days of being sworn in; requiring any appointed member to attend and complete a make-up orientation training within 30 days of being appointed; increasing annual hours of training required of county board of education members; modifying topics required to be covered by training; allowing the West Virginia Board of Education to require a county board of education member to attend additional training under certain conditions; including trainings required by the West Virginia Board of Education with those training for which failure to attend and complete without good cause constitutes neglect of duty; removing January 1 deadline for the requirement that a county board of education member satisfy the annual training requirement in the final year of any four-year term of office and creating exception to that requirement; adding certain non-voting ex officio members to the County Board Member Training Standards Review Committee; requiring the State Superintendent of Schools to report annually to the Legislative Oversight Commission on Education Accountability certain County Board Member Training Standards Review Committee and county board of education related information; setting the county board of education member compensation rate at \$260 per meeting attended unless the board votes to approve a lower rate; and excepting payment for mileage from the requirement for presentation of receipts.

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

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2157, Provide one trip temporary vehicle permits to be purchased and printed online.

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

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

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

ARTICLE 7. SPECIAL STICKERS.

§17A-7-2. Operation of motor vehicles by dealers or other persons under special stickers; application and fees; expiration.

(a) A member of the West Virginia State Police may at any detachment office, upon application therefor on a form prescribed by the commissioner, issue to a licensed dealer or any other person other than those specified in §17A-7-1 of this code, a paper sticker ~~or decal~~ to be affixed to the left side of the rear window of a motor vehicle or to the left rear of a vehicle which is not self-propelled. Such sticker ~~or decal~~ shall be of a size to be designated by the commissioner and shall be serially numbered and shall ~~have provision thereon to~~ indicate the date of issuance thereof.

(b) A fee of \$10 per sticker shall be collected. The Division of Motor Vehicles may adjust the fee for each sticker every five years on September 1, based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not exceed 10 percent of the total fee amount in a single year. The fees will be dispersed as follows: Half shall be deposited in the State Road Fund and half shall be deposited in the special revenue account within the Division of Highways for the maintenance of the West Virginia welcome centers and rest areas along interstate highways in this state.

(c) ~~Such sticker or decal shall be~~ The one-movement sticker authorized by this section is valid for 48 96 hours after its issuance for the operation of a vehicle, whether under its own power or while being towed, one time only over the streets or highways, and upon being once affixed to a vehicle or used for the one-time movement

shall become invalid for subsequent use on that or any other vehicle.

(d) ~~The provisions of this section enacted in 2017 take effect on July 1, 2017. Any sticker issued pursuant to this section may be in the form of a sticker, decal, or other form prescribed by the commissioner.~~

(e) The commissioner shall make one-movement stickers authorized by this section available for purchase online subject to the same requirements and fee set forth in this section: *Provided*, That the fee may be remitted to the division electronically and the sticker may be provided by the division in an electronic format.

(f) A one-movement sticker issued pursuant to this article may not be used as evidence of ownership of a vehicle.

The bill (Eng. Com. Sub. for H. B. 2157), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2172, Relating to adding an athletic trainer to the Board of Physical Therapy.

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

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

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

ARTICLE 20. PHYSICAL THERAPISTS.

§30-20-4. West Virginia Board of Physical Therapy.

(a) The West Virginia Board of Physical Therapy is continued. ~~The members of the board in office on July 1, 2010, shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and qualified.~~

~~(b) To be effective July 1, 2010 The Governor shall appoint, by and with the advice and consent of the Senate:~~

~~(1) One person who is a physical therapist assistant for a term of five years; and~~

~~(2) One citizen member, who is not licensed under the provisions of this article and who does not perform any services related to the practice of the professions regulated under the provisions of this article or have a financial interest in any health care profession, for a term of three years.~~

~~(c) Commencing July 1, 2010, The board shall consist of the following seven members:~~

~~(1) Five physical therapists, one of whom shall be dual-certified as an athletic trainer;~~

~~(2) One physical therapist assistant; and~~

~~(4) (3) One citizen member, who is not licensed under the provisions of this article and who does not perform any services related to the practice of the professions regulated under the provisions of this article or have a financial interest in any health care profession, for a term of three years.~~

~~(d) (c) After the initial appointment term, the term shall be for five years. All Appointments to the board shall be made by the Governor by and with the advice and consent of the Senate.~~

~~(e) (d) Each A licensed member of the board, at the time of his or her appointment, ~~must~~ shall have held a license in this state for a period of not less than five years immediately preceding the appointment.~~

~~(f) (c) Each A member of the board ~~must~~ shall be a resident of this state during the appointment term.~~

~~(g) (f) A member may not serve more than two consecutive full terms. A member may continue to serve until a successor has been appointed and has qualified.~~

~~(h)~~ (g) A vacancy on the board shall be filled by appointment by the Governor for the unexpired term of the member whose office is vacant and the appointment shall be made within sixty days of the vacancy.

~~(i)~~ (h) The Governor may remove ~~any~~ a member from the board for neglect of duty, incompetency or official misconduct.

~~(j)~~ (i) A licensed member of the board immediately and automatically forfeits membership to the board if his or her license to practice is suspended or revoked.

~~(k)~~ (j) ~~Any~~ A member of the board immediately and automatically forfeits membership to the board if he or she is convicted of a felony under the laws of any jurisdiction or becomes a nonresident of this state.

~~(l)~~ (k) The board shall elect annually one of its members as chairperson who serves at the will of the board.

~~(m)~~ (l) ~~Each~~ A member of the board is entitled to compensation and expense reimbursement in accordance with article one of this chapter.

~~(n)~~ (m) A majority of the members of the board constitutes a quorum.

~~(o)~~ (n) The board shall hold at least two annual meetings. Other meetings may be held at the call of the chairperson or upon the written request of two members, at the time and place as designated in the call or request.

~~(p)~~ (o) Prior to commencing his or her duties as a member of the board, ~~each~~ a member shall take and subscribe to the oath required by section five, article four of the Constitution of this state.

Following discussion,

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

Senator Tarr requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a licensed physical therapist and employs athletic trainers in this state.

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

The roll being taken, the yeas were: Barrett, Bartlett, Grady, Phillips, Takubo, Tarr, Weld, and Woodrum—8.

The nays were: Azinger, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, Woelfel, and Smith (Mr. President)—26.

Absent: None.

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

The bill (Eng. Com. Sub. for H. B. 2172) was then ordered to third reading.

Eng. Com. Sub. for House Bill 2233, Authorizing the Department of Environmental Protection to promulgate legislative rules.

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

Eng. Com. Sub. for House Bill 2397, Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority.

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

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

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

ARTICLE 5. FISCAL AFFAIRS.

§7-5-4. Payment of money out of county treasury; signing of orders by mechanical or electrical devices; forgery; penalty.

~~(a) No money shall~~ Money may not be paid by the sheriff out of the county treasury except upon an order signed by the president of the county commission and ~~clerk of the county court~~ the county clerk, and properly endorsed. *Provided, however, That* In counties having a population in excess of 50,000 as shown by the last preceding federal census, such signatures ~~and the signature of the sheriff authorizing the payment of such orders by a county depository~~ may be made by means of such mechanical or electrical device as the county court may select. ~~Such~~ The mechanical or electrical device for the making of the signatures of the president and clerk shall be safely kept in the office of the ~~clerk of the county court~~ county clerk so that no one ~~shall have~~ has access thereto except the members of the county court, ~~and the clerk of the county court~~ the county clerk, and such of their respective employees as may be authorized to have access. ~~thereto. Such~~ The mechanical or electrical device for the making of the sheriff's signature ~~of the sheriff~~ shall be safely kept in the ~~office of the sheriff~~ sheriff's office so that no one ~~shall have~~ has access thereto except the sheriff and such of his or her deputies as may be authorized to have access. ~~thereto~~

(b) In the event that two or more individuals among the county commission president, sheriff, and county clerk, are family or household members, alternate signatories shall be designated, as follows:

(1) The county commission shall vote to designate another county commissioner who is not a family or household member of any other required signatory to sign for the president;

(2) The chief tax deputy shall sign for the sheriff. If the chief tax deputy is a family or household member of any other signatory, then the county commission shall vote to appoint a resident of the county to serve as a substitute signatory; and

(3) The county clerk is not subject to substitution.

(d) As used in this section, "family or household member" has the same meaning as set forth in §48-27-204 of this code.

(e) If any person, other than the persons authorized so to do shall sign to sign by this section, signs the name of the county commission president, of the county court, the clerk of the county court or the sheriff by the use of any such county clerk, or sheriff, using any mechanical or electrical device, or otherwise, on any warrant, order, or check, or utter or attempt knowingly utters or attempts to employ as true such the forged warrant, order, or check, knowing the same to be forged he shall be he or she is guilty of a felony and, upon conviction, shall be confined in the penitentiary not less fewer than two years and not more than 10 years.

The bill (Eng. Com. Sub. for H. B. 2397), as amended, was then ordered to third reading.

Eng. House Bill 2678, Relating to school zones of public or private schools.

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

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

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

ARTICLE 6. SPEED RESTRICTIONS.**§17C-6-1. Speed limitations generally; penalty.**

(a) No person may drive a vehicle on a highway at a speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. In every event speed shall be controlled as necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.

(b) Where no special hazard exists that requires lower speed for compliance with subsection (a) of this section, the speed of any vehicle not in excess of the limits specified in this section or established as authorized in this section is lawful, but any speed in excess of the limits specified in this subsection or established as authorized in this section is unlawful. The following speed limits apply:

(1) Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property, including school grounds and any street or highway abutting the school grounds and extending 125 feet along the street or highway from the school grounds and, in the case of school property not abutting a street or highway but accessed through a right-of-way granted for entrance to school property, a school zone established by an engineering study conducted by the Division of Highways is all school property, including school grounds and any property within the access right-of-way, and extending 125 feet along the street or highway from the entrance to the access right-of-way. The West Virginia Division of Highways shall erect signage indicating the place of entry and exit of each school zone. Upon a formal vote and a written request by a county board of education, governing board of a public charter school, or governing body of a private school to expand a school zone to a road that is adjacent to school property or from the entrance to an access right-of-way, the West Virginia Division of Highways shall expand the school zone by erecting new signage indicating the expanded school zone's location and speed limit within 90 days of receiving the request: *Provided, That*

the school zone may not be expanded more than 125 feet along an adjacent road unless the division determines that the additional extension is needed and necessary for the safety of the school children. The speed restriction does not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the Division of Highways. For purposes of this subdivision, the term "school property" includes any public school, public charter school, and any private school that requests the Division of Highways to designate a school zone;

(2) Twenty-five miles per hour in any business or residence district; and

(3) Fifty-five miles per hour on open country highways, except as otherwise provided by this chapter.

The speeds set forth in this section may be altered as authorized in §17C-6-2 and §17C-6-3 of this code.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(d) The speed limit on controlled access highways and interstate highways, where no special hazard exists that requires a lower speed, shall be not less than 55 miles per hour and the speed limits specified in subsection (b) of this section do not apply.

(e) Unless otherwise provided in this section, any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100; upon a second conviction within one year thereafter, shall be fined not more than \$200; and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than \$500:

Provided, That if the third or subsequent conviction is based upon a violation of the provisions of this section where the offender exceeded the speed limit by 15 miles per hour or more, then upon conviction, shall be fined not more than \$500 or confined in jail for not more than six months, or both fined and confined.

(f) Any person who violates the provisions of subdivision (1), subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500: *Provided*, That if the conviction is based upon a violation of the provisions of subdivision (1), subsection (b) of this section where the offender exceeded the speed limit by 15 miles per hour or more in the presence of one or more children, then upon conviction, shall be fined not less than \$100 nor more than \$500 or confined in jail for not more than six months, or both fined and confined: *Provided, however*, That if the signage required by subdivision (1), subsection (b) of this section is not present in the school zone at the time of the violation, then any person who violates said provision is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25.

(g) If an owner or driver is arrested under the provisions of this section for the offense of driving above the posted speed limit on a controlled access highway or interstate highway and if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above the speed limit, then, upon conviction thereof, that person shall be fined not more than \$5, plus court costs.

(h) Any person operating a commercial motor vehicle engaged in the transportation of coal on the coal resource transportation road system who violates subsection (a), (b), or (c) of this section shall, upon conviction, be subject to fines in triple the amount otherwise provided in subsection (e) of this section.

(i) If an owner or driver is convicted under the provisions of this section for the offense of driving above the speed limit on a controlled access highway or interstate highway of this state and if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above the speed limit, then notwithstanding the provisions of §17B-3-4 of this code, a certified abstract of the

judgment on the conviction ~~shall~~ may not be transmitted to the Division of Motor Vehicles or, if transmitted, may not be recorded by the division: *Provided*, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter 17E of this code if the offense was committed while operating a commercial vehicle.

(j) If an owner or driver is convicted in another state for the offense of driving above the maximum speed limit on a controlled access highway or interstate highway and if the maximum speed limit in the other state is less than the maximum speed limit for a comparable controlled access highway or interstate highway in this state, and if the evidence shows that the motor vehicle was being operated at 10 miles per hour or less above what would be the maximum speed limit for a comparable controlled access highway or interstate highway in this state, then notwithstanding the provisions of §17B-3-4 of this code, a certified abstract of the judgment on the conviction ~~shall~~ may not be transmitted to the Division of Motor Vehicles or, if transmitted, shall may not be recorded by the division, unless within a reasonable time after conviction, the person convicted has failed to pay all fines and costs imposed by the other state: *Provided*, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter 17E of this code, if the offense was committed while operating a commercial vehicle.

The bill (Eng. H. B. 2678), as amended, was then ordered to third reading.

Eng. House Bill 2709, Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot.

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

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

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

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-41. Challenged and provisional voter procedures; counting of provisional voters' ballots; ballots of election officials.

(a) It is the duty of the members of the receiving board, jointly or severally, to challenge the right of any person requesting a ballot to vote in any election:

(1) If the person's registration record is not available at the time of the election;

(2) If the signature written by the person in the poll book does not correspond with the signature purported to be his or hers on the registration record;

(3) If the registration record of the person indicates any other legal disqualification;

(4) If the person fails to present a valid identifying document pursuant to section ~~thirty-four~~ 34 of this article; or

(5) If any other valid challenge exists against the voter pursuant to section ~~ten~~ 10, article three of this chapter.

(b) Any person challenged shall nevertheless be permitted to vote in the election. He or she shall be furnished an official ballot not endorsed by the poll clerks. In lieu of the endorsements, the poll clerks shall complete and sign an appropriate form indicating the challenge, the reason ~~thereof~~ therefor, and the name or names of the challengers. The form shall be securely attached to the voter's ballot and deposited together with the ballot in a separate box or envelope marked "provisional ballots".

(c) At the time that an individual casts a provisional ballot, the poll clerk shall give the individual written information stating that

an individual who casts a provisional ballot will be able to ascertain under the free access system established in this section whether the vote was counted and, if the vote was not counted, the reason that the vote was not counted.

(d) Before an individual casts a provisional ballot, the poll clerk shall provide the individual written instructions, supplied by the board of ballot commissioners, stating that if the voter is casting a ballot in the incorrect precinct, the ballot cast may not be counted for that election: *Provided*, That if the voter is found to be in the incorrect precinct, then the poll worker shall attempt to ascertain the appropriate precinct for the voter to cast a ballot and immediately give the voter the information if ascertainable.

(e) Provisional ballots may not be counted by the election officials. The county commission shall, on its own motion, at the time of canvassing of the election returns, sit in session to determine the validity of any challenges according to the provisions of this chapter. If the county commission determines that the challenges are unfounded, each provisional ballot of each challenged voter, if otherwise valid, shall be counted and tallied together with the regular ballots cast in the election. The county commission, as the board of canvassers, shall protect the privacy of each provisional ballot cast. The county commission shall disregard technical errors, omissions or oversights if it can reasonably be ascertained that the challenged voter was entitled to vote.

(f) Any person duly appointed as an Election Commissioner or clerk under the provisions of section ~~twenty-eight~~ 28 of this article who serves in that capacity in a precinct other than the precinct in which the person is legally entitled to vote may cast a provisional ballot in the precinct in which the person is serving as a commissioner or clerk. The ballot is not invalid for the sole reason of having been cast in a precinct other than the precinct in which the person is legally entitled to vote. The county commission shall record the provisional ballot on the voter's permanent registration record: *Provided*, That the county commission may count only the votes for the offices that the voter was legally authorized to vote for in his or her own precinct.

(g) The Secretary of State shall establish a free access system, which may include a toll-free telephone number or an Internet website, that may be accessed by any individual who casts a provisional ballot to discover whether his or her vote was counted and, if not, the reason that the vote was not counted.

(h) During the early in-person voting period, and in the case of a voter's address change within the county, the voter may vote in the precinct serving their new address without casting a provisional ballot if the voter shows proof of new address and the change is completed in the state-wide voter registration system by the county clerk prior to canvass.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-31. Rules pertaining to voting after registration or change of address within the county.

(a) A voter who designates a political affiliation with a major party on a registration application filed no later than the close of voter registration before the primary may vote the ballot of that political party in the primary election. Political parties, through the official action of their state executive committees, shall be permitted to determine whether unaffiliated voters or voters of other parties shall be allowed to vote that party's primary election ballot upon request.

(b) A voter whose registration record lists one residence address but the voter has since moved to another residence address within the precinct shall be permitted to update the registration at the polling place and vote without challenge for that reason.

(c) A voter whose registration record lists one residence address but the voter has since moved to another residence address in a different precinct in the same county shall be permitted to update the registration at the polling place serving the new precinct. ~~and~~ The voter shall be permitted to vote as follows:

(1) The voter may cast a challenged or provisional ballot at the new polling place if the voter's registration is found on the registration records within the county during the canvass and no

other challenge of eligibility was entered on election day, the challenge shall be removed and the ballot shall be counted;

(2) During the early in-person voting period, the voter may vote in the precinct serving their new address without casting a provisional ballot if the voter shows proof of new address and the change is completed in the state-wide voter registration system by the county clerk prior to canvass.

(d) A voter whose registration record has been placed on an inactive status or transferred to an inactive file and who has not responded to a confirmation notice sent pursuant to the provisions of section ~~twenty-four, twenty-five or twenty-six~~ 24, 25, or 26 of this article and who offers to vote at the polling place where he or she is registered to vote shall be required to affirm his or her present residence address under penalty of perjury, as provided in section ~~thirty-six~~ 36 of this article.

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-3. Early voting in person.

(a) The voting period for early in-person voting is to be conducted during regular business hours beginning on the ~~thirteenth~~ 13th day before the election and continuing through the third day before the election. Additionally, early in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on Saturdays during the early voting period.

(b) Any person desiring to vote during the period of early in-person voting shall, upon entering the election room, clearly state his or her name and residence to the official or representative designated to supervise and conduct absentee voting. If that person is found to be duly registered as a voter in the precinct of his or her residence, he or she is required to sign his or her name in the space marked "signature of voter" on the pollbook. If the voter is unable to sign his or her name due to illiteracy or physical disability, the person assisting the voter and witnessing the mark of the voter shall sign his or her name in the space provided. ~~No ballot may~~ A ballot

may not be given to the person until he or she signs his or her name on the pollbook.

(c) When the voter's signature or mark is properly on the pollbook, two qualified representatives of the official designated to supervise and conduct absentee voting shall sign their names in the places indicated on the back of the official ballot.

(d) If the official designated to supervise and conduct absentee voting determines that the voter is not properly registered in the precinct where he or she resides, the clerk or his or her representative shall challenge the voter's absentee ballot as provided in this article: Provided, That the clerk or his or her representative may not challenge the voter's absentee ballot if the voter has had an address change within the county, shows proof of new address, and the address change is completed in the state-wide voter registration system by the county clerk prior to canvass.

(e) The official designated to supervise and conduct absentee voting shall provide each person voting an absentee ballot in person the following items to be printed as prescribed by the Secretary of State:

(1) In counties using paper ballots, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law;

(2) In counties using punch card systems, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law, and a gray secrecy envelope;

(3) In counties using optical scan systems, one of each type of official absentee ballot the voter is eligible to vote, prepared according to law, and a secrecy sleeve; or

(4) For direct recording election systems, access to the voting equipment in the voting booth.

(f) The voter shall enter the voting booth alone and there mark the ballot: *Provided*, That the voter may have assistance in voting according to the provisions of section four of this article. After the

voter has voted the ballot or ballots, the absentee voter shall: Place the ballot or ballots in the gray secrecy envelope and return the ballot or ballots to the official designated to supervise and conduct the absentee voting: *Provided, however;* That in direct recording election systems, once the voter has cast his or her ballot, the voter shall exit the polling place.

(g) Upon receipt of the voted ballot, representatives of the official designated to supervise and conduct the absentee voting shall:

(1) Remove the ballot stub;

(2) Place punch card ballots and paper ballots into one envelope which shall not have any marks except the precinct number and seal the envelope; and

(3) Place ballots for all voting systems into a ballot box that is secured by two locks with a key to one lock kept by the president of the county commission and a key to the other lock kept by the county clerk

The bill (Eng. H. B. 2709), as amended, was then ordered to third reading.

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

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

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

Eng. House Bill 3313, Providing more opportunities for high school students in community colleges.

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

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

On page 6, section 4, line 142, by striking out the words "one-year" and inserting in lieu thereof the words "two years".

The bill (Eng. H. B. 3313), as amended, was then ordered to third reading.

Eng. House Bill 3347, Supplemental Appropriation - Administration - Diamond Bldg.

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

Eng. House Bill 3363, Supplemental Appropriation - Public Defender.

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

Eng. House Bill 3368, Supplemental Appropriation - Administration - Lease Rental Payment.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

The Senate next proceeded to the thirteenth order of business.

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 3, 2025

The Honorable Patrick Morrisey, II
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:

Com. Sub. for S. B. 458, Universal Professional and Occupational Licensing Act of 2025.

This bill is presented to you on this day, April 3, 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



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 3, 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:

H. B. 2043, Relating to use of dog and/or drones for tracking or locating mortally wounded deer, elk, turkey, wild boar or bear.

This bill is presented to you on this day, April 3, 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 3 2025

Time 1:22 pm

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill on April 2, 2025:

Senate Bill 942: Senator Garcia.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bill and resolution on April 2, 2025:

Senate Bill 860: Senator Willis;

And,

Senate Resolution 45: Senator Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:19 p.m., the Senate adjourned until tomorrow, Friday, April 4, 2025, at 11 a.m.

FRIDAY, APRIL 4, 2025

The Senate met at 11:20 a.m.

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

Prayer was offered by Pastor Deborah Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia, who then proceeded in the singing of "There's a Blessing in This House".

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Thursday, April 3, 2025,

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

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the 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 199, Relating to elementary behavior intervention and safety.

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 282, Modifying provisions for employment of retired teachers as substitutes in areas of critical need and shortage.

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 2. SCHOOL PERSONNEL.

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

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

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

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

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

The substitute shall be a duly certified teacher.

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

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

(d) (1) The Legislature hereby finds and declares that due to a shortage of qualified substitute teachers, a compelling state interest exists in expanding the use of retired teachers to provide service as

substitute teachers in areas of critical need and shortage. The Legislature further finds that diverse circumstances exist among the counties for the expanded use of retired teachers as substitutes.

(2) For the purposes of this subsection:

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

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

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

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

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

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

(D) The policy provides that a retired teacher may be employed as a substitute teacher in an area of critical need and shortage for substitute teachers on an expanded basis as provided in this subsection only when no other teacher who holds certification and

training in the area and who is not retired is available and accepts the substitute assignment;

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

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

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

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

(5) Retired teachers employed to perform expanded substitute service pursuant to this subsection are considered day-to-day,

temporary, part-time employees. The substitutes are not eligible for additional pension or other benefits paid to regularly employed employees and may not accrue seniority.

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

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

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and

(C) This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or permitted for the position but the teacher is not available at the time he or she accepts the position.

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

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a teaching position of a regular teacher on leave of absence; and

(C) This subdivision does not apply when a position is filled with a regularly employed teacher who is fully certified or

permitted for the position but the teacher is not available at the time he or she accepts the position.

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

(10) The provisions of this subsection shall expire on ~~June 30, 2025~~ June 30, 2030.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-15a. Employment of retired bus operators as substitutes in areas of critical need and shortage.

(a) The Legislature hereby finds and declares that due to a shortage of qualified substitute bus operators a compelling state interest exists in expanding the use of retired bus operators to provide service as substitute bus operators in an area of critical need and shortage.

(b) The Legislature further finds and declares that this shortage is significant and overarching, and in order to comply with §18-5-13(f)(1) of this code, this need supersedes any preclusion of modification of rights codified in §18-7A-28e of this code.

(1) For the purposes of this subsection: "Area of critical need and shortage for substitute bus operators" means that the number of available qualified substitute bus operators in the county who are not retired and are available and willing to accept substitute bus

operator assignments is insufficient to meet the projected need for qualified substitute bus operators.

(2) A person receiving retirement benefits under §18-7A-1 *et seq.* of this code, or who is entitled to retirement benefits during the fiscal year in which that person retired, may accept employment as a critical need substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled, subject to satisfaction of the following conditions:

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

(B) The superintendent of the county board submits the policy to the State Board of Education for approval in the first year of its utilization. After initial approval by the State Board of Education, the county board must annually renew the policy at the local level and provide confirmation to the State Board of Education of its intent to utilize the policy in the subsequent year;

(C) The policy sets forth the critical need and shortage for substitute bus operators in the county in accordance with the definition of area of critical need and shortage for substitute bus operators as provided in subdivision (1) of this subsection;

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

(E) The policy provides that a retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage for substitute bus operators on an expanded basis as provided in this subsection only when no other qualified bus operator who is not retired is available and accepts the substitute assignment; and

(F) Prior to employment of a retired bus operator as a critical need substitute bus operator beyond the post-retirement

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

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

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

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

(6) When a retired bus operator is employed as a critical need substitute to fill a vacant position, the county board shall continue to post the vacant position until it is filled with a regularly

employed bus operator who is fully qualified for the position; Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a bus operator position of a regular bus operator on leave of absence; and

(C) This subdivision does not apply when a position is filled with a certified bus operator but the bus operator is not available at the time the bus operator accepts the position.

(7) When a retired bus operator is employed as a critical need substitute to fill a vacant position, the position vacancy shall be posted electronically and easily accessible to prospective employees as determined by the state board; Provided, That:

(A) The posting is only required to occur once at the beginning of the year and once mid-year;

(B) This subdivision does not apply when filling a bus operator position of a regular bus operator on leave of absence; and

(C) This subdivision does not apply when a position is filled with a certified bus operator but the bus operator is not available at the time the bus operator accepts the position.

(8) The provisions of this subsection shall expire on ~~June 30, 2028~~ June 30, 2030.;

And,

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

Eng. Com. Sub. for Senate Bill 282—A Bill to amend and reenact §18A-2-3 and §18A-4-15a of the Code of West Virginia, 1931, as amended, relating to statutory provisions that pertain to allowing a person receiving retirement benefits under the Teachers Retirement System to accept employment as a critical needs substitute teacher or bus operator for an unlimited number of days

each fiscal year if certain conditions are satisfied; creating exceptions to posting related requirements applicable when a retired teacher is employed as a critical needs substitute; changing the statutory expiration date; creating exceptions to posting related requirements applicable when a retired bus operator is employed as a critical needs substitute; and changing the statutory expiration date.

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 aforesated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 282, 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. 282) 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, 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)—33.

The nays were: None.

Absent: Bartlett—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. 282) 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 passage of

Eng. Com. Sub. for Senate Bill 522, Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State.

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 525, Clarifying procedure for administrative dissolution of nonprofit corporations by Secretary of State.

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

Senate Concurrent Resolution 6, US Army Major Jerome Lee Workman Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 9, Becker Brothers, Eugene and Kermit Becker Memorial Bridge.

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

Senate Concurrent Resolution 16, US Army SPC Johnny Long Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 17, US Marine Corps PVT Arlie Haight Memorial Bridge.

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 2129, Creating the Parents Bill of Rights.

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 Com. Sub. for House Bill 2441, To make those who fail drug test ineligible for unemployment.

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

Com. Sub. for House Concurrent Resolution 8, PFC Lester E. Maynard Memorial Bridge.

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

Com. Sub. for House Concurrent Resolution 15, US Marines PFC Delbert Carles Roles Memorial Bridge.

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

Com. Sub. for House Concurrent Resolution 31, U.S. Army Lieutenant Colonel Quewanncoll "Que" Stephens, Sr. Memorial Bridge.

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

Com. Sub. for House Concurrent Resolution 34, U. S. Merchant Marine Joseph Ward Teter Memorial Bridge.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 300, Budget Bill.

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

Com. Sub. for Senate Bill 300 (originating in the Committee on Finance)—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Jason Barrett,
Chair.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2008, Executive Branch Reorganization.

And has amended same.

Eng. House Bill 2009, Relating to the merging and reorganizing of the executive branch.

And has amended same.

Eng. Com. Sub. for House Bill 2067, West Virginia Firearms Liability Clarification Act.

And has amended same.

Eng. Com. Sub. for House Bill 2752, Relating to motorcycle safety.

And has amended same.

Eng. House Bill 3156, Create exemption for Legislature for reporting requirements in Shared Services Section.

And has amended same.

And,

Eng. House Bill 3389, Exclude the Department of Tourism as a Governmental agency.

And has amended same.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2008, Eng. H. B. 2009, Eng. Com. Sub. for H. B. 2067, Eng. Com. Sub. for H. B. 2752, Eng. H. B. 3156, and Eng. H. B. 3389) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2013, Transfer of employees to classified exempt service.

And,

Eng. House Bill 3157, Relating to shortened procedure for road condition claims.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2013 and Eng. H. B. 3157) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Military has had under consideration

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

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 Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Military pending.

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

Your Committee on Education has had under consideration

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

And has amended same.

And,

Eng. Com. Sub. for House Bill 3024, Guaranteed course transfer bill.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for Com. Sub. for H. B. 2167 and Eng. Com. Sub. for H. B. 3024) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2190, Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn 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.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2434, Relating to establishing the Stop Squatters Act.

And has amended same.

And,

Eng. House Bill 2867, Relating to Small Estates.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2434 and Eng. H. B. 2867) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2499, Training course for principals in public schools; informing teachers of their rights and protections; IEP format.

And has amended same.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2499) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2711, Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts.

And,

Eng. Com. Sub. for House Bill 2761, Relating generally to magistrate courts.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Subs. for H. B. 2711 and 2761) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. House Bill 2773, Higher Ed Rules.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2773) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 2871, Relating to the crime of negligent homicide.

And has amended same.

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

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2871) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2897, Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education.

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

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2897) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Military has had under consideration

Eng. House Bill 3080, Military Spouse hiring preference.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3080) contained in the preceding report from the Committee on Military was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, 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 3277, Relating to defining terms for the West Virginia Hospital Finance Authority Act.

And has amended same.

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

Respectfully submitted,

Laura Wakim Chapman,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3277) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the seventh order of business.

Senate Resolution 44, Memorializing life of basketball legend Jerry West.

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

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

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

The roll being taken, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Bartlett—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 44) adopted.

Thereafter, at the request of Senator Martin, and by unanimous consent, the remarks by Senators Oliverio, Phillips, and Taylor regarding the adoption of Senate Resolution 44 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2157, Provide one trip temporary vehicle permits to be purchased and printed online.

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, 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: Bartlett—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. 2157) passed.

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

Eng. Com. Sub. for House Bill 2157—A Bill to amend and reenact §17A-7-2 of the Code of West Virginia, 1931, as amended, relating to one-movement stickers for vehicles; requiring the Commissioner of the Division of Motor Vehicles to make one-movement stickers available for purchase online; deleting obsolete

language; doubling time period during which stickers are valid for one-time movement; prohibiting use of one-movement sticker as evidence of ownership of a vehicle; and authorizing commissioner to prescribe form of sticker.

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

Eng. Com. Sub. for House Bill 2172, Relating to adding an athletic trainer to the Board of Physical Therapy.

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

Senator Tarr requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a licensed physical therapist.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Taylor, Thorne, Weld, Willis, Woelfel, and Smith (Mr. President)—29.

The nays were: Grady, Phillips, Tarr, and Woodrum—4.

Absent: Bartlett—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. 2172) passed with its title.

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

Eng. Com. Sub. for House Bill 2233, Authorizing the Department of Environmental Protection 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, 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: Bartlett—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. 2233) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Bartlett—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. 2233) takes effect from passage.

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

Eng. House Bill 2397, Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority.

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, 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: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2397) passed.

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

Eng. House Bill 2397—A Bill to amend and reenact §7-5-4 of the Code of West Virginia, 1931, as amended, relating to modifying the process for designating signatories for certain expenditures from the county treasury by a county sheriff.

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

Eng. House Bill 2678, Relating to school zones of public or private schools.

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, 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: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2678) passed.

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

Eng. House Bill 2678—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to speed restrictions; clarifying that school zones include private schools and public charter schools; incorporating technical corrections and updates; and clarifying that a certified abstract of a judgment for conviction of an offense of driving above the speed limit on a controlled access highway or interstate highway at 10 miles per hour or less above the speed limit may not be recorded by the Division of Motor Vehicles.

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

Eng. House Bill 2709, Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot.

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, 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: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2709) passed.

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

Eng. House Bill 2709—A Bill to amend and reenact §3-1-41, §3-2-31, and §3-3-3 of the Code of West Virginia, 1931, as amended, relating to permitting a voter with a change of address within the same county to vote in his or her new precinct under certain circumstances without having to cast a provisional ballot.

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

Eng. House Bill 3313, Providing more opportunities for high school students in community colleges.

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, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Maynard, Morris, Oliverio, Phillips, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Martin and Queen—2.

Absent: Bartlett—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3313) passed with its title.

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

Eng. House Bill 3347, Supplemental Appropriation - Administration -Diamond Bldg.

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, 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: Bartlett—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. 3347) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Bartlett—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. 3347) takes effect from passage.

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

Eng. House Bill 3363, Supplemental Appropriation - Public Defender.

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

Senator Garcia requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he receives compensation as a court-appointed attorney.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Boley, 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: Bartlett—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. 3363) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Bartlett—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. 3363) takes effect from passage.

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

Eng. House Bill 3368, Supplemental Appropriation - Administration - Lease Rental Payment.

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, 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: Bartlett—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. 3368) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, 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)—33.

The nays were: None.

Absent: Bartlett—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. 3368) 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.

Eng. Com. Sub. for House Bill 2123, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse.

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

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

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

ARTICLE 8D. CHILD ABUSE.

§61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury; criminal penalties.

(a) If ~~any~~ a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~shall abuse~~ abuses a child and by the abuse ~~cause~~ causes the child bodily injury as the term is defined in §61-8B-1 of this code, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to ~~a~~ the child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ not less than \$100 nor more than \$1,000 and imprisoned in a state correctional facility for not less than ~~one~~ two nor more than ~~five~~ 10 years, or in the discretion of the court, be confined in jail for not more than one year.

(b) If ~~any~~ a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~shall abuse~~ abuses a child and

by the abuse ~~cause~~causes the child serious bodily injury as the term is defined in §61-8B-1 of this code, then ~~such the~~ parent, guardian, ~~or~~ custodian, or person in position of trust shall be is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ed not less than \$1,000 nor more than \$5,000 and committed to the custody of the Division of Corrections imprisoned in a state correctional facility not less than two five nor more than 10 15 years.

(c) ~~Any~~ A parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child who abuses a child and by the abuse creates a substantial risk of death or serious bodily injury to the child, as serious bodily-injury is defined in §61-8B-1 of this code, ~~to the child~~ is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ed not more than \$3,000 or imprisoned in a state correctional facility for not less than one nor more than five 10 years.

(d)(1) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~who has not previously been convicted under this section, §61-8D-4 of this code, or a law of another state or the federal government with the same essential elements~~ abuses a child and by the abuse creates a substantial risk of bodily injury, as bodily injury is defined in §61-8B-1 of this code, to the child, then the parent, guardian, custodian, or person in position of trust is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both.

~~(2) For a second offense under this subsection or for a person with one prior conviction under this section, section four of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,500 and confined in jail not less than thirty days nor more than one year, or both~~

~~(3)(2) For a third or subsequent offense under this subsection or for a person with two or more prior convictions under section If~~ a parent, guardian, custodian, or person in a position of trust to a child violates this subsection and has previously been convicted of violating this subsection, §61-8D-4(d) of this code, or a law of

another state or the federal government with the same essential elements, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~~~ed not more than \$3,000 and~~ imprisoned in a state correctional facility not less than one year nor more than ~~three~~ five years. ~~or both.~~

(e) Any person convicted of a second or subsequent felony offense under this section, who was previously convicted of a felony offense under this section, §61-8D-4, or a law of another state or the federal government with the same essential elements of a felony offense contained within either section, may be imprisoned for a term up to twice the term otherwise authorized.

~~(e)~~(f) Any person convicted of a misdemeanor offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by Department of Human Services through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) ~~Shall~~ May not be required to register pursuant to §15-13-1 *et seq.* of this code; and

(3) ~~Shall~~ May not, solely by virtue of the conviction, have ~~their~~ his or her custody, visitation or parental rights automatically restricted.

~~(f)~~(g) ~~Nothing in~~ This section ~~shall~~ does not preclude a parent, guardian, or custodian from providing reasonable discipline to a child.

§61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury; criminal penalties.

(a) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child neglects a child and by ~~the~~ such neglect causes the child bodily injury, as bodily injury is defined in §61-

8B-1 of this code, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~one~~ two years nor more than ~~three~~ 10 years, or in the discretion of the court, be confined in jail for not more than one year. ~~or both.~~

(b) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child neglects a child and by such neglect causes the child serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~~~ed not less than \$300 nor more than \$3,000~~ or imprisoned in a state correctional facility for not less than ~~one~~ five years nor more than ~~10~~ 15 years. ~~or both.~~

(c) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~grossly~~ neglects a child and by that ~~gross~~ neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, of the child then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~~~ed not less than \$1,000 nor more than \$3,000 dollars~~ or imprisoned in a state correctional facility for not less than one nor more than ~~five~~ 10 years. ~~or both.~~

(d)(1) If a parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child ~~who has not been previously convicted under this section, §61-8D-3 of this code, or a law of another state or the federal government with the same essential elements~~ neglects a child and by that neglect creates a substantial risk of bodily injury, as defined in §61-8B-1 of this code, to the child, then the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a misdemeanor and, upon conviction thereof, for a first offense, shall be fined not less than \$100 nor more than \$1,000 or confined in jail not more than six months, or both fined and confined.

~~(2) For a second offense under this subsection or for a person with one prior conviction under this section, section three of this article or a law of another state or the federal government with the same essential elements, the parent, guardian or custodian is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 and confined in jail not less than thirty days nor more than one year, or both~~

~~(3)~~(2) For a third or subsequent offense under this subsection or for a person with two or more prior convictions under section If a parent, guardian, custodian, or person in a position of trust to a child violates this subsection and has previously been convicted of violating this subsection, §61-8D-3(d) of this code, or a law of another state or the federal government with the same essential elements, the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is guilty of a felony and, upon conviction thereof, shall be ~~fin~~ed not more than \$2,000 and imprisoned in a state correctional facility not less than one year nor more than three five years. ~~or both fined and imprisoned.~~

(e) Any person convicted of a felony offense under this section, who was previously convicted of a felony offense this section, §61-8D-3, or a law of another state or the federal government with the same essential elements of a felony offense contained within either section, may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both fined and imprisoned.

~~(e)~~(f) The provisions of this section ~~shall~~ may not apply if the neglect by the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a child is due primarily to a lack of financial means on the part of the parent, guardian, ~~or~~ custodian, or person in a position of trust in relation to a the child.

~~(f)~~(g) Any person convicted of a misdemeanor offense under this section:

(1) May be required to complete parenting classes, substance abuse counseling, anger management counseling, or other appropriate services, or any combination thereof, as determined by

Department of Human Services through its services assessment evaluation, which shall be submitted to the court of conviction upon written request;

(2) ~~shall~~ May not be required to register pursuant to the requirements of §15-13-1 *et seq.* of this code; and

(3) ~~shall~~ May not, solely by virtue of the conviction, have his or her custody, visitation, or parental rights automatically restricted.

The bill (Eng. Com. Sub. for H. B. 2123), as amended, was then ordered to third reading.

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

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

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

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

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-31. Conspiracy; construction of section; penalties.

(a) It ~~shall be~~ is unlawful for two or more persons to conspire: (1) to commit any offense against the state, or (2) to defraud the state, the state or any county board of education, or any county or municipality of the state, if, in either case, one or more of such persons does any act to effect the object of the conspiracy.

(b) Nothing in this section ~~shall~~ may be construed to supersede, limit, repeal, or affect the provisions of §3-9-8; §5-1-2; ~~§5A-3-38;~~ §5A-3-31; §9-7-5; §15-1E-81; §20-7-7; §60-6-16, §60A-4-414; §61-6-7, §61-6-8, §61-6-9, and §61-6-10; §61-10-34; or §62-8-1; all of this code. It ~~shall not be~~ is not a defense to any prosecution under this section ~~thirty-one~~ that the conduct charged or proven is

also a crime under any other provision or provisions of this code or the common law.

(c)(1) Any person who violates the provisions of this section by conspiring to commit an offense against the state which is a felony, or by conspiring to defraud the state, the state or any county board of education, or any county or municipality of the state, ~~shall be~~ is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the penitentiary a state correctional facility for not less than one nor more than five years or by a fine of not more than \$10,000, or in the discretion of the court by both such imprisonment and fine.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who violates the provisions of this section by conspiring to commit an offense against the state which is a felony crime of violence against the person or a felony offense where the victim was a minor child, as those terms are defined in §62-12-13 of this code, is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in a state correctional facility for not less than three years nor more than 15 years.

(3) Notwithstanding the provisions of subdivisions (1) or (2) of this subsection, any person who violates the provisions of this section by conspiring to commit an offense in violation of §61-2-14a, §61-3-1, or §61-8B-3 of this code, or an offense against the state which is punishable by life imprisonment is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in a state correctional facility for not less than five years nor more than 25 years.

(d) Any person who violates the provisions of this section by conspiring to commit an offense against the state which is a misdemeanor ~~shall be~~ is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in the county jail for not more than one year or by a fine of not more than \$1,000, or in the discretion of the court, by both such confinement and fine.

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2217), as amended, was then ordered to third reading.

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

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

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

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

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-27. Definition of law-enforcement officer.

For purposes of §61-2-10b, §61-5-17, and §61-5-17a, "law-enforcement officer" has the same definition as this term is defined in §30-29-1 and shall additionally include individuals defined as "chief executive", "law-enforcement official", and "pre-certified law-enforcement officer" in §30-29-1, and any person hired, elected, appointed, or otherwise authorized by this code to engage in or supervise the prevention, detection, or investigation of the criminal laws of this state.

The bill (Eng. H. B. 2360), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2399, Relating to the taxation of managed timber.

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

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

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

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

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

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-10. Water Quality Management Fund established; permit application fees; annual permit fees; dedication of proceeds; rules.

(a) The special revenue fund designated the Water Quality Management Fund established in the State Treasury on July 1, 1989, is ~~hereby~~ continued.

(b) The following shall be deposited into the Water Quality Management Fund: (i) permit application fees and annual permit fees established and collected pursuant to this section; (ii) any interest or surcharge assessed and collected by the secretary; (iii) interest accruing on investments and deposits of the fund; and (iv) any other moneys designated by the secretary. ~~shall be deposited into the Water Quality Management Fund~~ The secretary shall expend the proceeds of the Water Quality Management Fund for the review of initial permit applications, renewal permit applications, and permit issuance activities.

(c) The secretary shall propose ~~for promulgation, legislative rules~~ for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code, to establish a schedule of application fees for all applications except for surface coal mining operations as defined in §22-3-13 of this code. The applicant shall submit the appropriate fee ~~shall be submitted by the applicant~~ to the department with the application filed pursuant to this article for any state water pollution control permit or national pollutant discharge elimination system permit. The schedule of application fees shall be designed to establish reasonable categories of permit application fees based upon the complexity of the permit application review process required by the department pursuant to the provisions of

this article and the rules promulgated under this article. ~~Provided, That no initial application fee may exceed \$15,000 for any facility nor may any permit renewal application fee exceed \$5,000.~~ The department may not process any permit application pursuant to this article until the required permit application fee has been received.

(d) The secretary shall propose ~~for promulgation legislative rules for legislative approval~~ in accordance with the provisions of §29A-1-1 *et seq.* of this code to establish a schedule of permit fees to be assessed annually upon each person holding a state water pollution control permit or national pollutant discharge elimination system permit issued pursuant to this article except for permits held by surface coal mining operations as defined in §22-3-1 *et seq.* of this code. Each person holding a permit shall pay the prescribed annual permit fee to the department. ~~pursuant to the rules promulgated under this section: Provided, That no~~ Any person holding a permit for a home aerator of 600 gallons and under ~~shall be~~ is not required to pay an annual permit fee. The schedule of annual permit fees shall be designed to establish reasonable categories of annual permit fees based upon the relative potential of categories or permits to degrade the waters of the state. ~~Provided, however, That no annual permit fee may exceed \$5,000~~ The secretary may declare any permit issued pursuant to this article void when the annual permit fee is more than 90 days past due. ~~pursuant to the rules promulgated under this section~~ Voiding of the permit will only become effective upon the date the secretary mails, by certified mail, written notice to the permittee's last known address notifying the permittee that the permit has been voided.

(e) The secretary shall file a quarterly report with the Joint Committee on Government and Finance setting forth the fees established and collected pursuant to this section.

(f) On July 1, 2022, and each year thereafter a \$1,000 fee shall be assessed for permit applications and a \$3,000 fee shall be assessed for permit renewals ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. ~~Annually on July 1, 2022, and each year thereafter~~ a \$2,000 fee shall be assessed for any application for major permit modifications and a \$1,000 fee for minor permit modifications

~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. On July 1, 2022, and each year thereafter a \$3,000 fee shall be assessed for any application for permit reissuance and a \$2,000 fee for permit transfer ~~submitted pursuant to this article~~ for surface coal mining operations, as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and every year thereafter, an annual permit fee of \$2,000 shall be assessed on the issuance anniversary dates of all permits issued pursuant to this article for surface coal mining operations as defined in §22-3-1 *et seq.* of this code. Beginning July 1, 2022, and each year thereafter, an application for a water quality certification for activities covered by United States Army Corps of Engineers permits issued pursuant to 33 U.S.C. § 1344 and 33 C.F.R. Parts 323 or 330, in accordance with the legislative rules entitled Rules for Individual State Certification of Activities Requiring a Federal Permit, 47 C.F.R. 5A, must be accompanied by a \$500 fee. For all other categories of permitting actions pursuant to this article related to surface coal mining operations, the secretary shall propose ~~for promulgation legislative~~ rules for legislative approval in accordance with the provisions of §29A-1-1 *et seq.* of this code to establish a schedule of permitting fees.

The bill (Eng. H. B. 3030), as amended, was then ordered to third reading.

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

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

Eng. House Bill 3358, Supplemental Appropriation - FBGR - DHHR.

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

Eng. House Bill 3365, Supplemental Appropriation - HLTH - Birth to Three.

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

Eng. House Bill 3366, Supplemental Appropriation - FEDA - HLTH - OIG.

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

Eng. House Bill 3367, Supplemental Appropriation - SAPR - DNR.

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

Eng. House Bill 3370, Supplemental Appropriation - FEDA - HMSV - Summer EBT.

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

Eng. House Bill 3372, Supplemental Appropriation - FEDA - Veterans.

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

The Senate proceeded to the tenth order of business.

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

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips and Rose.

At the request of Senator Rose, unanimous consent being granted, the Senate then stood in observance of a moment of silence in recognition of the fifteenth anniversary on Saturday, April 5,

2025, of the Upper Big Branch mining disaster that killed 29 miners and injured two.

The Senate 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 3, 2025:

Senate Resolution 45: Senator Chapman.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:23 p.m., the Senate adjourned until Monday, April 7, 2025, at 11 a.m.

MONDAY, APRIL 7, 2025

The Senate met at 11:13 a.m.

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

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third 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 Friday, April 4, 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.

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for Senate Bill 10, Exempting certain meat processes from consumers sales and service tax.

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, as to

Eng. Com. Sub. for Senate Bill 22, Applying penalties for nonpayment of royalties under terms of oil and natural gas leases.

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:

Eng. Com. Sub. for Senate Bill 22—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9c, relating to providing for enhanced damages for nonpayment of royalties due from oil, natural gas, or natural gas liquids production under the terms of a lease or other agreement; providing for treble damages for unpaid royalties after non-payment for 6 months, unless there is a bona fide dispute or the damages are otherwise provided for in writing; providing for proper jurisdiction and venue for causes of action to resolve disputes; providing for the prevailing party to be awarded reasonable attorney's fees and costs; and providing that the section applies to disputes filed on or after July 1, 2025.

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

Engrossed Committee Substitute for Senate Bill 22, 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. 22) 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 passage of

Eng. Com. Sub. for Senate Bill 267, Extending time for renewal and restoration of commercial driver's licenses.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the reconsideration, amendment, and passage as amended by a vote of a majority of all the members elected to the House of Delegates, as a result of the objections of the Governor, to take effect from passage, of

Enr. Com. Sub. for Senate Bill 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules.

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, as to

Eng. Com. Sub. for Senate Bill 459, Requiring county planning commission members be state residents.

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:

Eng. Com. Sub. for Senate Bill 459—A Bill to amend and reenact §8A-2-3, §8A-2-4, and §8A-2-5 of the Code of West Virginia, 1931, as amended, relating to requiring that members of municipal, county, and other planning commissions meet certain residency requirements; mandating that members of municipal and county planning commissions be West Virginia residents for the three years immediately preceding the appointment; requiring that such members be residents of the county or municipality in which the planning commission to which they are appointed is situated for a certain time period prior to appointment; requiring that members of multicounty, regional, and joint planning commissions be residents of the jurisdiction of the planning commission to which they are appointed for at least three years immediately preceding the appointment; and prohibiting members of planning commissions who do not meet residency requirements from remaining on the planning commission.

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

Engrossed Committee Substitute for Senate Bill 459, 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. 459) 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 passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Com. Sub. for Senate Bill 538, Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction.

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

On further motion of Senator Martin, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of 90 days from passage.

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. 538) 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 passage of

Eng. Com. Sub. for Senate Bill 573, Relating to restrictions on use or sale of motor vehicles based on power source.

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

Eng. Senate Bill 828, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

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

Com. Sub. for Senate Concurrent Resolution 3, US Army Warrant Officer Joseph Rose III Memorial Bridge.

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

Senate Concurrent Resolution 5, US Marine Corps Sergeant Robert Milford Payne Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 8, US Army E6 Dennis Charles Hurley Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 10, Donald Lucas & Ronald Lucas Memorial Bridge.

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

Com. Sub. for Senate Concurrent Resolution 19, US Army ST4 Gregory Kent Stephens Memorial Bridge.

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 2026—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

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

A message from the Clerk of the House of Delegates announced the 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 2042, Relating to allowing a guardian ad litem to request the appointment of a court appointed special advocate.

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 5, section 601, line 101 by striking the entirety of subsection (l) and inserting in lieu thereof the following language:

(l) CASA.—The department, guardian ad litem, or any parent as defined in §49-1-204 of this code who is a party to a proceeding instituted pursuant to the provisions of this section, may, in accordance with the Rules of Procedure for Child Abuse and Neglect Proceedings, request the appointment of a court appointed special advocate, which the circuit court may appoint if a court appointed special advocate provides services to the circuit court

with jurisdiction over the proceedings instituted pursuant to this section.;

And,

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

Eng. Com. Sub. for House Bill 2042—A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to procedures in cases of child neglect or abuse; allowing a prosecuting attorney on behalf of the Department of Human Services, attorneys for a parent, or a guardian ad litem to request, in accordance with the Rules of Procedure for Child Abuse and Neglect Proceedings, the appointment of a court appointed special advocate if that circuit court is serviced by a court appointed special advocate.

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 2042, as amended, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2042) 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 amendment, 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 amendment, as to

Eng. Com. Sub. for House Bill 2331, Relating to authorizing certain agencies of the Department of Commerce 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 amendment 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 House Bill 2331—A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to the certification, recertification and training of EMT miners and the certification of EMT-M instructors; authorizing the Division of Natural Resources to promulgate a legislative rule relating to transporting and selling wildlife parts and pelts; authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to public use of campgrounds in West

Virginia State Parks and State Forests and Campsites in State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing; authorizing the Division of Natural Resources to promulgate a legislative rule relating to catching and selling bait fish; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry.

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

Engrossed Committee Substitute for House Bill 2331, as amended, was then put upon its passage.

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2331) 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 H. B. 2331) 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 amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2513, Enhancing training requirements for county boards of education members.

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

Com. Sub. for House Concurrent Resolution 43, Ray William "Mutt" Sherman Memorial Bridge.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 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.

And has amended same.

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

And has amended same.

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

And has amended same.

And,

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

And has amended same.

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2011, Eng. Com. Sub. for Com. Sub. for H. B. 2164, Eng. Com. Sub. for H. B. 3152, and Eng. Com. Sub. for H. B. 3166) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

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

With amendments from the Committee on Energy, Industry, and Mining pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Energy, Industry, and Mining to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2942) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

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

Eng. Com. Sub. for House Bill 3012, Relating to Lottery Money Distribution.

And,

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

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

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. H. B. 2943, Eng. Com. Sub. for H. B. 3012, and Eng. H. B. 3361) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Chapman, Oliverio, and Garcia offered the following resolution:

Senate Resolution 46—Designating April 8, 2025, as Child Care Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2123, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2123) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2217) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart,

Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2360) passed.

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

Eng. House Bill 2360—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-27, relating to the definition of law-enforcement officers; and clarifying that term includes chief executives, law-enforcement officials, pre-certified law-enforcement officers, and others authorized to enforce the criminal laws of this state.

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

Eng. Com. Sub. for House Bill 2399, Relating to the taxation of managed timber.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2399) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Rucker, Takubo, Tarr, Taylor, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—28.

The nays were: Hart, Martin, Maynard, Rose, Stuart, and Thorne—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3030) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Stuart, Takubo,

Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Rucker—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 3089) passed with its title.

Senator Martin moved that the bill take effect July 1, 2025.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 3089) takes effect July 1, 2025.

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

Eng. House Bill 3358, Supplemental Appropriation - FBGR - DHHR.

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

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart,

Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3358) 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. 3358) takes effect from passage.

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

Eng. House Bill 3365, Supplemental Appropriation - HLTH - Birth to Three.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3365) 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. 3365) takes effect from passage.

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

Eng. House Bill 3366, Supplemental Appropriation - FEDA - HLTH - OIG.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3366) 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. 3366) takes effect from passage.

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

Eng. House Bill 3367, Supplemental Appropriation - SAPR - DNR.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3367) 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. 3367) takes effect from passage.

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

Eng. House Bill 3370, Supplemental Appropriation - FEDA - HMSV - Summer EBT.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3370) 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. 3370) takes effect from passage.

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

Eng. House Bill 3372, Supplemental Appropriation - FEDA - Veterans.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3372) 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. 3372) 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.

Eng. Com. Sub. for House Bill 2008, Executive Branch Reorganization.

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

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

Eng. House Bill 2009, Relating to the merging and reorganizing of the executive branch.

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

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

Eng. Com. Sub. for House Bill 2013, Transfer of employees to classified exempt service.

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

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

Eng. Com. Sub. for House Bill 2067, West Virginia Firearms Liability Clarification Act.

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

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

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

**ARTICLE 7C. WEST VIRGINIA FIREARMS MARKETING
CLARIFICATION ACT.**

§61-7C-1. Short title.

This article shall be known and may be cited as the "West Virginia Firearms Marketing Clarification Act."

§61-7C-2. Definitions.

For the purposes of this article:

"Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, as defined in 18 U.S.C. § 921(a)(3);

"Manufacturer" means any person engaged in the business of manufacturing firearms or ammunition for sale or distribution;

"Negligent marketing" means any advertising, promotion, or marketing practice by a manufacturer or seller that directly poses a foreseeable and substantial risk of harm to the purchaser or specific identifiable individuals;

"PLCAA" means the Protection of Lawful Commerce in Arms Act of 2005, 15 U.S.C. 105, *et seq.*; and

"Seller" means any person engaged in the business of selling firearms or ammunition at wholesale or retail.

§61-7C-3. Limitations on negligent marketing claims.

(a) A person may bring a negligent marketing claim against a manufacturer or seller of firearms or ammunition only if all of the following conditions are met:

(1) The marketing practice directly targeted individuals who are legally prohibited from owning firearms;

(2) The marketing practice encouraged or facilitated the unlawful use of firearms;

(3) There is direct cause and substantial proximate cause between the marketing practice and the harm suffered by the plaintiff; and

(4) The marketing practice violated a state or federal statute explicitly regulating the sale or marketing of firearms or ammunition in a manner that constitutes a willful and knowing violation of the law.

(b) If these conditions are not met, the court must, upon motion, summarily dismiss the action or dismiss any parties who are improperly joined.

§61-7C-4. Predicate exception limitation; construction.

(a) The predicate exception under the PLCAA may not be interpreted broadly. A claim may proceed only if the specifically cited statute was violated in the following manner:

(1) The statute explicitly regulates firearms or ammunition;

(2) The statute provides clear, concrete requirements that the manufacturer or seller failed to meet; and

(3) The violation of the statute was a proximate cause of the harm in question.

(b) General state consumer protection laws or public nuisance laws may not be considered statutes "applicable to the sale or marketing" of firearms or ammunition for the purposes of the predicate exception.

(c) The predicate exception may not be interpreted broadly to result in general consumer marketing statutes circumventing the PLCAA.

The bill (Eng. Com. Sub. for H. B. 2067), as amended, was then ordered to third reading.

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

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

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

Eng. Com. Sub. for House Bill 2434, Relating to establishing the Stop Squatters Act.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3C. ~~REMEDIES FOR SQUATTING~~ STOP SQUATTERS ACT.

§55-3C-1. ~~Squatting defined; squatting synonymous with trespass~~ Short title; findings.

(a) ~~"Squatter" means a person occupying a dwelling unit or other structure who is not so entitled under a rental agreement or who is not authorized by the tenant or owner to occupy that dwelling unit or structure. "Squatter" does not include a tenant who holds over in a periodic tenancy as described in §37-6-5 of this code~~ This article shall be known and may be cited as the "Stop Squatters Act".

(b) ~~"Squatting" means the act of being a squatter. The Legislature finds that the right to exclude others from entering and the right to direct others to immediately vacate a person's residential or commercial property are fundamental property rights.~~

§55-3C-2. Squatters defined: squatters not tenants; squatting constitutes criminal trespass; petition and eviction not

appropriate remedies for squatters; remedy is arrest for trespass.

(a) ~~Squatters are not considered tenants for purposes of this code.~~ "Squatter" means a person unlawfully occupying a dwelling unit or other structure who is not entitled under a rental or lease agreement or who is not authorized by the tenant or owner to occupy that dwelling unit or structure. "Squatter" does not include a tenant who holds over in a periodic tenancy as described in §37-6-5 of this code, or an owner.

(b) "Squatting" means the act of being a squatter. Squatting is synonymous with trespass, and is a criminal act under §61-3B-2 or §61-3B-3 of this Code.

(c) ~~Squatters are not considered tenants for purposes of this code and are not entitled to eviction proceedings afforded to lawful tenants. No A~~ Court of this state shall not require the utilization use of eviction, or a similar procedure such as those found under §55-3A-1, *et seq.* or §55-3B-1, *et seq.* of this Code, by an owner in any instance involving the removal of a squatter from possession of a property.

§55-3C-3. Limited Alternative Remedy to Remove Squatter from Residential and Commercial Real Properties.

(a) A property owner or their authorized agent may request, from any law-enforcement officer having authority to act in the jurisdiction where the subject property is located, the immediate removal of any person squatting in a residential dwelling or commercial building if the following conditions are met:

(1) The requesting person is the property owner or authorized agent;

(2) The real property includes a residential dwelling or commercial building;

(3) An unauthorized person or persons are unlawfully occupying the property;

(4) The property was not open to the public at the time of entry;

(5) The property owner or their authorized agent has directed the unauthorized person(s) to leave;

(6) The unauthorized person is not current or former owners or current or former lawful tenants;

(7) The unauthorized person is not immediate family members of the property owner or tenants; and

(8) No pending litigation related to the subject property exists between the property owner and the unauthorized person(s).

(b) To request the immediate removal pursuant to this section, the property owner or authorized agent shall submit a completed and verified complaint to remove persons unlawfully occupying real property ("complaint") to a law-enforcement officer having authority to act in the jurisdiction of the subject property.

(c) Upon receipt of the complaint, the law-enforcement agency to which the complaint was submitted shall conduct preliminary fact-finding, which may include reviewing any alleged lease agreement, interviewing relevant individuals, and other relevant inquiries to ascertain the validity of the complaint. If the preliminary fact-finding indicates probable cause that the conditions outlined in subsection (a) of this section are met, then the law-enforcement agency shall serve a notice to immediately vacate upon the unlawful occupants and put the owner in possession of the real property.

(d) The law-enforcement agency is entitled to a fee for service of a notice pursuant to subsection (c) of this section. Upon serving the notice, the property owner or their authorized agent may request the law-enforcement agency to remove the unauthorized person if they do not vacate the property when ordered to do so or request that they remain at the property to ensure the safety of all parties during the removal of the person property of the unlawful occupants.

(e) This section does not limit any other property owner rights or the authority of law-enforcement.

§55-3C-4. Criminal mischief; penalties.

(a) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount less than \$1,000 is guilty of a misdemeanor, and, upon conviction thereof, shall be confined in jail for a term not to exceed one year or fined not to exceed \$2,500, or both fined and confined.

(b) A person who unlawfully occupies a residential dwelling or commercial building consistent with this article and as a result of the unlawful occupation causes damage to the real property, its fixtures, or personal property of the owner in an amount more than \$1,000 in damages commits a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or in the discretion of the court be confined in jail not more than one year and fined not more than \$2,500.

§55-3C-5. Making false statement to detain real property; false complaint; civil causes of action; immunity.

(a) A property owner or their authorized agent who knowingly submits a complaint pursuant to this article in bad faith is subject to criminal prosecution for false swearing, and shall indemnify the law-enforcement agency and its agents for all costs and damages which may arise from a law-enforcement officer's good faith actions pursuant to this article.

(b) A civil cause of action for wrongful removal may be brought by a person who has been removed from a property pursuant to this article, with remedies including restoration of possession, actual costs, damages, and attorney fees.

(c) In a civil action against a law-enforcement officer or law-enforcement agency based on action taken pursuant to this article, any immunity authorized by this code or other applicable authority may be asserted.

§55-3C-6. Fraudulent sale or lease of residential real property.

Any person who knowingly lists or advertises residential real property or a commercial building for sale or renting without legal title or authority is guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than 10 years, or, in the discretion of the court, be confined in jail not more than one year and shall be fined not more than \$2,500.

The bill (Eng. Com. Sub. for H. B. 2434), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2499, Training course for principals in public schools; informing teachers of their rights and protections; IEP format.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.**§18A-3-13. Training course for principals in public schools; informing teachers of due process; IEP format.**

(a) Training. – Principals who are employed in public schools, appropriate central office personnel, superintendent, and county board of education members shall receive in-person training on the Individuals with Disability Education Act (IDEA), federal regulations and West Virginia State Board of Education Policy 2419 "Regulations for the Education of Students with Exceptionalities". Specifically, this training must include the understanding of a students' Least Restrictive Environment (LRE), student discipline procedures and requirements, and parental rights

and due process safeguards. This training shall also include the following information:

(1) Maximum class size for instructional periods by programmatic level and level of service needs for students with disabilities;

(2) Extenuating circumstances for submitting a waiver request when student numbers exceed staffing ratios;

(3) Teacher's rights for advocating for students, procedural rights documentation, and all protections set forth under §18-20-1c;

(4) Classroom teachers' rights and protections that they may not be reprimanded for advocating for their student(s); and

(5) Information related to local advocacy agencies and local United States Department of Education funded advocacy agencies.

(b) *Time period.* – This training shall be conducted for principal, appropriate central office personnel, Superintendents, and county board of education members before December 31, 2025, and following subsequent revisions to IDEA, federal regulations and/or West Virginia State Board of Education Policy 2419 "Regulations for the Education of Students with Exceptionalities". Newly employed personnel and elected or appointed county board of education members shall receive this training within 30 days thereof.

(c) *Teacher protections and rights.* – Each principal and county board members shall inform teachers, in person, of their rights; including but not limited to:

(1) The documentation process within a 45-day grading period for teachers;

(2) The rights of teachers when it comes to informing parents of local advocates who can come to the Individualized Education Program ("IEP") meetings;

(3) Protection methods in place for teachers who advocate for student placement; and

(4) All teacher protections and rights set forth under §18-20-1c.

(d) Individualized Education Program meeting format. – In every Individualized Education Program meeting, a representative of the school shall explain to the guardian of the child, verbally, the process for identifying a student, the parents or guardians due process rights, teacher protections and procedural rights as set forth under §18-20-1c and local advocacy centers information and points of contact.

The bill (Eng. Com. Sub. for H. B. 2499), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2711, Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2752, Relating to motorcycle safety.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 15. EQUIPMENT.

§17C-15-44. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven cycles and mopeds; motorcycle safety standards and education committee.

(a) ~~No~~ A person may not operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing securely fastened on his or her head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration, and spread impact forces. Any helmet worn by an operator or passenger shall meet the current performance specifications established by the American National Standards Institute Standard, Z 90.1, the United States Department of Transportation Federal Motor Vehicle Safety Standard No. 218, or Snell Safety Standards for Protective Headgear for Vehicle Users.

(b) ~~No~~ A person may not operate or be a passenger on any motorcycle or motor-driven cycle unless the person is wearing safety, shatter-resistant eyeglasses, excluding contact lenses, or eye goggles or face shield that complies with the performance specifications established by the American National Standards Institute for Head, Eye and Respiratory Protection, Z 2.1. In addition, if any motorcycle, motor-driven cycle or moped is equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter-resistant material that complies with the performance specifications established by Department of Transportation Federal Motor Vehicle Safety Standard No. 205 and American National Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1.

(c) ~~No~~ A person may not operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.

(d) A person operating a motorcycle, motor-driven cycle, or moped shall, ~~ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No face forward and either sit astride a permanent operator's seat attached to the vehicle or stand astride the vehicle with both feet on the vehicle's footpegs or pedals. An operator may not carry any other person nor may and any other person may not ride on the vehicle unless the vehicle is designed to carry more than one person, in which event~~ case a passenger may ride: (i) behind the operator upon the

permanent operator's seat if it is designed for two persons; ~~or~~ (ii) upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger; or (iii) in a sidecar firmly attached to the vehicle. ~~No~~ A person may not ride side saddle on a seat. An operator may carry as many passengers as there are seats and footrests to accommodate those passengers. Additional passengers may be carried in a factory-produced sidecar ~~provided that~~ so long as there is one passenger per seat. ~~Passengers~~ Any passenger riding in a sidecar shall be restrained by a safety belt ~~belts belt~~.

(e) Every motorcycle, motor-driven cycle, and moped shall be equipped with a rearview mirror affixed to the handlebars or fairings and adjusted so that the operator has a clear view of the road and condition of traffic behind him or her for a distance of at least two hundred feet.

(f) Notwithstanding any provision of this code to the contrary, a person with a valid driver's license who is operating a fully enclosed autocycle, as defined in §17C-1-69 of this code, is exempt from the provisions of this section.

The bill (Eng. Com. Sub. for H. B. 2752), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2761, Relating generally to magistrate courts.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2773, Higher Ed Rules.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2867, Relating to Small Estates.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1A. WEST VIRGINIA SMALL ESTATE ACT.

§44-1A-2. Administration of a small estate upon affidavit and without appointment.

(a) Notwithstanding any provisions of this code to the contrary, the small estate of a decedent who dies domiciled in this state, without owning any probate real property or without owning any interest in probate real property, may be administered upon affidavit and without the appointment of a personal representative, and the small assets of the decedent may be paid or delivered to the authorized successor as provided in this article.

(b) Any successor of a decedent who dies domiciled in this state, without owning any probate real property or without owning any interest in probate real property, may execute and tender for recording to the clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, of the county in this state which would have jurisdiction over the probate concerning the estate and assets of the decedent an affidavit made upon oath and under penalty of perjury concerning the small estate setting forth in substance:

(1) The name and current address of the affiant;

(2) The name of the decedent, the date of death of the decedent, and the address and residence of the decedent at his or her death;

(3) Whether the decedent had any known will, with the original of the known will to be attached to the affidavit and tendered for recording in the county as long as the will is in due and proper form for probate as a will in this state, or whether the decedent died intestate with no known will;

(4) A listing of the names, current addresses, and relationship to the decedent of any person nominated as a personal representative under the known will, together with a listing of the names, current addresses, and relationship to the decedent of the beneficiaries under the known will entitled to the estate or assets of the decedent. If there is no known will of the decedent, a listing of the names, current addresses, and relationship to the decedent of all of the intestate heirs-at-law and distributees of the decedent determined under the laws of intestate descent and distribution of this state;

(5) That the decedent's entire personal probate estate as of the date of the decedent's death, wherever located, consists only of small assets and the aggregate fair market value of all of the small assets does not exceed \$50,000, together with a description or itemization of the small assets with an estimate of value, if known or ascertainable;

~~(6) Whether the decedent died seized and possessed of any probate real estate or interests in probate real property situate in this state and if so, that the aggregate fair market value of all of the real estate or interests in real property situate in this state does not exceed \$100,000, together with a description of the real estate, the county in which it is situate, its assessed value for tax purposes, and its fair market value at the decedent's date of death;~~

(7) (6) That if the successor is nominated as a personal representative or executor under the provisions of the will of the decedent, at least 30 days have elapsed since the decedent's date of death and no application for the appointment of a personal representative for the decedent is pending or has been granted in any jurisdiction. If the successor is not nominated as a personal representative or executor under the provisions of the will of the decedent, at least 60 days have elapsed since the decedent's date of death, no application for the appointment of a personal representative for the decedent is pending or has been granted in any jurisdiction, and no affidavit of small estate has been filed by a successor nominated as a personal representative or executor under the provisions of the will of the decedent; and

~~(8)~~ (7) That the affiant will faithfully administer the small assets of the decedent in accordance with the law and pay or deliver the small assets to the successor or successors so entitled, after paying any known or ascertainable creditors of the decedent.

(c) The clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, shall upon receipt of the affidavit review and inspect the affidavit, and if the county clerk or fiduciary supervisor determines the affidavit to be in completed form, the county clerk or fiduciary supervisor shall record and index the affidavit, together with the original of any will tendered with the affidavit, in the same manner and upon the same fees as wills and affidavits of beneficiaries or heirs are recorded and indexed in case of probate administration with appointment of a personal representative. The clerk of the county commission, or the fiduciary supervisor of the clerk of the county commission, may require a certified copy of the decedent's death certificate or other proof of death and residence prior to fulfilling the responsibilities under this article.

(d) A bond, security, or oath is not required when an appointment of a personal representative is not made for a small estate under the provisions of this article.

(e) A document substantially in the following form may be used as the affidavit provided in subsection (b) of this section with the effect as prescribed in this article:

IN THE COUNTY COMMISSION OF _____
COUNTY, WEST VIRGINIA

RE: THE ESTATE OF _____

DOD: _____

AFFIDAVIT FOR SMALL ESTATE

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, being a Successor of the Decedent identified below, being first duly sworn, upon oath and under penalty of perjury, do depose and say to the best of my knowledge and belief as follows:

1. My name is _____, and my current _____ address _____ is _____

_____.

2. The Decedent, _____, died on _____ (date of death), a resident of _____ County, State of West Virginia, with his/her usual residence being _____

_____.

A certified death certificate has been furnished herewith for filing in this County. I am a Successor of the decedent as _____ (state relationship).

3. TESTACY (☐) [Check if applies] or (☐) [Check if Not Applicable]

At the date of death, the Decedent died with an original Last Will and Testament of the Decedent dated _____, without any codicil thereto (☐) or with codicil(s) thereto dated _____ (☐) [Check if applies]. The aforesaid original Last Will and Testament of the decedent, together with any codicil(s), is furnished herewith for recording in this County as permitted by West Virginia Code § 44-1A-2(b).

Under the Last Will and Testament of the Decedent, the following person(s) is/are nominated to be the personal representative(s) of the Estate:

a. Name: _____

Address: _____

b. Name: _____

Address: _____

Pursuant to the provisions of the above referenced Will of the Decedent, the following persons are the named beneficiaries of the estate of the Decedent:

a. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

b. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

c. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

d. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage or particular item: _____

(If more space is needed, attach additional page(s) to affidavit)

4. INTESTACY () [Check if applies] or () [Check if Not Applicable]

At the date of death, the Decedent died intestate with no known will. The Decedent left as his/her heirs-at-law and distributees in accordance with the laws of intestate descent and distribution of the State of West Virginia the following persons:

a. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

b. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

c. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

d. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

e. Name: _____

Address: _____

Relationship to Decedent: _____

Share or percentage: _____

(If more space is needed, attach additional page(s) to affidavit)

5. The Decedent's entire personal probate estate, as of the date of the Decedent's death, wherever located, consists only of small assets and the aggregate fair market value of the small assets does not exceed \$50,000. The small assets of the Decedent are described and itemized as follows:

	Description	Fair Market value
a.		
b.		
c.		
d.		
e.		
f.		
	Total	

(If more space is needed, attach additional page(s) to affidavit)

6. The Decedent ~~did ()~~ / did not () [~~Check one which applies~~] die seized and possessed of any probate real estate or interests in probate real estate in the state of West Virginia. ~~If the Decedent died seized and possessed of any probate real estate or interest in real estate in the state of West Virginia, the aggregate fair market value of all of the real estate or interests in real property situate in this state does not exceed \$100,000 and the real estate of the Decedent in West Virginia is as follows:~~

	Description	County	Assessed Value	Fair Market value
A				
B				
C				
D				
E				
	Total			

~~(If more space is needed, attach additional page(s) to affidavit)~~

7. () [Check if applies] or () [Check if Not Applicable] If the affiant is a Successor who was nominated as a personal representative or executor under the provisions of the above Will of the Decedent, at least 30 days have elapsed since the Decedent's date of death and no application for the appointment of a personal representative for the Decedent is pending or has been granted in any jurisdiction;

or

() [Check if applies] or () [Check if Not Applicable] If the affiant is a Successor who was NOT nominated as a personal representative or executor under the provisions of the above Will of the Decedent or if the Decedent died intestate without a will, at

least 60 days have elapsed since the Decedent's date of death and no application for the appointment of a personal representative for the Decedent is pending or has been granted in any jurisdiction, and no affidavit of Small Estate has been filed by a Successor nominated as a personal representative or executor under the provisions of the Will of the Decedent.

8. The undersigned Affiant will faithfully administer the small assets of the Decedent in accordance with the law and pay or deliver the same to the Successor or Successors so entitled.

Witness my hand and seal this ____ day of _____, 20__.

Signature of Affiant/Successor

Taken, subscribed, and sworn to before me the undersigned authority by _____, this ____ day of _____, 20__.

{seal}

My Commission expires: _____

Notary Public

(f) Upon acceptance and recording of the affidavit provided in this section, the county clerk or fiduciary supervisor shall mail a copy of the affidavit to the personal representative, if any is nominated in an attached will, and the beneficiaries under the will when the decedent dies with a will or the heirs-at-law when the decedent dies without a will, all of whom are listed on the affidavit, and shall issue a certificate and authorization of a small estate to the authorized successor who completed the affidavit, authorizing the successor to be paid, transferred, and delivered the small assets of the decedent with authority to pay, transfer, and deliver the small assets to the successor or successors of the decedent entitled pursuant to the provisions of this article and the other laws of the

state of West Virginia and with authority to faithfully perform the duties of the office necessary to collect and administer the small assets of the decedent including, but not limited to, making application for and executing receipts, assignments, transfers, releases, waivers, applications, claims, claims for refunds, and federal, state, or local tax returns of the decedent concerning the small assets, pursuing litigation for or against the decedent or the decedent's estate, and paying or settling the funeral expenses or the claims of creditors of the decedent.

(g) If within 30 days after the mailing of a copy of the affidavit by the county clerk or fiduciary supervisor any interested person in the estate of the decedent files a written objection with the county clerk or fiduciary supervisor upon good and proper grounds, the county clerk or fiduciary supervisor shall refer the objection to a fiduciary commissioner for determination, report, and recommendation which may, among other things, revoke the certificate and authorization of small estate and require full and complete probate administration of the estate of the decedent in accordance with the other applicable provisions of this article. Upon any revocation of the certificate and authorization of small estate, the authorized successor shall provide an accounting and report of all payments or deliveries made of the small assets of the decedent.

(h) The authorized successor may act under the certificate and authorization of small estate issued under the provisions of this article for a period of six months from the date of the original issuance of the certificate and authorization but may, upon a showing of good cause in an application made to the county clerk or fiduciary supervisor, be granted an extension of an additional time period not to exceed six months upon issuance of an extended certificate and authorization of small estate to be issued by the county clerk or fiduciary supervisor.

(i) If at any time after the original issuance of the certificate and authorization by the county clerk or fiduciary supervisor, the authorized successor or an interested person determines that the probate estate of the decedent does not qualify as a small estate because the aggregate values of all of the small assets ~~or the real~~

estate of the decedent exceed the values provided in this article, upon application by an interested person the county clerk or fiduciary supervisor shall rescind the certificate and authorization of the small estate and shall mail a written order of rescission to the authorized successor and other interested persons, and a probate under the other provisions of this article shall be commenced by an interested person.

The bill (Eng. H. B. 2867), as amended, was then ordered to third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2871, Relating to the crime of negligent homicide.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-3. Definitions.

As used in this article, the term:

(a) "Claimant" means any of the following persons, whether residents or nonresidents of this state, who claim an award of compensation under this article:

(1) A victim, except the term "victim" does not include a nonresident of this state where the criminally injurious act did not occur in this state;

(2) A dependent, spouse, or minor child of a deceased victim or, if the deceased victim is a minor, the parents, legal guardians, and siblings of the victim;

(3) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim or a victim's dependent when the obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim;

(4) A person who is authorized to act on behalf of a victim, dependent, or a third person who is not a collateral source including, but not limited to, assignees, persons holding power of attorney or others who hold authority to make or submit claims in place of or on behalf of a victim, a dependent, or third person who is not a collateral source and if the victim, dependent, or third person who is not a collateral source is a minor or other legally incompetent person, their duly qualified fiduciary; and

(5) A person who is a secondary victim in need of mental health counseling due to the person's exposure to the crime committed whose award may not exceed \$5,000.

(b) "Collateral source" means a source of benefits or advantages for economic loss otherwise compensable that the victim or claimant has received or that is readily available to him or her from any of the following sources:

(1) The offender, including restitution received from the offender pursuant to an order by a court sentencing the offender or placing him or her on probation following a conviction in a criminal case arising from the criminally injurious act for which a claim for compensation is made;

(2) The government of the United States or its agencies, a state or its political subdivisions, or an instrumentality of two or more states;

(3) Social Security, Medicare, and Medicaid;

(4) State-required, temporary, nonoccupational disability insurance or other disability insurance;

(5) Workers' compensation;

(6) Wage continuation programs of an employer;

(7) Proceeds of a contract of insurance payable to the victim or claimant for loss that was sustained because of the criminally injurious conduct;

(8) A contract providing prepaid hospital and other health care services or benefits for disability; and

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the victim which exceeds \$25,000.

(c) "Criminally injurious conduct" means conduct that occurs or is attempted in this state, or in any state not having a victim compensation program, which poses a substantial threat of personal injury or death and is punishable by fine or imprisonment. "Criminally injurious conduct" also includes criminally injurious conduct committed outside of the United States against a resident of this state. "Criminally injurious conduct" does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the person engaging in the conduct intended to cause personal injury or death or committed ~~negligent homicide~~ any offense contained within §17C-5-1 of this code, driving under the influence of alcohol, controlled substances or drugs, leaving the scene of the accident, or reckless driving.

(d) "Dependent" means an individual who received over half of his or her support from the victim. For the purpose of making this determination there shall be taken into account the amount of support received from the victim as compared to the entire amount of support the individual received from all sources including self-support. The term support includes, but is not limited to, food, shelter, clothing, medical and dental care, and education. The term dependent includes a child of the victim born after his or her death.

(e) "Economic loss" means economic detriment consisting only of allowable expense, work loss, and replacement services loss. If criminally injurious conduct causes death, economic loss includes

a dependents economic loss and a dependents replacement services loss. Noneconomic detriment is not economic loss; however, economic loss may be caused by pain and suffering or physical impairment. For purposes of this article, the term economic loss includes a lost scholarship as defined in this section.

(f) "Allowable expense" includes the following:

(1) Reasonable charges incurred or to be incurred for reasonably needed medical care, including products, services, and accommodations related to medical and psychological care, prosthetic devices, eye glasses, dentures, rehabilitation, and other remedial treatment and care but does not include that portion of a charge for a room in a hospital, clinic, convalescent home, nursing home, or other institution engaged in providing nursing care and related services which is in excess of a reasonable and customary charge for semiprivate accommodations unless accommodations other than semiprivate accommodations are medically required;

(2) A total charge not in excess of \$10,000 for expenses in any way related to funerals, cremations, and burials;

(3) Victim relocation costs not to exceed \$4,500;

(4) Reasonable travel expenses not to exceed \$5,000 for a claimant to attend court proceedings conducted for the prosecution of the offender;

(5) Reasonable travel expenses for a claimant to return a person who is a minor or incapacitated adult who has been unlawfully removed from this state to another state or country if the removal constitutes a crime under the laws of this state which may not exceed \$2,000 for expenses to another state or \$3,000 to another country; and

(6) Reasonable travel expenses for the transportation of a victim to and from a medical facility.

(g) "Work loss" means loss of income from work that the injured person would have performed if he or she had not been injured and expenses reasonably incurred or to be incurred by him

or her to obtain services in lieu of those he or she would have performed for income. "Work loss" is reduced by income from substitute work actually performed or to be performed by ~~him or her~~ the injured person or by income he or she would have earned in available appropriate substitute work that he or she was capable of performing but unreasonably failed to undertake. "Work loss" includes loss of income from work by the parent or legal guardian of a minor victim who must miss work to take care of the minor victim. "Work loss" also includes loss of income from work by the claimant, the victim, or the parent or legal guardian of a minor victim who must miss work to attend court proceedings conducted for the prosecution of the offender.

(h) "Replacement services loss" means expenses reasonably incurred or to be incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed for the benefit of himself or herself or his or her family if he or she had not been injured. "Replacement services loss" does not include services an injured person would have performed to generate income.

(i) "Dependents' economic loss" means loss after a victim's death of contributions or things of economic value to his or her dependents but does not include services they would have received from the victim if he or she had not suffered the fatal injury. This amount is reduced by expenses avoided by the dependent due to the victim's death.

(j) "Dependents' replacement service loss" means loss reasonably incurred or to be incurred by dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed for their benefit if he or she had not suffered the fatal injury. This amount is reduced by expenses avoided due to the victim's death, but which are not already subtracted in calculating a dependent's economic loss.

(k) "Victim" means the following:

A person who suffers personal injury or death as a result of any one of the following:

(A) Criminally injurious conduct;

(B) The good faith effort of the person to prevent criminally injurious conduct; or

(C) The good faith effort of the person to apprehend a person that the injured person has observed engaging in criminally injurious conduct or who the injured person has reasonable cause to believe has engaged in criminally injurious conduct immediately prior to the attempted apprehension.

(l) "Contributory misconduct" means any conduct of the claimant or of the victim through whom the claimant claims an award that is unlawful or intentionally tortious and that, without regard to the conduct's proximity in time or space to the criminally injurious conduct, has a causal relationship to the criminally injurious conduct that is the basis of the claim and includes the voluntary intoxication of the claimant, either by the consumption of alcohol or the use of any controlled substance, when the intoxication has a causal connection or relationship to the injury sustained.

(m) "Lost scholarship" means a scholarship, academic award, stipend, student loan, or other monetary scholastic assistance which had been awarded, conferred upon, or obtained by a victim in conjunction with a post-secondary school educational program and which the victim is unable to receive or use, in whole or in part, due to injuries received from criminally injurious conduct.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 1A. DRIVER LICENSE COMPACT.

§17B-1A-1. Authorization.

Pursuant to authority granted by an act of the eighty-fifth Congress of the United States, being public law six hundred eighty-four, approved August 20, 1958, the Governor of this state ~~is hereby authorized and directed to~~ shall execute a compact on behalf of the State of West Virginia with all other jurisdictions legally joining ~~therein~~ in the compact in the form substantially as follows:

ARTICLE I. FINDINGS AND DECLARATION OF POLICY.

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degrees of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II. DEFINITIONS.

As used in this compact:

(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative rule ~~or regulation~~, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III. REPORTS OF CONVICTION.

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.

ARTICLE IV. EFFECT OF CONVICTION.

(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) ~~Manslaughter or negligent homicide~~, homicide, or any offense contained within §17C-5-1 of this code, resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury to another person.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subsection (a) of this article, such party state shall construe the denominations and descriptions appearing in subsection (a) hereof of this article as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

ARTICLE V. APPLICATIONS FOR NEW LICENSES.

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the ~~same~~ license has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrender such license.

ARTICLE VI. APPLICABILITY OF OTHER LAWS.

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII. COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION.

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his or her state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL.

(a) This compact shall enter into force and become effective as to any state when it has enacted the ~~same~~ compact into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the ~~same compact~~, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of

states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact ~~shall be~~ are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall ~~be~~ is held contrary to the Constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

§17B-3-5. Grounds for mandatory revocation of license by department.

The ~~department~~ division shall ~~forthwith~~ immediately revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final: *Provided*, That if the convicted driver had not reached his or her ~~nineteenth~~ 19th birthday at the time of the conduct for which the license is revoked under this section, the license shall be revoked until the driver's ~~nineteenth~~ 19th birthday, or the applicable statutory period of revocation, whichever is longer:

(1) Manslaughter ~~or negligent homicide,~~ homicide, or any offense contained within §17C-5-1 of this code, resulting from the operation of a motor vehicle;

(2) Any felony in the commission of which a motor vehicle is used;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another person;

(4) Perjury or the making of a false affidavit or statement under oath to the ~~department~~ division under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(5) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of ~~twenty-four~~ 24 months;

(6) Driving under the influence of alcohol, controlled substances or other drugs outside the State of West Virginia which conviction is under a municipal ordinance or statute of the United States or any other state of an offense which has the same elements as an offense described in ~~section two, article five, chapter seventeen~~ §17C-5-2 of this code; and

(7) Nothing herein shall prohibit the ~~department~~ division from exercising its authority to revoke or suspend a person's license to drive a motor vehicle in this state, as provided in ~~chapter seventeen~~ Chapter 17C of this code.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 5. SERIOUS TRAFFIC OFFENSES.

§17C-5-1. Negligent Vehicular homicide; aggravated vehicular homicide; vehicular homicide in a school zone; vehicular homicide in a construction zone; penalties; revocation of driving privileges upon conviction.

(a) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as a the proximate result of injury received caused by the driving of any motor vehicle anywhere in this state by any person in reckless disregard ~~of~~ for the safety of others, the person ~~so~~ operating ~~such~~ the motor vehicle ~~shall be~~ is guilty of ~~negligent~~ vehicular homicide.

~~(b) Any person convicted of negligent vehicular homicide shall be punished by imprisonment for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment. is guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000 nor more than \$10,000, confined in the jail for not more than one year, or both fined and confined.~~

~~(c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of negligent homicide.~~

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, when the death of a person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, occurs within one year as the proximate result of injury caused by the operation of any motor vehicle in this state in deliberate disregard for the safety of others, the person operating the motor vehicle is guilty of the offense of aggravated vehicular homicide and upon conviction he or she shall be fined not more than \$20,000, or imprisoned in a state correctional facility for a definite term of years of not less than one nor more than five years, or both fined and imprisoned.

(d) For the purposes of this section, a person who acts with deliberate disregard for the safety of others if he or she has knowledge of facts or intentionally disregards facts that create high probability of injury to the safety of others and:

(1) deliberately proceeds to act in conscious or intentional disregard of the high degree of probability of injury to the safety of others; or

(2) deliberately proceeds to act with indifference to the high probability of injury to or the safety of others.

(e) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as the proximate result of injury caused by the driving of any vehicle in a school zone, as set forth in §17C-6-1 of this code, during school recess or while

children are going to or leaving school during opening or closing hours, by any person in reckless disregard for the safety of others, the person operating the vehicle is guilty of vehicular homicide in a school zone.

(f) Any person convicted of vehicular homicide in a school zone is guilty of a felony and upon conviction, shall be fined not less than \$2,500 nor more than \$5,000, or imprisoned in a state correctional facility for a definite term of years of not less than two nor more than 10 years, or both fined and imprisoned.

(g) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motor vehicle, ensues within one year as the proximate result of injury caused by the driving of any vehicle where street or highway construction work is being performed consistent with the provisions of §17C-3-4b of this code, by any person in reckless disregard for the safety of others, the person operating the vehicle is guilty of vehicular homicide in a construction zone.

(h) Any person convicted of vehicular homicide in a construction zone shall be guilty of a felony and upon conviction, shall be fined not less than \$2,500 nor more than \$5,000, or imprisoned in a state correctional facility for a definite term of years of not less than two nor more than 10 years, or both fined and confined.

(i) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted of any offense contained within this section.

§17C-5-3. Reckless driving; penalties.

(a) Any person who drives any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the ways of any institution of higher education, whether public or private, or upon the ways of any state institution, or upon the property of any county boards of education, or upon any property within the state park and public recreation system established by the Director of the Division of Natural Resources

pursuant to ~~section three, article four, chapter twenty~~ §20-4-3 of this code in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) The provisions of subsection (a) of this section ~~shall~~ does not apply to those areas which have been temporarily closed for racing sport events or which may be set aside by the Director of the Division of Natural Resources within the state park and recreation system for exclusive use by motorcycles or other recreational vehicles.

(c) Every person convicted of reckless driving is guilty of a misdemeanor and, upon a first conviction thereof, shall be confined in jail for a period of not less than five days nor more than ~~ninety~~ 90 days, or fined not less than \$25 nor more than \$500, or both fined and confined, and upon conviction of a second or subsequent conviction thereof, shall be confined in jail not less than ~~ten~~ 10 days nor more than six months, or fined not less than \$50 nor more than \$1,000, or both fined and confined.

(d) Notwithstanding the provisions of subsection (c) of this section, any person convicted of a violation of subsection (a) of this section who in doing so proximately causes another to suffer serious bodily injury shall, upon conviction, be confined in jail not less than ~~ten~~ 30 days nor more than ~~six months~~ one year or fined not less than \$50 nor more than \$1,000, or both fined and confined.

(e) For purposes of subsection (d) of this section, "serious bodily injury" means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-15. Electronically Distracted Driving Act.

(a) Definitions — As used in this section:

(1) "Smartwatch" means a wearable computer that provides a local touchscreen for daily use, associated with applications, and connected to a cellular or Wi-Fi network;

(2) "Stand-alone electronic device" means a portable device other than a wireless telecommunications device which stores audio or video data files to be retrieved on demand by a user;

(3) "Utility services" means and includes electric, natural gas, water, wastewater, cable, telephone, or telecommunications services, or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights-of-way, or associated infrastructure;

(4) "Wireless telecommunications device" means one of the following portable devices:

(A) A cellular telephone;

(B) A portable telephone;

(C) A text-messaging device;

(D) A personal digital assistant;

(E) A stand-alone computer including, but not limited to, a tablet, laptop, or notebook computer;

(F) A handheld global positioning system receiver;

(G) A device capable of displaying a video, movie, broadcast television image, or visual image; or

(H) Any substantially similar portable wireless device that is used to initiate or receive communication, information, or data;

(I) "Wireless telecommunications device" does not include a smartwatch, any type of radio including but not limited to, radios used by first responders or school bus operators; citizens band radio or radio hybrid; commercial two-way radio communication device or its functional equivalent; subscription-based emergency

communication device; prescribed medical device; amateur or ham radio device, or any built-in vehicle equipment for security, navigation, communications, or remote diagnostics; ~~and~~

(5) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use a wireless telecommunications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(b) The driver of a school bus shall not use or operate a wireless telecommunications device or two-way radio while loading or unloading passengers.

(c) The driver of a school bus shall not use or operate a wireless telecommunications device while the bus is in motion ~~nor~~ or while stationary in traffic ~~nor~~ or at a traffic control signal, unless that device is being used in a similar manner as a two-way radio to allow live communication between the driver and school officials or public safety officials.

(d) A driver shall exercise due care in operating a motor vehicle on the highways of this state and shall not engage in any actions involving any stand-alone electronic device or wireless telecommunications device that distracts such driver from the safe operation of the vehicle.

(e) While operating a motor vehicle on any street, highway, or property open to the public for vehicular traffic in this state, ~~no~~ a driver may not:

(1) Physically hold or support, with any part of his or her body, a wireless communication device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to the wearing of a smartwatch;

(2) Write, send, or read any text-based communication including, but not limited to, a text message, instant message, e-mail, or social media interaction on a wireless telecommunications device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to a voice-operated or hands-free

communication feature which is automatically converted by such device to be sent as a message in a written form;

(3) Make any communication involving a wireless telecommunications device, including a phone call, voice message, or one-way voice communication: *Provided*, That ~~such~~ this prohibition ~~shall~~ does not apply to a voice operated or hands-free communication feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on a wireless telecommunications device or stand-alone electronic device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on a wireless telecommunications device or stand-alone electronic device;

(6) Watch a video or movie on a wireless telecommunications device or standalone electronic device other than watching data related to the navigation of ~~such~~ the vehicle;

(7) Record, post, send, or broadcast video, including a video conference on a wireless telecommunications device or stand-alone electronic device: *Provided*, That ~~such~~ this prohibition does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle; or

(8) Actively play any game on a wireless telecommunications device or stand-alone electronic device.

(f) While operating a commercial motor vehicle on any highway of this state, ~~no~~ a driver may:

(1) Use more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

(2) Reach for a wireless telecommunications device or stand-alone electronic device in such a manner that requires the driver to:

(A) No longer be in a seated driving position; or

(B) No longer be properly restrained by a safety belt.

(g) Each violation of this section shall ~~constitute~~ constitutes a separate offense.

(h) It is a misdemeanor for any driver to violate any of the provisions of this section. Every driver convicted of a misdemeanor for a violation of any of the provisions of this section shall be punished as follows:

(1) For a first conviction with no prior conviction of and no plea of no contest accepted to a charge of violating this section within the previous 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$100;

(2) For a second conviction within a 24-month period, as measured from the date of any prior conviction or plea, a fine of not more than \$200;

(3) For a third or subsequent conviction within a 24-month period, as measured from the date of any prior conviction or plea:

(A) A fine of not more than \$350;

(B) Three points on the driver's record maintained by the Division of Motor Vehicles; and

(C) At the court's discretion, suspension of the driver's license for a period of 90 days;

(4) Any driver who causes physical harm to property as the proximate result of committing a violation of this section is guilty of a misdemeanor punishable up to 30 days in jail or a fine not less than \$100 and not more than \$500;

(5) Any driver who causes serious physical harm to another person as the proximate result of committing a violation of this section is guilty of a misdemeanor and shall be fined not less than \$500 nor more than \$1,000, or confined in jail up to 120 days, or both fined and confined, and ~~such~~ the driver shall have his or her

license to operate a motor vehicle revoked by the Commissioner of the Division of Motor Vehicles for a period of one year; and

(6) Any driver who causes the death of another as the proximate result of committing a violation of this section is ~~guilty of negligent homicide also subject to prosecution under the applicable vehicular homicide provision and shall be punished in accordance with~~ of §17C-5-1 of this code.

(i) The Department of Transportation shall cause to be erected signs upon any highway entering the state of West Virginia on which a welcome to West Virginia sign is posted, and any other highway where the Division of Highways deems appropriate, posted at a distance of not more than one mile from each border crossing, each sign to bear an inscription clearly communicating to motorists entering the state that texting, or the use of a wireless communication device without hands-free equipment, is illegal within this state.

(j) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

(k) No policy providing liability coverage for personal lines insurance shall contain a provision which may be used to deny coverage or exclude payment of any legal damages recoverable by law for injuries proximately caused by a violation of this section, as long as such amounts are within the coverage limits of the insured.

(l) This section shall not apply to:

(1) Drivers reporting to state, county, or local authorities a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or a road condition that causes an immediate and serious traffic or safety hazard;

(2) An employee or contractor of a utility services provider acting within the scope of his or her employment while responding to a utility emergency;

(3) A driver operating a commercial vehicle while using a mobile data terminal that transmits and receives data;

(4) A law-enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties; or

(5) ~~While~~ A person in a motor vehicle that is lawfully parked.

(m) This section does not supersede the provisions of §17B-2-3a of this code, or any more restrictive provisions for drivers of commercial motor vehicles prescribed either by the provisions of §17E-1-1 *et seq.* of this code or by federal law or rule.

(n) The amendments to this section adopted during the regular session of the Legislature in 2023, shall be known as the Robin W. Ames Memorial Act.

ARTICLE 19. PARTIES, PROCEDURE UPON ARREST AND REPORTS IN CRIMINAL CASES.

§17C-19-3. When person arrested must be taken immediately before a magistrate or court.

(a) Whenever any person is arrested for any violation of this chapter punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate or court within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a magistrate or court;

(2) When the person is arrested upon a misdemeanor charge of ~~negligent~~ vehicular homicide as contained in §17C-5-1 of this code;

(3) When the person is arrested upon a charge of driving while under the influence of alcohol, or under the influence of any controlled substance, or under the influence of any other drug, or under the combined influence of alcohol and any controlled substance or any other drug;

(4) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injury or damage to property;

(5) When the person is arrested upon a charge of violating §17C-17-14 relating to weight violations, except as otherwise provided in that section;

(6) When the person arrested is a resident of a state that has not entered into a nonresident violator compact with this state;

(7) In any other event when the person arrested refuses to accept the written notice to appear in court as his or her promise to appear in court or to comply with the terms of the written notice to appear in court as provided in section four of this article; and

(8) When a person is arrested for driving with a suspended or revoked driver's license for miscellaneous reasons: *Provided*, That when a person is arrested for driving with a suspended or revoked driver's license for miscellaneous reasons, the arresting officer may issue a charge by citation if a magistrate or judge is not on duty or reasonably available.

(b) When the person arrested is a resident of a state that has entered into a nonresident violator compact with this state, the arresting officer shall issue the person a written notice as provided for in section four of this article and may not take the person immediately before a magistrate or court, except under the terms of the compact or under the circumstances set forth in subsection (a) of this section.

CHAPTER 17E. UNIFORM COMMERCIAL DRIVER'S LICENSE ACT.

ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.

§17E-1-13. Disqualification.

(a) A person may not operate a commercial motor vehicle if his or her privilege to operate a commercial motor vehicle is disqualified under the provisions of the Federal Motor Carrier Safety Improvement Act of 1999, 49 C. F. R. Part §383, Subpart D (2004) or in accordance with the provisions of this section.

(1) For the purposes of determining first and subsequent violations of the offenses listed in this section, each conviction resulting from a separate incident includes convictions for offenses committed in a commercial motor vehicle or a noncommercial motor vehicle.

(2) Any person disqualified from operating a commercial motor vehicle for life under the provisions of this chapter for offenses described in subdivisions (1), (2), (3), (4) and (6), subsection (b) of this section is eligible for reinstatement of privileges to operate a commercial motor vehicle after 10 years and after completion of the Safety and Treatment Program or other appropriate program prescribed by the division. Any person whose lifetime disqualification has been amended under the provisions of this subdivision, and who is subsequently convicted of a disqualifying offense described in subdivisions (1) through (7), inclusive, subsection (b) of this section, is not eligible for reinstatement. Any person disqualified from operating a commercial motor vehicle for life under subsection (n) of this section is not eligible for reinstatement.

(3) Any person who committed a disqualifying offense contained in paragraph (B) or (E), subdivision (1), subsection (b) of this section prior to obtaining a commercial driver's license, and who committed the disqualifying offense more than 10 years before he or she applied for a commercial driver's license, and who has completed the Safety and Treatment Program or other appropriate program prescribed by the division, shall be considered to have served the period of disqualification and is eligible to obtain a commercial driver's license so long as all other eligibility requirements contained in §17E-1-9 and §17E-1-10 of this code are satisfied.

(4) Any disqualification imposed by this section is in addition to any action to suspend, revoke, or cancel the driver's license or driving privileges if suspension, revocation, or cancellation is required under another provision of this code.

(5) The provisions of this section apply to any person operating a commercial motor vehicle and to any person holding a commercial driver's license.

(b) Any person is disqualified from driving a commercial motor vehicle for the following offenses and time periods if convicted of:

(1) Driving a motor vehicle under the influence of alcohol or a controlled substance;

(A) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of one year.

(B) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of one year.

(C) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction or for refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.

(2) Driving a commercial motor vehicle while the person's alcohol concentration of the person's blood, breath, or urine is four hundredths of one percent or more, by weight;

(A) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For a first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F, a driver is disqualified from operating a commercial motor vehicle for three years.

(C) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(3) Refusing to submit to any designated secondary chemical test required by the provisions of this code or the provisions of 49 C. F. R. §383.72 (2004);

(A) For the first conviction or refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction or refusal to submit to any designated secondary chemical test while operating a noncommercial motor vehicle, a commercial driver's license holder

is disqualified from operating a commercial motor vehicle for one year.

(C) For the first conviction or for refusal to submit to any designated secondary chemical test while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction or refusal to submit to any designated secondary chemical test in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.

(4) Leaving the scene of an accident;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified for one year.

(C) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a

commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for life.

(5) Using a motor vehicle in the commission of any felony as defined in §17E-1-3 of this code; except as set forth specifically in subsection (n) of this section;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a noncommercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for one year.

(C) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(D) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(E) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a noncommercial motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for life.

(6) Operating a commercial motor vehicle when, as a result of prior violations committed operating a commercial motor vehicle, the driver's privilege to operate a motor vehicle has been

suspended, revoked, or canceled, or the driver's privilege to operate a commercial motor vehicle has been disqualified.

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(7) Causing a fatality through the negligent operation of a commercial motor vehicle, the operation of a commercial motor vehicle in reckless disregard for the safety of others, or the operation of a commercial motor vehicle in deliberate disregard for the safety of others, including, but not limited to, the crimes of motor vehicle manslaughter, homicide, ~~and negligent homicide~~ vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, and vehicular homicide in a construction zone as defined in §17B-3-5, and §17C-5-1 of this code;

(A) For the first conviction while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for one year.

(B) For the first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004), a driver is disqualified from operating a commercial motor vehicle for a period of three years.

(C) For a second conviction in a separate incident of any combination of offenses in this subsection while operating a

commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for life.

(c) Any person is disqualified from driving a commercial motor vehicle if convicted of:

(1) Speeding excessively involving any speed of 15 miles per hour or more above the posted speed limit;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder shall be disqualified from operating a commercial motor vehicle for a period of 120 days.

(2) Reckless driving as defined in §17C-5-3 of this code, or careless or negligent driving, including, but not limited to, the

offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(3) Making improper or erratic traffic lane changes;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(4) Following the vehicle ahead too closely;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(5) Violating any law relating to traffic control arising in connection with a fatal accident, other than a parking violation;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a second conviction of any combination of offenses in this section in a separate incident within a three-year period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(C) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(D) For a third or subsequent conviction of any combination of offenses in this subsection in a separate incident within a three-year

period while operating a noncommercial motor vehicle, if the conviction results in the suspension, revocation, or cancellation of the commercial driver's license holder's privilege to operate any motor vehicle, a commercial motor vehicle license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(6) Driving a commercial motor vehicle without obtaining a commercial driver's license;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for a period of 120 days.

(7) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession except that any person who provides proof of possession of a commercial driver's license to the enforcement agency that issued the citation by the court appearance or fine payment deadline is not guilty of this offense;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(8) Driving a commercial motor vehicle without the proper class of commercial driver's license or the proper endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(9) Driving a commercial motor vehicle while engaged in texting and convicted pursuant to §17E-1-14a of this code or similar law of this or any other jurisdiction or 49 C. F. R. §392.80;

(A) For a second conviction of any combination of offenses in this subsection in a separate incident within a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 60 days.

(B) For a third or subsequent conviction of any combination of the offenses in this subsection in a separate incident in a three-year period while operating a commercial motor vehicle, a commercial driver's license holder is disqualified from operating a commercial motor vehicle for a period of 120 days.

(d) Any person convicted of operating a commercial motor vehicle in violation of any federal, state, or local law or ordinance pertaining to railroad crossing violations described in subdivisions (1) through (6), inclusive, of this subsection is disqualified from operating a commercial motor vehicle for the period of time specified;

(1) Failing to slow down and check that the tracks are clear of an approaching train, if not required to stop in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(2) Failing to stop before reaching the crossing, if the tracks are not clear, if not required to stop in accordance with the provisions of §17C-12-1 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(3) Failing to stop before driving onto the crossing, if required to stop in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, the driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(4) Failing to have sufficient space to drive completely through the crossing without stopping in accordance with the provisions of §17C-12-3 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(5) Failing to obey a traffic control device or the directions of an enforcement official at the crossing in accordance with the provisions of §17C-12-1 of this code;

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(6) Failing to negotiate a crossing because of insufficient undercarriage clearance in accordance with the provisions of §17C-12-3 of this code.

(A) For the first conviction, a driver is disqualified from operating a commercial motor vehicle for a period of 60 days;

(B) For a second conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for 120 days; and

(C) For a third or subsequent conviction of any combination of offenses in this subsection within a three-year period, a driver is disqualified from operating a commercial motor vehicle for one year.

(e) Any person who is convicted of violating an out-of-service order while operating a commercial motor vehicle is disqualified for the following periods of time:

(1) If convicted of violating a driver or vehicle out-of-service order while transporting nonhazardous materials;

(A) For the first conviction of violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

(B) For a second conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for two years.

(C) For a third or subsequent conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(2) If convicted of violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under 49 C. F. R. Part §172, Subpart F (2004) or while

operating a vehicle designed to transport 16 or more passengers including the driver;

(A) For the first conviction of violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for 180 days.

(B) For a second conviction in a separate incident within a ten-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(C) For a third or subsequent conviction in a separate incident within a 10-year period for violating an out-of-service order while operating a commercial motor vehicle, a driver is disqualified from operating a commercial motor vehicle for three years.

(f) After disqualifying, suspending, revoking, or canceling a commercial driver's license, the division shall update its records to reflect that action within 10 days.

(g) In accordance with the provisions of 49 U. S. C. §313119(a)(19)(2004), and 49 C. F. R. §384.226 (2004), notwithstanding the provisions of §61-11-25 of this code, no record of conviction, revocation, suspension, or disqualification related to any type of motor vehicle traffic control offense, other than a parking violation, of a commercial driver's license holder or a person operating a commercial motor vehicle may be masked, expunged, deferred, or be subject to any diversion program.

(h) Notwithstanding any provision in this code to the contrary, the division may not issue any temporary driving permit, work-only driving permit, or hardship license or permit that authorizes a person to operate a commercial motor vehicle when his or her privilege to operate any motor vehicle has been revoked, suspended, disqualified, or otherwise canceled for any reason.

(i) In accordance with the provisions of 49 C. F. R. §391.15(b), a driver is disqualified from operating a commercial motor vehicle for the duration of any suspension, revocation, or cancellation of

his or her driver's license or privilege to operate a motor vehicle by this state or by any other state or jurisdiction until the driver complies with the terms and conditions for reinstatement set by this state or by another state or jurisdiction.

(j) In accordance with the provisions of 49 C. F. R. §353.52 (2006), the division shall immediately disqualify a driver's privilege to operate a commercial motor vehicle upon a notice from the assistant administrator of the Federal Motor Carrier Safety Administration that the driver poses an imminent hazard. Any disqualification period imposed under the provisions of this subsection shall be served concurrently with any other period of disqualification if applicable.

(k) In accordance with the provisions of 49 C. F. R. §1572.11(a), the division shall immediately disqualify a driver's privilege to operate a commercial motor vehicle if the driver fails to surrender his or her driver's license with a hazardous material endorsement to the division upon proper notice by the division to the driver that the division received notice from the Department of Homeland Security Transportation Security Administration of an initial determination of threat assessment and immediate revocation that the driver does not meet the standards for security threat assessment provided in 49 C. F. R. §1572.5. The disqualification remains in effect until the driver either surrenders the driver's license to the division or provides the division with an affidavit attesting to the fact that the driver has lost or is otherwise unable to surrender the license.

(l) In accordance with 49 C. F. R. §391.41, a driver is disqualified from operating a commercial motor vehicle if the driver is not physically qualified to operate a commercial motor vehicle or does not possess a valid medical certification status.

(m) In accordance with the provisions of 49 C. F. R. §383.73(g), the division shall disqualify a driver's privilege to operate a commercial motor vehicle if the division determines that the licensee has falsified any information or certifications required under the provisions of 49 C. F. R. 383 Subpart J or 49 C. F. R.

§383.71(a) for 60 days in addition to any other penalty prescribed by this code.

(n) Lifetime Disqualification Without Reinstatement.—

(1) Controlled substance violations — An individual who uses a commercial motor vehicle in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or involving possession with intent to manufacture, distribute, or dispense a controlled substance is disqualified from operating a commercial motor vehicle for life and is not eligible for reinstatement.

(2) Human trafficking violations — An individual who uses a commercial motor vehicle in committing a felony involving an act or practice described in paragraph (9) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)) is disqualified from operating a commercial motor vehicle for life and is not eligible for reinstatement.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-18a. ~~Negligent~~ Homicide by operation of motorized watercraft; aggravated homicide by operation of motorized watercraft; penalties; suspension of privileges to operate a motorboat or other motorized vessel upon conviction.

(a) When the death of any person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel ~~ensues~~ occurs within one year as a proximate result of injury ~~received~~ caused by operating any motorboat, jet ski, or other motorized vessel anywhere in this state by any person in reckless disregard ~~of~~ for the safety of others, the person ~~so~~ operating the motorboat, jet ski, or other motorized vessel is guilty of ~~negligent~~ homicide by operation of motorized watercraft.

(b) ~~Any person convicted of negligent homicide shall be punished by imprisonment in the county or regional jail for not more than one year or by fine of not less than \$100 nor more than \$1,000, or by both fine and imprisonment~~ homicide by operation of motorized watercraft is guilty of a misdemeanor and upon conviction, shall be fined not less than \$1,000 nor more than \$10,000, confined in jail for not more than one year, or both fined and confined.

(c) ~~The director shall suspend the privilege to operate a motorboat or other motorized vessel in this state for a period of five years from the date of conviction.~~ Notwithstanding the provisions of this section, when the death of a person, including an embryo or fetus as defined in §61-2-30 of this code, other than the person operating the motorboat, jet ski, or other motorized vessel occurs within one year as the proximate result of injury caused by the operation of any motorboat, jet ski or other motorized vessel in this state in deliberate disregard for the safety of others, the person so operating the motorboat, jet ski, or other motorized vessel is guilty of the felony offense of aggravated homicide by use of motorized watercraft and upon conviction he or she shall be fined not more than \$20,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(d) For the purposes of this section, a person acts with deliberate disregard for the safety of others if he or she has knowledge of facts or intentionally disregards facts that create high probability of injury to the safety of others and:

(1) deliberately proceeds to act in conscious or intentional disregard of the high degree of probability of injury to the safety of others; or

(2) deliberately proceeds to act with indifference to the high probability of injury to or the safety of others;

(e) The director shall suspend the privilege to operate a motorboat or other motorized vessel in this state for a period of five years from the date of conviction.

CHAPTER 33. INSURANCE.

ARTICLE 6A. CANCELLATION OR NONRENEWAL OF AUTOMOBILE LIABILITY POLICIES.

§33-6A-1. Cancellation prohibited except for specified reasons; notice.

(a) No insurer once having issued or delivered a policy providing automobile liability insurance for a private passenger automobile may, after the policy has been in effect for ~~sixty~~ 60 days, or in case of renewal effective immediately, issue or cause to issue a notice of cancellation during the term of the policy except for one or more of the reasons specified in this section:

(1) The named insured fails to make payments of premium for the policy or any installment of the premium when due;

(2) The policy is obtained through material misrepresentation;

(3) The insured violates any of the material terms and conditions of the policy;

(4) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy:

(A) Has had his or her operator's license suspended or revoked during the policy period including suspension or revocation for failure to comply with the provisions of ~~article five-a, chapter seventeen-e~~ Chapter 17C, Article 5A of this code regarding consent for a chemical test for intoxication: *Provided*, That when a license is suspended for ~~sixty~~ 60 days by the Commissioner of the Division of Motor Vehicles because a person drove a motor vehicle while under the age of ~~twenty-one~~ 21 years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent, by weight, pursuant to subsection (l), section two of said article, the suspension may not be grounds for cancellation; or

(B) Is or becomes subject to epilepsy or heart attacks and the individual cannot produce a certificate from a physician testifying to his or her ability to operate a motor vehicle; or

(5) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under such policy, is convicted of or forfeits bail during the policy period for any of the following reasons:

(A) Any felony or assault, involving the use of a motor vehicle;

(B) ~~Negligent homicide arising out of the operation of a motor vehicle~~ Any offense contained within §17C-5-1 of this code;

(C) Operating a motor vehicle while under the influence of alcohol or of any controlled substance or while having an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight;

(D) Leaving the scene of a motor vehicle accident in which the insured is involved without reporting it as required by law;

(E) Theft of a motor vehicle or the unlawful taking of a motor vehicle;

(F) Making false statements in an application for a motor vehicle operator's license; or

(G) Three or more moving traffic violations committed within a period of twelve months, each of which results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all such violations. Notice of any cancellation made pursuant to this subsection shall be mailed to the named insured either during the current policy period or during the first full policy period following the date that the third moving traffic violation is recorded by the Division of Motor Vehicles.

(b) Except as provided in subsections (c) and (d) of this section, no insurer may cancel a policy of automobile liability insurance without first giving the insured thirty days' notice of its intention to

cancel. Notice of cancellation shall either be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall state the effective date of the cancellation and provide a written explanation of the specific reason for the cancellation.

(c) If, pursuant to subsection (a) of this section, an insurer cancels a policy of automobile liability insurance for the failure of the named insured to make payments of premium for the policy or any installment of the premium when due, then the insurer shall first give the insured at least fourteen days' notice of its intention to cancel. Notice of cancellation shall be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall state the effective date of the cancellation and provide a written explanation of the specific reason for the cancellation. The notice period provided herein shall begin to run on the date mailed and payment shall be deemed accomplished by depositing in first class mail valid payment on or before the expiration date of the fourteen day notice period.

(d) If a named insured fails to make the initial payment of premium or any initial installment of the premium after the initial issuance of an automobile liability insurance policy, the insurance policy is voidable from the effective date and time the policy was issued: *Provided*, That the insurer shall send the insured written notice that the policy will be voided absent payment within ten days of any amounts due under the terms of the policy. Such notice shall either be sent by first class mail to the named insured at the address supplied on the application for insurance, or by email or other electronic means if at the request of the policyholder in accordance with the Uniform Electronic Transactions Act as codified in chapter thirty-nine-a of this code, and shall explain the specific reason for the voidance.

§33-6A-4. Advance notice of nonrenewal required; assigned risk policies; reasons for nonrenewal; hearing and review after nonrenewal.

(a) No insurer shall fail to renew an outstanding automobile liability or physical damage insurance policy unless the nonrenewal is preceded by at least forty-five days advance notice to the named insured of the insurer's election not to renew the policy: *Provided*, That subject to this section, nothing contained in this article shall be construed to prevent an insurer from refusing to issue an automobile liability or physical damage insurance policy upon application to the insurer, nor shall any provision of this article be construed to prevent an insurer from refusing to renew a policy upon expiration, except as to the notice requirements of this section, and except further as to those applicants lawfully submitted pursuant to the West Virginia assigned risk plan.

(b) An insurer may not fail to renew an outstanding automobile liability or physical damage insurance policy which has been in existence for two consecutive years or longer except for the following reasons:

(1) The named insured fails to make payments of premium for the policy or any installment of the premium when due;

(2) The policy is obtained through material misrepresentation;

(3) The insured violates any of the material terms and conditions of the policy;

(4) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy:

(A) Has had his or her operator's license suspended or revoked during the policy period; or

(B) Is or becomes subject to a physical or mental condition that prevents the insured from operating a motor vehicle, and the individual cannot produce a certificate from a physician testifying to his or her ability to operate a motor vehicle;

(5) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy, is convicted of or forfeits bail during the policy period for any of the following reasons:

(A) Any felony or assault, involving the use of a motor vehicle;

(B) ~~Negligent homicide arising out of the operation of a motor vehicle~~ Any offense contained within §17C-5-1 of this code;

(C) Operating a motor vehicle while under the influence of intoxicating liquor or of any narcotic drug;

(D) Leaving the scene of a motor vehicle accident in which the insured is involved without reporting it as required by law;

(E) Theft of a motor vehicle or the unlawful taking of a motor vehicle; or

(F) Making false statements in an application for a motor vehicle operator's license;

(6) The named insured or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy, is convicted of or forfeits bail during the policy period for two or more moving traffic violations committed within a period of twelve months, each of which results in three or more points being assessed on the driver's record by the Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all of the violations: *Provided*, That an insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section, may nonrenew an automobile liability or physical damage insurance policy if the named insured, or any other operator, either residing in the same household or who customarily operates an automobile insured under the policy is convicted of or forfeits bail during the policy period for two or more moving traffic violations committed within a period of twenty-four months, each of which occurs on or after July 1, 2004, and after the date that the insurer makes an election pursuant to section four-b of this article, and results in three or more points being assessed on the driver's record by the

Division of Motor Vehicles, whether or not the insurer renewed the policy without knowledge of all of the violations. Notice of any nonrenewal made pursuant to this subdivision shall be mailed to the named insured either during the current policy period or during the first full policy period following the date that the second moving traffic violation is recorded by the Division of Motor Vehicles;

(7) The named insured or any other operator either residing in the same household or who customarily operates an automobile insured under the policy has had a second at-fault motor vehicle accident within a period of twelve months, whether or not the insurer renewed the policy without knowledge of all of the accidents: *Provided*, That an insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section, may nonrenew an automobile liability or physical damage insurance policy under this subsection if the named insured or any other operator either residing in the same household or who customarily operates an automobile insured under such policy has had two at-fault motor vehicle accidents within a period of thirty-six months, each of which occurs after July 1, 2004, and after the date that the insurer makes an election pursuant to section four-b of this article, and results in a claim paid by the insurer for each accident, whether or not the insurer renewed the policy without knowledge of all of the accidents. Notice of any nonrenewal made pursuant to this subsection shall be mailed to the named insured either during the current policy period or during the first full policy period following the date of the second accident; or

(8) The insurer ceases writing automobile liability or physical damage insurance policies throughout the state after submission to and approval by the commissioner of a withdrawal plan or discontinues operations within the state pursuant to a withdrawal plan approved by the commissioner.

(c) An insurer that makes an election pursuant to section four-b of this article to issue all nonrenewal notices pursuant to this section shall not fail to renew an automobile liability or physical damage insurance policy when an operator other than the named

insured has violated the provisions of subdivision (6) or (7), subsection (b) of this section, if the named insured, by restrictive endorsement, specifically excludes the operator who violated the provision. An insurer issuing a nonrenewal notice informing the named insured that the policy will be nonrenewed for the reason that an operator has violated the provisions of subdivision (6) or (7), subsection (b) of this section, shall at that time inform the named insured of his or her option to specifically exclude the operator by restrictive endorsement and shall further inform the named insured that upon obtaining the restrictive endorsement, the insurer will renew the policy or rescind the nonrenewal absent the existence of any other basis for nonrenewal set forth in this section.

(d) A notice provided under this section shall state the specific reason or reasons for nonrenewal and shall advise the named insured that nonrenewal of the policy for any reason is subject to a hearing and review as provided for in section five of this article. Cost of the hearing shall be assessed against the losing party but shall not exceed \$75. The notice must also advise the insured of possible eligibility for insurance through the West Virginia assigned risk plan.

(e) Notwithstanding the provisions of subsection (a) of this section, the insurer shall reinstate any automobile liability or physical damage insurance policy that has not been renewed due to the insured's failure to pay the renewal premium when due if:

(1) None of the other grounds for nonrenewal as set forth in this section exist; and

(2) The insured makes an application for reinstatement within forty-five days of the original expiration date of the policy. If a policy is reinstated as provided for in this paragraph, then the coverage afforded shall not be retroactive to the original expiration date of the policy: *Provided*, That such policy shall be effective on the reinstatement date at the current premium levels offered by the company and shall not be afforded the protections of this section relating to renewal of an outstanding automobile liability or physical damage insurance policy that has been in existence for at least two consecutive years.

CHAPTER 49. CHILD WELFARE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§49-1-207. Definitions related to court actions.

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, court actions, 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.

"Court" means the circuit court of the county with jurisdiction of the case or the judge in vacation unless otherwise specifically provided.

"Court appointed special advocate (CASA) program" means a community organization that screens, trains, and supervises CASA volunteers to advocate for the best interests of children who are involved in abuse and neglect proceedings pursuant to §49-3-102 of this code.

"Extrajudicial Statement" means any utterance, written or oral, which was made outside of court.

"Juvenile referee" means a magistrate appointed by the circuit court to perform the functions expressly prescribed for a referee under the provisions of this chapter.

"Multidisciplinary team" means a group of professionals and paraprofessionals representing a variety of disciplines who interact and coordinate their efforts to identify, diagnose and treat specific cases of child abuse and neglect. Multidisciplinary teams may include, but are not limited to, medical, educational, childcare and law-enforcement personnel, social workers, psychologists, and psychiatrists. Their goal is to pool their respective skills in order to formulate accurate diagnoses and to provide comprehensive coordinated treatment with continuity and follow-up for both parents and children.

"Community team" means a multidisciplinary group which addresses the general problem of child abuse and neglect in a given community and may consist of several multidisciplinary teams with different functions.

"Res gestae" means a spontaneous declaration made by a person immediately after an event and before the person has had an opportunity to conjure a falsehood.

"Valid court order" means an order issued by a court of competent jurisdiction relating to a child brought before the court and who is the subject of that order. Prior to the entry of the order the child shall ~~have received~~ receive the full due process rights guaranteed to that child or juvenile by the Constitutions of the United States and the State of West Virginia.

"Violation of a traffic law of West Virginia" means a violation of chapter ~~seventeen a, seventeen b, seventeen c or seventeen d~~ 17A, 17B, 17C, or 17D of this code, except a violation of ~~section one or two, article four, chapter seventeen c~~ §17C-4-1 or §17C-4-2 of this code relating to hit and run, or ~~section one, two or three, article five of that chapter~~ §17C-5-1, §17C-5-2, or §17C-5-3 of this code, relating, respectively, to ~~negligent homicide~~ vehicular homicide, aggravated vehicular homicide, vehicular homicide in a school zone, vehicular homicide in a construction zone, driving under the influence of alcohol, controlled substances or drugs and reckless driving.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-30. Recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person.

(a) This section may be known and cited as the Unborn Victims of Violence Act.

(b) For the purposes of this article, the following definitions shall apply: *Provided*, That these definitions only apply for purposes of prosecution of unlawful acts under this section and

may not otherwise be used: (i) To create or to imply that a civil cause of action exists; or (ii) for purposes of argument in a civil cause of action, unless there has been a criminal conviction under this section.

(1) "Embryo" means the developing human in its early stages. The embryonic period commences at fertilization and continues to the end of the embryonic period and the beginning of the fetal period, which occurs eight weeks after fertilization or ~~ten~~ 10 weeks after the onset of the last menstrual period.

(2) "Fetus" means a developing human that has ended the embryonic period and thereafter continues to develop and mature until termination of the pregnancy or birth.

(c) For purposes of enforcing the provisions of §20-7-18a, §61-2-1, §61-2-4, §61-2-7, §61-2-9(a), §61-2-9(c), §61-2-10, §61-2-10b, §61-2-28(a), and §17C-5-1, §17C-5-2(b), or §17C-5-2(c) of this code, a pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims.

(d) Exceptions. — The provisions of this section do not apply to:

(1) Acts committed during a legal abortion to which the pregnant woman, or a person authorized by law to act on her behalf, consented or for which the consent is implied by law;

(2) Acts or omissions by medical or health care personnel during or as a result of medical or health-related treatment or services, including, but not limited to, medical care, abortion, diagnostic testing or fertility treatment;

(3) Acts or omissions by medical or health care personnel or scientific research personnel in performing lawful procedures involving embryos that are not in a stage of gestation in utero;

(4) Acts involving the use of force in lawful defense of self or another, but not an embryo or fetus; and

(5) Acts or omissions of a pregnant woman with respect to the embryo or fetus she is carrying.

(e) For purposes of the enforcement of the provisions of this section, a violation of the provisions of ~~article two-i, chapter sixteen~~ Chapter 16, Article 2I of this code shall not serve as a waiver of the protection afforded by the provisions of subdivision (1), subsection (d) of this section.

(f) Other convictions not barred. — A prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant arising from the same incident.

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2871), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2897, Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2964, Amending residency requirements for regional airport boards.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3024, Guaranteed course transfer bill.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 14. MISCELLANEOUS.**§18B-14-5. Guaranteed transfer of credit for courses completed in career pathways between high schools, career and technical education centers, community and technical colleges and baccalaureate institutions.**

(a) The Legislature finds that:

(1) The state has an increasing need for individuals with a postsecondary credential or degree;

(2) Over 40 percent of bachelor's degree completers nationally attended more than one postsecondary institution, making student transfer a critical priority; and

(3) Implementing a seamless education system with uniform guaranteed transfer of credits among post-secondary institutions in the state would greatly benefit students by reducing costs and increasing degree completion rates.

(b) The commission and council jointly shall:

(1) Oversee the development, implementation, and maintenance of guaranteed statewide transfer pathways as provided herein;

(2) Develop statewide guaranteed transfer frameworks and agreements to govern the granting and transfer of credit awarded through completion of courses and through competency-based and prior learning assessments; and

(3) Establish an appeals process to resolve disagreements between transferring students and receiving institutions of higher education regarding the transfer and acceptance of credits earned at or awarded by another institution.

(c) To effectuate the purposes of this section, the chancellors or their respective designees shall establish a statewide guaranteed transfer and articulation advisory committee, referred to in this section as the "advisory committee," and any necessary

subcommittees. The advisory committee shall report to the chancellors or their respective designees, who may present its recommendations and decisions to the commission and the council for approval.

(1) The advisory committee shall consist of at least one representative from each of the state institutions of higher education as recommended by the institutional presidents and deemed appropriate and necessary by the chancellors or their respective designees. The chancellors or their respective designees shall appoint a chair or co-chairs from among the membership.

(2) Subcommittees may be formed on an ad hoc basis as deemed necessary by the chancellors or their respective designees to address specific topics or tasks related to guaranteed transfer and articulation.

(d) The commission and the council shall oversee the development of a statewide articulation and guaranteed transfer agreement, which shall, at a minimum:

(1) Guarantee the transfer of general education courses and common degree program prerequisites between and among public institutions;

(2) Guarantee the transfer of all courses contained in a transfer pathway as established in this section as credit in courses that satisfy general education or other specific program requirements;

(3) Guarantee that every graduate of a community and technical college awarded an associate degree that has been approved by the commission or the council for transfer to a public baccalaureate institution shall be deemed to have met all general education requirements and shall be granted admission to the upper division of any program offered by such public baccalaureate institution, unless a specific program has limited capacity or has audition or other specialized admissions requirements that are approved by the commission or council;

(4) Provide that graduates awarded an associate degree approved by the commission or council for guaranteed transfer and

who transfer to a public baccalaureate institution shall not be required to take any additional general education courses to fulfill baccalaureate degree requirements;

(5) Provide that graduates awarded an associate degree approved by the commission or council for guaranteed transfer shall be automatically admitted to any public baccalaureate institution and given priority for enrollment over out-of-state students;

(6) Guarantee the statewide articulation of appropriate career and technical education programs, workforce development programs, and transfer of earned college-level course credits between secondary schools and community and technical colleges;

(7) Provide for acceptance by institutions of higher education of credits earned in accelerated programs such as dual enrollment and the Advanced Placement, International Baccalaureate, and College-Level Examination programs; and

(8) Provide for consistent acceptance by the public institutions of higher education of credits earned through competency-based education and prior learning assessments.

(e) The commission and the council, in collaboration with the advisory committee, shall develop, coordinate, and maintain guaranteed degree transfer pathways for selected baccalaureate programs, including those that are in demand across the state or prepare graduates for careers in industries such as nursing and hospitality/tourism, which programs shall be defined and identified by the commission and the council in consultation with the advisory committee. At a minimum, the guaranteed transfer pathways shall:

(1) Consist of 60 hours of instruction resulting in an associate degree that can be transferred and applied in full toward the requirements for a baccalaureate degree at a public baccalaureate institution;

(2) Include dual enrollment courses completed in high school or at a career and technical education center that are part of an

approved guaranteed transfer pathway. The chancellors or their designees shall ensure these courses are recognized for college credit upon successful completion and shall apply to the student's approved program of study if the courses align with the student's chosen college major;

(3) Fulfill all general education requirements and any other lower-division requirements for graduation within the program offered at any public baccalaureate institution; and

(4) Include relevant industry credentials or other microcredentials that prepare students for specific jobs within selected in-demand and growing industries and that move individuals along a career pathway or up a career ladder, and which can be combined to meet the requirements of one or more related bachelor's degree programs.

(f) A student who completes all of the requirements of a specific guaranteed transfer pathway, including approved dual enrollment courses completed during high school or at a career and technical education center, and who transfers to an associated program at a public baccalaureate institution shall not be required to complete more than the total credits required for the baccalaureate degree, less the 60 hours of credit earned in the guaranteed transfer pathway.

(g) The guaranteed transfer pathways approved by the commission and council shall be mandatory for all public institutions to accept and shall be recognized universally as guaranteed statewide transfer pathways. All courses included in the approved transfer pathways shall be accepted as meeting general education or program-specific requirements at the receiving institution. The commission and council may, upon the recommendation of the chancellors, approve exceptions to this requirement in cases where such arrangements would present a hardship to the institution, cause the institution to be in violation of standards established by regional or program-specific accrediting bodies, or for other good cause shown.

(h) The commission and council shall propose rules for legislative approval in accordance with the provisions of §18B-1-6 and §29A-3A-1 et seq. of this code to implement the provisions of this section.

The bill (Eng. Com. Sub. for H. B. 3024), as amended, was then ordered to third reading.

Eng. House Bill 3080, Military Spouse hiring preference.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Military, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 17. HUMAN RIGHTS COMMISSION.

§16B-17-9. Unlawful discriminatory practices.

It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or except where based upon applicable security regulations established by the United States or the State of West Virginia or its agencies or political subdivisions:

(1) For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment if the individual is able and competent to perform the services required even if such individual is blind or disabled: *Provided*, That it shall not be an unlawful discriminatory practice for an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance or welfare benefit plan or system not adopted as a subterfuge to evade the provisions of this subdivision: *Provided, however further*, That an employer may grant preference in hiring to a military spouse or to a veteran or a disabled veteran in accordance with the provisions of §16B-17-9a of this code without violating the provisions of this

article. For purposes of this subdivision, "military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

(2) For any employer, employment agency, or labor organization, prior to the employment or admission to membership, to: (A) Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, religion, color, national origin, ancestry, sex, or age of any applicant for employment or membership; (B) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specifications, or discrimination based upon race, religion, color, national origin, ancestry, sex, disability, or age; or (C) Deny or limit, through a quota system, employment or membership because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(3) For any labor organization because of race, religion, color, national origin, ancestry, sex, age, blindness, or disability of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individual with respect to hire, tenure, terms, conditions, or privileges of employment or any other matter, directly or indirectly, related to employment;

(4) For an employer, labor organization, employment agency, or any joint labor-management committee controlling apprentice training programs to:

(A) Select individuals for an apprentice training program registered with the State of West Virginia on any basis other than their qualifications as determined by objective criteria which permit review;

(B) Discriminate against any individual with respect to his or her right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training or retraining program;

(C) Discriminate against any individual in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions, or privileges of such programs;

(D) Print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for these programs or to make any inquiry in connection with a program which expresses, directly or indirectly, discrimination or any intent to discriminate unless based upon a bona fide occupational qualification;

(5) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability;

(6) For any person being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodations to:

(A) Refuse, withhold from, or deny to any individual because of his or her race, religion, color, national origin, ancestry, sex, age, blindness, or disability, either directly or indirectly, any of the accommodations, advantages, facilities, privileges, or services of the place of public accommodations;

(B) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any individual on account of race, religion, color, national origin, ancestry, sex, age, blindness, or disability, or that the patronage or custom thereof of any individual, belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex, or age, or who

is blind or disabled, is unwelcome, objectionable, not acceptable, undesired, or not solicited; or

(7) For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman, or financial institution to:

(A) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel, or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

(B) Willfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede, or interfere with the commission or any of its members or representatives in the performance of a duty under this article; or

(C) Engage in any form of reprisal or otherwise discriminate against any person because he or she has opposed any practices or acts forbidden under this article or because he or she has filed a complaint, testified, or assisted in any proceeding under this article.

§16B-17-9a. Veterans and military spouses preference not a violation of equal employment opportunity under certain circumstances.

(a) An employer may grant preference in hiring to a veteran or disabled veteran who has been honorably discharged from the United States Armed Services: ~~Provided, That the veteran or disabled veteran meets all of the knowledge, skills, and eligibility requirements of the job, and provided further that, granting the preference does not violate any state equal employment opportunity law,~~ or to a military spouse, provided that the person granted the hiring preference meets all of the knowledge, skills, and eligibility requirements of the job to be filled. Such hiring preference may be granted without violating the provisions of this article or any other state equal employment opportunity law.

(b) For purposes of this section;

(1) ~~the term~~ "Veteran" means any person who has received an honorable discharge and:

(A) Has provided more than 180 consecutive days of full-time, active-duty service in the United States Armed Services or Reserve components thereof, including the National Guard; or

(B) Has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

(2) "Military spouse" means the husband or wife of a member of the Armed Forces who, as determined by the United States Secretary of Defense, is performing active duty pursuant to orders that authorize a permanent change of station move, if such husband or wife relocates to the member's new permanent duty station.

The bill (Eng. H. B. 3080), as amended, was then ordered to third reading.

Eng. House Bill 3156, Create exemption for Legislature for reporting requirements in Shared Services Section.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2B. SHARED SERVICES.

§5A-2B-2. Cost analysis and reporting.

(a) ~~On or before July 1, 2018,~~ The Department of Administration shall ~~develop~~ maintain a cost-performance assessment for use by each state spending unit to measure costs of that spending unit providing its own accounting and financial reporting services.

~~(b) Beginning April 1, 2019, and each year thereafter, Annually, on or before April 1,~~ all state spending units shall report ~~annually~~ to the Shared Services Section information related to costs of providing accounting and financial reporting services based upon the metrics identified by the Shared Services Section in the cost-performance assessment. The deputy director shall evaluate the cost information provided by spending units to determine if the same services could be provided by the Shared Services Section at a lower cost and in a more efficient manner.

~~(c) On or before July 1, 2019, the deputy director shall report to the Governor and the Joint Committee on Government and Finance the results of the cost performance assessment documenting the amount each state spending unit incurs for accounting services, and make recommendations for providing the services through the Shared Services Section.~~

~~(d) The deputy director shall report Annually, on or before December 31, of each year~~ the deputy director shall report to the Governor and the Joint Committee on Government and Finance the cost savings and efficiencies resulting from providing accounting and financial reporting services by the Shared Services Section.

~~(e) (d)~~ The Department of Administration ~~is authorized to~~ may promulgate legislative rules, including emergency rules, to develop the assessment, any forms necessary for reporting costs, and any other information necessary pursuant to §29A-3-1 *et seq.* of this code.

(e) This section does not apply to the Legislature.

The bill (Eng. H. B. 3156), as amended, was then ordered to third reading.

Eng. House Bill 3157, Relating to shortened procedure for road condition claims.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3277, Relating to defining terms for the West Virginia Hospital Finance Authority Act.

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:

On page 1, section 3, line 18, by striking out "16" and inserting in lieu thereof "16B".

The bill (Eng. H. B. 3277), as amended, was then ordered to third reading.

Eng. House Bill 3389, Exclude the Department of Tourism as a Governmental agency.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 10G. PROVIDING OF FOOD SERVICE IN PUBLIC
OFFICE BUILDINGS BY THE WEST VIRGINIA
DIVISION OF VOCATIONAL REHABILITATION.**

§18-10G-2. Definitions.

For the purposes of this article:

(a) "Active participation" means an ongoing process of negotiations between the Division of Vocational Rehabilitation and the Committee of Blind Vendors to achieve joint planning of policies, procedures, and standards affecting the overall operation of the Food Services Facilities Program prior to their implementation by the Division of Vocational Rehabilitation. It is

understood that the Division of Vocational Rehabilitation bears final responsibility for the administration and operation of the "food services facilities program, including the assurance of active participation by the Committee of Blind Vendors;

(b) "Blind person" means a person whose central acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, but is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of ~~no~~ not greater than twenty degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye or an optometrist, whichever the individual ~~shall select~~ selects;

(c) "Blind vendor" means a blind licensee who is operating a food service facility on federal, state, public, or private property;

(d) "Committee of Blind Vendors" means an officially constituted body functioning in an advisory capacity of the Division of Vocational Rehabilitation's Food Services Facilities Program. This committee is composed of licensed blind vendors, elected biennially and established, constituted, and maintained in accordance with applicable federal regulations;

(e) "Food service facility" means and includes a restaurant, cafeteria, snack bar, vending machine for ~~the~~ dispensing of foods, beverages, confections, tobacco, or other products for human consumption, and other facilities for ~~the sale~~ selling or providing of goods and services for the purposes customarily offered in connection with the operation of any of the foregoing. The term "food service facility" does not include, ~~and there is expressly excepted therefrom~~ goods and services sold, dispensed from, or provided by the Veterans Administration and the facilities for ~~the sale~~ selling, dispensing, or providing thereof;

(f) "Governmental agency" means and includes the State of West Virginia, each instrumentality and agency thereof, and every county, city, and town within, and every political subdivision within the state, ~~of West Virginia~~ except county boards of education, the ~~West Virginia board of regents~~ Higher Education

Policy Commission, the Council for Community and Technical College Education, the Department of Health, the Department of Commerce, the Department of Tourism, and the Department of Corrections;

(g) "Licensee" means all persons licensed under the Division of Vocational Rehabilitation to operate food service facilities under the Randolph/Sheppert Act, Title XX, United States Code 107 *et seq.*;

(h) "Public office building" means and includes the State Capitol, all county courthouses, all city and town halls, all buildings used primarily for governmental offices of the state, and ~~of any county, city, and town within the state, but does not include buildings used for institutions under the jurisdiction of the West Virginia board of regents~~ any state institution of higher education, the Department of Health, the Department of Commerce, the Department of Tourism, or the Department of Corrections;

(i) "Vending machine income" means receipts other than those of a blind licensee from the operation of vending machines on public property after deducting the cost of goods sold when machines are operated, serviced, or maintained by, or with the approval of the Division of Vocational Rehabilitation, or commissions paid to other than a licensee by a commercial vending concern which operates, services, or maintains vending machines on public property for or with the approval of the Division of Vocational Rehabilitation; and

(j) "Designee" means an individual or an organization of individuals legally constituted and under the jurisdiction of the Division of Vocational Rehabilitation doing business in the State of West Virginia to assist ~~the~~ a state agency with the administration and supervision of the food services facilities program.

The bill (Eng. H. B. 3389), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 300, Budget Bill.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Deeds.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Deeds were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 12:11 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:58 p.m. and, at the request of Senator Martin, unanimous consent being granted, returned to the third order of business.

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 3519—A Bill expiring funds to the unappropriated surplus balance of the State Fund, General Revenue, for the fiscal year ending June 30, 2025, in the amount of \$155,288,050 from the Governor's Office- Civil Contingent Fund, fund 0105, fiscal year 2024, organization 0100, appropriation 85700, and supplementing and amending of public moneys out of the Treasury from the balance of moneys remaining as unappropriated surplus balance in the State Fund, General Revenue, to a new line item under the Higher Education Policy Commission, Administrative- Control Account, fund 0589, fiscal year 2025, organization 0441 by increasing the appropriations for the fiscal year ending June 30, 2025.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 96—Urging West Virginia members of Congress to ask the President not to cut funding for the Local Food for Schools and Child Care (LFSCC) program.

Referred to the Committee on Education.

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 7, 2025

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Four Hundred Fifty-Eight (458), which was presented to me on April 3, 2025.

You will note that I have approved this bill on April 7, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".
Patrick Morrisey
Governor

PM/an

cc: The Honorable Jeff Pack, Clerk

The Senate again proceeded to the fourth order of business.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 937, Supplementing and amending appropriations to Department of Economic Development.

And,

Eng. Com. Sub. for House Bill 3350, Supplemental Appropriation - DCR - Corrections - 0608.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (S. B. 937 and Eng. Com. Sub. for H. B. 3350) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 2002, Establishing One Stop Shop Permitting Process.

Eng. House Bill 2484, Clarifying the probationary period for paid municipal firefighters.

Eng. Com. Sub. for House Bill 3017, Compliance Audits of Tabulating Equipment.

Eng. Com. Sub. for House Bill 3342, Firearms Industry Nondiscrimination Act.

And,

Eng. House Bill 3456, Relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation regarding Stevens Correctional Center.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for Com. Sub. for H. B. 2002, Eng. H. B. 2484, Eng. Com. Sub. for H. B. 3017, Eng. Com. Sub. for H. B. 3342, and Eng. H. B. 3456) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 2003, Prohibiting Cell phones in class.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2003) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2152, Prompt Payment Act of 2025.

And,

Eng. House Bill 2444, Relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery Commission.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2152 and Eng H. B. 2444) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 2165, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2165) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, 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. Com. Sub. for Com. Sub. for House Bill 2349, To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone.

And 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,

Laura Wakim Chapman,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Chapman, 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. Com. Sub. for House Bill 2351, Relating to compensation for panel attorneys.

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 Finance.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

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

Eng. Com. Sub. for House Bill 2571, Create mechanism for towing companies in WV to quickly access owner information.

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 Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Transportation and Infrastructure pending.

Senator Chapman, 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 2575, Relating to the establishment of a full-time Dementia Services Director position.

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 Finance.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

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

Eng. House Bill 2645, Requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees or charges may be increased.

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 Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Transportation and Infrastructure pending.

Senator Chapman, 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 2776, Requiring Department of Health to report positive Alpha Gal tests to CDC.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2776) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, 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. Com. Sub. for House Bill 2797, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2797) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2866, Relating to fees and charges for municipality provided fire services.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2866) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 2889, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2889) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2960, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2960) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, 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. Com. Sub. for House Bill 3084, Creating the Oral Health and Cancer Rights Act.

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,

Laura Wakim Chapman,
Chair.

The bill, under the original double committee reference, 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

Eng. Com. Sub. for House Bill 3125, To remove restrictions from teachers receiving permanent teaching licenses.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3125) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 3179, Funding for failing public utilities.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Christopher A. Rose,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3179) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3209, To provide at least one counselor for every 250 students in public schools and public charter schools in this state.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3279, Relating to requirements for WVU and WVSU Board of Governors.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3279) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rose, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Eng. Com. Sub. for House Bill 3429, Prequalifying consultants for WVDEP- Abandon Mine Lands.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Christopher A. Rose,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3429) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 7, 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. 2129, Creating the Parents Bill of Rights.;

H. B. 2441, To make those who fail drug test ineligible for unemployment;

Com. Sub. for H. B. 2513, Enhancing training requirements for county boards of education members;

And,

Com. Sub. for H. B. 2548, Clarifying duties of state superintendent regarding rule implementation.

These bills are presented to you on this day, April 7, 2025.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey Pack".

Jeffrey Pack
Clerk of the House of Delegates

cc: The Honorable Lee Cassis
Clerk of the Senate

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 6:15 p.m., the Senate adjourned until tomorrow, Tuesday, April 8, 2025, at 11 a.m.

TUESDAY, APRIL 8, 2025

The Senate met at 11:31 a.m.

(Senator Smith, Mr. President, in the Chair.)

Prayer was offered by the Honorable Charles H. Clements, a senator from the second district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Monday, April 7, 2025,

At the request of Senator Taylor, 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 Linda Hart, mother of the Honorable Craig A. Hart, a senator from the sixth district, privileges of the floor for the day.

The Senate 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 amendments, as to

Eng. Com. Sub. for Senate Bill 50, Requiring municipal elections to be held on same day as statewide elections.

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 2, section 29, line 27, by striking out "2032" and inserting in lieu thereof "2028";

And,

On page 4, section 5, line 14, by striking out "2032" and inserting in lieu thereof "2028";

And,

On page 5, section 5, line 35, by striking out "2032" and inserting in lieu thereof "2028".

On motion of Senator Martin, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 50) 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 passage of

Eng. Com. Sub. for Senate Bill 500, Transferring audits of volunteer fire departments to Legislative Auditor.

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. Senate Bill 615, Eliminating accelerated tax payment requirements.

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. Senate Bill 650, Relating to full-time interventionists.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 2, section (b), line 24, after "classrooms" by striking out the semi-colon and adding in lieu thereof ": *Provided*, That kindergarten and first grade classrooms may not use an interventionist in place of a full time classroom aide."

On motion of Senator Martin, the following amendments to the House of Delegates amendment to the bill (Eng. S. B. 650) were reported by the Clerk, considered simultaneously, and adopted:

By striking out the proviso and inserting in lieu thereof a new proviso to read as follows: *Provided*, That this subdivision does not apply to kindergarten and first grade classrooms and notwithstanding subdivision (2) of this subsection or any other provision of code to the contrary, any early childhood assistant teacher, aide, paraprofessional, or interventionist assigned to a kindergarten or first grade classroom only satisfies the requirements of subsection (a) of this section if the assignment to that classroom is full-time.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 650—A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to providing that a full-time interventionist hired and assigned to up to two classrooms satisfies the early childhood assistant teacher,

aide, or paraprofessional related requirements for kindergarten through third grades for both classrooms; excluding kindergarten and first grade from authority to cover two classrooms with one full-time interventionist; providing that any early childhood assistant teacher, aide, paraprofessional, or interventionist assigned to a kindergarten or first grade classroom must be full-time in order to satisfy certain requirements; and clarifying that a part-time interventionist only satisfies those requirements for one classroom.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Senate Bill 650, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 650) 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, 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. 650) 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 passage by that body, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Com. Sub. for Senate Bill 715, Relating to personally identifiable information of member, retirant, beneficiary, or alternate payee of retirement system.

On motion of Senator Martin, the bill was taken up for immediate consideration.

On further motion of Senator Martin, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of 90 days from passage.

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. 715) 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, without amendment, to take effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

Eng. Senate Bill 716, Relating to failure to pay required contributions and interest payments for certain retirees who transfer between retirement systems.

On motion of Senator Martin, the bill was taken up for immediate consideration.

On further motion of Senator Martin, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of 90 days from passage.

Senator Martin moved that the bill take effect from passage.

Having previously granted Senator Charnock's request to be excused from voting on any matter pertaining to the bill under Rule 43 of the Rules of the Senate,

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 716) 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 amendments to, and the passage as amended with its Senate amended title, of

Eng. Com. Sub. for House Bill 2157, Provide one trip temporary vehicle permits to be purchased and printed online.

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 2709, Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot.

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 3313, Providing more opportunities for high school students in community colleges.

The Senate proceeded to the fourth order of business.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 2120, Relating to forms and disclosures to the Ethics Commission.

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 Finance.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Barrett, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

At the further request of Senator Barrett, and by unanimous consent, the bill (Eng. H. B. 2120) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 2344, Relating generally to traffic safety.

And has amended same.

And,

Eng. House Bill 3292, Relating to special stops required for on-track equipment.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Stuart, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the

second committee reference of Engrossed House Bill 2344 contained in the foregoing report from the Committee on Transportation and Infrastructure.

At the further request of Senator Stuart, and by unanimous consent, Engrossed House Bill 2344 was taken up for immediate consideration, read a first time, and ordered to second reading.

Engrossed House Bill 3292, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Transportation and Infrastructure pending.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2389, Relating to Dietitian Licensure Compact.

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,

Patricia Puertas Rucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 2479, Relating to Management and control of county authority vested in board.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2479) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 2491, Relating to conditions on holding online raffles.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2491) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 2742, Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2742) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. 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.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2755) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator 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

Eng. House Bill 2948, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer.

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 the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3000, Relating to agency changes and updates to the West Virginia Commercial Feed Law.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3000) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3133, Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3133) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3145, Relating to duties of licensees under the West Virginia Real Estate License Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Patricia Puertas Rucker,
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 Government Organization pending.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3174, Requiring municipalities take actions when potential customers apply for water and sewer service.

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 Finance.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Government Organization pending.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3272, Relating to eviction proceedings.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3272) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3274, Relating to reports of circuit court proceedings.

Eng. House Bill 3275, Update timing for appeals.

And,

Eng. House Bill 3515, Relating to appointment of officers of the West Virginia State Police.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. H. B. 3274, 3275, and 3515) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 3373, To extend and revise the sunset provision in the Tourism Development Act to December 31, 2030.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3373) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3440, Relating generally to removing and repealing obsolete provisions under the purview of the State Treasurer's Office.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3440) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 3503, Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act.

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 the Judiciary.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

Senator Oliverio offered the following resolution:

Senate Resolution 47—Recognizing Brady Campbell as the 2024 recipient of the Earl S. Dillard Agent of the Year Award, presented to him by the Independent Insurance Agents of West Virginia for his outstanding contributions to the insurance industry and the state of West Virginia.

Which, under the rules, lies over one day.

Senator Jeffries offered the following resolution:

Senate Resolution 48—Designating April 9, 2025, as Cyberbullying Awareness and Prevention Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 46, Designating April 8, 2025, as Child Care Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Chapman, 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 House Bill 2008, Executive Branch Reorganization.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday, Monday, April 7, 2025, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-1. Department of Commerce; office of Secretary of Department of Commerce.

(a) The Secretary of Commerce is the chief executive officer of the department. The Governor shall appoint the secretary, by and with the advice and consent of the Senate, for the term for which the Governor is elected. Any reference in this code to the Bureau of Commerce means the Department of Commerce. Any reference in this code to the Commissioner of the Department of Commerce means the Secretary of Commerce. As used in this article, "secretary" means the Secretary of Commerce and "department" means Department of Commerce.

(b) The department may receive federal funds.

(c) The secretary serves at the will and pleasure of the Governor.—The annual salary of the secretary is ~~ninety thousand dollars~~ as provided in §6-7-2a of this code.

§5B-1-2. Agencies, boards, commissions, divisions, and offices comprising the Department of Commerce.

(a) The Department of Commerce consists of the following agencies, boards, commissions, divisions, and offices, including all of the allied, advisory, affiliated, or related entities, which are incorporated in and administered as part of the Department of Commerce:

(1) Division of Labor provided in §21-1-1 *et seq.* of this code, which includes:

~~(A) Occupational Safety and Health Review Commission provided in §21-3A-1 *et seq.* of this code; and~~

~~(B) the~~ Board of Manufactured Housing Construction and Safety provided in §21-9-1 *et seq.* of this code.

(2) Office of Miners' Health, Safety and Training provided in §22A-1-1 *et seq.* of this code. ~~The following boards~~ Board of Coal Mine Health and Safety and the Coal Mine Safety and Technical Review Committee provided in §22A-6-1 *et seq.* of this code are

transferred to the Office of Miners' Health, Safety, and Training for purposes of administrative support and liaison with the Office of the Governor.

~~(A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in §22A-6-1 et seq. of this code;~~

~~(B) Board of Miner Training, Education and Certification provided in §22A-7-1 et seq. of this code; and~~

~~(C) Mine Inspectors' Examining Board provided in §22A-9-1 et seq. of this code;~~

(3) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 *et seq.* of this code;

(4) Division of Forestry provided in §19-1A-1 *et seq.* of this code;

(5) Geological and Economic Survey provided in §29-2-1 *et seq.* of this code; ~~and~~

(6) Workforce West Virginia provided in Chapter 21A of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and

(D) Division of Research, Information and Analysis; and

(7) Division of Economic Development provided in §5B-2-1 et seq. of this code, which includes:

(A) Office of Broadband provided for in 31G-1A-1 et seq.;

(B) Small Business Development Center provided for in §12-1A-1 et seq.; and

(C) Office of Energy provided for in §5B-2F-2 of this code.

(b) Beginning on July 1, 2025, all employees of the Department of Commerce, or agency, board, commission, division, and office listed under subsection (a) of this section, shall be exempt from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code and from the classified civil service system under §29-6-1 *et seq.* of this code except that:

(1) All employees of the Department of Commerce, or agency, board, commission, division, and office listed under subsection (a) of this section, who are currently members of the classified civil service system shall retain their status as long as they remain in their current position, and all employees of the Department of Commerce who currently have recourse to the state grievance procedures will continue to have access to the state grievance procedures as long as they remain in their current position; and

(2) Any employee of the Department of Commerce, or agency, board, commission, division, and office listed under subsection (a) of this section, that leaves his or her position and remains an employee within the Department of Commerce shall, at that time, be transferred to the classified-exempt service system as defined in §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code.

(c) The Secretary of the Department of Commerce shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with federal law, federal regulation, or the requirements for receipt of federal funding or assistance.

(d) Subsection (b) of this section shall not apply to:

(1) Any position appointed by the Governor; and

(2) Natural Resource Police Officers and Special Natural Resource Police Officers employed with the Division of Natural Resources who are charged with carrying out law enforcement activity, as set forth in §20-7-1 *et seq.* of this code.

(e) Nothing in this section shall exempt the Department of Commerce from the provisions of this code prohibiting nepotism,

favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

ARTICLE 2. ~~DEPARTMENT~~ DIVISION OF ECONOMIC DEVELOPMENT.

§5B-2-1. West Virginia ~~Department~~ Division of Economic Development; confidentiality.

(a) The West Virginia Division of Economic Development, formerly the Department of Economic Development and formerly the Development Office, ~~previously continued from the Governor's office of community and industrial development,~~ is hereby continued ~~but is hereafter raised to a separate and distinct department of the executive branch of state government and is designated and shall be known as the West Virginia Department of Economic Development as a division of the Department of Commerce.~~

(b) All references in this code to the West Virginia Department of Economic Development, West Virginia Development Office, the office of community and industrial development, or the Governor's office of community and industrial development shall be construed as references to the West Virginia ~~Department~~ Division of Economic Development. As used in this article, "~~Department~~" "division" means the ~~Department~~ Division of Economic Development, "department" means the Department of Commerce, and "secretary" means the Secretary of the Department of Commerce.

(c) Beginning on July 1, 2025, all employees of the Division of Economic Development shall be exempt from the state grievance procedures as set forth in §6C-2-1 et seq. of this code and from the classified civil service system under §29-6-1 et seq. of this code except that:

(1) All employees of the Division of Economic Development who are currently members of the classified civil service system shall retain their status as long as they remain in their current

position, and all employees of the Division of Economic Development who currently have recourse to the state grievance procedures will continue to have access to the state grievance procedures as long as they remain in their current position; and

(2) Any employee of the Division of Economic Development that leaves his or her position and remains an employee within the Department of Commerce shall, at that time, be transferred to the classified-exempt service system as defined in §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code.

(d) The Secretary of the Department of Commerce shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with federal law, federal regulation, or the requirements for receipt of federal funding or assistance.

(e) Subsection (c) of this section shall not apply to any position appointed by the Governor.

(f) Nothing in this section shall exempt the Division of Economic Development from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

~~(b)~~ (g) Any documentary material, data or other writing made or received by the ~~Department~~ Division of Economic Development or other public body whose primary responsibility is economic development, for the purpose of furnishing assistance to a new or existing business shall be exempt from §29B-1-1 *et seq.* of this code: *Provided*, That any agreement entered into or signed by the ~~Department~~ Division of Economic Development or other public body which obligates public funds shall be subject to inspection and copying pursuant to §29B-1-1 *et seq.* of this code as of the date the agreement is entered into, signed, or otherwise made public.

§5B-2-2. Office of ~~Secretary~~ Executive Director of ~~Department~~ the Division of Economic Development.

(a) The ~~Secretary~~ Executive Director of the ~~Department~~ Division of Economic Development is the chief executive officer of the ~~department~~ division. The Governor shall appoint the ~~secretary~~ the Executive Director, who shall be qualified for the position by reason of his or her extensive education and experience in the field of professional economic development, ~~by and with the advice and consent of the Senate, for the term for which the Governor is elected, and the~~ The Executive Director ~~secretary~~ shall serve at the will and pleasure of the Governor. Any reference in this code to the Secretary of the Department of Economic Development, or the Executive Director of the West Virginia Development Office means the ~~Secretary of the Department~~ Executive Director of the Division of Economic Development. As used in this article, "~~secretary~~" "executive director" means the ~~Secretary of the Department~~ Executive Director of the Division of Economic Development. Subject to the provisions of the contract provided in §5B-2-4 of this code, the ~~secretary~~ executive director may hire, and fire economic development representatives employed pursuant to §5B-2-5 of this code.

(b) The ~~secretary~~ Executive Director may promulgate rules to carry out the purposes and programs of the ~~Department~~ Division of Economic Development to include generally the programs available and the procedure and eligibility of applications relating to assistance under the programs. These rules are not subject to Chapter 29A of this code, but shall be filed with the Secretary of State. The ~~secretary~~ Executive Director may adopt any of the rules previously promulgated by the Department of Economic Development, the West Virginia Development Office, or the council for community and economic development.

§5B-2-3. Powers and duties of the ~~secretary~~ Executive Director.

(a) The ~~secretary~~ Executive Director shall enhance economic growth and development through the development of a comprehensive economic development strategy for West Virginia. "Comprehensive economic development strategy" means a plan that outlines strategies and activities designed to continue, diversify or expand the economic base of the state as a whole; create jobs; develop a highly skilled workforce; facilitate business

access to capital, including venture capital; advertise and market the resources offered by the state with respect to the needs of business and industry; facilitate cooperation among local, regional and private economic development enterprises; improve infrastructure on a state, regional and community level; improve the business climate generally; and leverage funding from sources other than the state, including federal and private sources.

~~(b) The Department of Economic Development shall utilize, to the fullest extent practicable and efficient, existing resources of the Department of Commerce for functions necessary for the operation of the department but which functions are not directly related to the purposes of the department listed in subsection (a) of this section. The Department of Economic Development may enter into such agreements with the Department of Commerce or other agencies of this state as may be necessary or advisable to utilize existing resources of this state.~~

~~(c) The Secretary of the Department of Economic Development may designate, in writing, a list of positions within the department that shall be exempt from coverage under the state's classified service.~~

~~(d)~~(b) The Department Division of Economic Development shall be exempt from §5A-3-1 *et seq.* of this code.

§5B-2-3b. Economic development promotion and closing fund.

The previously created fund known as the "Development Office promotion fund" is hereby continued but shall hereafter be known as the "Economic Development Promotion and Closing Fund". Moneys deposited in this fund shall be administered by the Department Division of Economic Development, with the approval of the Secretary of the Department of Commerce, and used solely to promote business formation, expansion, recruitment and retention through aggressive marketing and international development and export assistance, and to provide a fund from which moneys may be drawn to offer certain incentives for business formation or expansion, to provide assistance with respect to site development or other concerns identified by the ~~secretary~~

Executive Director, and to further facilitate economic development in this state, all of which economic development efforts and initiatives lead to more and better jobs with higher wages for all geographic regions and communities of the state, including rural areas and urban core areas, and for all residents,—~~including minorities.~~

§5B-2-4. Public-private partnerships.

The ~~Department~~ Division of Economic Development may enter into contractual or joint venture agreements with a nonprofit corporation organized pursuant to the corporate laws of the state, organized to permit qualification pursuant to section 501(c) of the Internal Revenue Code and for purposes of the economic development of West Virginia, and funded from sources other than the state. The contract shall include provisions relating to the employment of economic development representatives assigned to the ~~Department~~ Division of Economic Development to be paid a base salary by the state and performance-based economic incentives from private funds of the nonprofit corporation. Provisions relating to hiring practices with respect to economic development representatives, job descriptions, accountability, public-private liaison, and performance standards may be the subject of contract negotiations. The contract may include provisions for continuing education and certification in the field of economic or industrial development for persons employed as economic development representatives. Agreements providing for the payment of performance-based incentives to the ~~secretary~~ executive director are authorized. Agreements providing for the payment of travel and other expenses of or to the ~~secretary~~ executive director or of or to economic development representatives from private funds by the nonprofit corporation are authorized. The prohibitions of §6B-2-5(b) and §6B-2-5(d) of this code are not applicable to the receipt by economic development representatives or by the ~~secretary~~ executive director of performance-based incentives and other payments made by the nonprofit corporation and specifically authorized pursuant to this section.

From time to time the ~~secretary~~ executive director may enter into joint ventures wherein the ~~department~~ division and the nonprofit corporation share in the development and funding of economic development programs.

All contracts and joint venture agreements must be approved by the ~~secretary~~ Executive Director of the Division and the Secretary of the Department of Commerce. Contracts entered into pursuant to this section for longer than one fiscal year shall contain, in substance, a provision that the contract shall be considered cancelled without further obligation on the part of the state if the State Legislature or, where appropriate, the federal government, shall fail to appropriate sufficient funds therefor or shall act to impair the contract or cause it to be cancelled.

§5B-2-4a. State allocation to regional councils.

The ~~Department~~ Division of Economic Development may enter into contractual agreements with the regional councils formed under §8-25-5 of this code to provide funding to the regional councils to be used to obtain federal matching grants and for other purposes determined to be appropriate by the department: *Provided*, That the amount of any allocation shall be determined by dividing the number of eligible regional councils into the total amount of funds made available for allocation by the Legislature. The ~~Department~~ Division of Economic Development shall develop criteria to determine a regional council's eligibility for the state allocation.

§5B-2-5. Economic development representatives.

(a) The ~~secretary~~ executive director may employ economic development representatives to be paid a base salary within legislative appropriations to the ~~department~~ division, subject to applicable contract provisions pursuant to §5B-2-4 of this code. Economic development representatives may receive performance-based incentives and expenses paid from private funds from a nonprofit corporation contracting with the ~~department~~ division pursuant to §5B-2-4 of this code. The ~~secretary~~ executive director shall establish job descriptions and responsibilities of economic

development representatives, subject to the provisions of any contract with a nonprofit corporation entered into pursuant to §5B-2-4 of this code.

(b) Notwithstanding any provision of this code to the contrary, economic development representatives employed within the ~~department~~ division are not subject to the procedures and protections provided by §29-6-1 *et seq.* and §29-6A-1 *et seq.* of this code. Any employee of the ~~department~~ division on the effective date of this article who applies for employment as an economic development representative is not entitled to the protections of ~~by~~ §29-6-1 *et seq.* of this code with respect to hiring procedures and qualifications; and upon accepting employment as an economic development representative, the employee relinquishes the protections provided for in §6C-2-1 *et seq.* and §29-6-1 *et seq.* of this code.

~~(c) On the last Monday in January, in years 2017, 2019 and 2021, the secretary shall submit to the Legislature a written report. The secretary shall provide copies of his or her report to the President of the Senate, the Speaker of the House of Delegates, the chair of the Senate Committee on Economic Development and the chair of the House Committee on Small Business, Entrepreneurship and Economic Development. The secretary's report shall do the following:~~

~~(1) Identify and describe loans, grants or other funding sources that economic development representatives have assisted small businesses acquire during the immediately preceding reporting cycle;~~

~~(2) Identify and describe generally inquiries, requests for assistance or other matters that other state or federal agencies have presented to the department in the immediately preceding reporting cycle in connection with those agencies' efforts to regulate or assist small businesses;~~

~~(3) Identify and describe issues with formation, registration and licensure requirements that state law imposes on small businesses~~

~~that small businesses have identified to the department in the immediately preceding reporting cycle as burdensome;~~

~~(4) Identify specific forms, processes or requirements imposed by state law that small businesses have identified to the department in the immediately preceding reporting cycle that may be streamlined, simplified, combined, or eliminated in order to reduce unnecessary costs, delays, or other burdens on small businesses;~~

~~(5) Propose and describe concrete and specific steps that any branch, agency or level of state government may take to streamline, simplify, combine, or eliminate the forms, processes or requirements identified in subdivision (4) of this subsection; and~~

~~(6) Provide the following information:~~

~~(A) The number of small businesses counseled by the department during the immediately preceding reporting cycle;~~

~~(B) The number of new businesses created while being counseled by the department during the immediately preceding reporting cycle;~~

~~(C) The number of jobs created by businesses counseled by the department during the immediately preceding reporting cycle; and~~

~~(D) Any other information that, in the opinion of the executive director, demonstrates the performance of the department or economic development representatives during the immediately preceding reporting cycle.~~

§5B-2-6. Transition; savings provision.

All programs, orders, determinations, rules, permits, grants, contracts, certificates, bonds, authorizations and privileges which have been issued, made, granted or allowed to become effective pursuant to any prior enactments of this article or by the Governor, the executive director of the Development Office, the Secretary of the Department of Economic Development, the Governor's Office of Community and Industrial Development or its director, or by a court of competent jurisdiction, and which are in effect on February

1, 1992, shall continue in effect according to their terms until modified, terminated, superseded, set aside or revoked by the Governor, ~~or the Secretary of the Department of Commerce, pursuant to this article,~~ by a court of competent jurisdiction, or by operation of law.

§5B-2-6a. Brownfield economic development districts; applications; fees; rules.

(a) Any property owner of a tract of land that is a brownfield or voluntary remediated site pursuant to §22-22-1 *et seq.* of this code may, if the site and surrounding area were involved in the extraction and processing of coal, limestone, or other natural resources, apply to the ~~department~~ division to become a brownfield economic development district.

(1) Applicants for a brownfield economic development district must demonstrate that the district when designated will create significant economic development activity;

(2) Applicants shall submit a development plan that provides specific details on proposed financial investment, direct and indirect jobs to be created and the viability of the district;

(3) Brownfield economic development districts:

(A) May not contain single-family housing;

(B) Shall provide all the infrastructure within the district without cost to the state, county, public service district or local municipal government;

(4) Applicants shall demonstrate that were it not for this designation, the contemplated development would not be possible, and that the development is in the best interest of the state;

(5) The applicant shall own or control the property within the district;

(6) All costs for the application process shall be borne by the applicant;

(7) An applicant shall demonstrate that the applicant has attempted to work in good faith with local officials in regard to land-use issues;

(8) Beginning July 1, 2011, an application for a brownfield economic development district may not be approved unless the district conforms to a county's or municipality's planning and zoning laws established pursuant to §8A-7-1 *et seq.*, §8A-8-1 *et seq.*, and §8A-9-1 *et seq.* of this code.

(9) Prior to granting a designation of brownfield economic development district, the applicant shall provide documentation that the applicant has met all the requirements set forth in §22-22-1 *et seq.* of this code to be designated as a brownfield site or voluntary remediated site and is in compliance with the remediation plan;

(10) Nothing may be construed by this section to exempt brownfield economic districts from environmental regulation that would pertain to the development;

(11) The decision of the ~~development office~~ division in regard to an application is final; and

(12) Once designated, the district shall work in conjunction with the regional brownfield assistance centers of Marshall University and West Virginia University as specified in §18B-11-7 of this code.

(b) The ~~department~~ division shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this section and the rules shall include, but not be limited to, the application and time line process, notice provisions, additional application consideration criteria and application fees sufficient to cover the costs of the consideration of an application.

§5B-2-9a. Powers and duties of Secretary of the Department of Tourism and Tourism Advisory Council for improving Cardinal Passenger Train Service; declaration of public policy and Legislative intent.

(a) It is hereby declared the public policy of the State of West Virginia and the intent of the Legislature to facilitate, advance, and improve the availability of interstate passenger rail service to the state, the contributions of such service to local tourism development including the Boy Scouts of America Summit Bechtel Reserve in Fayette County, the marketing of such services for both interstate rail travel for the benefit of the state's citizens, businesses, and local tourism and to improve the quality and frequency of such service, including the provision of a daily passenger train service at the earliest opportunity, of the Cardinal Passenger Train operated by the National Railroad Passenger Corporation, doing business as AMTRAK, on railroad lines crossing the south-central region of the state from Huntington eastward to White Sulphur Springs, being that same route historically and continuously used by the passenger train and its predecessors since the year 1871.

(b) Notwithstanding any other provision of this code to the contrary, the Secretary of the Department of Tourism, with the advice of the tourism advisory council, and in consultation with the Secretary of the West Virginia Department of ~~Economic Development~~ Commerce, is directed to coordinate and supervise the activities of the state, to coordinate and cooperate with the political subdivisions and municipalities of the state, to cooperate with the National Railroad Passenger Corporation and with the other states served by the Cardinal Passenger Train to achieve the public policy set forth in subsection (a) of this section. The secretary may conduct such studies, and make such investigations, as may be reasonable and appropriate to advance the public policy set forth in subsection (a) of this section.

(c) The secretary may enter into contracts and memoranda of understanding with the National Railroad Passenger Corporation, with the other states served by the Cardinal Passenger Train, and with the political subdivisions and municipalities of this state, to achieve the public policy set forth in subsection (a) of this section. The secretary is further authorized to cooperate with the aforesaid other states and National Railroad Passenger Corporation in the formation of an interstate committee for the purpose of achieving

the public policy set forth in subsection (a) of this section, to participate in said committee and appoint other designees thereto.

(d) In the exercise of their powers and duties under this section, the secretary and tourism advisory council shall consult with the West Virginia Department of Transportation and the ~~West Virginia State Rail Authority~~ Division of Multimodal Transportation Facilities. The West Virginia Department of Transportation and the ~~West Virginia State Rail Authority~~ Division of Multimodal Transportation Facilities shall cooperate with the secretary and the tourism advisory council, and shall provide the secretary and the tourism advisory council with such reasonable and necessary assistance as may be possible based on available staff and funds to achieve the public policy set forth in subsection (a) of this section.

(e) There is hereby created a special revenue account, designated the "Cardinal Passenger Train Enhancement Fund" into which all moneys intended to advance the purposes of this section shall be deposited. Moneys in this account shall be expended solely for the public policy and purposes set forth in this section. Funds paid into this account may also be derived from the following sources: (1) All interest or return on investment accruing to this account; (2) any gifts, grants, bequests, transfers, appropriations, or other donations which may be received from any governmental entity or unit or any person, firm, foundation, or corporation; and (3) any appropriations by the Legislature which may be made for the purposes of this section. Any balance including accrued interest and other earnings at the end of any fiscal year shall not revert to the general fund but shall remain in the fund for the purposes set forth in this section. The moneys in the fund shall be paid out, at the sole discretion and direction of the secretary, to advance the purposes of this section.

§5B-2-10. Program and policy action statement; submission to Joint Committee on Government and Finance.

The tourism advisory council, the ~~Department~~ Division of Economic Development, and any other authorities, boards, commissions, corporations or other entities created or amended under this chapter and §18B-11-1 *et seq.* of this code, shall prepare

and submit to the Joint Committee on Government and Finance on or before December 1, 1995, and each year thereafter, a program and policy action statement which shall outline in specific detail according to the purpose, powers and duties of the office or section, its procedure, plan and program to be used in accomplishing its goals and duties as required under this article.

§5B-2-14. Certified development community program.

The certified development community program is continued and is transferred to, incorporated in and administered as a program of the ~~Department~~ Division of Economic Development. The program shall provide funding assistance to the participating economic development corporations or authorities through a matching grant program. The ~~department~~ division shall establish criteria for awarding matching grants to the corporations or authorities within the limits of funds appropriated by the Legislature for the program. The matching grants to eligible corporations or authorities are in the amount of \$50,000 for each fiscal year, if sufficient funds are appropriated by the Legislature. The ~~department~~ division shall recognize existing county, regional or multicounty corporations or authorities where appropriate.

In developing its plan, the ~~department~~ division shall consider resources and technical support available through other agencies, both public and private, including, but not limited to, the state college and university systems; the West Virginia Housing Development Fund; the West Virginia Economic Development Authority; the West Virginia Parkways, ~~Economic Development and Tourism~~ Authority; the West Virginia Round Table; the West Virginia Chamber of Commerce; Regional Planning and Development Councils; Regional Partnership for Progress Councils; and state appropriations.

§5B-2-16. Entrepreneurship and Innovation Investment Fund.

(a) The Entrepreneurship and Innovation Investment Fund is hereby created. The fund shall be administered by the ~~Department~~ Division of Economic Development 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 appropriations provided by the Legislature;

(2) Any moneys available from external sources; and

(3) All interest and other income earned from investment of moneys in the fund.

(c) The ~~Department~~ Division of Economic Development shall use moneys in the fund to support entrepreneurship, creation of business startups, improvements in workforce participation, and attracting individuals to relocate to West Virginia.

(d) Any balance, including accrued interest and any other returns, in the Entrepreneurship and Innovation Investment 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.

§5B-2-17. West Virginia Motorsport Committee.

(a) The West Virginia Motorsport Committee is hereby created.

(b) The committee consists of 17 members, including its chairperson, appointed by the Governor to serve at his or her will and pleasure. The committee members shall represent:

(1) Asphalt oval racing;

(2) Dirt drag racing;

(3) Dirt oval racing;

- (4) Drag racing;
- (5) Drift racing;
- (6) Hill climb racing;
- (7) Karting racing;
- (8) Motor cross racing;
- (9) Motorcycle road course racing;
- (10) Mud racing;
- (11) Off-road racing;
- (12) Rallying racing;
- (13) Rallycross racing;
- (14) Road course racing;
- (15) Time Trials racing; and
- (16) Truck/Tractor pulls.

(c) The Secretary of the Department of Tourism and the ~~Secretary~~ Executive Director of the ~~Department~~ Division of Economic Development shall also serve on the committee, ex officio.

(d) The committee shall:

(1) Work with the existing facilities within the state to enhance existing racing;

(2) Develop a strategy that creates further opportunities, such as encouraging racing training schools, conducting special events, and encouraging special events and the construction of larger in-state racing facilities; and

(3) Seek opportunities to promote economic growth and manufacturing jobs related to motorsports.

(e) The committee shall hold regular meetings, at least quarterly, and conduct public hearings as it considers necessary.

~~(f) The committee shall report on the status of its duties, goals, accomplishments, and recommendations to the Legislature on at least an annual basis.~~

§5B-2-18. Small Business Supplier Certification Assistance Program.

(a) The Legislature finds that there is currently no standardized certification process for small business enterprises in West Virginia. As a result, there is no uniform method for verifying or certifying small business contractors or suppliers seeking to participate in government contracting and procurement processes. The Legislature further finds that it is important to develop such a certification program to promote more in-state businesses and to strengthen regional supply chains within the institutions of the state or its political subdivisions. Therefore, it is the purpose of this section to establish the Small Business Supplier Certification Assistance Pilot Program, to develop and implement a certification process for the benefit of small business enterprises seeking to further engage in the government contracting and bidding processes.

(b) The ~~Department~~ Division of Economic Development is hereby authorized to work in collaboration with Marshall University to establish a Small Business Supplier Certification Assistance Pilot Program to be implemented for purposes of developing a certification process for small business enterprises.

(c) Prior to implementation of the pilot program, Marshall University shall coordinate with the ~~Department~~ division to develop a master plan for the pilot program, the focus of which should include, but not be limited to, the following:

(1) A mission statement and small business participation plan for the program aimed at creating a competitive business environment by promoting the growth and success of small

businesses through meaningful participation in the procurement process. The small business participation plan shall include:

(A) A study to determine any inequities that exist in public procurement and contracting that adversely affect small business vendors;

(B) An outreach program to identify and provide education to small business vendors;

(C) Initial and continuing education opportunities for the small business vendor community through both virtual and in-person workshops;

(D) A small business vendor notification process for bidding opportunities; and

(E) A method of assessing overall program results and establishing recommendations for future goals and participation.

(2) Development of an application and certification process for small business enterprises, including guidelines for certification, based upon existing federal Small Business Administration guidelines;

(3) Education and outreach proposals relating to program certifications and the benefits of small business participation;

(4) Technical training to be provided on state and government contracting and the public bidding process;

(5) Notification of current bidding opportunities for small business providers;

(6) Opportunities for collaboration with other public and private sector entities; and

(7) Methods of implementation of the pilot program, which shall include:

(A) Defined program goals;

(B) Program research to be conducted;

(C) Scheduling milestones, assignment of tasks, and allocation of resources; and

(D) Reporting of program certifications, successes, and benefits to the economy and small business opportunities.

(d) The pilot program shall continue in duration through December 31, 2023, and unless continued by the legislature, the program will terminate at midnight on January 1, 2024. Prior to the conclusion of the program, the ~~Department~~ division, in coordination with Marshall University, shall report to the Legislature's Joint Commission on Economic Development on the following:

(1) Progress towards and methods of implementation of the pilot program, including the required certifications and training for small business enterprises;

(2) An analysis of the overall program results based on the metrics created in the master plan of the pilot program;

(3) Recommendations as to whether the pilot program should continue beyond its current duration; and

(4) Any proposed plan or legislation necessary to accomplish the purpose of making the program permanent.

(e) For purposes of the pilot program, any information provided by a small business enterprise for purposes of the certification process shall be considered private and confidential and exempt from the provisions of the Freedom of Information Act, as provided in §29B-1-1 *et seq.* of this code. Neither the ~~Department~~ division nor Marshall University may share any information provided by a small business enterprise with any other state or federal agencies unless required by law.

§5B-2-19. Certified Sites and Development Readiness Program.

(a)(1) The Certified Sites and Development Readiness Program is hereby created and is to be administered as a program within the ~~Department~~ Division of Economic Development with appropriate rules as necessary. The program shall establish evaluation criteria and site certification levels based upon developmental readiness of an applicant's site. In developing the program, the ~~department~~ division shall consider utilizing all available resources and technical support, both public and private.

(2) The ~~department~~ division shall establish an application process and forms through which an applicant may begin to participate in the program and identify and describe potential sites for economic development and investment. The application process and forms should include site specific information such as property ownership and control, descriptions and mapping, historical and current uses, access to various forms of transportation, availability of various utility services, environmental studies, conceptual plans, marketing materials, and all other information requested by the department.

(3) Applicants may include only state, county, municipal, or regional governmental entities such as, without limitation, economic development authorities, economic development corporations, economic development alliances, or economic development partnerships.

(4) The ~~department~~ division shall select applicant's sites to participate in the program from the application materials. The ~~department~~ division will select sites to participate in the program, evaluate the selected sites, and certify each site based upon its readiness to be developed from the established criteria. After evaluation, the ~~department~~ division shall provide a report to the applicant detailing the results of the site evaluation, identifying site deficiencies and strengths, and suggesting a prioritized list of site improvements which may be made to improve the site's readiness to develop. The ~~department~~ division may thereafter reevaluate and recertify a site as improvements are made to a site and deficiencies cured.

(5) The ~~department~~ division may provide to applicants funding assistance up to a 50 percent match through a matching grant program which may be spent only for directly improving the developmental readiness of sites which have been selected to participate in the program. The ~~department~~ division shall establish criteria and an application process for awarding matching grants to improve an applicant's site readiness: *Provided*, That no single site may receive any amount greater than a maximum amount established by the ~~department~~ division through this grant matching program. Applications for this grant matching program must include details which specifically identify what deficiency or deficiencies will be cured and through what means and all other information required by the ~~department~~ division. Grant matching funds must be spent, contracted to be spent, or returned to the department within 12 months of the date of receipt of the grant matching funds. Grant matching funds shall be paid back to the ~~department~~ division when a participating site is sold or leased for development. The ~~department~~ division shall take prudent steps to receive a security interest in a participating site in the amount of the grant matching funds award including, but not limited to, placing of record in the county where the participating site is located, an appropriate lien against the title. All funds repaid under this section shall remain within the program for use on participating sites. The ~~department~~ division shall monitor, and request appropriate evidence documenting the cured deficiencies and thereafter reevaluate and recertify a participating site as part of this grant matching program.

(6) The ~~department~~ division may provide funding assistance to applicants through a micro grant program which may be spent only for directly improving the developmental readiness of sites which have been selected to participate in the program. The ~~department~~ division shall establish criteria and an application process for awarding the micro grants to improve an applicant's site readiness: *Provided*, That no single site may receive any amount greater than \$75,000 through this micro grant program. Applications for this micro grant program must include details which specifically identify what deficiency or deficiencies will be cured and through what means and all other information required by the ~~department~~

division. Micro grant funds must be spent, contracted to be spent, or returned to the ~~department~~ division within 12 months of the date of receipt of the micro grant funds. All funds returned under this section shall remain within the program for use on participating sites. The ~~department~~ division shall monitor and request appropriate evidence documenting the cured deficiency and thereafter reevaluate and recertify a participating site as part of this micro grant program.

(b) (1) The Certified Sites and Development Readiness Fund is hereby created. The fund shall be administered by the ~~Department~~ Division of Economic Development and shall consist of all moneys made available for the purposes from:

(A) Appropriations provided by the Legislature;

(B) Any moneys available from external sources; and

(C) All interest and other income earned from investment of moneys in the fund.

(2) The ~~Department~~ Division of Economic Development shall use moneys in the fund to support The Certified Sites and Development Readiness Program.

(3) Any balance, including accrued interest and any other returns, in the fund at the end of each fiscal year may not expire to the General Revenue Fund but shall remain in the fund and be expended for the purposes provided by this section.

(4) Fund balances may be invested under §12-6C-6 of this code. Earnings on the investments shall be used solely for the purposes defined in this section.

§5B-2-20. West Virginia Uncrewed Aircraft Systems Advisory Council.

(a) The West Virginia Uncrewed Aircraft Systems Advisory Council is hereby created within the ~~Department~~ Division of Economic Development.

(b) The council consists of the following nine members, including the chairperson:

(1) The ~~Secretary~~ Executive Director of the ~~Department~~ Division of Economic Development or his or her designee, ex officio, who shall serve as the chair of the council, and who shall vote when necessary in the event the appointed members of the council become deadlocked;

(2) The following eight members shall be appointed by the Governor and serve at his or her will and pleasure:

(A) One member representing the Secretary of the Department of Transportation;

(B) One member from the Adjutant General's Department;

(C) One member representing the uncrewed aircraft system industry with at least five years of experience operating an uncrewed aircraft;

(D) One member representing a national association of the uncrewed aerial vehicle industry;

(E) One member with experience managing a commercial services airport;

(F) One member representing business and industry, generally;

(G) One member representing academia; and

(H) One member representing the advanced air mobility industry developing human transit capabilities.

(3) Members of the council will receive no compensation but are entitled to reimbursement for mileage expenses while attending meetings of the committee to the extent that funds are available through the ~~Department~~ Division of Economic Development.

(c) The council shall:

(1) Identify trends and technologies driving innovation in uncrewed aircraft systems;

(2) Develop comprehensive strategies, including, but not limited to, the promotion of research and development, education, economic growth, and jobs in the uncrewed aircraft system industry in West Virginia; public acceptance of the uncrewed aircraft system industry; business planning; air vehicle technology and manufacturing; and airspace management and national airspace system integration; and

(3) Develop recommended legislation addressing specific issues and in furtherance of the comprehensive strategies identified in subdivision (2), subsection (c) of this section.

(d) The council shall meet at least annually and may convene public meetings to gather information or receive public comments.

(e) The council shall report on the status of its duties, goals, accomplishments, and recommendations to the Legislature on at least an annual basis.

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-2. Executive departments created; offices of secretary created.

(a) There are created, within the executive branch of the state government, the following departments:

- (1) Department of Administration;
- (2) Department of Environmental Protection;
- (3) Department of Health;
- (4) Department of Homeland Security;

- (5) Department of Revenue;
- (6) Department of Transportation;
- (7) Department of Commerce;
- (8) Department of Veterans' Assistance;
- ~~(9) Department of Economic Development;~~
- ~~(10)~~(9) Department of Tourism;
- ~~(11)~~(10) Department of Human Services; and
- ~~(12)~~(11) Department of Health Facilities.

(b) Each department will be headed by a secretary appointed by the Governor with the advice and consent of the Senate. Each secretary serves at the will and pleasure of the Governor.

§5F-1-3a. Executive compensation commission.

[Repealed.]

§5F-1-6. House Bill 4006 amendments effective date.

[Repealed.]

ARTICLE 2. TRANSFER OF AGENCIES AND BOARDS.

§5F-2-1. Transfer and incorporation of agencies and boards; funds.

(a) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Administration:

- (1) Public Employees Insurance Agency provided in §5-16-1 *et seq.* of this code;
- (2) Governor's Mansion Advisory Committee provided in §5A-5-1 *et seq.* of this code;

(3) Commission on Uniform State Laws provided in §29-1A-1 *et seq.* of this code;

(4) West Virginia Public Employees Grievance Board provided in §6C-3-1 *et seq.* of this code;

(5) Board of Risk and Insurance Management provided in §29-12-1 *et seq.* of this code;

(6) Boundary Commission provided in §29-23-1 *et seq.* of this code;

(7) Public Defender Services provided in §29-21-1 *et seq.* of this code;

(8) Division of Personnel provided in §29-6-1 *et seq.* of this code;

(9) West Virginia Ethics Commission provided in §6B-2-1 *et seq.* of this code;

(10) Consolidated Public Retirement Board provided in §5-10D-1 *et seq.* of this code; and

(11) Real Estate Division provided in §5A-10-1 *et seq.* of this code.

(b) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Commerce:

(1) Division of Labor provided in §21-1-1 *et seq.* of this code, which includes:

~~(A) Occupational Safety and Health Review Commission provided in §21-3A-1 *et seq.* of this code; and~~

~~(B) the~~ Board of Manufactured Housing Construction and Safety provided in §21-9-1 *et seq.* of this code.

(2) Office of Miners' Health, Safety, and Training provided in §22A-1-1 *et seq.* of this code. The ~~following boards~~ Board of Coal Mine Health and Safety and the Coal Mine Safety and Technical Review Committee provided in §22A-6-1 *et seq.* of this code are transferred to the Office of Miners' Health, Safety, and Training for purposes of administrative support and liaison with the Office of the Governor.

~~(A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in §22A-6-1 et seq. of this code;~~

~~(B) Board of Miner Training, Education, and Certification provided in §22A-7-1 et seq. of this code; and~~

~~(C) Mine Inspectors' Examining Board provided in §22A-9-1 et seq. of this code.~~

(3) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 *et seq.* of this code;

(4) Division of Forestry provided in §19-1A-1 *et seq.* of this code;

(5) Geological and Economic Survey provided in §29-2-1 *et seq.* of this code;

(6) Workforce West Virginia provided in chapter 21A of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development;

(D) Division of Research, Information and Analysis; ~~and~~

(7) Division of Rehabilitation Services provided in §18-10A-1 *et seq.* of this code; and

(8) Division of Economic Development provided in §5B-2-1 et seq. of this code, which includes:

(A) Office of Broadband provided for in 31G-1A-1 et seq.;

(B) Small Business Development Center provided for in §12-1A-1 et seq.; and

(C) The Office of Energy provided for in §5B-2F-2 of this code.

(c) The Economic Development Authority provided in §31-15-1 *et seq.* of this code is continued as an independent agency within the executive branch.

(d) The Water Development Authority and the Water Development Authority Board provided in §22C-1-1 *et seq.* of this code is continued as an independent agency within the executive branch.

(e) The West Virginia Educational Broadcasting Authority Commission provided in §10-5-1 *et seq.* of this code is continued as a separate agency within the Department of Arts, Culture, and History Tourism, which shall provide administrative support for the authority.

~~(f) The Division of Culture and History as established in §29-1-1 et seq. of this code is continued as an agency within the Executive Branch as the Department of Arts, Culture, and History. All references throughout this code to the "Division of Culture and History" mean the "Department of Arts, Culture, and History".~~

~~(g)~~ (f) The following agencies and boards, including all of the allied, advisory, and affiliated entities, are transferred to the Department of Environmental Protection for purposes of administrative support and liaison with the Office of the Governor:

(1) Air Quality Board provided in §22B-2-1 *et seq.* of this code;

(2) Solid Waste Management Board provided in §22C-3-1 *et seq.* of this code;

(3) Environmental Quality Board, or its successor board, provided in §22B-3-1 *et seq.* of this code;

(4) Surface Mine Board provided in §22B-4-1 *et seq.* of this code;

~~(5) Oil and Gas Inspectors' Examining Board provided in §22C-7-1 *et seq.* of this code;~~

~~(6)~~(5) Shallow Gas Well Review Board provided in §22C-8-1 *et seq.* of this code; and

~~(7)~~(6) Oil and Gas Conservation Commission provided in §22C-9-1 *et seq.* of this code.

~~(h)~~ (g) Subject to the provisions of §5F-2-1a of this code, the following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Health:

(1) Human Rights Commission provided in §5-11-1 *et seq.* of this code;

(2) Bureau for Public Health provided in §16-1-1 *et seq.* of this code;

(3) Office of Emergency Medical Services and the Emergency Medical Service Advisory Council provided in §16-4C-1 *et seq.* of this code;

(4) Health Care Authority provided in §16-29B-1 *et seq.* of this code;

(5) The Developmental Disabilities Council established by Executive Order No. 6-88 and continued by Executive Order No. 15-99;

~~(i)~~ (h) Subject to the provisions of §5F-2-1a of this code, the following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency

or board, are incorporated in, and administered as a part of, the Department of Human Services:

(1) Women's Commission provided in §29-20-1 *et seq.* of this code; and

(2) Bureau for Child Support Enforcement provided in §48-1-1 *et seq.* of this code.

⌚ (i) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Homeland Security:

(1) West Virginia State Police;

(2) Division of Emergency Management provided in §15-5-1 *et seq.* of this code and Emergency Response Commission provided in §15-5A-1 *et seq.* of this code: *Provided*, That notwithstanding any other provision of this code to the contrary, whenever in this code, or a rule promulgated thereunder, a reference is made to the Division of Homeland Security and Emergency Management, it shall be construed to mean the Division of Emergency Management;

(3) Division of Administrative Services;

(4) Division of Corrections and Rehabilitation;

(5) Fire Commission;

(6) State Fire Marshal;

(7) Board of Probation and Parole;

(8) The West Virginia Fusion Center;

(9) Division of Protective Services; and

(10) Any other agency or entity hereinafter established within the Department of Homeland Security by an act of the Legislature.

~~(k)~~ (j) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Revenue:

(1) Tax Division provided in §11-1-1 *et seq.* of this code;

(2) Racing Commission provided in §19-23-1 *et seq.* of this code;

(3) Lottery Commission and position of Lottery Director provided in §29-22-1 *et seq.* of this code;

(4) Insurance Commissioner provided in §33-2-1 *et seq.* of this code;

(5) West Virginia Alcohol Beverage Control Commissioner provided in §11-16-1 *et seq.* of this code and §60-2-1 *et seq.* of this code;

(6) Board of Banking and Financial Institutions provided in §31A-3-1 *et seq.* of this code;

(7) Lending and Credit Rate Board provided in §47A-1-1 *et seq.* of this code;

(8) Division of Financial Institutions provided in §31A-2-1 *et seq.* of this code;

(9) The State Budget Office provided in §11B-2-1 *et seq.* of this code;

(10) The Municipal Bond Commission provided in §13-3-1 *et seq.* of this code;

(11) The Office of Tax Appeals provided in §11-10A-1 *et seq.* of this code; and

(12) The State Athletic Commission provided in §29-5A-1 *et seq.* of this code.

(+) (k) The following agencies and boards, including all of the allied, advisory, affiliated, or related entities and funds associated with any agency or board, are incorporated in and administered as a part of the Department of Transportation:

(1) Division of Highways provided in §17-2A-1 *et seq.* of this code;

(2) Parkways Authority provided in §17-16A-1 *et seq.* of this code;

(3) Division of Motor Vehicles provided in §17A-2-1 *et seq.* of this code;

(4) Driver's Licensing Advisory Board provided in §17B-2-1 *et seq.* of this code; and

(5) ~~Aeronautics Commission provided in §29-2A-1 *et seq.* of this code~~ Division of Multimodal Transportation Facilities provided in §17-16F-1 *et seq.* of this code.

(6) ~~State Rail Authority provided in §29-18-1 *et seq.* of this code; and~~

(7) ~~Public Port Authority provided in §17-16B-1 *et seq.* of this code.~~

(+) (l) Effective July 1, 2011, the Veterans' Council provided in §9A-1-1 *et seq.* of this code, including all of the allied, advisory, affiliated, or related entities and funds associated with it, is incorporated in and administered as a part of the Department of Veterans' Assistance.

(+) (m) Except for powers, authority, and duties that have been delegated to the secretaries of the departments by §5F-2-2 of this code, the position of administrator and the powers, authority, and duties of each administrator and agency are not affected by the enactment of this chapter.

(+) (n) Except for powers, authority, and duties that have been delegated to the secretaries of the departments by §5F-2-2 of this

code, the existence, powers, authority, and duties of boards and the membership, terms, and qualifications of members of the boards are not affected by the enactment of this chapter. All boards that are appellate bodies or are independent decision makers may not have their appellate or independent decision-making status affected by the enactment of this chapter.

(p) (o) Any department previously transferred to and incorporated in a department by prior enactment of this section means a division of the appropriate department. Wherever reference is made to any department transferred to and incorporated in a department created in §5F-1-2 of this code, the reference means a division of the appropriate department and any reference to a division of a department so transferred and incorporated means a section of the appropriate division of the department.

(p) (p) When an agency, board, or commission is transferred under a bureau or agency other than a department headed by a secretary pursuant to this section, that transfer is solely for purposes of administrative support and liaison with the Office of the Governor, a department secretary, or a bureau. Nothing in this section extends the powers of department secretaries under §5F-2-2 of this code to any person other than a department secretary and nothing limits or abridges the statutory powers and duties of statutory commissioners or officers pursuant to this code.

(q) (q) The Department of Economic Development as established in §5B-2-1 *et seq.* of this code is continued as a ~~separate independent agency within the Executive Branch~~ division of the Department of Commerce.

(r) (r) The Department of Tourism as established in §5B-2I-1 *et seq.* of this code is continued as a separate independent agency within the Executive Branch., which includes the following sections and commissions listed under §29-1-1 of this code:

(1) The Arts Section;

(2) The Archives and History Section;

- (3) The Museums Section;
- (4) The Historic Preservation Section;
- (5) The State Library Section;
- (6) The National Coal Heritage Area Commission;
- (7) The Administrative Section;
- (8) The Educational Broadcasting Commission;
- (9) A Commission on the Arts;
- (10) A Commission on Archives and History;
- (11) A Library Commission; and
- (12) An Educational Broadcasting Council.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 1. ~~DIVISION OF~~ ARTS, CULTURE AND HISTORY.

§29-1-8d. National Coal Heritage Area Commission.

(a)(1) The National Coal Heritage Area originally was a partnership project of the National Park Service and the State of West Virginia as represented by the Division of Tourism and the Division of Culture and History. In January 1999, the Governor of West Virginia appointed 28 experts from the state and the region to the National Coal Heritage Area Steering Committee to provide guidance in the development of the National Coal Heritage Area, and in 2002 the West Virginia Legislature created the National Coal Heritage Area Authority, a state agency with an independent board, to serve as the management entity for the National Coal Heritage Area.

(2) The West Virginia Legislature finds that there continues to be a significant need for a public body to promote and enhance

historic preservation, tourism, and economic development activities that relate to the state's history as a coal-producing state within the counties of Boone, Cabell, Fayette, Lincoln, Logan, Kanawha, Marion, McDowell, Mercer, Mingo, Raleigh, Summers, Wayne, and Wyoming.

(3) The Legislature additionally finds that the state entity previously known as the National Coal Heritage Area Authority may more effectively serve the people of West Virginia through the Department of Arts, Culture, and History as the National Coal Heritage Area Commission, where it will continue to work with the landowners, county officials, and community leaders, state and federal government agencies, and other interested parties to enable and facilitate the development of the National Coal Heritage Area will greatly assist in the realization of these potential benefits.

(b) Unless the context clearly requires a different meaning, the terms used in this section have the following meanings:

(1) "Commission" means the National Coal Heritage Area Commission;

(2) "Department" means the Department of ~~Arts, Culture, and History~~ Tourism; and

(3) "National Coal Heritage Area" means and comprises the counties of Boone, Cabell, Fayette, Lincoln, Logan, Kanawha, McDowell, Mercer, Mingo, Raleigh, Summers, Wayne, and Wyoming.

(c) Creation; appointment of commission; terms; expenses; executive director:

(1) There is hereby created the National Coal Heritage Area Commission which is a ~~division section~~ of the Department of ~~Arts, Culture, and History~~ Tourism, existing for the purposes of providing direction to and assistance with state and federal historic preservation, economic development, and tourism projects in the National Coal Heritage Area and aiding in the development and implementation of integrated cultural, historical, and land resource management policies and programs in order to retain, enhance, and

interpret the significant values of the lands, waters, and structures in the National Coal Heritage Area.

(2) The commission shall be composed of, at a minimum, 19 members as follows:

(A) The following six persons shall be nonvoting members, and shall serve by virtue of their offices, and may be represented at meetings of the commission by designees:

(i) ~~The Curator secretary of the Department of Arts, Culture, and History,~~ or his or her designee;

(ii) The Secretary of the Department of Environmental Protection, or his or her designee;

~~(iii) The Secretary of the Department of Tourism, or his or her designee;~~

~~(iv)~~ (iii) The ~~Secretary~~ Executive Director of the ~~Department~~ Division of Economic Development, or his or her designee;

~~(v)~~ (iv) The State Superintendent of Schools, or his or her designee; and

~~(vi)~~ (v) The Director of the Division of Natural Resources, or his or her designee;

(B) The remaining 13 members shall be appointed for terms of four years by the Governor with the advice and consent of the Senate. The county commission of each county within the National Coal Heritage Area may submit to the Governor a list of three candidates to be considered for board appointment. Of the 13 members appointed by the Governor, each candidate must live or work within the subject county and the appointees shall be representative of the tourism industry, the coal industry, the United Mine Workers of America, economic development activity, historic preservation activity, or higher education. Additional counties may submit names of individuals fitting the above criteria for consideration as ex-officio, non-voting, board membership;

(C) The terms of office shall be four years and shall expire on June 30. No appointed member may serve more than two consecutive full terms. A member shall continue to serve until his or her successor has been appointed and qualified;

(D) If an appointed member is unable to complete a term, the Governor shall appoint a person to complete the unexpired term. Each vacancy occurring on the board must be filled within 60 days after the vacancy is created;

(E) Any appointed member of the board shall immediately and automatically forfeit his or her membership on the board if he or she becomes a nonresident of the county, or ceases to be employed in the county, from which he or she was appointed;

(F) Each member of the board shall serve without compensation, but shall receive expense reimbursement for all reasonable and necessary expenses actually incurred in the performance of the duties of the office, in the same amount paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law: *Provided*, That no member may be reimbursed for expenses paid by a third party.

(3) The ~~Curator~~ secretary of the Department of Arts, Culture, and History shall appoint a director to carry out the actions of the board, which appointment may be in addition to other duties, to serve at the will and pleasure of the ~~curator~~ secretary. The director may employ necessary personnel and retain such temporary consultants or technicians as may be necessary for any special study or survey consistent with the provisions of this section. The director shall carry out plans to implement the provisions of this section and to exercise those powers. The director shall prepare annually, in consultation with the board, a budget for the commission.

(d) *Board; quorum; chairperson; bylaws.—*

(1) The board is the governing body of the National Coal Heritage Area Commission, and may exercise all the powers given the commission in this section.

(2) The director shall serve as the board chairperson. The board shall meet at such times as shall be specified by the chairperson, but in no case less than quarterly. A majority of seven appointed members shall constitute a quorum for the transaction of business.

(3) There shall be a standing committee of the National Coal Heritage Area Commission known as the Coal Heritage Trail Committee composed of the chairperson and members of the National Coal Heritage Area from the counties through which the Coal Heritage Trail passes. These counties are Mercer, McDowell, Wyoming, Raleigh, and Fayette. This standing committee shall be responsible for making recommendations to the full board regarding development and promotion of the Coal Heritage Trail, a national scenic byway.

~~(4) The board shall prescribe, amend, and repeal bylaws and rules governing the manner in which the business of the commission is conducted, shall keep a record of its proceedings, and shall review and approve an annual budget. The board may appoint such officers as necessary to carry out its meetings.~~

(e) Powers of commission.—

The commission may exercise all powers necessary or appropriate to carry out the purposes of this section, including, but not limited to, the power:

(1) To assist in the development and implementation of integrated cultural, historical, and land resource management policies and programs in the National Coal Heritage Area;

(2) To advise the executive director of the National Coal Heritage Commission in retaining, enhancing, and interpreting the significant values of the lands, waters, and structures of the area;

(3) To enter into partnerships with various preservation groups, landmark commissions, certified local governments, county

commissions, and other entities to undertake the preservation, restoration, maintenance, operation, development, interpretation, and promotion of lands and structures that possess unique and significant historic, architectural, and cultural value associated with the coal mining heritage of the national coal heritage area;

(4) To make, amend, repeal, and adopt bylaws for the management and regulation of its affairs;

(5) To appoint officers, agents, and employees, and to contract for and engage the services of consultants;

(6) To execute contracts necessary or convenient for carrying on its business, including contracts with any other governmental agency of this state or of the federal government, or with any person, individual, partnership, or corporation to effect any or all of the purposes of this article;

(7) Without in any way limiting any other subdivision of this section, to accept grants and loans from and enter into contracts and other transactions with any federal agency;

(8) To maintain an office at such places within the state as it may designate;

(9) To accept gifts or grants of property, funds, money, materials, labor, supplies, or services from the federal government or from any governmental unit, or any person, firm, or corporation;

(10) To construct, reconstruct, improve, maintain, repair, operate, and manage certain facilities in the National Coal Heritage Area as may be determined by the commission;

(11) To enter into contract with landowners and other persons holding an interest in the land being used for its recreational facilities to hold those landowners and other persons harmless with respect to any claim in tort growing out of the use of the land for public recreation or growing out of the public activities operated or managed by the commission from any claim except a claim for damages proximately caused by the willful or malicious conduct of

the landowner or other person or any of his or her agents or employees; and

(12) To assess and collect a reasonable fee from those persons who use the designated facilities which are part of the national coal heritage area, and to retain and utilize that revenue for any purposes consistent with this article.

(f) Continuation of legal obligations. —

Nothing in this section may be considered as superseding, amending, modifying, or repealing any contract or agreement entered into for the benefit of the National Coal Heritage Area prior to the date of enactment of this section. All obligations, contracts, grants, and assets currently belonging to the Coal Heritage Highway Authority and the National Coal Heritage Area Authority shall be transferred to and become the responsibility and property of the National Coal Heritage Area Commission.

CHAPTER 31G. BROADBAND ENHANCEMENT AND EXPANSION POLICIES.

ARTICLE 1A. OFFICE OF BROADBAND.

§31G-1A-1. Office of Broadband; Director of Office.

There is hereby ~~established~~ continued an Office of Broadband, which shall be organized within the Department of ~~Economic Development~~ Commerce under the authority of the Secretary of ~~Economic Development~~ Commerce. The Office of Broadband shall be managed by a director, who shall report to the ~~Secretary~~ Executive Director of the Division of Economic Development.

§31G-1A-5. Protection of proprietary business information.

(a) Broadband deployment information provided to the Office of Broadband or its consultants and other agents, including, but not limited to, physical plant locations, subscriber levels, and market penetration data, constitutes proprietary business information and, along with any other information that constitutes trade secrets, shall

be exempt from disclosure under the provisions of §29B-1-1 *et seq.* of this code: *Provided*, That the information is identified as or would reasonably be contemplated to be confidential information when submitted to the Office of Broadband.

(b) Trade secrets or proprietary business information obtained by the council or the Office of Broadband from broadband providers and other persons or entities shall be secured and safeguarded by the state. Such information or data shall not be disclosed to the public or to any firm, individual, or agency other than officials or authorized persons of the state.

(c) The official charged with securing and safeguarding trade secrets and proprietary data for the Office of Broadband is the ~~Secretary~~ Executive Director of the Division of Economic Development, who is authorized to establish and administer appropriate security measures.

§31G-1A-6. Legislative rule-making authority.

In order to implement and carry out the intent of this article, the Secretary of the Department of ~~Economic Development~~ Commerce may propose rules for legislative approval pursuant to the provisions of §29A-3-1 *et seq.* of this code.

§31G-1A-7. Broadband Development Fund.

(a) The Broadband Development Fund is hereby created in the State Treasury. The fund shall be administered by the Secretary of the Department of ~~Economic Development~~ Commerce and shall consist of all moneys made available for the purposes of this article from any source, including, but not limited to, all gifts, grants, bequests or transfers from any source, any moneys that may be appropriated to the fund by the Legislature, and all interest or other return earned from investment of the fund. Expenditures from the fund shall be for the purposes set forth in subsection (b) of this section and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the fulfillment of the provisions set forth in §11B-2-1 *et seq.*

of this code: *Provided*, That for the fiscal year ending June 30, 2022, expenditures are authorized from collections rather than pursuant to an explicit appropriation by the Legislature. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not revert to the General Revenue Fund but shall remain in the fund and be expended as provided by this section.

(b) Monies of the Broadband Development Fund may only be expended for the following purposes:

- (1) Expenses for the administration of the Office of Broadband;
- (2) Line extension advancement and development projects, including expansion of existing fiber and cable networks;
- (3) Major broadband project strategies, including new networks or major expansions of existing networks;
- (4) GigReady incentive projects, including a state incentive for ISP and local governments and organizations to pool some of their federal American Rescue Plan Act allocations or other local funding;

And

- (5) Wireless Internet Networks, including expansions or upgrades of existing fixed wireless networks.

(c) Except funds expended for the administration of the Office of Broadband, monies of the Broadband Development Fund may only be expended for projects authorized by subsection (b) of this section that have been certified to the Joint Committee on Government and Finance by the Director of the Office of Broadband or the Secretary of the Department of ~~Economic Development~~ Commerce prior to making the expenditures.

On motion of Senator Morris, the following amendments to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2008) were reported by the Clerk and considered simultaneously:

On page 2, section 2, line 31, by striking out the word "and";

On page 2, section 2, line 32, by changing the period to a semicolon and inserting the word "and";

And,

On page 2, section 2, after line 32, by inserting a new paragraph, designated paragraph (D), to read as follows:

(D) Broadband Enhancement Council provided for in §31G-1-1 *et seq.* of this code.

Following discussion,

The question being on the adoption of the amendments offered by Senator Morris to the Government Organization committee amendment to the bill, the same was put and prevailed.

On motion of Senator Tarr, the following amendments to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2008) were next reported by the Clerk and considered simultaneously:

On page 2, section 2, lines 28-32, by striking out all of subdivision 7;

On page 4, lines 1-4, by striking out the article heading and substituting therefor a new article heading, to read as follows:

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.;

On pages 4-5, article 2, by striking out all of section 1 and inserting in lieu thereof a new section 1 to read as follows:

§5B-2-1. West Virginia Department of Economic Development; confidentiality.

(a) The West Virginia Development Office, previously continued from the Governor's office of community and industrial development, is hereby continued but is hereafter raised to a

separate and distinct department of the executive branch of state government and is designated and shall be known as the West Virginia Department of Economic Development. All references in this code to the West Virginia Development Office, the office of community and industrial development, or the Governor's office of community and industrial development shall be construed as references to the West Virginia Department of Economic Development. As used in this article, "Department" means the Department of Economic Development.

(b) Any documentary material, data or other writing made or received by the Department of Economic Development or other public body whose primary responsibility is economic development, for the purpose of furnishing assistance to a new or existing business shall be exempt from §29B-1-1 *et seq.* of this code: *Provided*, That any agreement entered into or signed by the Department of Economic Development or other public body which obligates public funds shall be subject to inspection and copying pursuant to §29B-1-1 *et seq.* of this code as of the date the agreement is entered into, signed or otherwise made public.

(c) Beginning on July 1, 2025, all employees of the Department of Economic Development shall be exempt from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code and from the classified civil service system under §29-6-1 *et seq.* of this code except that:

(1) All employees of the Department of Economic Development who are currently members of the classified civil service system shall retain their status as long as they remain in their current position, and all employees of the Department of Economic Development who currently have recourse to the state grievance procedures will continue to have access to the state grievance procedures as long as they remain in their current position; and

(d) The Secretary of the Department of Commerce shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be

deemed necessary to comply with federal law, federal regulation, or the requirements for receipt of federal funding or assistance.

(e) Subsection (c) of this section shall not apply to any position appointed by the Governor.

(f) Nothing in this section shall exempt the Department of Economic Development from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

~~(b)~~ (g) Any documentary material, data or other writing made or received by the Department of Economic Development or other public body whose primary responsibility is economic development, for the purpose of furnishing assistance to a new or existing business shall be exempt from §29B-1-1 *et seq.* of this code: *Provided*, That any agreement entered into or signed by the Department of Economic Development or other public body which obligates public funds shall be subject to inspection and copying pursuant to §29B-1-1 *et seq.* of this code as of the date the agreement is entered into, signed, or otherwise made public.;

On pages 5 and 6, after line 41, by striking out all of section 2 and inserting in lieu thereof a new section 2 to read as follows:

§5B-2-2. Office of Secretary of Department of Economic Development.

(a) The Secretary of the Department of Economic Development is the chief executive officer of the department. The Governor shall appoint the secretary, who shall be qualified for the position by reason of his or her extensive education and experience in the field of professional economic development, and by and with the advice and consent of the Senate, for the term for which the Governor is elected, and the secretary shall serve at the will and pleasure of the Governor. Any reference in this code to the Executive Director of the West Virginia Development Office means the Secretary of the Department of Economic Development. As used in this article, "secretary" means the Secretary of the

Department of Economic Development. Subject to the provisions of the contract provided in §5B-2-4 of this code, the secretary may hire, and fire economic development representatives employed pursuant to §5B-2-5 of this code.

(b) The secretary may promulgate rules to carry out the purposes and programs of the Department of Economic Development to include generally the programs available and the procedure and eligibility of applications relating to assistance under the programs. These rules are not subject to Chapter 29A of this code, but shall be filed with the Secretary of State. The secretary may adopt any of the rules previously promulgated by the West Virginia Development Office or the council for community and economic development.;

On pages 6-9, by striking out all of section 3, section 3b, section 4, and section 4a;

On pages 9-11, after line 20, by striking out all of section 5 and inserting in lieu thereof a new section 5 to read as follows:

§5B-2-5. Economic development representatives.

(a) The secretary may employ economic development representatives to be paid a base salary within legislative appropriations to the department, subject to applicable contract provisions pursuant to §5B-2-4 of this code. Economic development representatives may receive performance-based incentives and expenses paid from private funds from a nonprofit corporation contracting with the department pursuant to §5B-2-4 of this code. The secretary shall establish job descriptions and responsibilities of economic development representatives, subject to the provisions of any contract with a nonprofit corporation entered into pursuant to §5B-2-4 of this code.

(b) Notwithstanding any provision of this code to the contrary, economic development representatives employed within the department are not subject to the procedures and protections provided by §29-6-1 *et seq.* and §29-6A-1 *et seq.* of this code. Any employee of the department on the effective date of this article who

applies for employment as an economic development representative is not entitled to the protections of by §29-6-1 *et seq.* of this code with respect to hiring procedures and qualifications; and upon accepting employment as an economic development representative, the employee relinquishes the protections provided for in §6C-2-1 *et seq.* and §29-6-1 *et seq.* of this code.

~~(c) On the last Monday in January, in years 2017, 2019 and 2021, the secretary shall submit to the Legislature a written report. The secretary shall provide copies of his or her report to the President of the Senate, the Speaker of the House of Delegates, the chair of the Senate Committee on Economic Development and the chair of the House Committee on Small Business, Entrepreneurship and Economic Development. The secretary's report shall do the following:~~

~~(1) Identify and describe loans, grants or other funding sources that economic development representatives have assisted small businesses acquire during the immediately preceding reporting cycle;~~

~~(2) Identify and describe generally inquiries, requests for assistance or other matters that other state or federal agencies have presented to the department in the immediately preceding reporting cycle in connection with those agencies' efforts to regulate or assist small businesses;~~

~~(3) Identify and describe issues with formation, registration and licensure requirements that state law imposes on small businesses that small businesses have identified to the department in the immediately preceding reporting cycle as burdensome;~~

~~(4) Identify specific forms, processes or requirements imposed by state law that small businesses have identified to the department in the immediately preceding reporting cycle that may be streamlined, simplified, combined, or eliminated in order to reduce unnecessary costs, delays, or other burdens on small businesses;~~

~~(5) Propose and describe concrete and specific steps that any branch, agency or level of state government may take to streamline,~~

~~simplify, combine, or eliminate the forms, processes or requirements identified in subdivision (4) of this subsection; and~~

~~(6) Provide the following information:~~

~~(A) The number of small businesses counseled by the department during the immediately preceding reporting cycle;~~

~~(B) The number of new businesses created while being counseled by the department during the immediately preceding reporting cycle;~~

~~(C) The number of jobs created by businesses counseled by the department during the immediately preceding reporting cycle; and~~

~~(D) Any other information that, in the opinion of the executive director, demonstrates the performance of the department or economic development representatives during the immediately preceding reporting cycle.;~~

On pages 11-24, after line 47, by striking out all of sections 6, 6a, 9a, 10, 14, 16,17, 18, 19, and 20;

On pages 24-25, by striking out all of article 1;

On page 27, section 1, lines 44-45, by striking out all of subdivision (8);

On page 32, section 1, lines 160-162, by striking out all of subsection (q) and inserting in lieu thereof a new subsection (q) to read as follows:

"(q) The Department of Economic Development as established in §5B-2-1 *et seq.* of this code is continued as a separate independent agency within the Executive Branch";

On page 34, section 8d, lines 42-43, by striking out all of subparagraph (iii) and inserting in lieu thereof a new subparagraph (iii) to read as follows:

(iii) The Secretary of the Department of Economic Development, or his or her designee;

And,

On pages 38-40, after line 135, by striking out all of Chapter 31G.

Following discussion,

The question being on the adoption of Senator Tarr's amendments to the Government Organization committee amendment to the bill, and on this question, Senator Grady demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Boley, Clements, Deeds, Garcia, Grady, Hamilton, Jeffries, Morris, Oliverio, Phillips, Queen, Takubo, Tarr, Weld, Woelfel, and Woodrum—17.

The nays were: Azinger, Bartlett, Chapman, Charnock, Fuller, Hart, Helton, Martin, Maynard, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, and Smith (Mr. President)—17.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Tarr's amendments to the Government Organization committee amendment to the bill rejected on a tie vote.

On motion of Senator Woelfel, the following amendments to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2008) were next reported by the Clerk and considered simultaneously:

On pages 1 through 4, by striking out all of section 2 and inserting in lieu thereof a new section 2, to read as follows:

§5B-1-2. Agencies, boards, commissions, divisions, and offices comprising the Department of Commerce.

The Department of Commerce consists of the following agencies, boards, commissions, divisions, and offices, including all of the allied, advisory, affiliated, or related entities, which are

incorporated in and administered as part of the Department of Commerce:

(1) Division of Labor provided in §21-1-1 *et seq.* of this code, which includes:

~~(A) Occupational Safety and Health Review Commission provided in §21-3A-1 *et seq.* of this code; and~~

~~(B) the Board of Manufactured Housing Construction and Safety provided in §21-9-1 *et seq.* of this code;~~

(2) Office of Miners' Health, Safety and Training provided in §22A-1-1 *et seq.* of this code. The ~~following boards~~ Board of Coal Mine Health and Safety and the Coal Mine Safety and Technical Review Committee provided in §22A-6-1 *et seq.* of this code are transferred to the Office of Miners' Health, Safety, and Training for purposes of administrative support and liaison with the Office of the Governor;

~~(A) Board of Coal Mine Health and Safety and Coal Mine Safety and Technical Review Committee provided in §22A-6-1 *et seq.* of this code;~~

~~(B) Board of Miner Training, Education and Certification provided in §22A-7-1 *et seq.* of this code; and~~

~~(C) Mine Inspectors' Examining Board provided in §22A-9-1 *et seq.* of this code;~~

(3) Division of Natural Resources and Natural Resources Commission provided in §20-1-1 *et seq.* of this code;

(4) Division of Forestry provided in §19-1A-1 *et seq.* of this code;

(5) Geological and Economic Survey provided in §29-2-1 *et seq.* of this code; ~~and~~

(6) Workforce West Virginia provided in Chapter 21A of this code, which includes:

(A) Division of Unemployment Compensation;

(B) Division of Employment Service;

(C) Division of Workforce Development; and

(D) Division of Research, Information and Analysis; and

(7) Division of Economic Development provided in §5B-2-1 et seq. of this code, which includes:

(A) Office of Broadband provided for in 31G-1A-1 et seq.;

(B) Small Business Development Center provided for in §12-1A-1 et seq.; and

(C) Office of Energy provided for in §5B-2F-2 of this code.;

And,

On pages 4 and 5, by striking out all of section 1 and inserting in lieu thereof a new section 1, to read as follows:

§5B-2-1. West Virginia Department Division of Economic Development; confidentiality.

(a) The West Virginia Division of Economic Development, formerly the Department of Economic Development and formerly the Development Office, ~~previously continued from the Governor's office of community and industrial development, is hereby continued but is hereafter raised to a separate and distinct department of the executive branch of state government and is designated and shall be known as the West Virginia Department of Economic Development as a division of the Department of Commerce.~~

(b) All references in this code to the West Virginia Department of Economic Development, West Virginia Development Office, the office of community and industrial development, or the Governor's office of community and industrial development shall be construed as references to the West Virginia Department Division of Economic Development. As used in this article, "~~Department~~"

"division" means the ~~Department~~ Division of Economic Development, "department" means the Department of Commerce, and "secretary" means the Secretary of the Department of Commerce.

~~(b)~~ (c) Any documentary material, data, or other writing made or received by the ~~Department~~ Division of Economic Development or other public body whose primary responsibility is economic development, for the purpose of furnishing assistance to a new or existing business shall be exempt from §29B-1-1 et seq. of this code: Provided, That any agreement entered into or signed by the ~~Department~~ Division of Economic Development or other public body which obligates public funds shall be subject to inspection and copying pursuant to §29B-1-1 et seq. of this code as of the date the agreement is entered into, signed, or otherwise made public.

Following discussion,

The question being on the adoption of Senator Woelfel's amendments to the Government Organization committee amendment to the bill, and on this question, Senator Woelfel demanded the yeas and nays.

The roll being taken, the yeas were: Deeds, Garcia, Grady, Hamilton, Oliverio, Phillips, Stuart, Woelfel, and Woodrum—9.

The nays were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Morris, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Taylor, Thorne, Weld, Willis, and Smith (Mr. President)—25.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Woelfel's amendments to the Government Organization committee amendment to the bill rejected.

The question now being on the adoption of the Government Organization committee amendment to the bill, as amended by Senator Morris, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2008, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Deeds, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Taylor, Thorne, Willis, Woodrum, and Smith (Mr. President)—25.

The nays were: Clements, Garcia, Grady, Hamilton, Morris, Phillips, Tarr, Weld, and Woelfel—9.

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. 2008) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2008—A Bill to amend and reenact §5B-1-1, §5B-1-2, §5B-2-1, §5B-2-2, §5B-2-3, §5B-2-3b, §5B-2-4, §5B-2-4a, §5B-2-5, §5B-2-6, §5B-2-6a, §5B-2-9a, §5B-2-10, §5B-2-14, §5B-2-16, §5B-2-17, §5B-2-18, §5B-2-19, §5B-2-20, §5F-1-2, §5F-2-1, §29-1-8d, §31G-1A-1, §31G-1A-5, §31G-1A-6, and §31G-1A-7 of the Code of West Virginia, 1931, as amended; and to repeal §5F-1-3a and §5F-1-6, relating to merging and reorganizing of the executive branch; reconstituting Department of Economic Development as the Division of Economic Development and placing it within Department of Commerce; specifying that starting on July 1, 2025, new hires and anyone who moves positions within Department of Commerce shall be in classified exempt service system and shall be exempt from the state grievance procedures; redesignating Department of Economic Development as Division of Economic Development under Department of Commerce; correcting titles of Division of Economic Development and Department of Commerce in several sections of code; specifying that starting on July 1, 2025, new hires and anyone who moves positions within Division of Economic

Development shall be in classified exempt service system and shall be exempt from state grievance procedures; changing code provisions to reflect certain actions regarding Department of Arts, Culture and History and Department of Tourism; correcting titles of affected departments, divisions, and positions throughout based on redesignations; and technical cleanup of amended and reenacted sections.

Senator Martin moved that the bill take effect July 1, 2025.

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. 2008) takes effect July 1, 2025.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2009, Relating to the merging and reorganizing of the executive branch.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday, Monday, April 7, 2025, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2I. DEPARTMENT OF TOURISM.

§5B-2I-2. West Virginia Department of Tourism.

The West Virginia Department of Tourism, ~~West Virginia Tourism Office~~, previously continued from the West Virginia Tourism Office and the Division of Tourism, is hereby continued ~~but is hereafter raised to a separate and distinct as a~~ department of the executive branch of state government ~~and is designated and shall be known as the West Virginia Department of Tourism~~. All references in this code to the Division of Tourism or to the West Virginia Tourism Office shall be construed as references to the West Virginia Department of Tourism. As used in this article, "department" means the Department of Tourism.

§5B-2I-4. Powers and duties of the Department of Tourism.

(a) The Department of Tourism, under the direction and charge of the secretary, shall develop and implement a comprehensive tourism advertising, promotion, and development strategy for West Virginia. "Comprehensive tourism advertising, promotion and development strategy" means a plan that outlines strategies and activities designed to continue, diversify and expand the tourism base of the state as a whole; create tourism jobs; develop a highly skilled tourism workforce; facilitate business access to capital for tourism; advertise and market the resources offered by the state with respect to tourism advertising, promotion and development; facilitate cooperation among local, regional and private tourism enterprises; improve infrastructure on a state, regional and community level in order to facilitate tourism development; improve the tourism business climate generally; and leverage funding from sources other than the state, including local, federal and private sources. In addition to all other power and duties of the department by other provisions of this code, the department shall:

(1) Coordinate media events to promote a positive image of West Virginia and new investment in the state;

(2) Provide comprehensive strategic planning services to existing tourism enterprises;

(3) Promote attractions of West Virginia in other states;

(4) Provide advertising, marketing and communications goods and services, including, without limitation, a cooperative advertising program to facilitate and allow participation in the department's advertising and marketing campaigns and activities, to state agencies, departments, units of state or local government, private tourism enterprises and other persons, entities, or private enterprises, including, without limitation, convention and visitors' bureaus; and

(5) Distribute West Virginia informational publications and manage the West Virginia Welcome Centers; and

(6) Coordinate programs, initiatives, and production of materials relating to the branding and marketing of the state, and its departments and agencies, and to provide greater coherence in such programs, initiatives, and materials across the departments and agencies of the state.

(b) In developing its strategies, plans and campaigns, the department shall consider the following:

(1) Improvement and expansion of existing tourism marketing and promotion activities;

(2) Promotion of cooperation among municipalities, counties and the West Virginia Infrastructure and Jobs Development Council in funding physical infrastructure to enhance the potential for tourism development.

(c) The Department of Tourism shall have the following powers and duties:

(1) To acquire for the state in the name of the department by purchase, lease, or agreement, or to accept or reject for the state, in the name of the department, gifts, donations, contributions, bequests or devises of money, security or property, both real and personal, and any interest in such property, to effectuate or support the purposes of this article;

(2) To make recommendations to the Governor and the Legislature of any legislation deemed necessary to facilitate the carrying out of any of the foregoing powers and duties and to exercise any other power that may be necessary or proper for the orderly conduct of the business of the department and the effective discharge of the duties of the department;

(3) To cooperate and assist in the production of motion pictures and television and other communications;

(4) To purchase advertising time or space in or upon any medium generally engaged or employed for said purpose to advertise and market the resources of the state or to inform the public at large or any specifically targeted group or industry about the benefits of living in, investing in, producing in, buying from, contracting with, or in any other way related to, the State of West Virginia or any business, industry, agency, institution, or other entity therein;

(5) To promote and disseminate information related to the attractions of the state through the operation of the state's telemarketing initiative, which telemarketing initiative shall include a centralized reservation and information system for state parks and recreational facilities;

(6) To take such additional actions as may be necessary to carry out the powers, duties and programs described in this article; and

(7) To provide assistance to and assist with retention and expansion of existing tourism-related enterprises in the state and to recruit or assist in the recruitment of new tourism-related enterprises to the state.

(d) The Department of Tourism may contract with the Division of Highways to sell advertising space on the WV511 website to promote in-state tourism and raise capital for technological improvements to the website: *Provided*, That 50 percent of the money collected for sale of advertising space is deposited into the Tourism Promotion Fund and the other 50 percent of the money collected from the sale of advertising space is remitted to the Division of Highways pursuant to the contract.

(e) The Department of Tourism may charge and collect reasonable fees for goods and services it provides to state agencies, departments, units of state or local government or other person, entity, or enterprise. All moneys collected by the department shall be deposited in the Tourism Promotion Fund and used in accordance with the provisions of this article.

(f) The Department of Tourism may engage and retain one or more advertising and marketing agencies, consultants, enterprises, firms, or persons, as deemed by the secretary, in his or her sole discretion, necessary or advisable to assist the department in carrying out its powers and duties as set forth in this article. In the procurement of advertising agencies, consultants, enterprises, or persons, from time to time, estimated to cost \$250,000 or more, the secretary shall encourage such advertising and marketing agencies, consultants, enterprises, firms, or persons to submit an expression of interest, which shall include a statement of qualifications, including anticipated concepts and proposed advertising, marketing and advertising campaigns. All potential contracts shall be announced by public notice published as a Class II legal advertisement in compliance with §59-3-3 of this code. A committee of three to five representatives of the department or the Tourism Advisory Council, as selected by the secretary, shall evaluate the statements of qualifications and other materials submitted by interested firms and select three firms which, in their opinion, are best qualified to perform the desired service. The committee shall then rank, in order of preference, the three firms selected and shall commence scope of service and price negotiations with the first-ranked firm. If the department is unable to negotiate a satisfactory contract with the first-ranked firm, at a

fee determined to be fair and reasonable, price negotiations with the firm of second choice shall commence. Failing accord with the second-ranked firm, the committee shall undertake price negotiations with the third-ranked firm. If the department is unable to negotiate a satisfactory contract with any of the selected firms, the office shall select additional firms in order of their competence and qualifications and it shall continue negotiations in accordance with this section until an agreement is reached.

If the procurement of the services is estimated by the secretary to cost less than \$250,000, the department shall conduct discussions with three or more firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract: *Provided*, That if a judgment is made that special circumstances exist and that seeking competition is not practical, the department may select a firm on the basis of previous satisfactory performance and knowledge of the department's needs. After selection, the department and selected firm shall develop the scope of desired services and negotiate a contract.

(g) The secretary of the Department of Tourism may, in order to carry out the powers and duties of the department described in this article, employ necessary personnel, contract with professional or technical experts or consultants and purchase or contract for the necessary equipment or supplies.

(h) The secretary of the Department of Tourism may designate, in writing, a list of positions within the department that shall be exempt from coverage under the state's classified service: *Provided*, That beginning on July 1, 2025, all employees of the Department of Tourism shall be exempt from the state grievance procedures as set forth in §6C-2-1 *et seq.* of this code and from the classified civil service system under §29-6-1 *et seq.* of this code except that:

(1) All employees of the Department of Tourism who are currently members of the classified civil service system shall retain their status as long as they remain in their current position, and all employees of the Department of Tourism who currently have recourse to the state grievance procedures will continue to have

access to the state grievance procedures as long as they remain in their current position; and

(2) Any employee of the Department of Tourism that leaves his or her position and remains an employee within the Department of Tourism shall, at that time, be transferred to the classified-exempt service system as defined in §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-2-1 et seq. of this code.

(i) The secretary shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with federal regulation, or the requirements for receipt of federal funding or assistance.

(j) Nothing in this article shall prevent a person, at the secretary's discretion, from serving in multiple positions within the Department of Tourism.

(k) Subsection (h) of this section shall not apply to any position appointed by the Governor.

(l) Nothing in this section shall exempt the Department of Tourism from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

(+ (m) The Department of Tourism shall submit a report annually to the Governor and the Legislature about the development of the tourism industry in the state and the necessary funding required by the state to continue the development of the tourism industry.

(+ (n) The Department of Tourism and the secretary shall engage, collaborate, assist, and cooperate with the Department of Economic Development, when and as appropriate, to facilitate retention, expansion, recruitment, and location of existing and new tourism-related enterprises.

~~(k)~~ (o) The Department of Tourism shall utilize, to the fullest extent practicable and efficient, existing resources of the Department of Commerce for functions necessary for the operation of the department but which functions are not directly related to the purposes of the department listed above. The Department of Tourism may enter into such agreements with the Department of Commerce or other agencies of this state as may be necessary or advisable to utilize existing resources of this state.

~~(4)~~ (p) The Department of Tourism shall be exempt from §5A-3-1 *et seq.* of this code.

CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-3a. Executive compensation commission.

[Repealed.]

§5F-1-6. House Bill 4006 amendments effective date.

[Repealed.]

CHAPTER 10. PUBLIC LIBRARIES; PUBLIC RECREATION; ATHLETIC ESTABLISHMENTS; MONUMENTS AND MEMORIALS; ROSTER OF SERVICEMEN; EDUCATIONAL BROADCASTING ~~AUTHORITY~~ COMMISSION.

ARTICLE 5. EDUCATIONAL BROADCASTING COMMISSION.

§10-5-2. West Virginia Educational Broadcasting Commission; members; organization; officers; employees; meetings; expenses.

(a) The West Virginia Educational Broadcasting Commission is continued as a public benefit corporation. The commission shall

consist of nine voting members, who shall be residents of the state, including:

(1) The Governor or designee;

(2) The State Superintendent of Schools;

(3) One member of the West Virginia Board of Education to be selected by it annually;

(4) One member of the West Virginia Higher Education Policy Commission to be selected by it annually; and

(5) Five members appointed by the Governor by and with the advice and consent of the Senate for overlapping terms of five years, one term expiring each year.

(b) Not less than one appointive member shall come from each congressional district. Any vacancy among the appointed members shall be filled by the Governor by appointment for the unexpired term.

(c) Employees of noncommercial broadcasting stations in West Virginia are not eligible for appointment to the commission.

(d) The commission shall annually select a member to serve as the chair. The commission shall annually select one of its public members as vice chair and shall appoint a secretary who need not be a member of the commission and who shall keep records of its proceedings.

(e) The Cabinet Secretary of the Department of ~~Arts, Culture, and History~~ Tourism shall appoint the commission section director and fix his or her salary. The commission section director is responsible for managing and administering the daily functions of the commission and for performing all other functions necessary to the effective operation of the commission. The commission may establish offices for the proper performance of its duties.

(f) The commission shall hold at least one annual meeting. The time and place of the meetings shall be established upon its own

resolution or at the call of the chairperson of the commission. The members shall serve without compensation but may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties in a manner consistent with the guidelines of the Travel Management Office of the Department of Administration.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 1. ~~DIVISION OF~~ ARTS, CULTURE AND HISTORY.

§29-1-1. ~~Division of Culture and History continued as~~ Abolishing the Department of Arts, Culture, and History and reorganizing its sections under the Department of Tourism; sections and commissions; purposes; definitions; effective date.

(a) ~~The Division of Culture and History heretofore created is hereby continued as~~ On July 1, 2025, the Department of Arts, Culture, and History, is abolished and its authorities and duties transferred to the Department of Tourism. ~~The Governor shall nominate and, by and with the advice and consent of the Senate, appoint the Cabinet Secretary of Arts, Culture, and History, who shall be the chief executive officer of the department and shall be paid an annual salary as provided in §6-7-2a of this code. The secretary so appointed shall have: (1) A bachelor's degree in one of the fine arts, social sciences, library science, or a related field; or (2) four years' experience in the administration of museum management, public administration, arts, history, or a related field.~~

(b) ~~The department shall consist of~~ On July 1, 2025, the following eight sections and commissions as follows shall be reorganized under the Department of Tourism:

- (1) The Arts Section;
- (2) The Archives and History Section;
- (3) The Museums Section;

- (4) The Historic Preservation Section;
- (5) The State Library Section;
- (6) The National Coal Heritage Area Commission;
- (7) The Administrative Section; ~~and~~
- (8) The Educational Broadcasting Commission;

~~(e) The department shall also consist of four citizens commissions as follows:~~

- ~~(1)~~ (9) A Commission on the Arts;
- ~~(2)~~ (10) A Commission on Archives and History;
- ~~(3)~~ (11) A Library Commission; and
- ~~(4)~~ (12) An Educational Broadcasting Council.

~~(d)~~ (c) On and after July 1, 2025, ~~The~~ the Secretary of the Department of Tourism shall exercise control and supervision ~~of the department over each section and commission listed in subsection (b) of this section~~ and shall be responsible for the projects, programs, and actions of each of its sections. The purpose and duty of ~~the department~~ these sections and commissions is to advance, foster, and promote the creative and performing arts and crafts, including both indoor and outdoor exhibits and performances; to advance, foster, promote, identify, register, acquire, mark, and care for historical, prehistorical, archaeological, and significant architectural sites, structures, and objects in the state; to encourage the promotion, preservation, and development of significant sites, structures, and objects through the use of economic development activities such as loans, subsidies, grants, and other incentives; to coordinate all cultural, historical, and artistic activities in state government and at state-owned facilities; to acquire, preserve, and classify books, documents, records, and memorabilia of historical interest or importance; and, in general, to do all things necessary or convenient to preserve and advance the arts, humanities, culture, and history of the state. ~~In the furtherance~~

~~of these purposes and duties, the secretary shall report directly to the Governor as a secretary for both the intrinsic and extrinsic value for individuals, communities, and the economy of the arts, humanities, culture, and history in West Virginia. As such, the secretary shall represent the Department of Arts, Culture, and History as a full participating member in meetings of the secretaries of the departments created in §5F 1 2 of this code that are convened at the call of the Governor.~~

(e)(d) The department Secretary of the Department of Tourism has jurisdiction and control and may set and collect fees for the use of all space in the building presently known as the West Virginia Science and Culture Center, including the deck and courtyards forming an integral part thereof; the building presently known as West Virginia Independence Hall in Wheeling, including all the grounds and appurtenances thereof; "Camp Washington Carver" in Fayette County, as provided in §29-1-14 of this code; and any other sites as may be transferred to or acquired by the department. Notwithstanding any provision of this code to the contrary, beginning on and after July 1, 2018, the department shall have responsibility for, and control of, all visitor touring and visitor tour guide activities within the Capitol Building at Charleston.

(f)(e) For the purposes of this article, ~~"commissioner" or "curator"~~ means the ~~Cabinet Secretary of Arts, Culture, and History~~, and ~~"division" or "department"~~ means the ~~Department of Arts, Culture and History~~ Department of Tourism and ~~"secretary"~~ means the Secretary of the Department of Tourism. References throughout On and after July 1, 2025, references throughout this code to the "Commissioner of Culture and History" or the "Curator of the Department of Arts, Culture, and History" mean the "Cabinet Secretary of Arts, Culture, and History"; Secretary of the Department of Tourism and references throughout this code to the "Division of Culture and History" or "Department of Arts, Culture, and History," mean the "Department of Arts, Culture, and History Tourism".

§29-1-1a. Transfer of powers and duties; existing contracts and obligations.

(a) Except as otherwise provided in this article, the powers and duties of the West Virginia antiquities commission, the West Virginia arts and humanities council and the department of archives and history are hereby transferred to ~~the Division of Culture and History~~ the Department of Tourism.

(b) All existing assets, equipment, contracts, and records obligations of the Department of Arts, Culture, and History, the West Virginia antiquities commission, the West Virginia arts and humanities council, and the department of archives and history, or relating to the present science and culture center, shall be transferred to remain in full force and effect and shall be performed by the Division of Culture and History the Department of Tourism.

(c) Beginning on July 1, 2025, all employees of any section or commission listed in §29-1-1(b) of this code shall be exempt from the state grievance procedures as set forth in §6C-2-1 et seq. of this code and from the classified civil service system under §29-6-1 et seq. of this code except that:

(1) All employees of any section or commission listed in §29-1-1(b) of this code who are currently members of the classified civil service system shall retain their status as long as they remain in their current position, and all employees of any section or commission listed in §29-1-1(b) of this code who currently have recourse to the state grievance procedures will continue to have access to the state grievance procedures as long as they remain in their current position; and

(2) Any employee of any section or commission listed in §29-1-1(b) of this code that leaves his or her position and remains an employee within the Department of Tourism shall, at that time, be transferred to the classified-exempt service system as defined in §29-6-2(g) of this code and be exempted from the state grievance procedures as set forth in §6C-2-1 et seq. of this code.

(d) The secretary shall have the authority to designate certain employees' status under the classified civil service system and grievance procedures as may be deemed necessary to comply with

federal regulation, or the requirements for receipt of federal funding or assistance.

(e) Nothing in this article shall prevent a person, at the secretary's discretion, from serving in multiple positions or professions within the sections or commissions listed in §29-1-1(b) of this code.

(f) Subsection (c) of this section shall not apply to any position appointed by the Governor.

(g) Nothing in this section shall exempt any section or commission listed in §29-1-1(b) of this code from the provisions of this code prohibiting nepotism, favoritism, discrimination, or unethical practices related to the promotion, transfer, layoff, removal, discipline, and compensation of state employees.

§29-1-2. General powers of ~~curator~~ secretary.

(a) The ~~curator~~ secretary shall assign and allocate space in all facilities assigned to the department and all space in the building presently known as the West Virginia Science and Culture Center, and any other buildings or sites under the control of the ~~curator~~ department, and may, in accordance with the provisions of §29A-3-1 *et seq.* of this code, prescribe rules, regulations and fees for the use and occupancy of said facilities, including tours.

(b) The ~~curator~~ secretary shall coordinate the operations and affairs of the sections and commissions of the department and assign each section or commission responsibilities according to criteria the curator deems most efficient, productive and best calculated to carry out the purposes of this article. The ~~curator~~ secretary shall provide to the fullest extent possible for centralization and coordination of the bookkeeping, personnel, purchasing, printing, duplicating, binding and other services which can be efficiently combined. The ~~curator~~ secretary may establish such other sections for such purposes as he or she deems necessary, and may appoint directors thereof. The ~~curator~~ secretary may appoint a director of the West Virginia Science and Culture Center.

The ~~curator~~ secretary shall serve as the state historic preservation officer.

(c) ~~After consultation with the section directors and the commissions, the curator~~ The secretary shall prepare a proposed department budget for submission to the Governor for each fiscal year.

(d) No contract, agreement or undertaking may be entered into by any section of the department or any section thereof which involves the expenditure of funds without the express written approval of the ~~curator~~ secretary as to fiscal responsibility.

(e) The ~~curator~~ secretary shall prepare and submit to the Governor an annual report in accordance with the provisions of §5-1-20 of this code, which report shall include a detailed account of the activities of each section and commission of the department.

(f) The ~~curator~~ secretary shall employ all personnel for the sections, except for persons in the professional positions established within the sections as provided in this article; and shall supply support services to the commissions and to the Governor's Mansion Advisory Committee.

(g) On and after July 1, 2025, the secretary may grant or withhold written consent to the proposal of any rule, as defined by §29A-1-2 of this code, by any section or commission listed in §29-1-1(b) of this code. Without the secretary's written consent, no proposal for a rule filed by any section or commission listed in §29-1-1(b) of this code after July 1, 2025, shall have any force or effect.

(h) The secretary may proposal a repeal, pursuant to either §29A-3-1a(b) or §29A-3-8(c) of this code, as appropriate, of any rule promulgated by the Department of Arts, Culture, and History, the Division of Culture and History, or any section or commission listed in §29-1-1(b) of this code.

§29-1-3. Commission on the Arts.

(a) The Commission on the Arts is continued and shall be composed of 15 appointed voting members, the ~~Curator of the~~

~~West Virginia Department of Arts, Culture and History~~ secretary as an ex officio voting member, the director of the arts section as an ex officio nonvoting member, and the ex officio nonvoting members set forth or authorized for appointment in this section.

(b)(1) The Governor shall appoint, by and with the advice and consent of the Senate, the voting members of the commission for staggered terms of three years. A person appointed to fill a vacancy shall be appointed only for the remainder of that term.

(2) No more than eight appointed voting members may be of the same political party. ~~Effective July 1, 2004, no more than three voting members may be from the same regional educational service agency district created in §18-2-26 of this code.~~ Appointed voting members of the commission shall be appointed so as to fairly represent both sexes, the ethnic and cultural diversity of the state, and the geographic regions of the state.

(3) The commission shall elect one of its members as chair. It shall meet at the times specified by the chair. Notice of each meeting shall be given to each member by the chair in compliance with the open meetings laws of the state. A majority of the voting members constitute a quorum for the transaction of business. The director of the arts section shall serve as secretary. The curator or a majority of the members also may call a meeting upon notice as provided in this section.

(4) Each member of the commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of the duties of the office; except that if the expenses are paid, or are to be paid, by a third party, the member or ex officio member, as the case may be, may not be reimbursed by the state.

(5) Upon recommendation of the ~~curator~~ secretary, the Governor also may appoint those officers of the state that are appropriate to serve on the commission as ex officio nonvoting members.

(c) The commission may:

(1) Advise the ~~curator~~ secretary and the director of the arts section concerning the accomplishment of the purposes of that section and establish a state plan with respect to the arts section;

(2) Approve and distribute grants-in-aid and awards from federal and state funds relating to the purposes of the arts section;

(3) Request, accept, or expend federal funds to accomplish the purposes of the arts section when federal law or regulations would prohibit those actions by the ~~curator~~ secretary or section director, but would permit them to be done by the commission on the arts;

(4) Otherwise encourage and promote the purposes of the arts section;

~~(5) Approve rules concerning the professional policies and functions of the section as promulgated by the director of the arts section; and~~

~~(6) Advise and consent to the appointment of the director by the curator.~~

(d) A special revenue account in the State Treasury, known as the "Cultural Facilities and Capital Resources Matching Grant Program Fund", is continued. The fund shall consist of moneys received under §29-22A-10 of this code and funds from any other source. The moneys in the fund shall be expended in accordance with the following:

(1) Fifty percent of the moneys deposited in the fund shall be expended by the Commission on the Arts for capital improvements, preservation, and operations of cultural facilities: *Provided*, That the Commission on the Arts may use no more than 25 percent of the funding for operations of cultural facilities pursuant to the rule required by this subdivision. The Commission on the Arts shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to create a matching grant program for cultural facilities and capital resources; and

(2) Fifty percent of the moneys deposited in the fund shall be expended by the Department of ~~Arts, Culture and History~~ Tourism for:

(A) Capital improvements, preservation, and operation of cultural facilities that are managed by the department; and

(B) Capital improvements, preservation, and operation of cultural facilities that are not managed by the department.

~~(c) The commission shall undertake a study, solicit designs, and make recommendations for the establishment of an appropriate memorial on state capitol grounds for soldiers killed in the conflicts in Iraq, Afghanistan, and other locations who died fighting the United States War on Terror, and to recognize and honor the West Virginians who lost their lives in these conflicts. The commission shall consult with the Capitol Building Commission and state veterans, including veterans groups and Gold Star mothers of those lost in these conflicts, prior to adoption of a proposal for the memorial. The commission shall provide a report to the Legislature's Joint Committee on Government and Finance by January 1, 2022, including recommendations for design and location of the memorial and estimated construction costs.~~

§29-1-4. Arts section; director.

(a) The purposes and duties of the arts section are to stimulate, encourage, assist, promote, foster and develop the performing and creative arts and crafts in the state; and in furtherance thereof to make awards, prizes and grants to individual performers, artists or craftsmen and to public or private corporations or associations in the field of either the performing or creative arts and crafts that would tend to encourage and foster the advancement of such arts and crafts; to support cultural, artistic or craft exhibits or performances at the ~~division's~~ department's facilities or on tour; and to perform such other duties as may be assigned to said section by the ~~commissioner~~ secretary.

(b) ~~With the advice and consent of the commission on the arts, the commissioner~~ The secretary shall appoint a director of the arts

section, who shall have: ~~(1) A bachelor's degree in the fine arts or related field or equivalent training and experience; or (2) three years' experience in administration of the fine arts or a related field who is qualified, with relevant experience.~~

(c) With the approval of the ~~commissioner~~ secretary, the director shall establish professional positions within the section. The director shall employ the personnel within these professional positions for the section: Provided, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.

(d) The director may propose rules for legislative promulgation, in accordance with the provisions of ~~chapter twenty-nine~~ a §29A-3-1 et seq. of this code, concerning the professional policies and functions of the arts section, subject to the approval of the ~~commission on the arts~~ secretary.

§29-1-6. Archives and history section; director.

(a) The purposes and duties of the archives and history section are to locate, survey, investigate, register, identify, preserve, protect, restore and recommend to the ~~commissioner~~ secretary for acquisition documents and records having historical, evidential, administrative and/or legal value relating to the State of West Virginia and the territory included in the state from the earliest times to the present, upon its own initiative or in cooperation with any private or public society, organization or agency; to conduct a continuing survey and study throughout the state to develop a state plan to determine the needs and priorities for the preservation of the documents and records; to direct, protect, preserve, study and disseminate information on the documents and records; to provide matching grants to political subdivisions of this state to protect and preserve the documents and records; to operate and maintain a state library for the preservation of all public records, state papers, documents and reports of all three branches of state government including all boards, commissions, departments and agencies as well as any other private or public papers, books or documents of peculiar or historic interest or significance; to designate appropriate

monuments, tablets or markers for historic, architectural and scenic sites within the state and to arrange for the purchase, replacement, care of, and maintenance of the monuments, tablets, and markers and to formulate and prepare suitable copy for them; to edit and publish a historical journal devoted to the history, biography, bibliography and genealogy of West Virginia; and to perform any other duties assigned to the section by the commissioner.

(b) ~~With the advice and consent of the archives and history commission, the commissioner~~ The secretary shall appoint a director of the archives and history section, who shall have: (1) ~~A graduate degree in one of the social sciences, or equivalent training and experience in the field of West Virginia history, history, or in records, library or archives management; and (2) three years' experience in administration in the field of West Virginia history, history, or in records, library or archives management~~ be qualified, with relevant experience. ~~Notwithstanding these qualifications, the~~ The person serving as the state historian and archivist on the date of enactment of this article is eligible for appointment as the director of the archives and history section. The director of the archives and history section shall serve as the state historian and archivist.

(c) With the approval of the ~~commissioner~~ secretary, the director shall establish professional positions within the section and develop appropriate organizational structures to carry out the duties of the section. The director shall employ the personnel with applicable professional qualifications to fill positions within the organizational structure with the minimum professional qualifications. At the minimum, the following professions shall be represented within the section staff: Historian, archivist, librarian and technical and clerical positions as are required: : *Provided*, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.

(d) The director shall promulgate rules with the approval of ~~the archives and history commission~~ secretary and in accordance with ~~chapter twenty-nine a~~ §29A-3-1 et seq. of this code concerning: (1) The professional policies and functions of the archives and history

section; and (2) any other rules determined necessary to effectuate the purposes of this article.

§29-1-7. Museums section; director.

(a) The purposes and duties of the museums section are to locate, survey, investigate, register, identify, excavate, preserve, protect, restore and recommend to the ~~commissioner~~ secretary for acquisition historic objects worthy of preservation, relating to the State of West Virginia and the territory included therein from the earliest times to the present, upon its own initiative or in cooperation with any private or public society, organization or agency; to conduct a continuing survey and study throughout the state to develop a state plan to determine the needs and priorities for the preservation, restoration or development of such objects; to direct, protect, excavate, preserve, study or develop such objects; to preserve and protect all battle or regimental flags borne by West Virginians and other memorabilia of historic interest; to operate and maintain a state museum, and to coordinate activities with other museums in the state; and to perform such other duties as may be assigned to the section by the ~~commissioner~~ secretary.

(b) With the advice and consent of the ~~archives and history commission~~ secretary, in addition to the duties above set forth, the section shall determine the whereabouts of and require the return of furnishings and objects missing from the capitol building and other state-owned or controlled buildings, including, but not limited to, furnishings chosen or purchased for the capitol by its architect, Cass Gilbert. No furnishings from the capitol may be sold or disposed of except pursuant to the provisions of ~~article three, chapter five a~~ §5A-3-1 et seq. of this code. If furnishings originally designated as capitol building furnishings have been sold or otherwise disposed of without the requisite sale procedures, such furnishings shall be returned to the capitol and, upon presentation of proof of the amount paid, the current owner shall be reimbursed for the cost of the furnishing less any appropriate depreciation or wear and tear.

(c) ~~With the advice and consent of the archives and history commission, the commissioner~~ The secretary shall appoint a

director of the museums section, who shall have: (1) ~~A graduate degree in one of the social sciences, or equivalent training and experience in the field of West Virginia history, history, archaeology, or in museum administration; and (2) three years' experience in administration in the field of West Virginia history, history, archaeology, or in museum management~~ be qualified, with relevant experience.

(d) With the approval of the ~~commissioner~~ secretary, the director shall establish professional positions within the section and develop appropriate organizational structures to carry out the duties of the section. The director shall employ the personnel with applicable professional qualifications to fill positions within the organizational structure and section. At the minimum, the following professions shall be represented within the section staff: Curator and such technical and clerical positions as are required. ~~With the approval of the commissioner, the director shall establish professional positions within the section. The director shall employ the personnel within these professional positions for the section; Provided, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.~~

(e) The director shall promulgate rules ~~and regulations~~ with the approval of the ~~archives and history commission~~ secretary and in accordance with ~~chapter twenty-nine a~~ §29A-3-1 et seq. of this code concerning: (1) The professional policies and functions of the museums section; and (2) such other rules and regulations as may be deemed necessary to effectuate the purposes of this section.

§29-1-8. Historic preservation section; director.

(a) The purposes and duties of the historic preservation section are to locate, survey, investigate, register, identify, preserve, protect, restore and recommend to the ~~commissioner~~ secretary for acquisition historic, architectural, archaeological and cultural sites, structures and objects worthy of preservation, including human skeletal remains, graves, grave artifacts and grave markers, relating to the State of West Virginia and the territory included therein from the earliest times to the present upon its own initiative or in

cooperation with any private or public society, organization or agency; to conduct a continuing survey and study throughout the state to develop a state plan to determine the needs and priorities for the preservation, restoration or development of the sites, structures and objects; to direct, protect, excavate, preserve, study or develop the sites and structures; to review all undertakings permitted, funded, licensed or otherwise assisted, in whole or in part, by the state for the purposes of furthering the duties of the section; to carry out the duties and responsibilities enumerated in the National Historic Preservation Act of 1966, as amended, as they pertain to the duties of the section; to develop and maintain a West Virginia State Register of Historic Places for use as a planning tool for state and local government; to cooperate with state and federal agencies in archaeological work; to issue permits for the excavation or removal of human skeletal remains, grave artifacts and grave markers, archaeological and prehistoric and historic features under the provisions of ~~section eight-a of this article~~ §29-1-8a of this code; and to perform any other duties as may be assigned to the section by the ~~commissioner~~ secretary.

(b) ~~With the advice and consent of the Archives and History Commission, the commissioner~~ The secretary shall appoint a director of the historic preservation section who shall have: ~~(1) A graduate degree in one of the social sciences or equivalent training and experience in the field of historic preservation, archaeology, West Virginia history or history; and (2) three years' experience in administration in the field of West Virginia history, history, historic preservation or archaeology~~ be qualified, with relevant experience. The director of the historic preservation section shall serve as the deputy state historic preservation officer.

(c) With the approval of the ~~commissioner~~ secretary, the director shall establish professional positions within the section and develop appropriate organizational structures to carry out the duties of the section. The director shall employ the personnel with applicable professional qualifications to fill positions within the organizational structure with the minimum professional qualifications necessary to carry out the provisions of the National Historic Preservation Act of 1966, as amended. At the minimum,

the following professions shall be represented within the section staff: Historian, architectural historian, a structural historian who specializes in historical preservation, an archaeologist specializing in historic and prehistoric archaeology and such technical and clerical positions as are required: : *Provided*, That nothing in this subsection shall prevent a qualified person from serving in multiple professions within this section or any section listed in §29-1-1(b) of this code.

(d) The director shall promulgate rules with the approval of the ~~archives and history commission~~ secretary and in accordance with ~~chapter twenty-nine~~ a §29A-3-1 *et seq.* of this code concerning: (1) The professional policies and functions of the historic preservation section; (2) the review of and, when required, issuance of permits for all undertakings permitted, funded, licensed or otherwise assisted, in whole or in part, by the state as indicated in subsection (a) of this section in order to carry out the duties and responsibilities of the section; (3) the establishment and maintenance of a West Virginia State Register of Historic Places, including the criteria for eligibility of buildings, structures, sites, districts and objects for the state Register and procedures for nominations to the state Register and protection of nominated and listed properties; (4) the review of historic structures in accordance with compliance alternatives and other provisions in any state fire regulation and shall coordinate standards with the appropriate regulatory officials regarding their application; (5) review of historic structures in conjunction with existing state or local building codes and shall coordinate standards with the appropriate regulatory officials for their application; and (6) any other rules as may be considered necessary to effectuate the purposes of this article.

§29-1-8c. State Library Section.

(a) There is hereby ~~created~~ continued a West Virginia State Library Section under the Department of ~~Arts, Culture, and History~~ Tourism.

(b) The State Library Commission is continued as an advisory council to support the West Virginia State Library Section, and

shall consist of the ~~Curator~~ secretary of the ~~Department of Arts, Culture, and History~~ as an ex officio voting member and six voting members.

(1) The Governor shall appoint, by and with the advice and consent of the Senate, the voting members of the commission each for a term of four years:

(A) No more than three appointed members may reside in the same congressional district; and

(B) The Governor shall make the initial appointment of State Library Commission members for staggered terms as follows: Two members, one from each congressional district, for a term of two years; two members, one from each congressional district, for a term of three years; and two members, one from each congressional district, for a term of four years; ~~and~~

~~(C) Three appointed members of the commission shall be women and three appointed members shall be men.~~

(2) No member of the State Library Commission may receive compensation for services rendered, nor be engaged or interested in the publishing business.

(3) On or before the expiration of the terms for which the members are appointed, the Governor shall appoint their successors.

~~(b) (c) The Curator of the Department of Arts, Culture, and History~~ secretary shall appoint a library section director, ~~with the advice and consent of the State Library Commission,~~ to carry out the duties and functions of the State Library Section outlined in this section ~~through the Department of Arts, Culture, and History library section.~~ The library section director shall ~~have at least the following qualifications: A master's degree from an American Library Association accredited program in a library related discipline and three years of management or administrative work experience in a library~~ be qualified, with relevant experience. The library section director shall also serve as the Secretary of the State Library Commission for the purpose of board meetings.

~~(e)~~ (d) The State Library Commission shall advise the ~~curator~~ Secretary of the Department of Tourism and the library section director on carrying out certain duties and functions of the State Library Section, as provided in this section.

~~(d)~~ (e) *General authority of the State Library Section.* —

(1) The State Library Section shall provide assistance, advice, and counsel to all school, state-institutional, free and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

(2) The State Library Section may:

(A) Receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; and may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and best increase the efficiency of the service it is expected to render the public.

(B) Purchase suitable books for traveling libraries and distribute them as needed to those persons and places in the state without adequate public library service.

(C) Collect books and other suitable library matter and distribute the same among state institutions desiring the same.

(D) Issue and offer for sale printed material, such as lists and circulars of information, and in the publication thereof may cooperate with other state library commissions and libraries, in order to secure the more economical administration of the work for which it was formed.

(E) Conduct courses of library instruction and hold librarians' institutes in various parts of the state.

(F) Perform such other services on behalf of public libraries as it may consider to be in the best interest of the state.

~~(e)~~(f) *West Virginia Program for Open Education Resources; material description.* —

(1) The State Library Section shall establish and maintain the West Virginia Program for Open Education Resources to encourage and facilitate the use of open education resource materials in both higher education and kindergarten through grade 12 in West Virginia schools.

(2) "Open education resource materials" means teaching, learning, and resource materials in any medium, digital or otherwise, that reside in the public domain or have been released under an open license that permits low-cost access, use, adaptation, and redistribution by others with no or limited restrictions.

(3) The State Library Commission may consult with the Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education, and the State Superintendent of Schools, or his or her designee, to:

(A) Ascertain what institutions or faculty are currently using open education resource material;

(B) Identify material currently associated with core general education courses and readily available for use by faculty and institutions;

(C) Identify any statutory or other impediments which interfere with selection and use of open education resource materials by administrators or teachers at all levels of instruction in West Virginia schools;

(D) Identify sources of potential grants for funding for teachers and institutions to use open education resource materials for classes and courses, and propose a competitive application system to award grant funding for those faculty and institutions seeking to use the open education resource materials;

(E) Establish a digital clearinghouse that will function as a publicly accessible database for open education resource material;

(F) Develop strategies to leverage further open education resource material to benefit higher education institutions and school systems, as well as private and foundation support for the project; and

(G) Report no later than July 1 of each year the program's findings, progress, and recommendations to the State Library Section, the Governor, and the chairs of the Legislature's House and Senate Committees on Education.

~~(F)~~ (g) *State Library Section—disposition of monetary gifts.* —

(1) If any sums of money are received by the State Library Section as gifts, they shall be paid into the State Treasury and used exclusively for carrying out the provisions of this section, and paying expenses of the State Library Section and the State Library Commission.

(2) The State Library Section shall expend no sums unless they are available by gift, appropriation, or otherwise.

~~(g)~~ (h) *Regional libraries and library areas — establishment and location.* —

(1) The State Library Commission is hereby authorized to develop a plan for the establishment and location of regional libraries, and library areas throughout the state, based on a detailed survey to be made by the State Library Commission of the needs of the various localities of the state. A region shall include two or more counties.

(2) On completion of such survey of any proposed region, the State Library Commission shall report their findings to the State Library Section and the state library director, who may refer the proposal to the county commissions or councils of all the counties included in such proposed region. The county commissions or councils may act upon such proposal by resolution, and the votes of a majority of each of the county commissions or councils of the

counties included in the proposed region shall be necessary for the adoption of such proposal. The proposal may be amended and resubmitted as necessary.

(3) The State Library Section may, with advice and input from the State Library Commission, and as the state library director may consider necessary or beneficial:

(A) Establish, maintain, and operate a public library for the region;

(B) Appoint a librarian and the necessary assistants, and fix their compensation, such appointments to be based upon merit and efficiency as determined by the state library section director. The librarian shall hold a certificate from an approved school of library science and shall have had not less than three years of practical experience in library work. The state library section director may also remove said librarian and other assistants;

(C) Purchase books, periodicals, equipment, and supplies;

(D) Purchase sites and erect buildings, or lease suitable quarters, and have supervision and control of that property;

(E) Borrow books from and lend books to other libraries;

(F) Enter into contracts to receive service from, or give service to, libraries within or without the region and give service to municipalities without the region that have no libraries, or cooperate with and aid generally, without such contracts, public school, institutional, and other libraries;

(G) Make such bylaws, rules, and regulations not inconsistent with this article as may be expedient for the government of regional library areas and the regional libraries therein, and for the purpose of carrying out the provisions of this article; and

(H) Accept for the State of West Virginia any appropriations of money that may hereafter be made out of the federal treasury by an act or acts of Congress and to disburse such funds for the

purpose of carrying out the provisions of this article, in accordance with §18-10-11 and §18-10-12 of this code.

~~(h)~~ (i) *Aid to libraries by State Library Section.*—

(1) The State Library Section may render such aid and assistance, financial, advisory or otherwise, to public, school, county, or regional libraries, whether established or maintained by the State Library Section or not, under such conditions and rules and regulations as the State Library Section may determine necessary to further the interests of the state and best increase the efficiency of the service it is expected to render the public.

(2) The State Library Commission may review and analyze the status of libraries across the state and advise the State Library Section on projects and libraries for which it has determined the development and support of will further the education of the people of the state as a whole and will thereby aid in the discharge of the responsibility of the state to encourage and foster education. The ~~West Virginia State~~ State Library Section may pay over and contribute to any board of library directors created and maintained pursuant to the provisions of this section or any special act of the Legislature such sum or sums of money as may be available from funds included in appropriations made for the State Library Section for that purpose.

~~(i)~~ (j) Collection and preservation of library data; surveys; employment of personnel; use of data.

(1) The State Library Section may collect and preserve statistics and other data, concerning libraries of any sort located within this state; to make surveys relating to the needs or conditions of such libraries or the library conditions of any city, town, county, regional library area, or other subdivision of this state; and to publish the results and findings thereof in accordance with the provisions of this section.

(2) The State Library Section may employ necessary personnel for any of these purposes.

(3) Such data, surveys, and findings of the State Library Section shall be available to all school, public, institutional, regional, and other libraries within this state, whether proposed or established.

~~(j)~~ (k) *Confidential nature of certain library records.*—

(1) Circulation and similar records of any public library in this state which identify the user of library materials are not public records but shall be confidential and may not be disclosed except:

(A) To members of the library staff in the ordinary course of business, including paid employees and unpaid volunteers upon completing a written confidentiality agreement which shall prevent disclosure of circulation records, personal information, and similar records of any public library except to the extent allowed under this subsection and obtaining written permission from the library director of the library system wherein he or she will be working;

(B) Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward; or

(C) Upon appropriate court order or subpoena.

(2) Any disclosure authorized by subdivision (1) of this subsection, or any unauthorized disclosure of materials made confidential by subdivision (1), does not in any way destroy the confidential nature of that material, except for the purpose for which an authorized disclosure is made. A person disclosing material as authorized by subdivision (1) of this subsection is not liable therefor.

~~(k)~~ (l) *Library Facilities Improvement Fund.*—

(1) There is continued in the State Treasury a special fund known as the Library Facilities Fund. Expenditures from the fund shall be for the purposes set forth in this section. The fund shall be administered by the State Library Section.

(2) The fund shall consist of moneys received from the following sources:

(A) All appropriations made by the Legislature to the fund;

(B) Any moneys available from sources outside the State Library Section;

(C) Repayment of loans made by the State Library Section pursuant to this section; and

(D) All interest and other income earned from investment of moneys in the fund.

(3) The State Library Section shall utilize moneys in the fund to support public library facilities construction, renovation, maintenance, and improvement projects. The State Library Section shall evaluate potential recipient projects of funds from the fund on a competitive basis.

(A) The State Library Section may provide loans to public libraries to support energy savings and critical maintenance projects with moneys in the fund.

(B) With the exception of loans made under this section, the State Library Section may not expend any money from the fund toward a particular project unless the proposed expenditure is matched on a dollar-for-dollar basis by other sources.

(4) The State Library Section shall propose a rule for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement the provisions of this section. The rule shall contain at least the following:

(A) A process for submitting and reviewing proposals;

(B) The content of proposals;

(C) Criteria for evaluating proposals; and

(D) Other provisions the State Library Section considers necessary to administer the program in accordance with this section.

(5) Any balance, including accrued interest and any other returns, in the fund at the end of each fiscal year will not expire to the General Revenue Fund but remain in the fund and be expended for the purposes provided by this section.

(6) In any calendar year, the State Library Section may not allocate an amount in excess of four percent of the balance of the fund on December 31 of the immediately preceding calendar year for administrative expenses.

(7) The State Library Section may invest any or all of the balance of the fund with the state's Consolidated Investment Fund.

(4) (m) Any rules promulgated by the Library Commission will remain in full force and effect until amended, repealed, or superseded by another rule promulgated by the Library Commission or State Library Section.

§29-1-9. Administrative section; director.

The purposes and duties of the administrative section are to provide centralized support to the division in all areas of operations.

The ~~commissioner~~ secretary shall appoint a director of the administrative section, to serve at the will and pleasure of the secretary, who is qualified, with relevant experience. ~~who shall have a bachelor's degree and two years' experience in responsible positions involving office management, public administration, budget and fiscal administration, or related fields; or six years' experience as outlined above. Notwithstanding these qualifications, the person serving as director of the administrative section on the date of enactment of this section shall be eligible for appointment as director of the administrative section.~~

With approval of the ~~commissioner~~ secretary, the director of the administrative section shall establish professional positions within the section.

§29-1-10. Division employees classified by civil service; exceptions.

[Repealed.]

§29-1-11. Power to accept and receive funds; power to apply for grants; disbursal of funds; restrictions on expenditure; disposition of funds heretofore received or appropriated.

(a) The ~~division~~ secretary may, in the name of the State of West Virginia, ~~through the commissioner or its commissions~~, accept and receive grants, appropriations, gifts, bequests and funds from any public or private source for the purpose of carrying out the duties and purposes of this article.

(b) The ~~division~~ secretary may, through the ~~commissioner or its commissions~~, apply for grants from the federal government, private foundations and any other source for the purposes of this article.

(c) All funds received from any source shall be paid into the Treasury of the state and disbursed upon warrant by the State Auditor following requisition by the division. The requisitions shall be signed by the ~~secretary~~ commissioner or by another person as the ~~commissioner~~ secretary may authorize by written document deposited with the Auditor or, in the event of emergency, by the Governor or the Governor's designee.

(d) No funds or gifts received from any source shall be expended or used for any purpose other than that intended as evidenced by a positive and affirmative declaration or by a negative restriction or limitation.

(e) The ~~division~~ department may assist in the promotion and operation of an annual state fair and other regional or local fairs and festivals entitled to aid when funds are available and to expend those funds for the support and development of fairs and festivals.

(f) All federal or state funds received to provide grants-in-aid or awards to further the purposes of this article shall be approved and distributed by the ~~appropriate commission established by this article~~ secretary.

§29-1-12. Publication of materials; agreements.

The ~~Division of Culture and History~~ department shall have the power, responsibility and duty to publish or republish material of prehistorical, historical, archaeological, architectural or cultural interest. The ~~Division of Culture and History~~ department may sell such publications as well as postcards and other items of such interest at the state museum or any other site or property administered by the state or at any special event sponsored by the state. The ~~division~~ department shall have the right to enter into agreements with responsible individuals, private historical, archaeological, architectural or cultural associations, foundations or similar organizations or any agency of the federal, state or local government for the purpose of carrying out its purposes or for raising money to fund the functions of the ~~division~~ department under this article.

§29-1-13. Land; control and disposal; rules and regulations.

All land owned or leased by the ~~Division of Culture and History~~ department pursuant to this article shall be titled in the name of the public land corporation of West Virginia but shall be controlled, administered and supervised by the ~~division~~ department. The ~~division, in the discretion of its commissioner~~ secretary may sell or dispose of any real or personal property which, in his or her opinion, does not have sufficient prehistorical, historical, archaeological, architectural or cultural value to justify its retention.

The ~~commissioner~~ secretary shall have the power to make and promulgate rules and regulations relating to the general management and administration of ~~the division~~ this article.

§29-1-14. Washington-Carver Camp; prohibition of disposition or removal of minerals without authorization by the Legislature.

Washington-Carver Camp in Fayette County, heretofore transferred to the public land corporation under the control, administration, and supervision of the ~~Division of Culture and History~~ department, shall continue under the department's control, administration and supervision ~~of the division~~.

The ~~Division of Culture and History~~ department shall undertake to develop such cultural and multicultural, artistic, humanistic and educational programs at the camp as will serve and benefit the citizens of the state and the many cultures represented therein. In order to ensure the maximum reasonable utilization of that portion of the camp under its jurisdiction, the ~~division~~ department shall, during times the camp is not being used for the ~~division's~~ department's purposes, make the camp available, under such terms as the ~~division~~ department deems proper, to any other agency of government or nonprofit group desiring to use the camp. The camp shall retain the name "Camp Washington-Carver" as indicative of its heritage of serving the black citizens of the state. The ~~division~~ department is authorized to provide necessary and suitable equipment and other resources for implementing the provisions of this section.

No minerals may be assigned, leased or otherwise encumbered, sold, mined, or removed with respect to the property heretofore transferred or the mineral rights retained without specific authorization by the Legislature.

§29-1-15. Development or improvement on land; State Historic Preservation Office; rules and regulations.

All development or improvement on land, including any disturbance in a right-of-way, construction project, or infrastructure project, subject to review by the State Historic Preservation Office or by any other ~~agency, office, or component of the Division of Culture and History~~ section or commission listed in §29-1-1(b) of this code for prehistorical, historical, archaeological, architectural, or cultural value shall be conducted in the most expedient manner possible. The ~~division~~ department shall not add any additional impediment to such review beyond those required by applicable Federal laws, rules, and regulations and shall have no authority to comment, regulate, or otherwise cause another governmental entity to comment upon or regulate, that activity, except in consideration for primacy or continued federal funding.

The ~~commissioner~~ secretary shall have the power to make and promulgate rules and regulations in in conformity with this section, and the ~~commissioner~~ secretary shall modify, upon the effective date of this legislation, any active rule in conflict with the provisions of this section.

On motion of Senator Garcia, the following amendments to the Government Organization committee amendment to the bill (Eng. H. B. 2009) were reported by the Clerk and considered simultaneously:

On pages 1 through 6, by striking out all of section 4;

On pages 11 and 12, by striking out all of section 1a and inserting in lieu thereof a new section 1a, to read as follows:

§29-1-1a. Transfer of powers and duties; existing contracts and obligations.

(a) Except as otherwise provided in this article, the powers and duties of the West Virginia antiquities commission, the West Virginia arts and humanities council and the department of archives and history are hereby transferred to ~~the Division of Culture and History~~ the Department of Tourism.

(b) All existing assets, equipment, contracts, and records ~~obligations~~ of the Department of Arts, Culture, and History, the West Virginia antiquities commission, the West Virginia arts and humanities council, and the department of archives and history, or relating to the present science and culture center, shall be transferred to remain in full force and effect and shall be performed by the Division of Culture and History the Department of Tourism.;

And,

On page 31, by striking out all of section 10.

Following discussion,

The question being on the adoption of Senator Garcia's amendments to the Government Organization committee

amendment to the bill, and on this question, Senator Garcia demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Garcia, Grady, Hamilton, Oliverio, Phillips, and Woelfel—7.

The nays were: Azinger, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Morris, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—27.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Garcia's amendments to the Government Organization committee amendment to the bill rejected.

On motion of Senator Garcia, the following amendment to the Government Organization committee amendment to the bill (Eng. H. B. 2009) was next reported by the Clerk:

On page 23, section 8c, lines 20 through 28, by striking out all of subsection (c) and inserting in lieu thereof a new subsection (c), to read as follows:

~~(b) (c) The Curator of the Department of Arts, Culture, and History~~ secretary shall appoint a library section director, ~~with the advice and consent of the State Library Commission,~~ to carry out the duties and functions of the State Library Section outlined in this section ~~through the Department of Arts, Culture, and History library section.~~ The library section director shall have at least the following qualifications: A master's degree from an American Library Association-accredited program in a library-related discipline and three years of management or administrative work experience in a library. The library section director shall also serve as the Secretary of the State Library Commission for the purpose of board meetings.

Following discussion,

The question being on the adoption of Senator Garcia's amendment to the Government Organization committee amendment to the bill, the same was put and did not prevail.

The question now being on the adoption of the Government Organization committee amendment to the bill, the same was put and prevailed.

Engrossed House Bill 2009, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 2009 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Oliverio, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Willis, and Smith (Mr. President)—24.

The nays were: Deeds, Garcia, Grady, Hamilton, Morris, Phillips, Queen, Weld, Woelfel, and Woodrum—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2009) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2009—A Bill to amend and reenact §5B-2I-2, §5B-2I-4, §10-5-2, §29-1-1, §29-1-1a, §29-1-2, §29-1-3, §29-1-4, §29-1-6, §29-1-7, §29-1-8, §29-1-8c, §29-1-9, §29-1-11, §29-1-12, §29-1-13, §29-1-14, and §29-1-15 of the Code of West Virginia, 1931, as amended; and to repeal §5F-1-3a, §5F-1-6, and §29-1-10, relating to the merging and reorganizing of the executive branch; abolishing Department of Arts, Culture, and History and reorganizing its sections and commissions under Department of

Tourism; specifying the authority of the Secretary of Department of Tourism over these sections and commissions; correcting titles of affected departments, divisions, and positions based on the redesignations; specifying that starting on July 1, 2025, new hires and anyone who moves positions within Department of Tourism shall be in the classified exempt service system and shall be exempt from the state grievance procedures; governing and providing for Secretary of the Department of Tourism authority to appoint the directors of certain sections of code; substituting the title of Secretary of Department of Tourism for Secretary of the Department of Arts, Culture, and History in several sections of code; granting Secretary of Tourism authority to approve or repeal rules promulgated by sections and commissions listed in certain sections of code; specifying that starting on July 1, 2025, new hires and employees that move positions within the sections and commissions shall be in the classified exempt service system and shall be exempt from state grievance procedures; granting Secretary of Department of Tourism discretion to allow a person to serve in multiple positions or professions within certain sections of code; removing certain specific qualifications for persons appointed as directors of various sections of code; and technical cleanup of amended and reenacted sections.

Senator Martin moved that the bill take effect July 1, 2025.

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. 2009) takes effect July 1, 2025.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2013, Transfer of employees to classified exempt service.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, April 7, 2025, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed Committee Substitute for House Bill 2013 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Deeds, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Queen, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Willis, Woodrum, and Smith (Mr. President)—24.

The nays were: Clements, Garcia, Grady, Hamilton, Morris, Oliverio, Phillips, Takubo, Weld, and Woelfel—10.

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. 2013) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2013—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §5F-2-9, relating to exempting new hires and employees who leave their positions within the Bureau of Senior Services, Department of Administration, Department of Environmental Protection, Department of Revenue, and Department of Veterans' Assistance from the classified civil service system and the state grievance procedures beginning on July 1,

2025; making legislative finding; providing that as of July 1, 2025, any new hire and any employee who leaves his or her position will be exempt from the classified civil service system and from the state grievance procedures; providing that any employee who is currently covered by civil service system and who currently has access to the state grievance procedures will continue to be covered and have access, so long as he or she remains in his or her current position; providing that chief administrative officers of bureau and departments may designate certain employees' status within the civil service system in order to comply with federal law or receive federal funds; and clarifying that this section does not affect any other employee protections found elsewhere in code.

Senator Martin moved that the bill take effect July 1, 2025.

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. 2013) takes effect July 1, 2025.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2067, West Virginia Firearms Liability Clarification Act.

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 2067 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. 2067) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2067—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7C-1, §61-7C-2, §61-7C-3, and §61-7C-4; all relating to the creation of the West Virginia Firearms Marketing Clarification Act; providing for a short title; providing for definitions; providing limitations on negligent marketing claims; and creating a predicate exception limitation.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Martin, at 12:57 p.m., the Senate recessed until 6 p.m. today.

The Senate reconvened at 7:26 p.m. and resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for House Bill 2434, Relating to establishing the Stop Squatters Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Martin, Maynard, Morris, Oliverio, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Boley, Jeffries, and Phillips—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. 2434) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2499, Training course for principals in public schools; informing teachers of their rights and protections; IEP format.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. 2499) 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 2499—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to requiring in-person training for principals employed in the public schools, appropriate central office personnel, superintendents and county board of education members on the Individuals with Disability Education Act, federal regulations, and West Virginia State Board of Education Policy 2419 "Regulations for the Education of Students with Exceptionalities"; specifying other information the training is to include; specifying when training is to occur; requiring each principal and county board member to inform teachers, in person, of their rights and listing minimum information this is to include; and requiring in every Individualized Education Program meeting certain information be explained to the guardian of a child.

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, 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. 2499) takes effect July 1, 2025.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2711, Relating to the repeal of the common law rule against perpetuities by extending it to 1,000 years for all trusts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. 2711) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2752, Relating to motorcycle safety.

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 2752 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Willis, Woodrum, and Smith (Mr. President)—27.

The nays were: Garcia, Hamilton, Oliverio, Takubo, Weld, and Woelfel—6.

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. 2752) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2761, Relating generally to magistrate courts.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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)—32.

The nays were: Weld—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. 2761) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2773, Higher Ed 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, 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. H. B. 2773) 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. 2773) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. House Bill 2867, Relating to Small Estates.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. H. B. 2867) passed.

On motion of Senator Stuart, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2867—A Bill to amend and reenact §44-1A-2 of the Code of West Virginia, 1931, as amended, relating to precluding an estate with probate real property or with an interest in probate real property from being processed as a small estate.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for House Bill 2871, Relating to the crime of negligent homicide.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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 Com. Sub. for H. B. 2871) 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 Com. Sub. for House Bill 2871—A Bill to amend and reenact §14-2A-3, §17B-1A-1, §17B-3-5, 17C-5-1, §17C-5-3, §17C-14-15, §17C-19-3, §17E-1-13, §33-6A-1, §33-6A-1, §49-1-207, and §61-2-30 of the Code of West Virginia, 1931, as amended, relating generally to updating the offense of negligent homicide; and renaming it the offense of vehicular homicide.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2897, Permitting the Legislative Auditor to conduct periodic performance and financial audits of the West Virginia Department of Education.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. 2897) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2964, Amending residency requirements for regional airport boards.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3024, Guaranteed course transfer bill.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. 3024) 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 3024—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18B-14-5, relating to the guaranteed transfer of credit for courses completed in career pathways between high schools, career and technical education centers, community and technical colleges, and baccalaureate institutions; imposing duties on the Higher Education Policy Commission and the Council for

Community and Technical College Education; establishing a statewide guaranteed transfer and articulation advisory committee; setting forth membership of the advisory committee; allowing for subcommittees; requiring the commission and the council to oversee the development of a statewide articulation and guaranteed transfer agreement and setting forth parameters therefore; requiring the commission and the council, in collaboration with the advisory committee, to develop, coordinate, and maintain guaranteed degree transfer pathways for selected baccalaureate programs and the parameters therefore; setting forth additional requirements for guaranteed statewide transfer pathways; and requiring the commission and council to propose rules for legislative approval.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3080, Military Spouse hiring preference.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. H. B. 3080) passed.

The following amendment to the title of the bill, from the Committee on Military, was reported by the Clerk and adopted:

Eng. House Bill 3080—A Bill to amend and reenact §16B-17-9 and §16B-17-9a of the Code of West Virginia, 1931, as amended,

relating to establishing that an employer granting preference in hiring a military spouse does not violate the state Human Rights Act under certain circumstances.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3156, Create exemption for Legislature for reporting requirements in Shared Services Section.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. H. B. 3156) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 3156—A Bill to amend and reenact §5A-2B-2 of the Code of West Virginia, 1931, as amended, relating to clarifying that the Legislature is not subject to the cost-assessment, accounting, and reporting services of the Department of Administration Shared Services Section.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3157, Relating to shortened procedure for road condition claims.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. H. B. 3157) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3277, Relating to defining terms for the West Virginia Hospital Finance Authority Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. H. B. 3277) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3389, Exclude the Department of Tourism as a Governmental agency.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, 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. H. B. 3389) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 3389—A Bill to amend and reenact §18-10G-2 of the Code of West Virginia, 1931, as amended, relating to excluding the Department of Tourism from the agencies required to have their food service facilities operated by the Division of Vocational Rehabilitation.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 300, Budget Bill.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 937, Supplementing and amending appropriations to Department of Economic Development.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2002, Establishing One Stop Shop Permitting Process.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2003, Prohibiting Cell phones in class.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Education, was reported by the Clerk and adopted:

On page 2, section 46, lines 34 through 39, by striking out all of paragraph (A) and inserting in lieu thereof a new paragraph (A) to read as follows:

(A) Students with an approved documented need, as required by a medical doctor or licensed healthcare professional or as a requirement of an Individualized Education Plan (IEP) or 504 plan, the student's health care provider's medical orders, or other written accommodation plan, may have access to personal electronic devices if the device relates to the student's specific need. An exemption related to a student's IEP, 504 plan, medical order, or other written accommodation shall include a timeline of the required exemption and specify what electronic device(s) shall be included in the exemption.

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2003), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2011, To supplement, amend, and increase an existing item of appropriation in the aforesaid

accounts for the designated spending unit for expenditure during the fiscal year 2025.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

On page one, sec. three, line eight, by striking out "75,000,000" and inserting in lieu thereof "150,000,000".

The bill (Eng. Com. Sub. for H. B. 2011), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2026, Budget Bill.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2152, Prompt Payment Act of 2025.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2164, To allow for public and private schools in West Virginia to employ security personnel.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 2165, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-15a. Free parking for disabled veterans and veterans awarded the purple heart.

Notwithstanding any provision of law to the contrary, any person who is a disabled veteran from the United States Armed Forces or who was awarded the Purple Heart, may park at any metered parking space in any municipality in this state without being required to deposit any sum of coins or currency into the meter: Provided, That an appropriate designation must appear on the person's registration plate under the provisions of §17A-3-14 demonstrating that the person is a disabled veteran or was awarded the Purple Heart.

ARTICLE 13. STOPPING, STANDING, AND PARKING.

§17C-13-6. Stopping, standing, or parking privileges for persons with a mobility impairment; disabled veterans; definitions; qualification; special registration plates and removable windshield placards; expiration, application; violation; penalties.

(a)(1) The commissioner may issue up to two special registration plates or removable windshield placards to a person with a mobility impairment or a West Virginia organization which transports persons with disabilities and facilitates the mobility of

its customers, patients, students, or persons otherwise placed under its responsibility.

(2) Special registration plates or placards may only be issued for placement on a Class A or Class G motor vehicle registered under the provisions of §17A-3-1 *et seq.* of this code.

(3) The applicant shall specify whether he or she is applying for a special registration plate, a removable windshield placard, or both on the application form prescribed and furnished by the commissioner.

(4) The applicant shall submit, with the application, a certificate issued by any physician, chiropractor, advanced nurse practitioner, or physician's assistant who is licensed in this state, stating that the applicant has a mobility impairment, or that the applicant is an organization which regularly transports a person with a mobility impairment as defined in this section. The physician, chiropractor, advanced nurse practitioner, or physician's assistant shall specify in the certificate whether the disability is temporary or permanent. A disability which is temporary is one expected to last for a limited duration and improve during the applicant's life. A disability which is permanent is one which is expected to last during the duration of the applicant's life.

(5) Upon receipt of the completed application, the physician's certificate, and the regular registration fee for the applicant's vehicle class, if the commissioner finds that the applicant qualifies for the special registration plate or a removable windshield placard as provided in this section, he or she shall issue to the applicant a special registration plate (upon remittance of the regular registration fee) or a removable windshield placard (red for temporary and blue for permanent), or both. Upon request, the commissioner shall also issue to any otherwise qualified applicant one additional placard having the same expiration date as the applicant's original placard. The placard shall be displayed by hanging it from the interior rearview mirror of the motor vehicle so that it is conspicuously visible from outside the vehicle when parked in a designated accessible parking space. The placard may be removed from the rearview mirror whenever the vehicle is being

operated to ensure clear vision and safe driving. Only in the event that there is no suitable rearview mirror in the vehicle may the placard be displayed on the dashboard of the vehicle.

(6) Organizations which transport people with disabilities will be provided with a placard which will permit them to park in a designated area for the length of time necessary to load and unload passengers. These vehicles must be moved to a nondesignated space once the loading or unloading process is complete.

(b) As used in this section, the following terms have the meanings ascribed to them in this subsection:

(1) A person or applicant with a "mobility impairment" means a person who is a citizen of West Virginia and as determined by a physician, allopath or osteopath, chiropractor, advanced nurse practitioner, or physician's assistant licensed to practice in West Virginia:

(A) Cannot walk 200 feet without stopping to rest;

(B) Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device, or another person;

(C) Is restricted by lung disease to such an extent that the person's force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(D) Uses portable oxygen;

(E) Has a cardiac condition to such an extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association; or

(F) Is severely limited in his or her ability to walk because of an arthritic, neurological, or other orthopedic condition;

(2) "Special registration plate" means a registration plate that displays the international symbol of access, as adopted by the Rehabilitation International Organization in 1969 at its Eleventh World Congress on Rehabilitation of the Disabled, in a color that contrasts with the background, in letters and numbers the same size as those on the plate, and which may be used in lieu of a regular registration plate;

(3) "Removable windshield placard" (permanent or temporary) means a two-sided, hanger-style placard measuring three inches by nine and one-half inches, with all of the following on each side:

(A) The international symbol of access, measuring at least three inches in height, centered on the placard, in white on a blue background for permanent designations and in white on a red background for temporary designations;

(B) An identification number measuring one inch in height;

(C) An expiration date in numbers measuring one inch in height for a temporary placard; and

(D) The seal or other identifying symbol of the issuing authority;

(4) "Regular registration fee" means the standard registration fee for a vehicle of the same class as the applicant's vehicle;

(5) "Public entity" means state or local government or any department, agency, special purpose district, or other instrumentality of a state or local government;

(6) "Public facility" means all or any part of any buildings, structures, sites, complexes, roads, parking lots, or other real or personal property, including the site where the facility is located;

(7) "Place or places of public accommodation" means a facility or facilities operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

(A) Inns, hotels, motels, and other places of lodging;

(B) Restaurants, bars, or other establishments serving food or drink;

(C) Motion picture houses, theaters, concert halls, stadiums, or other places of exhibition or entertainment;

(D) Auditoriums, convention centers, lecture halls, or other places of public gatherings;

(E) Bakeries, grocery stores, clothing stores, hardware stores, shopping centers, or other sales or rental establishments;

(F) Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys, pharmacies, insurance offices, offices of professional health care providers, hospitals, or other service establishments;

(G) Terminals, depots, or other stations used for public transportation;

(H) Museums, libraries, galleries, or other places of public display or collection;

(I) Parks, zoos, amusement parks, or other places of recreation;

(J) Public or private nursery, elementary, secondary, undergraduate, or post-graduate schools or other places of learning and day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies, or other social services establishments; and

(K) Gymnasiums, health spas, bowling alleys, golf courses, or other places of exercise or recreation;

(8) "Commercial facility" means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity;

(9) "Accessible parking" formerly known as "handicapped parking" is the present phrase consistent with language within the Americans with Disabilities Act (ADA);

(10) "Parking enforcement personnel" includes any law-enforcement officer as defined by §30-29-1 of this code, and private security guards, parking personnel, and other personnel authorized by a city, county, or the state to issue parking citations.

Any person who falsely or fraudulently obtains or seeks to obtain the special plate or the removable windshield placard provided for in this section, and any person who falsely certifies that a person is mobility impaired in order that an applicant may be issued the special registration plate or windshield placard under this section is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500. Any person who fabricates, uses, or sells unofficially issued windshield placards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500 per placard fabricated, used, or sold. Any person who fabricates, uses, or sells unofficially issued identification cards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$700 per identification card fabricated, used, or sold. Any person who fabricates, uses, or sells unofficially issued labels imprinted with a future expiration date to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$700. Any person covered by this section who sells or gives away their officially issued windshield placard to any person or organization not qualified to apply for or receive the placard and then reapplies for a new placard on the basis it was stolen is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she, or they may otherwise incur, shall lose their right to receive or use a special placard or special license plate for a period of not less than five years.

(c) The commissioner shall set the expiration date for special registration plates on the last day of a given month and year, to be

valid for a minimum of one year but not more than five years, after which time a new application must be submitted to the commissioner. After the commissioner receives the new application, signed by a certified physician, chiropractor, advanced nurse practitioner, or physician's assistant if required under this subsection, the commissioner shall issue: (i) A new special registration plate or new permanent or temporary removable windshield placard; or (ii) official labels imprinted with the new expiration date and designed so as to be placed over the old dates on the original registration plate or windshield placard: *Provided*, That a new application under this subsection must not be accompanied by a certificate pursuant to §17C-13-6(a)(4) of this code if a prior application is on file with the commissioner, such application includes a certificate issued pursuant to §17C-13-6(a)(4) of this code, such certificate specifies that the applicant's disability is permanent for life, and such certificate was made within 10 years of the new application.

(d) The commissioner shall set the expiration date of temporary removable windshield placards to be valid for a period of approximately six months after the application was received and approved by the commissioner. Permanent removable windshield placards are valid for the duration of the applicant's life.

(e) The commissioner shall issue to each applicant who is granted a special registration plate or windshield placard an identification card bearing the applicant's name, assigned identification number, and expiration date. The applicant shall thereafter carry this identification card on his or her person whenever parking in an accessible parking space. The identification card shall be identical in design for both registration plates and removable windshield placards.

(f) An accessible parking space should comply with the provisions of the Americans with Disabilities Act accessibility guidelines, contained in 28 C.F.R. 36, Appendix A, Section 4.6. In particular, the parking space should be a minimum of eight feet wide with an adjacent eight-foot access aisle for vans having side mounted hydraulic lifts or ramps, or a five-foot access aisle for standard vehicles. Access aisles should be marked using diagonal

two- to four-inch-wide stripes spaced every 12 or 24 inches apart along with the words "no parking" in painted letters which are at least 12 inches in height. All accessible parking spaces must have a signpost in front or adjacent to the accessible parking space displaying the international symbol of access sign mounted at a minimum of eight feet above the pavement or sidewalk and the top of the sign. Lines or markings on the pavement or curbs for parking spaces and access aisles may be in any color, although blue is the generally accepted color for accessible parking.

(g) A vehicle displaying a disabled veterans special registration plate issued pursuant to §17A-3-14(c)(6) of this code shall be recognized and accepted as meeting the requirements of this section.

(h) A vehicle from any other state, United States territory, or foreign country displaying an officially issued special registration plate, placard, or decal bearing the international symbol of access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard, or decal is mounted or displayed on the vehicle.

(i) Stopping, standing, or parking places marked with the international symbol of access shall be designated in close proximity to all public entities, including state, county, and municipal buildings and facilities, places of public accommodation, and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment and disabled veterans at all times.

(j) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: *Provided*, That this privilege does not mean that the vehicle may park in any zone where stopping, standing, or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any

political subdivision of this state is contrary to the provisions of this section, the provisions of this section take precedence and apply.

The parking privileges provided for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges at a time when the vehicle is not being used for the loading or unloading of a person with a mobility impairment is guilty of a misdemeanor and, upon first conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(k) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard may not stop, stand, or park a motor vehicle in an area designated, zoned, or marked for accessible parking with signs or instructions displaying the international symbol of access, either by itself or with explanatory text. The signs may be mounted on a post or a wall in front of the accessible parking space and instructions may appear on the ground or pavement, but use of both methods is preferred. Accessible parking spaces for vans having an eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any vehicle displaying a valid special registration plate or removable windshield placard.

Any person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(l) All signs that designate areas as "accessible parking" or that display the international symbol of access shall also include the words "up to \$500 fine".

(m) No person may stop, stand, or park a motor vehicle in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space. Any person, including a driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$200; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$300; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined \$500.

(n) Parking enforcement personnel who otherwise enforce parking violations may issue citations for violations of this section and shall reference the number on the vehicle's license plate, since the driver normally will not be present.

(o) Law-enforcement agencies may establish a program to use trained volunteers to collect information necessary to issue citations to persons who illegally park in designated accessible parking spaces. Any law-enforcement agency choosing to establish a program shall provide for workers' compensation and liability coverage. The volunteers shall photograph the illegally parked vehicle and complete a form, to be developed by supervising law-enforcement agencies, that includes the vehicle's license plate number, date, time, and location of the illegally parked vehicle. The photographs must show the vehicle in the accessible space and a readable view of the license plate. Within the discretion of the supervising law-enforcement agency, the volunteers may issue citations or the volunteers may submit the photographs of the illegally parked vehicle and the form to the supervising law-enforcement agency, who may issue a citation, which includes the photographs and the form, to the owner of the illegally parked vehicle. Volunteers shall be trained on the requirements for citations for vehicles parked in marked, zoned, or designated

accessible parking areas by the supervising law-enforcement agency.

(p) Local authorities who adopt the basic enforcement provisions of this section and issue their own local ordinances shall retain all fines and associated late fees. These revenues shall be used first to fund the provisions of subsection (o) of this section, if adopted by local authorities, or otherwise shall go into the local authorities' General Revenue Fund. Otherwise, any moneys collected as fines shall be collected for and remitted to the state.

(q) The commissioner shall prepare and issue a document to applicants describing the privileges accorded a vehicle having a special registration plate and removable windshield placard as well as the penalties when the vehicle is being inappropriately used as described in this section and shall include the document along with the issued special registration plate or windshield placard. In addition, the commissioner shall issue a separate document informing the general public regarding the new provisions and increased fines being imposed either by way of newspaper announcements or other appropriate means across the state.

(r) The commissioner shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code.

(s)(1) A public entity may not require a person to pay for parking a vehicle in an accessible parking space with a parking meter if the following requirements are met:

(A) The vehicle displays a special registration plate or placard that entitles the person to park in an accessible parking space pursuant to this section;

(B) The driver has a mobility impairment and is unable to walk;

(C) The parking meter is not accessible to the driver while sitting in a wheelchair or without traveling more than 30 feet from the parked vehicle; and

(D) The parked vehicle displays an unexpired parking certification that is plainly visible with pertinent information through its windshield. For purposes of this subsection, "parking certification" means a letter completed by a licensed medical provider on the provider's letterhead that is titled "Parking Certification pursuant to W.Va. Code §17C-13-6(s)" and that certifies that the person is physically able to drive but unable to walk, which means for purposes of this subsection that the person cannot ambulate without the aid of a wheelchair. Such letter shall specify whether the inability to walk is permanent or temporary. If the inability to walk is temporary, the letter shall include the date on which such temporary disability is anticipated to end, and the letter may not be displayed in a windshield after such date.

(2) By displaying a parking certification in the windshield of a vehicle that is parked in an accessible parking space with an expired parking meter, the person is swearing under penalty of false swearing that he or she is unable to access the parking meter without unreasonable effort.

(3) Parking enforcement personnel may not cite a vehicle that is parked in an accessible parking space of a public entity for parking at an expired meter if the requirements of this subsection are met: *Provided*, That if a parking citation is issued, it shall be prima facie evidence that the person was entitled to park in the accessible parking space with an expired meter if the person produces his or her parking certification.

The bill (Eng. H. B. 2165), as amended, was then ordered to third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2167, Relating to public charter schools code provisions.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 2444, Relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery Commission.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2484, Clarifying the probationary period for paid municipal firefighters.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2776, Requiring Department of Health to report positive Alpha Gal tests to CDC.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendment pending and the right for further amendments to be considered on that reading.

Eng. 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 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 4. DISABILITY AND DEATH BENEFITS.

§23-4-1f. Certain psychiatric injuries and diseases not compensable; definitions; legislative findings; terms; report required.

(a) Except as provided by this section, for the purposes of this chapter, no alleged injury or disease may be recognized as a compensable injury or disease which was solely caused by nonphysical means and which did not result in any physical injury or disease to the person claiming benefits. Except as otherwise provided in this section, it is the purpose of this section to clarify that so-called mental-mental claims are not compensable under this chapter.

(b) For the purposes of this section:

(1) "First responder" means a law enforcement officer, firefighter, emergency medical technician, paramedic, and emergency dispatcher;

(2) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, or a later edition as adopted by rule of the insurance commissioner; and

(3) "Licensed mental health provider" means a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed marriage and family therapist, certified mental health nurse practitioner, certified psychiatric physician assistant, or licensed social worker who:

(A) Holds a master's degree or higher;

(B) Holds a terminal license within their profession; and

(C) Is qualified to treat post-traumatic stress disorder.

(4) "Employer" means any entity that controls, consistent with the provisions of West Virginia law relating to an employment relationship, the paid or volunteer employment of a first responder eligible for benefits under this section.

(c) The Legislature finds that post-traumatic stress disorder is a unique medical condition. Although it may manifest itself as a psychiatric condition that would be otherwise precluded from workers' compensation coverage, post-traumatic stress disorder is an occupational hazard for first responders, similar to members of the military serving in combat. The Legislature further finds that because first responders are required to expose themselves to traumatic events during the course of their employment and thus are at a recognized higher risk of developing post-traumatic stress disorder, and because of the severe nature and debilitating effects of post-traumatic stress disorder, it is the moral obligation of the state to permit coverage to this class of individuals for their work-related disease.

(d)(1) Post-traumatic stress disorder suffered by a first responder may be recognized as a compensable occupational disease under §23-4-1(f) of this code when:

(A) The employer has elected to provide coverage for post-traumatic stress disorder as an occupational disease; and

(B) A diagnosis has been made by a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant that the first responder suffered from post-traumatic stress disorder due to exposure to an event or events that occurred in the course of and resulting from the first responder's paid or volunteer covered employment: *Provided*, That the provisions of this section shall apply only to a post-traumatic stress disorder diagnosis made on or after July 1, 2021, or the first day of the employer's next workers' compensation insurance policy or self-insurance program term for which post-traumatic stress disorder coverage has been purchased or elected, whichever is later.

~~(2) While the diagnosis must be made by a licensed psychiatrist, mental health treatment consistent for a post traumatic stress disorder diagnosis may be offered by a licensed mental health provider other than the diagnosing psychiatrist~~

While the diagnosis must be made by a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant, mental health treatment consistent for a post-traumatic stress disorder diagnosis may be offered by a licensed mental health provider other than the diagnosing psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant.

(3) A diagnosis of post-traumatic stress disorder under this section ~~shall~~ may not include consideration of any layoff, termination, disciplinary action, or any similar personnel-related action taken in good faith by an employer.

(4) Benefits for a post-traumatic stress disorder diagnosis made under this section are contingent upon the employer electing to provide coverage for post-traumatic stress disorder from its workers' compensation insurance carrier or to provide for it through its self-insurance program, whichever is applicable.

(5) The receipt of benefits is contingent on a claim being made within three years from and after a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant has made the claimant aware of a post-traumatic stress disorder diagnosis in accordance with this section.

(e) ~~Any~~ An employer that elects to offer coverage to first responders for post-traumatic stress disorder under this section shall report post-traumatic stress disorder claims data to the Offices of the Insurance Commissioner directly or via the employer's private workers' compensation insurance carrier, whichever is applicable, ~~beginning July 1, 2021, or~~ from the first day of the employer's next workers' compensation insurance policy or self-insurance program term, which provides such elective coverage, whichever is later.

(f) The Offices of the Insurance Commissioner shall report annually on claims data related to post-traumatic stress disorder claims for first responders to the Joint Committee on Volunteer Fire Department and Emergency Medical Services beginning January 1, 2022.

~~(g) The amendments made to this section during the 2021 regular session of the Legislature to recognize post-traumatic stress disorder as a compensable injury subject to the provisions of this section shall expire on July 1, 2026, unless extended by the Legislature.~~

The bill (Eng. Com. Sub. for H. B. 2797), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2866, Relating to fees and charges for municipality provided fire services.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Government Organization committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2889, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 4. GENERAL PROVISIONS.

§32-4-402. Exemptions.

(a) The following securities are exempt from §32-3-301 and §32-4-403 of this code:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision

of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution or trust company organized and supervised under the laws of any state;

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state;

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any state and authorized to do business in this state;

(6) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association or similar association organized and supervised under the laws of this state;

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility or holding company which is: (A) Subject to the jurisdiction of the interstate commerce commission; (B) a registered holding company under the Public Utility Holding Company Act of 1935, or a subsidiary of such a company within the meaning of that act; (C) regulated in respect of its rates and charges by a governmental authority of the United States or any state; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province;

(8) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange, any other stock exchange approved by the commissioner, the National Association of Securities Dealers Automated Quotation/National Market System (NASDAQ/NMS), or any other market system approved by the commissioner, any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved, or any warrant or right to purchase or subscribe to any of the foregoing, except that the commissioner may adopt and promulgate rules pursuant to chapter 29A of this code which, after notice to such exchange or market system and an opportunity to be heard, remove any such exchange or market system from this exemption if the commissioner finds that the listing requirements or market surveillance of such exchange or market system are such that the continued availability of such exemption for such exchange or market system is not in the public interest and that removal is necessary for the protection of investors;

(9) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association, and no part of the net earnings of which inures to the benefit of any person, private stockholder or individual;

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within 12 months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) Any investment contract issued in connection with an employees' stock purchase, savings, pension, profit-sharing, or similar benefit plan if the commissioner is notified in writing 30 days before the inception of the plan or, with respect to plans which are in effect on the effective date of this chapter, within 60 days

thereafter (or within 30 days before they are reopened if they are closed on the effective date of this chapter);

(12) Any security issued by an agricultural cooperative association operating in this state and organized under §19-4-1 *et seq.* of this code, or by a foreign cooperative association organized under the laws of another state and duly qualified to transact business in this state.

(b) The following transactions are exempt from ~~sections 301 and 403~~ §32-3-301 and §32-4-403 of this code:

(1) Any isolated nonissuer transaction, whether effected through a broker-dealer or not;

(2) Any nonissuer distribution of an outstanding security if: (A) A recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within 18 months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations; or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest or dividends on the security;

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the commissioner may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds

or other ~~evidences~~ evidence of indebtedness secured thereby, is offered and sold as a unit;

(6) Any transaction by an executor, administrator, sheriff, marshal, constable, receiver, trustee in bankruptcy, guardian, or conservator, and any transaction constituting a judicial sale;

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) Any transaction pursuant to an offer directed by the offeror to not more than 10 persons (other than those designated in subdivision (8) ~~above~~ of this subsection) in this state during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this state, if: (A) The seller reasonably believes that all the buyers in this state (other than those designated in subdivision (8) ~~above~~ of this subsection) are purchasing for investment; and (B) no commission or other remuneration is paid or given, directly or indirectly, for soliciting any prospective buyer in this state (other than those designated in subdivision (8) ~~above~~ of this subsection), but the commissioner may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in clauses (A) and (B) with or without the substitution of a limitation on remuneration;

(10) Any offer or sale of a preorganization certificate or subscription if: (A) No commission or other remuneration is paid or given, directly or indirectly, for soliciting any prospective subscriber; (B) the number of subscribers does not exceed 10; and (C) no payment is made by any subscriber;

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants or transferable warrants exercisable within not more than 90 days of their issuance, if: (A) No commission or other remuneration (other than a standby commission) is paid or given, directly or indirectly, for soliciting any security holder in this state; or (B) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow the exemption within the next five full business days;

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either chapter;

(13) A transaction in a security, whether or not the security or transaction is otherwise exempt, in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly in exchange and partly for cash, if the terms and conditions of the issuance and exchange or delivery and exchange and the fairness of the terms and conditions have been approved by the commissioner at a hearing as provided in §32-4-402a of this code.

(c) The commissioner may by order deny or revoke any exemption specified in subdivision (9) or (11) of subsection (a) or in subsection (b) of this section with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the commissioner may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within 15 days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or

ordered, the commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated ~~sections 301 and 403~~ §32-3-301 and §32-4-403 of this code by reasons of any offer or sale effected after the entry of an order under this subsection if he or she sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the order.

(d) In any proceeding under this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

§32-4-402a. Fairness Hearing on issuance of securities involved in a reorganization, recapitalization, or refinancing.

(a) For the purposes of this section, the terms "reorganization," "recapitalization," and "refinancing" shall mean:

(1) A readjustment by modification of the terms of securities by agreement;

(2) A readjustment by the exchange of securities by the issuer for others of its securities;

(3) The exchange of securities by the issuer for securities of another issuer;

(4) The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by the assets of such person; or

(5) A merger or consolidation.

(b) The commissioner, or his or her designee, is authorized to consider and conduct a fairness hearing upon any plan of reorganization, recapitalization, or refinancing of a corporation or limited liability company organized under the laws of this state, or

having its principal place of business within this state, when the plan is proposed by the corporation, limited liability company, or by any of its shareholders, members, or creditors and contains a proposal to issue securities in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly in such exchange, or partly for cash: *Provided*, That this section does not apply to plans of reorganization, recapitalization, or refinancing of a corporation or limited liability company wherein there are no proposed issuance of securities.

(c) Prior to any fairness hearing authorized by this section, a corporation or limited liability company, shareholder, member, or creditor shall apply to the commissioner to approve the issuance of securities or to the delivery of other consideration pursuant to a plan of reorganization, recapitalization, or refinancing. The application shall be on a form and be accompanied by such documents and filing fees as shall be required by rule or order of the commissioner: *Provided*, That the filing fees may not exceed \$500. The applicant shall provide sufficient information to the commissioner regarding the value of the securities, claims, or interests to be exchanged and the securities to be issued in the transaction. The commissioner shall inform the applicant of any deficiencies in the application or of any additional information or documents required. The commissioner may require the applicant to amend or resubmit the application to comply with any rule or order of the commissioner prior to setting a date for the fairness hearing. The commissioner, or his or her designee, is required to hold a fairness hearing on any application for approval within 30 days after the filing of a complete application and supporting documents required by any rule or order of the commissioner.

(d) All persons to whom it is proposed securities be issued or other consideration be delivered by the applicant shall have the right to appear at the fairness hearing. Holders of a majority of the applicant's debts or holders of a majority of any outstanding class of securities issued by the applicant shall have the right to appear. The applicant shall provide notice in person or by United States mail, postage prepaid, providing the time and place of the fairness hearing to all persons to whom it is proposed securities be issued

or other consideration be delivered in such exchange, not less than 10 days prior to such hearing. The applicant shall file evidence of notice required by this subsection with the commissioner, or his or her designee, prior to the fairness hearing.

(e) Any fairness hearing conducted by the commissioner, or his or her designee, under this section may be conducted in person, by video conference, by telephone conference, or by any other mode deemed appropriate by any rule or order of the commissioner.

(f) Within 10 business days after holding the fairness hearing, the commissioner, or his or her designee, shall issue a statement of findings of fairness and his or her approval or a statement that his or her approval will not be forthcoming.

(g) Securities issued in accordance with a plan approved by the commissioner, or his or her designee, pursuant to this section are exempt from the registration requirement provided in the provisions of §32-3-301, et seq. of this code

(h) The commissioner is authorized to invoice the applicant for the costs of conducting the fairness hearing and the preparation of the statement of findings.

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2889), as amended, was then ordered to third reading.

Eng. House Bill 2942, Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. House Bill 2943, Administration of the West Virginia Hazardous Waste Management Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2960, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 9. GENERAL PROVISIONS APPLICABLE TO
STATE ROADS.**

§17-9-1. Snow removal pilot program.

(a) The Legislature finds that snow removal in the state – particularly on secondary roads in Monongalia County and Preston County – has not been dependable, thereby providing a hardship on the citizens of West Virginia.

(b) The Division of Highways shall provide snow removal for all 55 counties of the State of West Virginia, with roads being prioritized into four categories:

(1) Priority One Routes: Interstate, Expressway, National Highway System, and all other United States and West Virginia routes with some Priority One routes also including high-traffic county routes;

(2) Priority Two Routes: All other school bus routes that are not considered Priority One;

(3) Priority Three Routes: Remaining routes, not including park and forest routes; and

(4) Priority Four Routes: Park and forest routes.

(c) The Division of Highways shall establish a two-year pilot program to issue Requests for Proposals for multiple vendors to provide snow removal for West Virginia Division of Highways District Four's secondary roads in Monongalia County and Preston County.

(d) The Division of Highways shall have sole discretion in identifying the specific roads requiring maintenance under this pilot program.

(e) No vendor employed to remove snow and ice from the secondary roads in Monongalia County and Preston County shall be afforded immunity from legal liability owing to any damage it may cause.

(f) The Commissioner of the Division of Highways may terminate any contract related to snow removal with 30 days' notice for cause.

The bill (Eng. Com. Sub. for H. B. 2960), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3012, Relating to Lottery Money Distribution.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3017, Compliance Audits of Tabulating Equipment.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Weld, the following amendment to the bill was reported by the Clerk:

On page 1, after the enacting clause, by inserting the following:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-50. ~~Establishment of state-based administrative complaint procedures~~ Election law complaints related to electronic voting systems and other violations of the law; procedures.

(a) The Secretary of State shall establish and maintain a state-based administrative complaint procedure for complaints received concerning election violations, including, but not limited to, violations related to inspections of electronic voting systems conducted pursuant to §3-4A-13a of this code, which shall meet the following requirements:

(1) The procedures shall be uniform and nondiscriminatory.

(2) Under the procedures, the Secretary of State, members of the State Election Commission, or any person who believes that there is a violation of any provision of this chapter or Title III of the Help America Vote Act, Pub. L. 107-252, including a violation which has occurred, is occurring, or is about to occur, may file a complaint.

(3) Any complaint filed under the procedures shall be in writing, notarized, and signed and sworn by the person filing the complaint, and include all of the following:

(A) A description of the alleged incident or election violation;

(B) The name and valid contact information of any person who may have information or evidence supporting the allegations;

(C) An approximation of when the alleged violation or incident occurred;

(D) The location where the alleged incident or violation occurred;

(E) Any supporting facts or documentation about the alleged incident or violation; and

(F) An affirmation that facts articulated in the complaint are true and correct to the best of the complainant's knowledge under penalty of perjury.

(4) If a complaint alleges a violation of law under the Secretary of State's jurisdiction but fails to satisfy the procedural requirements set forth in subdivision (3) of this section, the Secretary of State shall notify the complainant in writing of the nature of the deficiency or deficiencies and inform the complainant that the complaint must be corrected within 10 days of the notice or the complaint will be dismissed without prejudice: *Provided*, That notice is not required if no contact information or mailing address is provided with the complaint.

(5) If the Secretary of State determines that a complaint is in the proper form and that the allegations, if true, establish a violation of any provision of this Chapter or Title III of the Help America Vote Act, Pub. L. 107-252, then the Secretary of State shall provide a confidential report to the State Election Commission by email or other writing that shall confirm jurisdiction, summarize the complaint including any additional information or evidence known to the secretary at the time, analyze the legal issues raised by the complaint, and recommend to either initiate an investigation formally or informally or refer the complaint to the appropriate authority.

(6) The State Election Commission shall determine whether to adopt the Secretary of State's recommendation to initiate an investigation or refer the complaint to the appropriate authority as follows:

(A) Within five business days of receipt of the report, any member of the State Election Commission may request via email or other writing to the Secretary of State or office designee to further discuss a complaint during the next State Election Commission in an executive session. At the conclusion of the discussion, the State Election Commission shall enter into public session and publicly announce its recommendation without divulging the names of any parties or witnesses or particular details of the complaint; or

(B) If no member of the State Election Commission requests to further discuss a complaint within five business days, the Secretary of State may consider the recommendation adopted and proceed with the investigation or referral.

(4) (7) The Secretary of State may consolidate complaints filed under this section and may modify an informal or formal investigation to an informal or formal investigation, as appropriate, upon discovery of sufficient facts or evidence that suggest modification would lead to an efficient resolution of the matter.

(8) Upon determination that a complaint should be investigated, whether formally or informally, the Secretary of State shall provide the respondent with:

(A) Notice that an election law complaint has been filed and the Secretary of State's jurisdiction has been confirmed;

(B) Either a copy of the complaint with the complainant's and other witnesses' information redacted, or a summary of the complaint;

(C) A summary of the facts applied to the alleged violation or violations of law; and

(D) Instructions for responding to the complaint.

(9) In an informal investigation, the Secretary of State may take all necessary actions to confirm or disprove the allegations contained in a complaint by using publicly available information and records including, but not limited to, the internet, mail pieces, photographs, and communications, and may request documents from the respondent, third parties, or other sources.

(10) In a formal investigation, the Secretary of State may submit no more than 25 written interrogatories to the respondent, conduct a formal interview with the respondent, or a combination of both written interrogatories and a formal interview with the respondent. The Secretary of State may also take additional investigative action using subpoenas or testimony obtained under oath.

(A) Interrogatory questions may request the respondent or another person to provide written statements bearing the facts, circumstances, or information relevant to the investigation. The Secretary of State may also ask the respondent or another person to produce relevant evidence and documents. The respondent or other person shall provide responses to interrogatory questions under penalty of perjury.

(B) If the Secretary of State interviews any respondent, complainant, witness, or other third party, the testimony may be taken informally or by deposition. All oral statements taken during an interview shall be provided under oath administered by the Secretary of State or his or her designee, or in the case of a deposition, by a certified court reporter.

(C) The Secretary of State may subpoena any person, book, record, communication, or other documents relevant to the investigation. The secretary shall provide the subject of the subpoena with reasonable notice of the subpoena and an opportunity to respond. By request of the secretary, if any person fails to comply with a duly served subpoena, the Attorney General may seek enforcement of the subpoena in the appropriate circuit court and serve such person a copy of the petition for the enforcement of this section.

(11) Upon completing an investigation, the Secretary of State shall submit a findings and recommendations report to the State Election Commission. The secretary may include a recommendation that the complaint be dismissed, that a letter of instruction be issued, that the complaint be forwarded to the proper authorities, or that the State Election Commission meet to consider issuing an offer of settlement.

(A) Within five business days of receipt of the report, any member of the State Election Commission may request via email or other writing to the Secretary of State or office designee to further discuss the report during the next State Election Commission in an executive session before making a final determination on the matter; or

(B) The State Election Commission shall:

(i) Direct the secretary to further investigate the complaint;

(ii) Dismiss the complaint if the facts and evidence do not support a finding of probable cause;

(iii) Issue a letter of instruction;

(iv) Refer the complaint to the proper authorities; or

(v) Take other appropriate action.

(12) If the State Election Commission finds that probable cause exists for a finding of a violation, it may issue a written offer of settlement to the respondent stating its findings and the proposed sanctions. The respondent may accept the State Election Commission's offer of settlement in writing within 10 calendar days of the issuance of the offer. If the offer is not accepted within that time frame, the State Election Commission shall either call for a public hearing or refer the complaint to the proper authorities.

(13) If the State Election Commission does not find probable cause, it shall dismiss the complaint and provide notice to all parties, and it may include a letter of instruction when the facts and other evidence indicate that such a letter is necessary and proper.

~~(5) At the request of the complainant there shall be a hearing on the record.~~

~~(6)~~ (14) Violations of any provision of this chapter or Title III of the Help America Vote Act, Pub. L. 107-252 shall be are punishable in accordance with the provisions of article nine of this chapter.

(15) If requested by the secretary, the Attorney General may provide legal and investigative assistance to the Secretary of State and the State Election Commission.

(16) Upon reporting an alleged criminal violation of this article and submitting all relevant documents and records to the appropriate prosecuting authority having jurisdiction, the

prosecuting authority may, upon determining that a violation has occurred, present the alleged violations to the grand jury, together with all evidence relating thereto, as soon as practicable after receiving the report. The prosecuting authority shall notify the Secretary of State if the violation was presented to the grand jury and the results therefrom.

~~(7) If, under the procedures, the Secretary of State determines that there is no violation, the Secretary of State shall dismiss the complaint and publish the results of the procedures.~~

~~(8) The Secretary of State shall make a final determination with respect to a complaint prior to the expiration of the ninety-day period which begins on the date the complaint is filed unless the complainant consents to a longer period for making a determination.~~

~~(9) If the Secretary of State fails to meet the deadline applicable under subdivision (8) of this section, the complaint shall be resolved within sixty days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.~~

~~(b) The administrative complaint procedure required by subsection (a) of this section is not applicable if, within thirty days of the filing of the complaint: (1) The Secretary of State initiates an investigation; (2) the Secretary of State determines that the allegations contained in the complaint may result in a finding of a criminal violation; and (3) the Secretary of State determines that the administrative complaint procedure required by this section would endanger or impede the associated criminal investigation: *Provided*, That within three business days thereafter the Secretary of State shall notify the complainant in writing that the allegations contained in the complaint may result in a finding of a criminal violation and, therefore, the administrative procedure contained in this section is inapplicable~~ The Secretary of State may promulgate

in accordance with §29A-3-1 *et seq.* of this code emergency and legislative rules necessary to effectuate the purposes of this section.

Senator Rucker arose to a point of order that Senator Weld's amendment to the bill was not germane to the bill (Eng. Com. Sub. for H. B. 3017).

Which point of order, the President ruled not well taken.

Following discussion,

The question being on the adoption of Senator Weld's amendment to the bill, and on this question, Senator Weld demanded the yeas and nays.

The roll being taken, the yeas were: Charnock, Clements, Deeds, Garcia, Grady, Hamilton, Jeffries, Morris, Oliverio, Phillips, Queen, Stuart, Takubo, Tarr, Weld, Woelfel, and Woodrum—17.

The nays were: Azinger, Barrett, Bartlett, Chapman, Fuller, Hart, Helton, Martin, Maynard, Roberts, Rose, Rucker, Taylor, Thorne, Willis, and Smith (Mr. President)—16.

Absent: Boley—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Weld's amendment to the bill adopted.

At the request of Senator Takubo, and by unanimous consent, the remarks by Senators Weld, Woodrum, Rucker, Willis, Garcia, and Woelfel as to the adoption of Senator Weld's amendment to Engrossed Committee Substitute for House Bill 3017 were ordered printed in the Appendix to the Journal.

The bill (Eng. Com. Sub. for H. B. 3017), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3125, To remove restrictions from teachers receiving permanent teaching licenses.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3152, Claims Bill.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page two, preceding (c) by inserting a new (c) to read as follows:

(c) Claims against Department of Administration, General Services Division:

(TO BE PAID FROM GENERAL REVENUE FUND)

(1) Progressive Electric, Inc\$523,283.50

And,

By relettering the remaining sections.

The bill (Eng. Com. Sub. for H. B. 3152), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3166, Requirements for School Safety Mapping Data.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

§18-9F-10a. Standardized school safety mapping data.

(a) In addition to other requirements contained in this article, the Crisis Response Plan required by §18-9F-9 of this code, or the safety program required by §18-9F-10 of this code, each county board of education shall create standardized school safety mapping data that, at a minimum, requires that mapping data:

(1) Be in formats that conform to, integrate with, and are accessible within software platforms used in local public safety answering points and by the city, county, state, and federal public safety agencies that could provide emergency services at the school without requiring the purchase of additional software or payment of fees to access the data;

(2) Be in formats capable of being printed, shared electronically, and, if requested, digitally integrated into interactive mobile platforms in use;

(3) Be viewable and printable from open-source document or image viewers;

(4) Be oriented to true north and include a fixed grid with consistent "x" and "y" coordinates.

(5) Have its accuracy verified by the entity producing the data through an on-site walk-through of the school buildings and grounds;

(6) Include accurate floor plans overlaid on current, verified aerial imagery of the school campus;

(7) Include site-specific labeling for school structures, such as room names, hallway designations, exterior doors, stairwell numbers, and the locations of hazards, critical utility controls, key boxes, automated external defibrillators, and trauma kits and school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties;

(8) Include the requirement that future updates or modifications to the school mapping data conform to and integrate with software platforms used by the relevant public safety agencies; and

(9) Be created, stored, and maintained exclusively within the United States for the entire duration of the mapping process and thereafter to ensure security of the data.

(b) The school safety mapping data set forth in subsection (a) shall be provided to the state board of education, Division of Homeland Security and Emergency Management, and local first response agencies including police, fire, emergency medical services (EMS), and any other local entities the school's crisis response planning team determines should be consulted in accordance with this article. The data shall be provided at no cost beyond the initial cost of production and shall be made available to such entities permanently.

(c) Local school systems shall consult and receive approval from the primary law enforcement agency serving and supporting the district. These shall include, but are not limited to county, city, or municipal police departments, or Sheriff's Department, prior to procurement to ensure school mapping data meets the requirements in this section.

(d) Subject to available funding each county board of education may receive not greater than \$4500 per school for the purposes set out in this section.

(e) The school safety mapping requirements of this section shall be effective on September 1, 2026.

(f) Any data obtained and maintained pursuant to the provisions of this section shall not be subject to disclosure pursuant to the provisions of §29B-1-1 *et seq.* of this code.

The bill (Eng. Com. Sub. for H. B. 3166), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3179, Funding for failing public utilities.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3279, Relating to requirements for WVU and WVSU Board of Governors.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Government Organization, were reported by the Clerk, considered simultaneously, and adopted:

On page 7, section 2, lines 1 through 7, by striking out all of subsection (a) and inserting the following:

(a) The boards of Governors shall hold at least six meetings in every fiscal year, including an annual meeting each June for the purpose of electing officers.

(b) One more than half the number of voting members currently serving on an institutional board of Governors shall constitute a quorum. A quorum being present, a majority vote shall be necessary to pass upon matters properly before the institutional board of Governors.;

And,

By relettering the remaining subsection.

On motion of Senator Oliverio, the following amendments to the bill (Eng. Com. Sub. for H. B. 3279) were next reported by the Clerk and considered simultaneously:

On page 2, section 1, line 33, after the word "institution" by striking out the comma and the words "who shall serve as a nonvoting, advisory member";

On page 3, section 1, lines 35 and 36, after the word "institution" by striking out the comma and the words "who shall serve as a nonvoting, advisory member";

On page 3, section 1, lines 38 and 39, after the word "institution" by striking out the comma and the words "who shall serve as a nonvoting, advisory member";

And,

On page 3, section 1, lines 48 and 49, after the word "institution" by striking out the comma and the words "who shall serve as a nonvoting, advisory member".

Following discussion,

The question being on the adoption of Senator Oliverio's amendments to the bill, and on this question, Senator Oliverio demanded the yeas and nays.

The roll being taken, the yeas were: Bartlett, Charnock, Clements, Deeds, Garcia, Grady, Hamilton, Morris, Oliverio, Queen, Takubo, Weld, Woelfel, and Woodrum—14.

The nays were: Azinger, Barrett, Chapman, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Phillips, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Willis, and Smith (Mr. President)—19.

Absent: Boley—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Oliverio's amendments to the bill rejected.

On motion of Senator Oliverio, the following amendment to the bill (Eng. Com. Sub. for H. B. 3279) was next reported by the Clerk:

On page 3, section 1, line 49, after the word "member" by changing the period to a colon and inserting the following proviso: *Provided*, That no later than July 1, 2027, no fewer than five of the lay members appointed shall be from each congressional district.

Following discussion,

The question being on the adoption of Senator Oliverio's amendment to the bill, and on this question, Senator Oliverio demanded the yeas and nays.

The roll being taken, the yeas were: Barrett, Bartlett, Charnock, Clements, Deeds, Garcia, Grady, Hamilton, Morris, Oliverio, Queen, Takubo, Tarr, Weld, and Woodrum—15.

The nays were: Azinger, Chapman, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Phillips, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, and Smith (Mr. President)—17.

Absent: Boley and Woelfel—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Oliverio's amendment to the bill rejected.

On motion of Senator Oliverio, the following amendments to the bill (Eng. Com. Sub. for H. B. 3279) were next reported by the Clerk and considered simultaneously:

On page 2, section 1, line 33, after the word "member" by inserting "and who shall be included in all discussions, board meetings and committee meetings, including both public and executive sessions; and they shall have access to all materials and information as appointed members; and be appointed to board committees.";

On page 3, section 1, lines 35 and 36, after the word "member" by adding "and who shall be included in all discussions, board meetings and committee meetings, including both public and executive sessions; and they shall have access to all materials and information as appointed members; and be appointed to board committees.";

On page 3, section 1, lines 38 and 39, after the word "member" by adding "and who shall be included in all discussions, board meetings and committee meetings, including both public and

executive sessions; and they shall have access to all materials and information as appointed members; and be appointed to board committees.";

And,

On page 3, section 1, lines 48 and 49, after the word "member" by adding "and who shall be included in all discussions, board meetings and committee meetings, including both public and executive sessions; and they shall have access to all materials and information as appointed members; and be appointed to board committees."

Following discussion,

The question being on the adoption of Senator Oliverio's amendments to the bill, the same was put and did not prevail.

The bill (Eng. Com. Sub. for H. B. 3279), as amended by the Committee on Government Organization, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3342, Firearms Industry Nondiscrimination Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3350, Supplemental Appropriation - DCR - Corrections – 0608.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3361, Supplemental Appropriation - Health, Birth to Three.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3429, Prequalifying consultants for WVDEP- Abandon Mine Lands.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Energy, Industry, and Mining, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. ABANDONED MINE LANDS AND RECLAMATION ACT.

§22-2-11. Prequalification process for consultants; project assignments.

(a) For purposes of this section, "professional services" means engineering services provided by firms and includes those professional services of an engineering nature as well as incidental services that members of those professions and those in their employ may logically or justifiably perform.

(b) The secretary shall publish a Class II legal advertisement to solicit letters of interest for professional services used in engineering procurement. The advertisement:

(1) Shall comply with the Class II legal advertisement provisions of §59-3-1 *et seq.* of this code;

(2) State a time and place for submitting letters of interest and a description of the services required;

(3) Specify the secretary's right to reject any letter of interest; and

(4) Shall be published at least once in at least one daily newspaper published in the city of Charleston and in other journals or magazines as the secretary determines is advisable.

(c) The department shall evaluate any letter of interest received and generate from the letters received a list of all qualified firms, designated the "Prequalified List of Firms".

(d) Upon the department's recommendation, the Purchasing Division shall enter into a prequalification agreement with the qualified firms pursuant to §5A-3-10e of this code. The agreement shall cover the services defined in the letters of interest and have a one-year term, with an optional two-year extension if requested by the department.

(e) For all project assignments:

(1) The department shall issue an expression of interest for any project that needs to be solicited and deliver it to those prequalified firms with which the Purchasing Division has an active prequalification agreement;

(2) The department may review and consider responses only from prequalified consultants with active prequalification agreements;

(3) The department shall conduct discussions with three or more professional services firms solicited on the basis of known or submitted qualifications for the project prior to awarding a contract. If the secretary determines that special circumstances exist such that seeking competition is not practical, the department may, with the Director of Purchasing's prior approval, select a professional services firm on the basis of previous satisfactory performance and knowledge of the department's facilities and needs. After selection, the department and firm shall develop the scope of services required and negotiate a contract;

(4) The department shall notify its procurement division and the Division of Purchasing of the firm that it selected;

(5) The department shall schedule and conduct a scope of work meeting with the selected firm within 45 days of selection;

(6) Within 60 days of selection, unless an extension is requested by both parties, the department and firm shall complete cost negotiations;

(7) The department shall provide to its own procurement division and the Purchasing Division information regarding the

agreed upon costs and all required forms necessary to initiate a contract; and

(8) The department may issue an advanced notice to proceed, if requested by the firm.

The bill (Eng. Com. Sub. for H. B. 3429), as amended, was then ordered to third reading.

Eng. House Bill 3456, Relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation regarding Stevens Correctional Center.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

At the request of Senator Martin, and by unanimous consent, the Senate returned to the third order of business.

Executive Communications

The Clerk presented the following communications from His Excellency, the Governor, regarding bills approved by him:



Patrick Morrisey
Governor of West Virginia

April 8, 2025

The Honorable Lee Cassis, Clerk
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear Mr. Clerk:

Enclosed for filing in your office, pursuant to the provisions of law, is the following bill:

Committee Substitute for Senate Bill No. Eight Hundred Twenty-Three (823), which was presented to me on April 2, 2025.

You will note that I have approved this bill on April 8, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Jeff Pack, Clerk



Patrick Morrisey
Governor of West Virginia

April 8, 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 Forty-Three (2043), which was presented to me on April 3, 2025.

House Bill No. Two Thousand Three Hundred Eighty-Seven (2387), which was presented to me on April 2, 2025.

House Bill No. Two Thousand Five Hundred Sixteen (2516), which was presented to me on April 2, 2025.

Committee Substitute for House Bill No. Three Thousand One Hundred Ninety-Two (3192), which was presented to me on April 2, 2025.

You will note that I have approved these bills on April 8, 2025.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey".

Patrick Morrisey
Governor

PM/an

cc: The Honorable Lee Cassis, Clerk

The Senate again proceeded to the fourth order of business.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution 24 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study the issues of unmatched medical students unable to gain admission into residency programs and opportunities for simultaneously addressing the shortage of medical professionals in the state of West Virginia.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution 25 (originating in the Committee on Government Organization)—Requesting the Joint Committee on Government and Finance study incentives and policies to best fund public libraries for the state of West Virginia.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 2014, Certified Microgrid Program.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2054, Relating to liability of vendors in private farmers markets.

Eng. Com. Sub. for House Bill 2451, To facilitate the creation of home-based businesses.

Eng. House Bill 2511, Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places.

Eng. House Bill 2802, Relating to in-service training credits for law-enforcement officers.

Eng. Com Sub. for House Bill 2961, To amend the law concerning ownership and possession of real property.

Eng. Com. Sub. for House Bill 3016, Photo voter ID.

Eng. Com. Sub. for House Bill 3336, Well Plugging methods.

Eng. Com. Sub. for House Bill 3338, Allow child witness testify remotely in situations deemed traumatic by judge.

Eng. House Bill 3434, Relating to the controlled substance schedules and to clean-up errors identified in the code sections.

And,

Eng. House Bill 3503, Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act.

And reports the same back without recommendation as to passage; but with the recommendation that they be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2054, Eng. Com. Sub. for H. B. 2451, Eng. H. B. 2511, Eng. H. B. 2802, Eng. Com. Sub. for H. B. 2961, Eng. Com. Sub. for H. B. 3016, Eng. Com. Sub. for H. B. 3336, Eng. Com. Sub. for H. B. 3338, Eng. H. B. 3434, and Eng. H. B. 3503) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

At the further request of Senator Martin, unanimous consent being granted, the bills were rereferred to the Committee on the Judiciary.

Senator Chapman, 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 2402, Relating to providing access to medical records; providing access to a minor's medical record.

With an amendment from the Committee on Health and Human Resources pending;

And has again amended same.

Now on second reading, having been rereferred to the Committee on Health and Human Resources on April 2, 2025;

And reports the same back with the recommendation that it do pass as last amended by the Committee on Health and Human Resources.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

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.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Amy N. Grady,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2528) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2576, NIL Protection Act.

And,

Eng. Com. Sub. for House Bill 2595, Non Profit Athletics Act.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Amy N. Grady,

Chair:

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Subs. for H. B. 2576 and 2595) contained in the preceding report from the Committee on Education were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, 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. Com. Sub. for House Bill 2880, Relating to parent resource navigators.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Laura Wakim Chapman,

Chair:

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2880) contained in the

preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, 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. Com. Sub. for House Bill 3090, Relating to coverage for the treatment of stuttering.

And has amended same.

And,

Eng. House Bill 3344, Relating to the establishment of a grant program to fund the United States Food and Drug Administration's drug development trials with ibogaine.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance, with amendments from the Committee on Health and Human Resources pending.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 3144, Wireless Infrastructure and Facilities Siting and Co-location.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3144) contained in the preceding report from the Committee on Economic Development was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. House Bill 3187, Relating to the West Virginia Task Force on Artificial Intelligence.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3187) contained in the preceding report from the Committee on Economic Development was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator 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

Eng. House Bill 3263, Relating to providing notification of utility service disruption to its' customers.

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 Government Organization.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization, with amendments from the Committee on Transportation and Infrastructure pending.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 3422, Relating to requiring the State Board of Education to design, test, and deploy an internet-based reporting system to be known as the School Choice Portal.

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 Finance.

Respectfully submitted,

Amy N. Grady,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with amendments from the Committee on Education pending.

Senator Chapman, 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. Com. Sub. for House Bill 3444, Relating to inflammation of the eyes of newborns.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3444) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Chapman, 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 3505, Relating to insurance.

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 Finance.

Respectfully submitted,

Laura Wakim Chapman,
Chair.

At the request of Senator Barrett, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

At the further request of Senator Barrett, and by unanimous consent, the bill (Eng. H. B. 3505) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Grady, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

House Concurrent Resolution 96, Urging West Virginia's members of Congress to ask the President not to cut funding for the Local Food in Schools and Child Care nutrition.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Amy N. Grady,
Chair.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

April 8, 2025

The Honorable Patrick Morrisey, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrisey,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

Com. Sub. for S. B. 199, Relating to elementary behavior intervention and safety;

Com. Sub. for S. B. 282, Modifying provisions for employment of retired teachers as substitutes in areas of critical need and shortage;

Com. Sub. for S. B. 522, Clarifying procedure for administrative dissolution of limited liability companies by Secretary of State;

And,

Com. Sub. for S. B. 525, Clarifying procedure for administrative dissolution of nonprofit corporations by Secretary of State.

These bills are presented to you on this day, April 8, 2025.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

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 7, 2025:

Senate Resolution 46: Senator Rucker.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Martin, at 9:07 p.m., the Senate adjourned until tomorrow, Wednesday, April 9, 2025, at 11 a.m.

WEDNESDAY, APRIL 9, 2025

The Senate met at 11:42 a.m.

(Senator Smith, Mr. President, in the Chair.)

Prayer was offered by Minister Wm. Patrick, Southern Baptist Living Legacy Church, Hershey, Pennsylvania.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ben Queen, a senator from the twelfth district.

Pending the reading of the Journal of Tuesday, April 8, 2025,

At the request of Senator Helton, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Com. Sub. for Senate Bill 810, Clarifying requirements for administration of anesthesia and chronic pain practice by certain licensed nurses.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for Com. Sub. for House Bill 2217, Relating to penalties for conspiracy to commit murder.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 2360, Clarifying the victims of crimes against law-enforcement officers.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 3030, Administration of the West Virginia Water Pollution Control Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the changed effective date, to take effect July 1, 2025, of

Eng. Com. Sub. for Com. Sub. for House Bill 3089, Mandate the use of WV DMV electronic lien and title system for certain entities and persons.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 24, Requesting Joint Committee on Government and Finance study issues regarding admission to residency programs.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the resolution was referred to the Committee on Rules.

Senate Concurrent Resolution 25, Requesting Joint Committee on Government and Finance study incentives and policies to fund public libraries.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the resolution was referred to the Committee on Rules.

Senate Resolution 47, Recognizing Brady Campbell as 2024 recipient of Earl S. Dillard Agent of the Year Award.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Oliverio, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration and adopted.

Senate Resolution 48, Designating April 9, 2025, as Cyberbullying Awareness and Prevention Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, unanimous consent being granted, reference of the resolution to a committee was dispensed with, and it was taken up for immediate consideration.

At the request of Senator Jeffries, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Timothy Fields, a Nitro High School student who passed away on November 16, 2024.

The question now being on the adoption of the resolution, and on this question, Senator Jeffries demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 48) adopted.

Thereafter, at the request of Senator Martin, and by unanimous consent, the remarks by Senator Jeffries regarding the adoption of Senate Resolution 48 were ordered printed in the Appendix to the Journal.

House Concurrent Resolution 96, Urging West Virginia's members of Congress to ask the President not to cut funding for the Local Food in Schools and Child Care nutrition.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 300, Budget Bill.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was referred to the Committee on Rules.

Eng. Senate Bill 937, Supplementing and amending appropriations to Department of Economic Development.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 937) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 937) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for House Bill 2002,
Establishing One Stop Shop Permitting Process.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2002) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2002) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. Com. Sub. for Com. Sub. for House Bill 2003,
Prohibiting Cell phones in class.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Oliverio—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2003) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2011, To supplement, amend, and increase an existing item of appropriation in the aforesaid accounts for the designated spending unit for expenditure during the fiscal year 2025.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2011) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2011) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2026, Budget Bill.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, April 8, 2025, for amendments to be received on third reading, was read a third time.

On motion of Senator Barrett, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the provisions of Engrossed Committee Substitute for Senate Bill 300.

Following discussion,

The question being on the adoption of Senator Barrett's amendment to the bill, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2026, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2026) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2026) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2152, Prompt Payment Act of 2025.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2152) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2165, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2165) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. House Bill 2165—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, and to amend the Code by adding thereto a new section, designated §17A-3-15a, relating to free parking for certain individuals; prohibiting public entities from requiring certain persons with a mobility impairment who are unable to walk from having to pay for accessible parking at parking meters that are inaccessible; defining terms; specifying parameters of prohibition and entitlement for payment exemption; making penalty of false swearing applicable for false certification of inability to access parking meter without unreasonable effort; prohibiting citations; providing for prima facie evidence; providing disabled veterans and veterans who received the Purple Heart may park free at metered parking spaces at any municipality in the state.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2444, Relating to limiting financial records of limited video lottery permittees that are subject to examination by Lottery Commission.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Charnock, Clements, Fuller, Garcia, Hamilton, Helton, Jeffries, Maynard, Morris, Oliverio, Phillips, Queen, Rose, Rucker, Takubo, Tarr, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—24.

The nays were: Azinger, Bartlett, Deeds, Grady, Hart, Martin, Roberts, Stuart, Taylor, and Thorne—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2444) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2484, Clarifying the probationary period for paid municipal firefighters.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2484) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2776, Requiring Department of Health to report positive Alpha Gal tests to CDC.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Tuesday, April 8, 2025, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Health and Human Resources committee amendment pending.

Eng. Com. Sub. for House Bill 2797, Relating to who may diagnose post-traumatic stress disorder as a compensable injury or disease under workers compensation.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2797) passed.

On motion of Senator Chapman, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2797—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to who may diagnose post-traumatic stress disorder for a first responder; adding certified nurse practitioners and certified physician assistants to list of professionals; providing requirements for such; and removing sunset clause.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2866, Relating to fees and charges for municipality provided fire services.

On third reading, coming up in regular order, with the unreported Government Organization committee amendment pending, and with the right having been granted on yesterday,

Tuesday, April 8, 2025, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 17. COUNTY FIRE BOARDS.

§7-17-12. County fire service fees; petition; election; dedication; and amendment.

(a) Every county commission which provides fire protection services has plenary power and authority to provide by ordinance for the continuance or improvement of such service, to make regulations with respect thereto, and to impose by ordinance, upon the users of such services, reasonable fire service rates, fees, and charges to be collected in the manner specified in the ordinance.

(b) Any fees imposed under this article are dedicated to the county fire board for the purposes provided in this article.

(c) A county commission can impose by ordinance, upon the users of such service, a reasonable fire service fee, by one of two methods:

(1) Ten percent of the qualified voters shall present a petition duly signed by them in their own handwriting, and filed with the clerk of the county commission, directing that the county commission impose such a fee. The county commission shall not have a lien on any property as security for payments due under the ordinance. Any ordinance enacted under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county in which the county fire board is located. In the event 30 percent of the qualified voters of the county by petition duly signed by them

in their own handwriting and filed with the clerk of the county commission within 45 days after the expiration of such publication protest against such ordinance as enacted or amended, the ordinance may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of such county at any primary or general election as the county commission directs. Voting thereon may not take place until after notice of the submission has been given by publication as above provided for the publication of the ordinance after it is adopted. The powers and authority hereby granted to county commissions are in addition to and supplemental to the powers and authority otherwise granted to them by other provisions of this code; or

(2) If the county fire board determines an amendment in the fee imposed in subsection (a) of this section is necessary, it may, by resolution, request the county commission for such a change. Upon receipt of the resolution from the county fire board, the county commission may take such action on the resolution as, in the sole exercise of its discretion, the commission determines is appropriate, including, but not limited to, rejection thereof. If the county commission agrees that an amendment of the fee is necessary, it shall, by ballot referendum, amend the ordinance imposing a fire fee and adopt the changes in the fee it has determined is necessary.

(A) This referendum, to determine whether it is the will of the voters of a county that an amendment to the fire fee is necessary, may be held at any regular primary or general election, or, in conjunction with any other countywide election. Any election at which the question of amending the fire fee is voted upon shall be held at the voting precincts established for holding primary or general elections. All of the provisions of the election laws, when not in conflict with the provisions of this article, shall apply to voting and elections hereunder, insofar as practicable. The county commission shall, not less than 90 days before the election, order that the issue be placed on the ballot and referendum held at the next primary or general election to determine whether it is the will of the voters of the county that a fire fee be amended: *Provided*, That prior to issuing the order, the county commission shall publish

the ordinance which must contain the anticipated allocation of any fees or charges and which would be enacted should the referendum succeed as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be the county in which the county fire board is located.

(B) The ballot, or the ballot labels where voting machines are used, shall have printed thereon substantially the following:

"Shall the county commission be permitted to amend the fire fee in _____ County, West Virginia?

___ For the fee amendment.

___ Against the fee amendment.

(Place a cross mark in the square opposite your choice.)"

(C) If a majority of legal votes cast upon the question be for the fire fee amendment, the county commission shall, after the certification of the results of the referendum, thereafter adopt an ordinance, within 60 days of certification, establishing the fire fee amendment in the county: *Provided*, That such program shall be implemented and operational no later than 12 months following certification. If a majority of the legal votes cast upon the question be against the fire fee amendment, then the policy shall not take effect, but the question may again be submitted to a referendum at any subsequent election in the manner herein provided.

(d) In the event that a municipality situated in the county imposes an ordinance for fire fee or charge pursuant to §8-13-13 of this code which affects county residents who are not residents of the municipality, residents of the affected area of such county may protest the ordinance in the same manner prescribed in subsection (c) of this section. In the event 30 percent of the qualified voters of the affected area of such county, including residents of the municipality attempting to enact the ordinance, by petition duly signed by them in their own handwriting and filed with the clerk of the county commission within 45 days after the expiration of the notice requirement prescribed in §8-13-13 of this code protest

against such ordinance as enacted, the ordinance may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the affected area of such county at any primary or general election as the county commission directs. Voting thereon may not take place until after notice of the submission has been given by publication as provided in subsection (c) of this section for the publication of the ordinance for after it is adopted. The powers and authority hereby granted to county commissions are in addition to and supplemental to the powers and authority otherwise granted to them by other provisions of this code.

~~(d)~~(e) In the event that a majority of the votes cast upon a question submitted pursuant to this section at any primary election be against the question, the question may again be submitted to the voters at the next succeeding general election.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 13. TAXATION AND FINANCE.

§8-13-13. Special charges for municipal services.

(a) Notwithstanding any charter provisions to the contrary, a municipality which furnishes any essential or special municipal service, including, but not limited to, police and fire protection, parking facilities on the streets or otherwise, parks and recreational facilities, street cleaning, street lighting, street maintenance and improvement, sewerage and sewage disposal, and the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter, has plenary power and authority, subject to the limitations set forth in subsection (b) of this section, ~~has plenary power and authority to~~ provide by ordinance for the installation, continuance, maintenance, or improvement of the service, to make reasonable regulations of the service, and to impose by ordinance upon the users of the service reasonable rates, fees, and charges to be collected in the manner specified in the ordinance. ~~Provided, That no new fire protection fee or charge effective on or after June 30, 2024, may be imposed pursuant to this section on any resident or business situated outside the boundaries of any municipality~~

~~until June 30, 2025: *Provided, however,* That this prohibition does not prohibit a municipality from increasing or decreasing a fire protection fee or charge, in accordance with this section, in effect prior to June 30, 2024.~~

(b)(1) No new fire protection fee or charge, effective on or after June 30, 2024, may be imposed pursuant to this section on a person or business situated outside of the municipality's boundaries in a county that has imposed a county fire service fee pursuant to §7-17-12 of this code unless the municipality has entered into an intergovernmental agreement, which complies with the limitations set forth in subdivision (2) of this subsection, with the county commission having jurisdiction over any such person or business.

(2) The intergovernmental agreement referenced in subdivision (1) of this subsection must include, but is not limited to, the following terms:

(A) The municipality's fire protection fees and charges shall be limited to those persons and businesses located within first due areas covered by fire protection services sourced out of the municipality; and

(B) The municipality's fire protection fees and charges shall be the same for all persons and businesses located within and outside of the municipality's boundaries; and

(C) Under no circumstances may any person or business be required to pay both a municipal fire protection fee or charge pursuant to this section and a county fire service fee pursuant to §7-17-12 of this code, except for the pro-rata reconciliation during the first year after passage as set forth in paragraph (D) of this subdivision; and

(D) If any persons and businesses located within first due areas have paid their county fire service fee during the first year after the effective date of the amendments to this section enacted during the 2025 Regular Legislative Session, then (i) any municipality's fire protection fees and charges imposed by the municipality shall be limited to the difference, if any, between the county's fire service

fee and the municipality's fire protection fees and charges within its municipal boundaries; and (ii) the county shall transfer its fire service fee revenues received from all persons and businesses located within first due areas that are covered by the intergovernmental agreement to the municipality; and

(E) After the first year following the effective date of the amendments to this section enacted during the 2025 Regular Legislative Session, persons and businesses located within first due areas covered by the intergovernmental agreement between the county commission and the municipality shall be subject only to the same municipal fire protection fees and charges which the municipality charges all other residents within its municipal boundaries.

(3) Notwithstanding subdivisions (1) and (2) of this subsection, any municipality may increase or decrease, in accordance with this section, a fire protection fee or charge that was in effect prior to June 30, 2024, so long as such increase or decrease is uniform for all persons and businesses that are subject to the municipality's fire protection fees and charges, whether by residency within municipal boundaries or by being subject controlling intergovernmental agreement.

~~(b)~~(c) Any sewerage and sewage disposal service and any service incident to the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter is subject to the provisions of Chapter 24 of this code.

~~(e)~~(d) A municipality ~~shall~~ may not have a lien on any property as security for payments due under subsection (a) of this section except as provided in subsection (e) of this section.

~~(d)~~(e) A municipality may enact an ordinance, pursuant to this section, permitting it to file a lien on real property located within the municipal corporate limits for unpaid and delinquent fire, police, or street fees. The ordinance ~~must~~ shall provide an administrative procedure for the municipality's assessment and collection of the fees. The administrative procedure ~~must~~ shall require that, before any lien is filed, the municipality will give

notice to the property owner, by certified mail, return receipt requested, that the municipality will file the lien unless the delinquency is paid by a date stated in the notice, which ~~must~~ shall be no less than 90 days from the date the notice is mailed. The administrative procedure ~~must~~ shall include the right to appeal to the circuit court of the county in which the real property is located. The circuit court shall consider the appeal under its general authority, including but not limited to §51-2-2(f) of this code.

~~(e)~~(f) Notwithstanding the provisions of §8-11-4 of this code, any ordinance enacted or substantially amended under the provisions of this section shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code. The publication area for the publication is the municipality.

~~(f)~~(g) ~~In the event~~ If 30 percent of the qualified voters of the municipality, by petition duly signed by them in their own handwriting and filed with the recorder of the municipality within 45 days after the expiration of the publication, protest against the ordinance as enacted or amended, the ordinance ~~shall~~ may not become effective until it is ratified by a majority of the legal votes cast by the qualified voters of the municipality at a regular municipal election or special municipal election, as the governing body directs. Voting ~~shall~~ may not take place until after notice of the submission is given by publication as provided in subsection (f) of this section.

~~(g)~~(h) The powers and authority granted to municipalities and to the governing bodies of municipalities in this section are in addition and supplemental to the powers and authority named in any charters of the municipalities.

~~(h)~~(i) Notwithstanding any other provisions of this section, if rates, fees, and charges provided in this section are imposed by the governing body of a municipality for the purpose of replacing, and in amounts approximately sufficient to replace in its general fund amounts appropriated to be paid from ad valorem taxes upon property within the municipality, pursuant to an election duly called and held under the Constitution and laws of the state to

authorize the issuance and sale of the municipality's general obligation bonds for public improvement purposes, the call for the election shall state that the governing body of the municipality proposes to impose rates, fees, and charges in specified amounts under this section for the use of one or more of the services specified in subsection (a) of this section, which shall be related to the public improvement proposed to be made with the proceeds of the bonds, no notice, publication of notice, or referendum, or election or other condition or prerequisite to the imposition of the rates, fees, and charges shall be required or necessary other than the legal requirements for issuance and sale of the general obligation bonds.

~~(i)~~(j) Payments for rates, fees, and charges due under this section that are postmarked after the due date by which they are owed shall be considered late and may be subject to late fees or penalties: *Provided*, That payments that are received by the municipality after the due date, but that were postmarked on or before the due date shall be considered to be on time and shall not be assessed any late fees or penalties.

On motion of Senator Martin, the following amendments to the Government Organization committee amendment to the bill (Eng. Com. Sub. for H. B. 2866) were reported by the Clerk, considered simultaneously, and adopted:

On pages 1 through 3, by striking out all of Chapter 7;

On page 5, section 13, line 45, after "residents", by inserting the words "and businesses";

And,

On page 5, section 13, after line 45, by inserting a new paragraph, designated paragraph (F), to read as follows:

(F) The intergovernmental agreement shall expire five years after the agreement becomes effective. The agreement may be renewed for successive additional terms of no more than five years each.

The question now being on the adoption of the Government Organization committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2866, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2866) passed.

On motion of Senator Martin, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2866—A Bill to amend and reenact §8-13-13 of the Code of West Virginia, 1931, as amended, relating to fees and charges for municipality-provided fire services; providing that no municipality may impose any new fire protection service fee, effective on or after June 30, 2024, on person or business located in a county that has imposed a fire service fee without an intergovernmental agreement in place between municipality and county commission; establishing required contents of agreement; establishing length of agreement and providing for renewal; and providing exception for increasing existing fees.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for House Bill 2889, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Stuart—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2889) passed.

The following amendment to the title of the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

Eng. Com. Sub. for Com. Sub. for House Bill 2889—A Bill to amend and reenact §32-4-402 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §32-4-402a, all relating to authorizing the Commissioner of Securities or his or her designee to conduct a fairness hearing for transactions involving the exchange of a security for one or more outstanding securities, claims, or property interests, or partly for cash; expressly authorizing commissioner or designee to conclude whether conditions of exchange are fair; providing exemption from registration and filing requirements; defining terms; providing for fairness hearing application process; providing deadlines and notice requirements; authorizing filing fee; correcting citations; authorizing rules and orders by commissioner; authorizing commissioner to conduct fairness

hearings; and authorizing commissioner to recover costs associated with fairness hearing and issuance of findings.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Chapman—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2889) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2943, Administration of the West Virginia Hazardous Waste Management Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Chapman—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2943) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2960, Allowing the Division of Highways to contract out snow removal to private companies on secondary roads in Monongalia and Preston counties.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2960) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2964, Amending residency requirements for regional airport boards.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart,

Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2964) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3012, Relating to Lottery Money Distribution.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3012) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3017, Compliance Audits of Tabulating Equipment.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On this question, the yeas were: Boley, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Morris, Oliverio, Queen, Roberts, Stuart, Takubo, Tarr, Woodrum, and Smith (Mr. President)—16.

The nays were: Azinger, Barrett, Bartlett, Chapman, Charnock, Hart, Helton, Jeffries, Martin, Maynard, Phillips, Rose, Rucker, Taylor, Thorne, Weld, Willis, and Woelfel—18.

Absent: None.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3017) rejected.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3152, Claims Bill.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3152) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Garcia—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3152) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 3166, Requirements for School Safety Mapping Data.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3166) passed.

The following amendment to the title of the bill, from the Committee on Finance, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3166—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18-9F-10a, relating to requiring county boards to create standardized school safety mapping data; setting forth requirements for mapping data; setting forth the dissemination; requiring consultation and agreement of local enforcement; sets forth and cost parameters of data; sets an effective date; and exempting data from disclosure under the Freedom of Information Act.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 3179, Funding for failing public utilities.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3279, Relating to requirements for WVU and WVSU Board of Governors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for House Bill 3279 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Hart, Helton, Jeffries, Martin, Maynard, Phillips, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Willis, Woodrum, and Smith (Mr. President)—19.

The nays were: Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Morris, Oliverio, Queen, Takubo, Weld, and Woelfel—15.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3279) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Phillips, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Garcia, Oliverio, and Queen—3.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3279) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 3342, Firearms Industry Nondiscrimination Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3342) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3350, Supplemental Appropriation - DCR - Corrections - 0608.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3350) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3350) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3361, Supplemental Appropriation - Health, Birth to Three.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Senator Queen requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as his wife is a speech therapist.

The Chair replied that any impact on Senator Queen would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3361) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia,

Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3361) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3429, Prequalifying consultants for WVDEP- Abandon Mine Lands.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3429) passed.

The following amendment to the title of the bill, from the Committee on Energy, Industry, and Mining, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 3429—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section designated §22-2-11, relating to providing engineering services under the abandoned mine lands and reclamation act; requiring certain advertisements; establishing a prequalification process for hiring engineering firms; providing prequalification agreement requirements; and providing directives for project assignments.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3456, Relating to the powers and duties of the Commissioner of the Division of Corrections and Rehabilitation regarding Stevens Correctional Center.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 3456 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3456) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Eng. House Bill 2120, Relating to forms and disclosures to the Ethics Commission.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 6B. PUBLIC OFFICERS AND EMPLOYEES;
ETHICS; CONFLICTS OF INTEREST;
FINANCIAL DISCLOSURE.**

**ARTICLE 2. WEST VIRGINIA ETHICS COMMISSION;
POWERS AND DUTIES; DISCLOSURE OF
FINANCIAL INTEREST BY PUBLIC OFFICIALS AND
EMPLOYEES; APPEARANCES BEFORE PUBLIC
AGENCIES; CODE OF CONDUCT FOR
ADMINISTRATIVE LAW JUDGES.**

**§6B-2-1. West Virginia Ethics Commission created; members;
appointment, term of office and oath; compensation and
reimbursement for expenses; meetings and quorum.**

(a) The West Virginia Ethics Commission is continued. The members of the commission shall be appointed by the Governor with the advice and consent of the Senate.

(b) ~~No~~ A person may not be appointed to the commission or continue to serve as a member of the commission who:

(1) Holds elected or appointed office under the government of the United States, the State of West Virginia, or any of its political subdivisions;

(2) Is a candidate for any political office;

(3) Is otherwise subject to the provisions of this chapter other than by reason of his or her appointment to or service on the commission; or

(4) Holds any political party office or participates in a campaign relating to a referendum or other ballot issue. ~~Provided, That~~ A member may contribute financially to a political campaign, but shall recuse himself or herself from any commission decision involving any candidate or campaign to which he or she contributed.

(c) ~~Commencing July 1, 2014,~~ The Ethics Commission ~~shall consist~~ consists of the following nine members, appointed with staggered terms:

(1) One member who served as a member of the West Virginia Legislature;

(2) One member who served as an elected or appointed county official;

(3) One member who served as an elected or appointed municipal official;

(4) One member who served as an elected county school board member;

(5) One member from a rural area; and

(6) Four citizen members.

(d) Any Commission member in office on June 30, 2014, who meets one of the categories for membership set out in subsection (c) of this section, may be reappointed. ~~No~~ Not more than five members of the Commission ~~shall~~ may be of the same political party and ~~no~~ not more than two members ~~shall~~ may be from the same state senatorial district.

(e) ~~After the initial staggered terms,~~ The term of office for a Commission member is five years. ~~No member shall~~ A member may not serve more than two consecutive full or partial terms. ~~No~~

A person may not be reappointed to the commission until at least two years have elapsed after the completion of the second consecutive term. A member may continue to serve until a successor has been appointed and qualified.

(f) All appointments shall be made by the Governor in a timely manner so as not to create a vacancy for longer than 60 days.

(g) Each member ~~must~~ shall be a resident of this state during the appointment term.

(h) Five members of the commission constitutes a quorum.

(i) Each member of the commission shall take and subscribe to the oath or affirmation required pursuant to section five, article IV of the Constitution of West Virginia.

(j) A member may be removed by the Governor for substantial neglect of duty, gross misconduct in office, or a violation of this chapter, after written notice and opportunity for reply.

(k) The commission, as appointed on July 1, 2014, shall meet before August 1, 2014, at a time and place to be determined by the Governor, who shall designate a member to preside at that meeting until a chairperson is elected. At the first meeting, the commission shall elect a chairperson and any other officers as are necessary. The commission shall within 90 days after the first meeting adopt rules for its procedures. The commission may use the rules in place on July 1, 2014, until those rules are amended or revoked.

(l) Members of the commission shall receive the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law for each day or portion thereof engaged in the discharge of official duties. ~~Provided, That~~ To be eligible for compensation and expense reimbursement, the member ~~must~~ shall participate in a meeting or adjudicatory session ~~Provided, however, That the member is not eligible for expense reimbursement if he or she does not attend a meeting or adjudicatory session in person.~~

(m) The commission shall appoint an executive director to assist the commission in carrying out its functions in accordance with commission rules and with applicable law. The executive director shall be paid a salary fixed by the commission or as otherwise provided by law. The commission shall appoint and discharge counsel and employees and shall fix the compensation of employees and prescribe their duties. Counsel to the commission shall advise the commission on all legal matters and on the instruction of the commission may commence appropriate civil actions. ~~Provided, That no counsel shall~~ Any commission counsel may not both advise the commission and act in a representative capacity in any proceeding.

(n) The commission may delegate authority to the chairperson or the executive director to act in the name of the commission between meetings of the commission, except that the commission ~~shall~~ may not delegate the power to hold hearings and determine violations to the chairperson or the executive director.

(o) The principal office of the commission shall be in the seat of government, but it or its designated subcommittees may meet and exercise its power at any other place in the state. Meetings of the commission shall be public unless:

(1) They are required to be private by the provisions of this chapter relating to confidentiality; or

(2) They involve discussions of commission personnel, planned or ongoing litigation, and planned or ongoing investigations.

(p) Meetings of the commission shall be upon the call of the chairperson and may be conducted by telephonic or other electronic conferencing means. ~~Provided, That~~

(1) When the commission is acting as a hearing board under this article, or when the Probable Cause Review Board meets to receive an oral response as authorized by this article, members may not participate or vote by telephonic means. ~~Provided, however, That~~ Participation and voting may be permitted if the member

attends and participates via video conferencing that allows the witness and the member to observe and communicate with one another.

(2) Members shall be given notice of meetings held by telephone or other electronic conferencing in the same manner as meetings at which the members are required to attend in person. Telephone or other electronic conferences shall be electronically recorded and the recordings shall be retained by the commission in accordance with its record retention policy.

§6B-2-2. General powers and duties.

(a) The commission may ~~propose rules for promulgation~~ promulgate rules in accordance with the provisions of §29A-1-1 *et seq.* of this code to carry out the purposes of this chapter. ~~Provided, That~~ Any disclosure form, statement, or report required under any provision of this chapter shall be ~~made in a manner prescribed by legislative rule of the commission~~ prescribed by procedural rule and made available on the commission's website.

(b) The commission may initiate or receive complaints and make investigations, as provided in §6B-2-4 of this code, and upon complaint by an individual of an alleged violation of this chapter by a public official or public employee, refer the complaint to the review board as provided in §6B-2-2a of this code. Any person charged with a violation of this chapter is entitled to the administrative hearing process contained in §6B-2-4 of this code.

(c) The commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of books, papers, records, or other evidence needed for the performance of the commission's duties or exercise of its powers, including its duties and powers of investigation.

(d) The commission shall, in addition to its other duties:

(1) Prescribe forms for reports, statements, notices, and other documents required by law;

(2) Prepare and publish manuals and guides explaining the duties of individuals covered by this law; and giving instructions and public information materials to facilitate compliance with, and enforcement of, this act; and

(3) Provide assistance to agencies, officials, and employees in administering the provisions of this act.

(e) The commission may:

(1) Prepare reports and studies to advance the purpose of the law;

(2) Contract for any services which cannot satisfactorily be performed by its employees;

(3) Require the Attorney General to provide legal advice without charge to the commission;

(4) Employ additional legal counsel;

(5) Request appropriate agencies of the state to provide any professional assistance the commission may require in the discharge of its duties. ~~Provided, That~~ The commission shall reimburse any agency, other than the Attorney General, the cost of providing assistance; and

(6) Share otherwise confidential documents, materials, or information with appropriate agencies of state government, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or information.

§6B-2-12. Online reporting system.

(a) On or before December 31, 2025, the commission shall develop and make available for public use an electronic lobbyist registration and reporting system that:

(1) Allows a person to register as a lobbyist;

(2) Allows a lobbyist to electronically file any report required to be filed under this chapter;

(3) Permits a lobbyist to create a password-protected account through which the lobbyist can save user information to be automatically populated into reports that are filed through the electronic system; and

(4) Includes a search function by which members of the public can search for information about lobbyists, including all information lobbyists are required to report under §6B-3-1 *et seq.* of this code.

(b) The commission may contract for the development of the system.

(c) The commission shall ensure that the electronic lobbyist registration and reporting system is properly maintained and that any period of downtime or inaccessibility is promptly remediated.

ARTICLE 3. LOBBYISTS.

§6B-3-1. Definitions.

As used in this article, unless the context clearly indicates otherwise:

(1) "Compensation" means money or any other thing of value received or to be received by a lobbyist from an employer for services rendered;

(2) "Employer" or "lobbyist's employer" means any person who employs or retains a lobbyist;

(3) "Expenditure" means payment, distribution, loan, advance deposit, reimbursement, or gift of money, real or personal property, or any other thing of value; or a contract, promise, or agreement, whether or not legally enforceable;

(4) "Government officer or employee" means a member of the Legislature, a legislative employee, the Governor, and other members of the board of Public Works, heads of executive departments, and any other public officer or public employee under the legislative or executive branch of state government who is

empowered or authorized to make policy and perform nonministerial functions. In the case of elected offices included herein, the term "government officer or employee" includes candidates who have been elected but who have not yet assumed office;

(5) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the Legislature and includes any other matters that may be the subject of action by either house or any committee of the Legislature and all bills or resolutions that, having passed both houses, are pending approval or veto by the Governor;

(6) "Lobbying" or "lobbying activity" means the act of communicating with a government officer or employee to promote, advocate, ~~or~~ oppose, or otherwise attempt to influence:

~~(i)~~(A) The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or

~~(ii)~~(B) The adoption or rejection of any rule, regulation, legislative rule, standard, rate, fee, or other delegated legislative or ~~quasilegislative~~ quasi-legislative action to be taken or withheld by any executive department;

(7) "Lobbying firm" means any business entity, including an individual contract lobbyist, which meets either of the following criteria:

(A) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, for the purpose of lobbying on behalf of any other person, and any partner, owner, officer, or employee of the business entity;

(B) The business entity receives or becomes entitled to receive any compensation, other than reimbursement for reasonable travel expenses, to communicate directly with any elected state official, agency official, or legislative official for the purpose of lobbying on behalf of any other person;

(8)(A) "Lobbyist" means any individual employed by a lobbying firm or who is otherwise employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, agency official, or legislative official for the purpose of promoting, advocating, opposing, or otherwise attempting to influence:

(i) The passage or defeat or the executive approval or veto of any legislation which may be considered by the Legislature of this state; or

(ii) The adoption or rejection of any rule, legislative rule, standard, rate, fee, or other delegated legislative or ~~quasilegislative~~ quasi-legislative action to be taken or withheld by any executive department.

(B) The term "lobbyist" does not include the following persons, who are exempt from the registration and reporting requirements set forth in this article, unless they engage in activities which would otherwise subject them to the registration and reporting requirements:

(i) Persons who limit their lobbying activities to appearing before public sessions of committees of the Legislature, or public hearings of state agencies, ~~are exempt~~;

(ii) Persons who limit their lobbying activities to attending receptions, dinners, parties or other group functions and make no expenditure in connection with such lobbying ~~are exempt~~;

(iii) Persons who engage in news or feature reporting activities and editorial comment as working members of the press, radio, or television and persons who publish or disseminate such news, features, or editorial comment through a newspaper, book, regularly published periodical, radio station, or television station ~~are exempt~~;

(iv) Persons who lobby without compensation or other consideration, other than reimbursement for reasonable travel expenses, for acting as lobbyists, who are not employed by a

lobbying firm or lobbyist employer, and whose total expenditures in connection with lobbying activities do not exceed \$150 during any calendar year, ~~are exempt~~. The exemptions contained in this subparagraph and in subparagraph (ii) are intended to permit and encourage citizens of this state to exercise their Constitutional rights to assemble in a peaceable manner, consult for the common good, instruct their representatives, and apply for a redress of grievances. Accordingly, such persons may lobby without incurring any registration or reporting obligation under this article. Any person exempt under this subparagraph or subparagraph (ii) may at his or her option register and report under this article;

(v) Persons who lobby on behalf of a nonprofit organization with regard to legislation, without compensation, and who restrict their lobbying activities to ~~no not~~ more than 20 days or parts thereof during any regular session of the Legislature, ~~are exempt~~. The Commission may promulgate a legislative rule to require registration and reporting by persons who would otherwise be exempt under this subparagraph, if it determines that such rule is necessary to prevent frustration of the purposes of this article. Any person exempt under this subparagraph may, at his or her option, register and report under this article;

(vi) The Governor, members of the Governor's staff, members of the board of Public Works, officers and employees of the executive branch who communicate with a member of the Legislature on the request of that member, or who communicate with the Legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or which are made in the proper performance of their official duties, ~~are exempt~~;

(vii) Members of the Legislature ~~are exempt~~;

(viii) Persons employed by the Legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties ~~are exempt~~;

(ix) Persons rendering professional services in drafting proposed legislation or in advising or rendering opinions to clients

as to the construction and effect of proposed or pending legislation ~~are exempt; and~~

(9) "Person" means any individual, partnership, trust, estate, business trust, association, or corporation; any department, commission, board, publicly supported college or university, division, institution, bureau, or any other instrumentality of the state; or any county, municipal corporation, school district, or any other political subdivision of the state.

§6B-3-2. Registration of lobbyists.

(a) Before engaging in any lobbying activity, ~~or within 30 days after being employed as a lobbyist, whichever occurs first,~~ a lobbyist shall register with the Ethics Commission by filing a lobbyist registration statement. The registration statement shall ~~contain information and be in a form prescribed by the Ethics Commission by legislative rule, including, but not limited to include~~ the following information:

(1) The registrant's name, business address, telephone numbers and any temporary residential and business addresses and telephone numbers used or to be used by the registrant while lobbying during a legislative session;

(2) The name, address and occupation or business of the registrant's employer;

(3) A statement as to whether the registrant is employed or retained by his or her employer solely as a lobbyist or is a regular employee performing services for the employer which include, but are not limited to, lobbying;

(4) A statement as to whether the registrant is employed or retained by his or her employer under any agreement, arrangement or understanding according to which the registrant's compensation, or any portion of the registrant's compensation, is or will be contingent upon the success of his or her lobbying activity;

(5) The general subject or subjects, if known, on which the registrant will lobby or employ some other person to lobby in a manner which requires registration under this article; and

(6) An appended written authorization from each of the lobbyist's employers confirming the lobbyist's employment and the subjects on which the employer is to be represented.

(b) Any lobbyist who receives or is to receive compensation from more than one person for services as a lobbyist shall file a separate notice of representation with respect to each person compensating him or her for services performed as a lobbyist. When a lobbyist whose fee for lobbying with respect to the same subject is to be paid or contributed by more than one person, then the lobbyist may file a single statement, in which he or she shall detail the name, business address and occupation of each person paying or contributing to the fee.

(c) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of the change, modification, or termination, furnish full information regarding the change, modification, or termination by filing with the commission an amended registration statement.

(d) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on the Monday preceding the second Wednesday in January of each odd-numbered year and failure to do so terminates his or her authorization to lobby. Until the registration is renewed, the person may not engage in lobbying activities unless he or she is otherwise exempt under ~~paragraph (B), subdivision (7), section one of this article §6B-3-1(8)(B) of this code.~~

(e) The following public officers or employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyists:

(1) Members of the Legislature;

(2) Members of the Executive Department as referenced in article VII, section one of the Constitution of West Virginia;

(3) Will and pleasure professional employees of the Legislature under the direct supervision of a member of the Legislature;

(4) Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy;

(5) Members of the Supreme Court of Appeals;

(6) Any department secretary of an executive branch department created by the provisions of §5F-1-2 *et seq.* of this code; and

(7) Heads of any state departments or agencies.

(f) The commission shall accept the registration and forms required by this section in electronic or paper format, as desired by the individual submitting the registration or form. The commission shall accept signatures on all forms required by this section in electronic or hand-written ink format, as desired by the individual signing the form. A lobbyist is not required to retain an original, printed form if he or she has a completed electronic form, a photocopy of the original, or completed the requirements of this section through the online registration and reporting system under §6B-2-12 of this code.

§6B-3-4. Reporting by lobbyists.

(a) A registered lobbyist shall file with the commission reports of his or her lobbying activities, signed by the lobbyist. The reports shall be filed ~~three times a~~ four times per year as follows:

(1) On or before ~~May~~ March 15, a lobbyist shall report all lobbying activities in which he or she engaged from January 1 through ~~April 30~~ February 28 or, in the case of leap year, February 29;

(2) On or before May 15, a lobbyist shall report all lobbying activities in which he or she engaged from March 1 through April 30;

~~(2)~~(3) On or before September 15, a lobbyist shall report all lobbying activities in which he or she engaged from May 1 through August 31; and

~~(3)~~(4) On or before January 15, a lobbyist shall report all lobbying activities in which he or she engaged from September 1 through December 31.

(b) If the date on which a lobbyist expenditure report is due falls on a Saturday, Sunday, or legal holiday, the report will be considered timely filed if it is postmarked not later than the next business day. If a registered lobbyist files a late report, the lobbyist shall pay the commission a fee of \$10 for each late day, not to exceed a total of \$250. If a registered lobbyist fails to file a report or to pay the required fee for filing an untimely report, the commission may, after written notice sent by certified mail, return receipt requested, suspend the lobbyist's privileges as a registered lobbyist until the lobbyist has satisfactorily complied with all reporting requirements and paid the required fee.

(c) (1) Except as otherwise provided in this section, each report filed by a lobbyist shall show the total amount of all expenditures for lobbying activities made or incurred by on behalf of the lobbyist during the period covered by the report. The report shall also show subtotals segregated according to financial category, including meals and beverages; living accommodations; advertising; travel; contributions; gifts to public officials or employees or to members of the immediate family of a public official or employee; and other expenses or services.

(2) Lobbyists are not required to report the following:

(A) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(B) Any expenses incurred for the lobbyist's own living accommodations;

(C) Any expenses incurred for the lobbyist's own travel to and from public meetings or hearings of the legislative and executive branches; or

(D) Any expenses incurred for telephone and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(d) If a lobbyist is employed by more than one employer, the report shall show the proportionate amount of the expenditures in each category incurred on behalf of each of his or her employers.

(e) The report shall describe the subject matter of the lobbying activities in which the lobbyist has been engaged during the reporting period.

(f) If, during the period covered by the report, the lobbyist made expenditures or expenditures were made or incurred on behalf of the lobbyist in the reporting categories of meals and beverages, living accommodations, travel, gifts or other expenditures, other than for those expenditures governed by subsection (g) of this section, the lobbyist shall report the name of the public official or employee to whom or on whose behalf the expenditures were made, the total amount of the expenditures, and the subject matter of the lobbying activity, if any. ~~Provided, That~~ A registered lobbyist who entertains more than one public official or public employee at a time with meals and beverages complies with the provisions of this section if he or she reports the names of the public officials or public employees entertained and the total amount expended for meals and beverages for all of the public officials or public employees entertained. ~~Provided, however, That~~ Where several lobbyists join in entertaining one or more public officials or public employees at a time with meals and beverages, each lobbyist complies with the provisions of this section by reporting the names of the public officials or public employees entertained and his or her proportionate share of the total amount expended for meals and beverages for all of the public officials or public employees entertained. Under this subsection, no portion of the amount of an expenditure for a dinner, party, or other function sponsored by a lobbyist's employer need be attributed to a

particular public official or employee who attends the function if the sponsor has invited to the function all the members of: (1) The Legislature; (2) either house of the Legislature; (3) a standing or select committee of either house; or (4) a joint committee of the two houses of the Legislature. However, the amount spent for the function shall be added to other expenditures for the purpose of determining the total amount of expenditures reported under subdivision (1), subsection (c) of this section. ~~Provided further, That~~ If the expenditure is for a function to which the entire membership of the Legislature has been invited, the lobbyist need only report that fact, the total amount of the expenditure, and the subject matter of the lobbying activity.

(g) If, during the period covered by the report, the lobbyist made expenditures in the reporting categories of meals and beverages, lodging, travel, gifts, and scheduled entertainment for or on behalf of a particular public official or public employee in return for the participation of the public official or employee in a panel or speaking engagement at a meeting, the lobbyist shall report the name of the public official or employee to whom or on whose behalf the expenditures were made and the total amount of the expenditures.

§6B-3-5. Grass roots lobbying campaigns.

~~(1)~~(a) Any person who has made expenditures, not required to be reported under other sections of this chapter, exceeding \$5,000 in the aggregate within any three-month period or exceeding \$1,000 in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation, ~~shall be~~ is required to register and report, as provided in subsection ~~(2)~~(b) of this section, as a sponsor of a grass roots lobbying campaign.

~~(2)~~(b) Within 30 days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the Ethics Commission a registration statement, in such detail as the commission shall prescribe, showing:

~~(a)~~(1) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

~~(b)~~(2) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

~~(c)~~(3) The names and addresses of each person contributing \$1,000 or more made for the purpose of furthering the campaign and the aggregate amount contributed;

~~(d)~~(4) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

~~(e)~~(5) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including, but not limited to, the following: (A) Advertising, segregated by media, and, in the case of large expenditures as provided by legislative rule of the commission of \$5,000 or more, by outlet; (B) contributions; (C) entertainment, including meals and beverages; (D) office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; (E) consultants; and (F) printing and mailing expenses.

~~(3)~~(c) Every sponsor who has registered under this section shall file reports with the commission, which reports shall be filed for the same time periods required for the filing of lobbyists' reports under the provisions of §6B-3-4 of this code.

~~(4)~~(d) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and

expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

§6B-3-7. Duties of lobbyists.

A Any person required to register as a lobbyist under this article also has the following is subject to the obligations and prohibitions provided in this section. ~~the violation of which constitutes~~ A violation of any obligation or prohibition may be cause for revocation of his or her lobbyist registration and termination of his or her lobbying privileges. ~~and~~ The violation may subject the person, and the person's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

(1) Any person required to register as a lobbyist shall obtain, preserve, and make available for inspection by the Commission at any time all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this article for a period of at least two years from the date of the filing of the statement to which those items relate: *Provided*, That if a lobbyist is required under the terms of his or her employment contract to turn any records over to his or her employer, responsibility for the preservation of the records under this subsection shall rest with the employer.

(2) ~~In addition~~ A person required to register as a lobbyist may not:

(A) Engage in any lobbying activity before registering as a lobbyist;

(B) Knowingly deceive or attempt to deceive any government officer or employee as to any fact pertaining to a matter which is the subject of lobbying activity;

(C) Cause or influence the introduction of any legislation for the purpose of thereafter being employed to secure its defeat;

(D) Exercise any undue influence, extortion, or unlawful retaliation upon any government officer or employee by reason of

the government ~~officer~~ officer's or employee's position with respect to, or his or her vote upon, any matter which is the subject of lobbying activity;

(E) Exercise undue influence upon any legislator or other privately employed government officer or employee through communications with the person's employer;

(F) Give a gift to any government officer or employee in excess of or in violation of any limitations on gifts set forth in ~~subsection (e), section five, article two of this chapter~~ §6B-2-5(c) of this code, or give any gift, whether lawful or unlawful, to a government officer or employee without the government officer or employee's knowledge and consent.

§6B-3-9. Penalties.

(a) Any person who is required under the provisions of this article to file an application, statement, or report and who willfully and knowingly makes a false statement, conceals a material fact, or otherwise commits a fraud in the application, statement, or report, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in a county or regional jail not more than one year, or both fined and confined.

(b) ~~A Any person who is subject to the registration and reporting requirements of this article and who fails or refuses to register, or who fails or refuses to file a required statement or report, or who otherwise violates the provisions of this article,~~ may be the subject of a complaint filed with the Ethics Commission, and may be proceeded against in the same manner and to the same ends as a public officer or public employee under the provisions of this chapter, if he or she:

(1) Fails or refuses to register;

(2) Fails or refuses to file a required statement or report; or

(3) Otherwise violates the provisions of this article,.

(c) ~~A~~ Any person who willfully and knowingly files a false report under the provisions of this article is liable in a civil action to any government officer or employee who sustains damage as a result of the filing or publication of the report.

The bill (Eng. H. B. 2120), as amended, was then ordered to third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2164, To allow for public and private schools in West Virginia to employ security personnel.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2D. DIVISION OF PROTECTIVE SERVICES.

§15-2D-3. Duties and powers of the director and officers.

(a) The director is responsible for the control and supervision of the division. The director and any officer of the division may carry designated weapons and have the same powers of arrest and law enforcement in Kanawha County as members of the West Virginia State Police as set forth in §15-2-12(b) and §15-2-12(d) of this code. The director and any officer of the division shall also have such powers throughout the State of West Virginia in investigating and performing law-enforcement duties for offenses committed on the Capitol Complex or related to the division's security and protection duties at the Capitol Complex and throughout the state relating to offenses and activities occurring on any property owned, leased, or operated by the State of West Virginia when undertaken at the request of the agency occupying the property: *Provided*, That nothing in this article shall be

construed as to obligate the director or the division to provide, or be responsible for providing, security at state facilities outside the Capitol Complex.

(b)(1) The director shall establish a School Safety Unit within the Division of Protective Services. Officers shall be assigned to the School Safety Unit at the discretion of the director. The officers assigned to the School Safety Unit shall primarily be charged to make school safety inspections and to make recommendations to appropriate county school superintendents, principals, or other school administrators, regarding school safety. The officers assigned to the School Safety Unit shall also be authorized to respond to and investigate all school safety matters, in consultation with county boards of education: *Provided*, That any officer of the School Safety Unit shall have statewide jurisdiction and powers of general law enforcement and arrest for violations of law committed in their presence.

(2) The director, in consultation with the Law Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, shall establish minimum recommendations for training for employment, job-entry, and in-service training curricula, and provide written certification, for school safety officers as described in §18-5-52, which training and certification shall be administered and provided in the manner approved by the director. Such training standards may include:

(A) Relevant state and federal laws;

(B) School and personal liability issues;

(C) Security awareness in the school environment;

(D) Mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint;

(E) Disaster and emergency response;

(F) Working with students with disabilities, autism spectrum disorders, mental health needs, substance use disorders, and past traumatic experiences; and

(G) Student behavioral dynamics, including child and adolescent development and brain research. The Division of Protective Services School Safety Unit may establish an advisory committee consisting of local school board, public charter school, and private or religious school representatives and school security personnel to assist in the development of the standards and certification requirements in this subdivision.

(3) For purposes of this section, "school safety officer" means an individual who is employed by a local school board, public charter school, or private or religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of the policies of the school board, public charter school, or private or religious school, and reasonably detaining any individual committing an offense that constitutes a breach of the peace, as defined in §18-5-52, on school property, school buses, or at school-sponsored events, and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

(c) Any officer of the division shall be certified as a law-enforcement officer by the Governor's Committee on Crime, Delinquency, and Correction or may be conditionally employed as a law-enforcement officer until certified in accordance with the provisions of §30-29-5 of this code.

(d) The director may:

(1) Employ necessary personnel, all of whom shall be classified exempt, assign them the duties necessary for the efficient management and operation of the division, and specify members who may carry, without license, weapons designated by the director;

(2) Contract for security and other services;

(3) Purchase equipment as necessary to maintain security at the Capitol Complex and other state facilities. The provisions of §5A-3-3 of this code do not apply to purchases made pursuant to this subdivision;

(4) Establish and provide standard uniforms, arms, weapons, and other enforcement equipment authorized for use by members of the division and shall provide for the periodic inspection of the uniforms and equipment. All uniforms, arms, weapons, and other property furnished to members of the division by the State of West Virginia is and remains the property of the state;

(5) Appoint security officers to provide security on premises owned or leased by the State of West Virginia;

(6) Consistent with the provisions in §15-2D-5 of this code, provide security for the Speaker of the House of Delegates, the President of the Senate, the Governor, or a justice of the Supreme Court of Appeals;

(7) Gather information from a broad base of employees at and visitors to the Capitol Complex to determine their security needs and develop a comprehensive plan to maintain and improve security at the Capitol Complex based upon those needs;

(8) Assess safety and security needs and make recommendations for safety and security at any proposed or existing state facility as determined by the Secretary of the Department of Homeland Security, upon request of the secretary of the department to which the facility is or will be assigned: *Provided*, That records of such assessments, and any other records determined by the Secretary of the Department of Homeland Security to compromise the safety and security at any proposed or existing state facility, including primary and secondary schools, are not public records and are not subject to disclosure in response to a Freedom of Information Act request under §29B-1-1 *et seq.* of this code; and

(9) Enter into an interagency agreement with the Secretary of the Department of Homeland Security and the Secretary of the

Department of Administration, which delineates their respective rights and authorities under any contracts or subcontracts for security personnel. A copy of the interagency agreement shall be delivered to the Governor, the President of the Senate, and the Speaker of the House of Delegates, and a copy shall be filed in the office of the Secretary of State and shall be a public record.

(e) The director shall:

(1) Propose legislative rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code. The rules shall, at a minimum, establish ranks and the duties of officers within the membership of the division.

(2) Consistent with subsection (b) of this section, provide services to all public primary and secondary schools in furtherance of the purposes of the School Safety Unit: *Provided*, That the director may provide services to any private primary and secondary schools in the state upon request.

(3) Deliver a monthly status report to the Speaker of the House of Delegates and the President of the Senate.

(4) Require any service provider whose employees are regularly employed on the grounds or in the buildings of the Capitol Complex, or who have access to sensitive or critical information, to have its employees submit to a fingerprint-based state and federal background inquiry through the state repository, and require a new employee who is employed to provide services on the grounds or in the building of the Capitol Complex to submit to an employment eligibility check through E-verify.

(i) After the contract for such services has been approved, but before any such employees are permitted to be on the grounds or in the buildings of the Capitol Complex or have access to sensitive or critical information, the service provider shall submit a list of all persons who will be physically present and working at the Capitol Complex for purposes of verifying compliance with this section.

(ii) All current service providers shall, within 90 days of the amendment and reenactment of this section by the 80th Legislature,

ensure that all of its employees who are providing services on the grounds or in the buildings of the Capitol Complex or who have access to sensitive or critical information submit to a fingerprint-based state and federal background inquiry through the state repository.

(iii) Any contract entered into, amended, or renewed by an agency or entity of state government with a service provider shall contain a provision reserving the right to prohibit specific employees thereof from accessing sensitive or critical information or to be present at the Capitol Complex based upon results addressed from a criminal background check.

(iv) For purposes of this section, the term "service provider" means any person or company that provides employees to a state agency or entity of state government to work on the grounds or in the buildings that make up the Capitol Complex or who have access to sensitive or critical information.

(v) In accordance with the provisions of Public Law 92-544 the criminal background check information will be released to the Director of the Division of Protective Services.

(5) Be required to provide his or her approval prior to the installation of any and all electronic security systems purchased by any state agency which are designed to connect to the division's command center.

(f) Effective July 1, 2017, the Director of Security and security officers of the Department of Arts, Culture, and History shall be made part of, and be under the supervision and direction of, the Division of Protective Services. Security for all Capitol Complex properties of the Department of Arts, Culture, and History shall be the responsibility of the Division of Protective Services.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-52. School safety officers.

(a) Local school boards, public charter schools, and private or religious schools may employ school safety officers, as defined in §15-2D-3, or contract with private security services as set forth in §18-5-53 for the purposes set forth therein.

(b) School safety officers may carry a firearm in the performance of their duties if:

(1) Within 10 years immediately prior to being hired by the local school board or private or religious school he or she:

(A) Was a law-enforcement officer as defined in §30-29-1 in the state with ten years of aggregate years as a law enforcement officer; or

(B) Was employed by a law-enforcement agency of the United States or any state or political subdivision thereof and his or her duties were substantially similar to those of a law-enforcement officer as defined in §30-29-1.

(2) He or she retired or resigned from their position as a law-enforcement officer in good standing;

(3) He or she maintains the requirements of and status as an honorably separated or qualified retired law-enforcement officer within the meaning of the Law Enforcement Officers Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C;

(4) He or she obtains and maintains any certification and training required by the Division of Protective Services School Safety Unit pursuant to subdivision §15-2D-3;

(5) Undergoes a background check at his or her expense as required by the Division of Protective Services to verify that the prospective school safety officer is not prohibited by state or federal law from possessing, purchasing, or transporting a firearm, has been determined by the Director of the Division of Protective Services to be appropriate and capable of discharging the duties as a school safety officer as set forth in a written certification, and has provided the written certification of the Director of the Division of

Protective Services to the local school board, public charter school, or private or religious school; and

(6) The local school board, public charter school, or private or religious school grants him or her the authority to carry a firearm in the performance of his duties.

(c) School safety officers may not arrest another person but may notify the appropriate law-enforcement agency and detain another person committing an act which constitutes a breach of the peace in a reasonable manner and for a reasonable period. The detention shall not constitute an arrest nor shall it render the local school board, public charter school, private or religious school, or school safety officer liable to the person detained: *Provided*, That the detention may be no longer than the time required for the earliest of either (1) The determination that no offense constituting a breach of the peace has been committed; or (2) the surrender of the person detained to a certified law-enforcement officer. School safety officers may not interrogate or question a detained minor without the knowledge and consent of the minor's parent, except in the instance of a perceived immediate danger to the health, safety, and welfare of others within the facility, when the parents are not present and/or when the minor attempts self-harm, the questioning is limited to the immediate danger, and the questioning will likely lead to the alleviation or elimination of the immediate danger, and if the person detained is a student and is under the age of 21, their parent or guardian is notified of the detention.

(d) The local school board, public charter school, or private or religious school shall be responsible for the costs of providing the necessary equipment for school safety officers to adequately perform their duties.

(e) For purposes of this section:

(1) "Breach of the peace" means:

(A) A felony;

(B) Any action or potential crime involving physical injury or a threat of physical injury to another person;

(C) Any action or potential crime involving destruction of school property or property located on the school premises; or

(D) Any act committed where the school safety officer has reason to believe that a person is likely to cause serious harm to himself, herself, or to others.

(2) "School safety officer" has the same meaning as that term is defined in §15-2D-3.

(f) A local school board and public charter school shall, and a private or religious school may, cooperate with the School Safety Unit established in §15-2D-3 to the fullest extent practicable to assist the unit in fulfilling its duties, including, but not limited to, providing data on all safety and security measures for school facilities.

(g) Nothing in this section shall be construed as limiting or superseding the provisions of §61-7-11a authorizing a private school to allow possession of a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility.

(h) A local school board, public charter school, or a private or religious school employing a school safety officer shall maintain insurance coverage which:

(1) Shall include adequate insurance for liability, property loss, and the personal injury of students and other personnel; and

(2) May include coverage from the Board of Risk and Insurance Management pursuant to §29-12-5a, if applicable.

(i) Eight hours of the mandatory 16 hours of in-service training for law enforcement officers may be credited when an individual is employed as a school safety officer pursuant to this section.

(j) All school safety officers hired are subject to the Law Enforcement Officers Safety Act ("LEOSA") based on §61-7-11a

of this code, subdivision (b)(3) of this section, and subject to the provisions of §18 USC 926C(c).

(k) The liability and responsibility of a school safety officer shall be that of the respective county board of education where that officer is working, regardless of whether that officer is contracted by a third party.

(l) All school safety officers shall train annually with the local county sheriffs' department in the county in which the safety officer is working.

§18-5-53. Contracting with private security as a school safety officer.

(a) Purpose. — County boards of education, public charter schools, and private or religious schools may contract with a private security guard firm licensed pursuant to the provisions of §30-18-1 et seq. of this code to provide the services of a school safety officer as set forth in §18-5-52 of this code.

(b) Definitions. — For purposes of this section, the following words have the following meanings:

"Contract" means an agreement between a county board and a private security provider.

"County board" means the same as that term is defined in §18-1-1 and used in §18-5-1 et seq of this code.

"School safety officer" has the same meaning as that term is defined in §15-2D-3 of this code.

"Security guard firm" has the same meaning as that term is defined in §30-18-1 of this code

(c) Authority. — Notwithstanding the provisions of §61-7-11a or any applicable rule, an employee of a private security guard firm who has contracted with a county school board, public charter schools, or private or religious school may carry weapons upon meeting all the requirements of this section. An employee of a

private security guard firm contracting with a county board, public charter school, or private or religious school is not law enforcement and has no authority to arrest. They are to provide services as a school safety officer as set forth in §18-5-52 of this code.

(d) *Requirements for participation.* — Prior to entering into a contract with a county board, public charter school, or private or religious school, a private security guard firm shall be licensed pursuant to the provisions of §30-18-1 *et seq.* of this code and is current in any obligation, including taxes, to the State of West Virginia. The county board, public charter school, or private or religious school shall require an applicant to provide proof that any employee of the private security guard firm intended to be used as a school safety officer:

(1) Is a citizen of the United States and the State of West Virginia;

(2) Has received a high school diploma or a high school equivalency diploma;

(3) Has met and passed all the requirements for a concealed carry permit as set forth in §61-7-4;

(4) Has completed and passed all the following training courses and/or examinations:

(A) The Law Enforcement Professional Standards program. The cost of this program is to be paid by the independent contractor;

(B) A fitness for duty examination which shall include a physical examination, vision examination, psychiatric examination, and a pre-employment drug screen within one year of beginning a contract with a county board, public charter school, or a private or religious school and upon initiating a new contract following the expiration of all contract extension options. The cost of these each shall be paid by the private security guard firm;

(C) A firearm and less than lethal use of force course. To maintain firearm proficiency, the independent contractor shall

complete yearly training in firearm and less than lethal use of force course; and

(D) Training on crisis de-escalation techniques, disaster and emergency response, bomb threats, performing their duties in the presence of students with disabilities including, but not limited to, students with autism spectrum disorders, and cardiopulmonary resuscitation; and

(6) Any other requirements imposed by the county board, public charter school, or private or religious school which may include, but are not limited to, a pre-employment written examination and a pre-employment polygraph exam. A county board, public charter school, or private or religious school may also require a private security guard firm to carry appropriate liability insurance at his or her expense.

(e) *Exclusions from participation.* — Any of the following shall preclude an employee of private security guard firm from participation as a school safety officer:

(1) There is credible evidence of illegal drug use by the employee of the private security guard firm in the preceding five-year period; or

(3) A disqualifying criminal offense. These shall include, but are not limited to:

(A) Domestic violence as set forth in §61-2-28;

(B) Driving under the influence as set forth in §17C-5-2;

(C) Child abuse as set forth in §61-8D-1 *et seq.*;

(D) Unlawful manufacture, delivery, or possession with intent to deliver any controlled substance as set forth in §60A-4-1 *et seq.*; and

(E) Any other misdemeanor or felony conviction deemed exclusionary for contracting with the independent contractor by the county board.

(f) Insurance coverage. —

A county board, public school, or private or religious school contracting for the services of a private security guard firm shall maintain adequate insurance for liability, property loss, and the personal injury of students and other personnel to the extent permitted by the Board of Risk and Insurance Management pursuant to §29-12-5a in addition to any appropriate liability insurance coverage required by subdivision (d)(6) of this section.

(g) Miscellaneous. —

(1) In contracting for the services set forth in this section, county boards or public charter school is may not be subject to purchasing requirements set forth in §5A-3-1 et seq.

(2) Nothing in this section entitles any employee of a private security guard firm for participation in the public employee insurance plan, workers' compensation, additional state retirement credited to employment as a West Virginia Guardian, or any other state-sponsored or -offered state benefit plan.

(4) Notwithstanding any other provision of this code or federal law to the contrary, nothing in this section shall be construed to create an employer-and-employee relationship between a county school board, public charter school, or a private or public school.

§18-5-54. Public school West Virginia Guardian Program.

(a) Purpose. — County boards of education may contract with an independent contractor who is a former state trooper, former deputy sheriff, former state fire marshal, former Department of Natural Resources police officer, former municipal police officer, or former federal law-enforcement officer to provide West Virginia Guardian services as that term is defined in this section. The purpose of the contract is to provide public safety and/or security on public school grounds and buildings. Any county board may contract with as many independent contractors as the board considers necessary.

(b) Definitions. — For purposes of this section, the following words have the following meanings:

"Contract" means an agreement between a county board and an independent contractor who has been certified by the county sheriff relating to the procurement of public safety or security services.

"County board" means the same as that term is defined in §18-1-1 and used in §18-5-1 et seq.

"Independent contractor" means the same as that term is used in §21-5I-4.

"Public safety or security" means the protection of students, faculty, and staff of a public school from violence, exposure to weapons, and threats on school grounds.

"Former deputy sheriff" means the same as that term is used in §7-14C-1, but who has retired from service.

"Former municipal police officer" means the same as that term is used in §8-22A-2 and includes officers who were members pursuant to the provisions of §8-22A-16, but who are retired from service.

"Former natural resources police officer" means the same as that term is used in §20-18-2, but who is retired from service.

"Former state fire marshal" means the same as that term is used in §15A-10-1 et seq., but who is retired from service.

"Former state trooper" means a state police officer employed pursuant to the provisions of §15-2-1 et seq., or §15-2A-1 et seq. and who has retired pursuant to the provisions of §15-2-27 or §15-2A-6 of this code.

"Former federal law-enforcement officer" means a federal law-enforcement officer employed pursuant to the provisions of §15-10-5(b), who was classified as a Criminal Investigation Series 1811 investigator, and who has retired from service.

"West Virginia Guardian" means an independent contractor certified by the county sheriff as meeting the qualifications set forth in this section and who is under contract to a county board for the purposes of providing public safety and/or security on school grounds. Persons contracted to provide these services shall include a retired state trooper, a retired state fire marshal, a retired Department of Natural Resources police officer, a former municipal police officer, a retired federal law-enforcement officer, or a retired deputy sheriff. A West Virginia Guardian is considered an authorized individual for purposes of the Gun-Free School Zones Act of 1990, 18 U.S.C. §921 and §922.

(c) Authority. — Notwithstanding the provisions of §61-7-11a or any applicable rule, an independent contractor acting as a West Virginia Guardian may carry weapons upon meeting all the requirements of this section. A West Virginia Guardian is not law enforcement and has no authority to arrest. They are to provide public safety and/or security to protect life and property as set forth in this section. Guardians shall wear apparel that makes them readily identifiable as a Guardian while performing the duties as set forth in in this section.

(d) Requirements for participation. — Prior to entering into a contract with a West Virginia Guardian, the Guardian shall apply for a permit from the county sheriff of the county in which the Guardian will provide services to the county board and, at that time, pay a fee of \$50. The county sheriff shall require an applicant to provide proof that he or she:

(1) Is a citizen of the United States and the State of West Virginia;

(2) Has received a high school diploma or a high school equivalency diploma;

(3) Has met and passed all the requirements for a concealed carry permit as set forth in §61-7-4;

(4) Has completed and passed all the following training courses and/or examinations:

(A) The Law Enforcement Professional Standards program. The cost of this program is to be paid by the independent contractor;

(B) A fitness for duty examination which shall include a physical examination, vision examination, psychiatric examination, and a pre-employment drug screen within one year of beginning a contract with a county board and upon initiating a new contract following the expiration of all contract extension options. The cost of these each shall be paid by the independent contractor;

(C) A firearm and less than lethal use of force course. To maintain firearm proficiency, the independent contractor shall complete yearly training in firearm and less than lethal use of force course; and

(D) Training on crisis de-escalation techniques, disaster and emergency response, bomb threats, performing their duties in the presence of students with disabilities including, but not limited to, students with autism spectrum disorders, and cardiopulmonary resuscitation.

(5) Is retired from his or her employment as a state trooper, a deputy sheriff, a municipal officer, a Division of Natural Resources police officer, a State Fire Marshal, or federal law enforcement;

(6) Is current in any obligation, including taxes, to the State of West Virginia; and

(7) Any other requirements imposed by the county board which may include, but are not limited to, a pre-employment written examination and a pre-employment polygraph exam. A county board may also require an independent contractor to carry appropriate liability insurance at his or her expense.

The permit application fee received by the sheriff shall be deposited by the sheriff into a guardian program fund. The fund shall be administered by the sheriff and shall take the form of an interest-bearing account with any interest earned to be compounded to the fund. Any funds deposited in this fund are to be expended by the sheriff to pay the costs associated with issuing

Guardian permits. Any surplus in the fund on hand at the end of each fiscal year may be expended for other law-enforcement purposes or operating needs of the sheriff's office, as the sheriff considers appropriate.

Meeting all of the requirements as set forth in this subsection does not guarantee a contract will be extended to the applicant. The county sheriff may, in his or her reasonable judgment, decline to certify to a county board a person as eligible for participation as a guardian.

(e) Exclusions from participation. — Any of the following shall preclude an independent contractor from participation as a West Virginia Guardian:

(1) Having not retired from either service to the State of West Virginia as a state trooper, a municipal police officer, a Department of Natural Resources police officer, a former State Fire Marshal, or a deputy sheriff or service as a federal law-enforcement officer;

(2) There is credible evidence of illegal drug use by the independent contractor in the preceding five-year period; or

(3) A disqualifying criminal offense. These shall include, but are not limited to:

(A) Domestic violence as set forth in §61-2-28;

(B) Driving under the influence as set forth in §17C-5-2;

(C) Child abuse as set forth in §61-8D-1 et seq.;

(D) Unlawful manufacture, delivery, or possession with intent to deliver any controlled substance as set forth in §60A-4-1 et seq.; and

(E) Any other misdemeanor or felony conviction deemed exclusionary for contracting with the independent contractor by the county board.

(f) Insurance coverage. —

A county board contracting for the services of a West Virginia Guardian shall maintain adequate insurance for liability, property loss, and the personal injury of students and other personnel to the extent permitted by the Board of Risk and Insurance Management pursuant to §29-12-5a in addition to any appropriate liability insurance coverage required by subdivision (d)(7) of this section.

(g) Miscellaneous. —

(1) In contracting for the services set forth in this section, county boards may not be subject to purchasing requirements set forth in §5A-3-1 et seq.

(2) Nothing in this section requires a county board to enter into a contract for guardian services. Participation by a county board is voluntary and subject to the availability of county funds. Any county board that opts to participate shall do so at its own expense and any additional funds provided by county entities or private donations. The provisions of this section place no obligation for the state to appropriate money for the purposes set forth in this section.

(3) As an independent contractor, a West Virginia Guardian is not eligible for participation in the public employee insurance plan, workers' compensation, additional state retirement credited to employment as a West Virginia Guardian, or any other state-sponsored or -offered state benefit plan.

(4) Notwithstanding any other provision of this code or federal law to the contrary, nothing in this section shall be construed to create an employer-and-employee relationship.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

(a) The Legislature finds that the safety and welfare of the citizens of this state are inextricably dependent upon assurances of safety for children attending and persons employed by schools in this state and for persons employed by the judicial department of this state. It is for the purpose of providing assurances of safety that §61-7-11a(b), §61-7-11a(g), and §61-7-11a(h), of this code and §61-7-11a(b)(2)(I) of this code, are enacted as a reasonable regulation of the manner in which citizens may exercise the rights accorded to them pursuant to section 22, article III of the Constitution of the State of West Virginia.

(b) (1) It is unlawful to possess a firearm or other deadly weapon:

(A) On a school bus as defined in §17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: *Provided*, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds of the facility; or

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.

(2) This subsection does not apply to:

(A) ~~A~~ Any person currently employed as a law-enforcement officer, employed by a federal, state, county, or municipal law-enforcement agency chief executive, or pre-certified law-enforcement officer as those terms are defined in §30-29-1 of this code, whether on or off duty;

(B) Any probation officer appointed pursuant to §62-12-5 of this code or state juvenile probation officer appointed pursuant to §49-4-719 of this code, in the performance of his or her duties;

(C) Any home confinement supervisor employed by a county commission pursuant to §61-11B-7a of this code in the performance of his or her duties;

(D) A state parole officer appointed pursuant to §15A-7-5 of this code, while in performance of his or her official duties;

(E) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C(c), carries that firearm in a concealed manner, and has on his or her person official identification in accordance with that act;

(F) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(G) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(H) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(I) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

(J) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

(K) Any person, 21 years old or older, who has a valid concealed handgun permit. That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: *Provided, That:*

(i) When he or she is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; ~~or~~

(ii) When he or she is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle; or

(L) A school safety officer as defined in §15-2D-3 authorized to carry a firearm and who meets the requirements set forth in §15-2D-3 and §18-5-52.

(3) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(c) A school principal subject to the authority of the State Board of Education who discovers a violation of §61-7-11a(b) of this code shall report the violation as soon as possible to:

(1) The State Superintendent of Schools. The State Board of Education shall keep and maintain these reports and may prescribe rules establishing policy and procedures for making and delivering the reports as required by this subsection; and

(2) The appropriate local office of the State Police, county sheriff, or municipal police agency.

(d) In addition to the methods of disposition provided by §49-5-1 *et seq.* of this code, a court which adjudicates a person who is 14 years of age or older as delinquent for a violation of §61-7-11a(b) of this code, may order the Division of Motor Vehicles to suspend a driver's license or instruction permit issued to the person for a period of time as the court considers appropriate, not to extend beyond the person's 19th birthday. If the person has not been issued a driver's license or instruction permit by this state, a court may order the Division of Motor Vehicles to deny the person's application for a license or permit for a period of time as the court

considers appropriate, not to extend beyond the person's 19th birthday. A suspension ordered by the court pursuant to this subsection is effective upon the date of entry of the order. Where the court orders the suspension of a driver's license or instruction permit pursuant to this subsection, the court shall confiscate any driver's license or instruction permit in the adjudicated person's possession and forward it to the Division of Motor Vehicles.

(e)(1) If a person 18 years of age or older is convicted of violating §61-7-11a(b) of this code, and if the person does not act to appeal the conviction within the time periods described in §61-7-11a(e)(2) of this code, the person's license or privilege to operate a motor vehicle in this state shall be revoked in accordance with the provisions of this section.

(2) The clerk of the court in which the person is convicted as described in §61-7-11a(e)(1) of this code shall forward to the commissioner a transcript of the judgment of conviction. If the conviction is the judgment of a magistrate court, the magistrate court clerk shall forward the transcript when the person convicted has not requested an appeal within 20 days of the sentencing for the conviction. If the conviction is the judgment of a circuit court, the circuit clerk shall forward a transcript of the judgment of conviction when the person convicted has not filed a notice of intent to file a petition for appeal or writ of error within 30 days after the judgment was entered.

(3) If, upon examination of the transcript of the judgment of conviction, the commissioner determines that the person was convicted as described in §61-7-11a(e)(1) of this code, the commissioner shall make and enter an order revoking the person's license or privilege to operate a motor vehicle in this state for a period of one year or, in the event the person is a student enrolled in a secondary school, for a period of one year or until the person's 20th birthday, whichever is the greater period. The order shall contain the reasons for the revocation and the revocation period. The order of suspension shall advise the person that because of the receipt of the court's transcript, a presumption exists that the person named in the order of suspension is the same person named in the transcript. The commissioner may grant an administrative hearing

which substantially complies with the requirements of the provisions of §17C-5A-2 of this code upon a preliminary showing that a possibility exists that the person named in the notice of conviction is not the same person whose license is being suspended. The request for hearing shall be made within 10 days after receipt of a copy of the order of suspension. The sole purpose of this hearing is for the person requesting the hearing to present evidence that he or she is not the person named in the notice. If the commissioner grants an administrative hearing, the commissioner shall stay the license suspension pending the commissioner's order resulting from the hearing.

(4) For the purposes of this subsection, a person is convicted when he or she enters a plea of guilty or is found guilty by a court or jury.

(f)(1) It is unlawful for a parent, guardian, or custodian of a person less than 18 years of age who knows that the person is in violation of §61-7-11a(b) of this code or has reasonable cause to believe that the person's violation of §61-7-11a(b) of this code is imminent to fail to immediately report his or her knowledge or belief to the appropriate school or law-enforcement officials.

(2) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(g)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts.

(2) This subsection does not apply to:

(A) A law-enforcement officer acting in his or her official capacity; and

(B) A person exempted from the provisions of this subsection by order of record entered by a court with jurisdiction over the premises or offices.

(3) A person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or shall be confined in jail not more than one year, or both fined and confined.

(h)(1) It is unlawful for a person to possess a firearm or other deadly weapon on the premises of a court of law, including family courts, with the intent to commit a crime.

(2) A person violating this subsection is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of years of not less than two years nor more than 10 years, or fined not more than \$5,000, or both fined and imprisoned.

(i) Nothing in this section may be construed to be in conflict with the provisions of federal law.

On motion of Senator Grady, the following amendments to the Finance committee amendment to the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2164) were reported by the Clerk, considered simultaneously, and adopted:

On page 19, section 11a, after line 41, by inserting a new paragraph (I), to read as follows:

"(I) Air rifles and rimfire rifles possessed for the purpose of shooting teams to the extent permitted pursuant to §18-2-46;"

And,

By re-lettering the remaining paragraphs.

The question now being on the adoption of the Finance committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for Com. Sub. for H. B. 2164), as amended, was then ordered to third reading.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Martin, at 1:14 p.m., the Senate recessed until 6 p.m. today.

The Senate reconvened at 6:34 p.m. and resumed consideration of the remainder of its second reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Com. Sub. for House Bill 2167, Relating to public charter schools code provisions.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Education committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 2344, Relating generally to traffic safety.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-9a. Approaching ~~authorized emergency~~ stationary vehicles; penalties.

(a) The driver of any vehicle approaching a stationary ~~authorized emergency~~ vehicle, when the ~~authorized emergency~~ stationary vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, emergency flashers or hazard lights, flares, or retroreflective warning sign shall:

(1) Proceed with due caution, yield the right-of-way by making a lane change not adjacent to that of the ~~authorized-emergency~~ stationary vehicle, if possible with regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle and reduce speed to a safe level for road conditions; or

(2) Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed not to exceed 15 miles per hour on any nondivided highway or street and 25 miles per hour on any divided highway depending on road conditions, if changing lanes would be impossible or unsafe.

(b) (1) Any person who violates any subsection of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in the county or regional jail not more than 60 days, or both fined and ~~imprisoned~~ confined.

(2) If violation of this section results in property damage in addition to any other penalty imposed, driving privileges of the persons causing the property damage shall be suspended for 90 days.

(3) If violation of this section results in injury to another person in addition to any other penalty imposed, the driving privileges of the person causing the injury shall be suspended for six months.

(4) If violation of this section results in the death of another person in addition to any other penalty imposed, the driving privileges of the person causing the death shall be suspended for two years.

(5) Any person who violates any provision of this section and while doing so also violates §17C-5-2 of this code is guilty of a misdemeanor and, upon conviction thereof, shall, in addition to the penalties set out in §17C-5-2 of this code and this section, be fined not less than \$1,000 nor more than \$5,000, or confined in ~~the county or regional~~ jail for a period not more than six months, or both fined and ~~imprisoned~~ confined.

At the request of Senator Maynard, unanimous consent being granted, the bill (Eng. H. B. 2344) was laid over one day, retaining its place on the calendar, with the Transportation and Infrastructure committee amendment pending.

Eng. House Bill 2402, Relating to providing access to medical records; providing access to a minor's medical record.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 2479, Relating to Management and control of county authority vested in board.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2491, Relating to conditions on holding online raffles.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2528, To permit students in Christian schools at the elementary and middle school level to participate in county level sport tournaments.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2576, NIL Protection Act.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk:

On page 5, section 5, lines 8 through 13, by striking out all of subsection (c).

Following discussion,

The question being on the adoption of Senator Tarr's amendment to the bill, the same was put and did not prevail.

The bill (Eng. Com. Sub. for H. B. 2576) was then ordered to third reading.

Eng. Com. Sub. for House Bill 2595, Non Profit Athletics Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2742, Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2755, To provide that the West Virginia Board of Education may promulgate rules or policies to be submitted to the Legislature for review.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Stuart, as chair of the Committee on the Judiciary, and by unanimous consent, the unreported Judiciary committee amendment to the bill was withdrawn.

On motion of Senator Stuart, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 3B. STATE BOARD OF EDUCATION
RULEMAKING.**

§29A-3B-1. Findings; definitions.(a) The Legislature finds:

(1) That section one, article twelve of the West Virginia Constitution, titled "Education", states in relevant part "The Legislature shall provide", which language gives the Legislature primacy of authority over education in the State;

(2) That section one, article twelve of the West Virginia Constitution remains identical today as it was when the constitution was adopted in 1872, where the Legislature exercising its authority under section one, article twelve of "Education", created the four-member West Virginia Board of Examiners in 1905. This was followed by the West Virginia Board of Education in 1908, and then the Legislature abolished that board and created a new State Board of Education in 1919;

(3) That the constitutional amendment of 1958 transferred the already established authority from the elected state superintendent to the West Virginia Board of Education with the same responsibilities for "general supervision" of free schools, and "performing such duties as may be prescribed by law". The amendment kept the same authoritative language of responsibilities as had previously existed for the elected state superintendent under section two, article twelve of the West Virginia Constitution, without adding additional authoritative responsibility in the amendment;

(4) That section one, article twelve of the West Virginia Constitution does not entail the exclusive delegation of rule-making functions to the Legislature, but it does establish the Legislature as the ultimate authority to approve, amend, or reject rules promulgated by the West Virginia Board of Education under section two, article twelve of the West Virginia Constitution;

(5) That pursuant to section one, article five of the West Virginia Constitution, there are only three branches of government; and

(6) That the Legislature exercises authority over the West Virginia Board of Education pursuant to §18-2-5 of this code.

(b) As used in this article,

~~(a) "Commission" means the Legislative Oversight commission on education accountability created in section eleven, article three a of this chapter.~~

~~(b)~~ "board" means the West Virginia Board of Education.

§29A-3B-8. Adoption of rules.

A rule shall be considered by the board for adoption not later than six months after the close of public comment and a notice of withdrawal or adoption shall be filed in the State Register within that period. Failure to file such notice shall constitute withdrawal and the Secretary of State shall note such failure in the State Register immediately upon the expiration of the six-month period.

A rule may be amended by the board prior to final adoption without further hearing or public comment. No such amendment may change the main purpose of the rule. If the fiscal implications have changed since the rule was proposed, a new fiscal note shall be attached to the notice of filing. Upon adoption of the rule (including any such amendment), the board shall file the text of the adopted rule with its notice of adoption in the State Register. ~~and the same shall be effective on the date specified in the rule or thirty days after such filing, whichever is later.~~

§29A-3B-9. ~~Submission of legislative rules to the Legislative Oversight Commission on Education Accountability. State Board of Education to promulgate rules; submission of legislative rules to the Legislative Oversight Commission on Education Accountability; submission of legislative rules, findings, and recommendations to the Legislature.~~

(a) Under its supervisory duties, the West Virginia Board of Education may promulgate rules or policies, and any new rule so promulgated shall be submitted to the Legislature for its review and

approval, amendment, or rejection, in whole or in part, in the manner prescribed by general law, and pursuant to this section.

(b) If, within 15 months, the Legislature does not review and approve, or reject, in whole or in part, the rule as promulgated or amended in the manner prescribed by general law, and pursuant to this section, the rule shall become effective as initially promulgated by the West Virginia Board of Education.

~~(a)~~ (c) When the board proposes a legislative rule it has adopted, the board shall submit the following to the Legislative Oversight Commission on Education Accountability: (1) The full text of the legislative rule as proposed by the board and filed with the office of the Secretary of State, with new language underlined and with language to be deleted from any existing rule stricken through but clearly legible; (2) a brief summary of the content of the legislative rule and a description and a copy of any existing rule which the agency proposes to amend or repeal; (3) a statement of the circumstances which require the rule; (4) a fiscal note containing all information included in a fiscal note for either chamber of the Legislature and a statement of the economic impact of the rule on the state or its residents; and (5) any other information which the commission may request or which may be required by law.

~~(b)~~ (d) At its discretion, the board may meet the filing requirement of subsection ~~(a)~~ (c) of this section using either of the following methods:

(1) By submitting ~~twenty~~ 20 copies of the proposed rule to the Legislative Oversight Commission on Education Accountability at its offices or at a regular meeting of the commission; or

(2) By submitting the proposed rule electronically to Legislative Oversight Commission on Education Accountability. Proposed rules submitted electronically shall be transmitted in a timely manner, shall contain all required information, and shall be compatible with computer applications in use by the Legislative Oversight Commission on Education Accountability.

~~(e)~~ (e) ~~The commission~~ Legislative Oversight Commission on Education Accountability shall review each proposed legislative rule and, in its discretion, may hold public hearings thereon. Such review shall include, but not be limited to, a determination of:

(1) Whether the board has exceeded the scope of its statutory authority in approving the proposed legislative rule;

(2) Whether the proposed legislative rule is in conformity with the legislative intent of the statute which the rule is intended to implement, extend, apply, interpret, or make specific;

(3) Whether the proposed legislative rule conflicts with any other provision of this code or with any other rule adopted by the same or a different agency;

(4) Whether the proposed legislative rule is necessary to fully accomplish the objectives of the statute under which the proposed rule was promulgated;

(5) Whether the proposed legislative rule is reasonable, especially as it affects the convenience of the general public or of persons particularly affected by it;

(6) Whether the proposed legislative rule could be made less complex or more readily understandable by the general public; and

(7) Whether the proposed legislative rule was promulgated in compliance with the requirements of this article and with any requirements imposed by any other provision of this code.

~~(d) After reviewing the legislative rule, the commission may recommend to the board any changes needed to comply with the legislative intent of the statute upon which the rule is based or otherwise to modify the activity subject to the rule, or may make any other recommendations to the board as it considers appropriate.~~

~~(e) When the board finally adopts a legislative rule, the board shall submit to the Legislative Oversight Commission on Education Accountability at its offices or at a regular meeting of the commission six copies of the rule as adopted by the board. The~~

~~board, at its discretion, may meet the filing requirement contained in this subsection by submitting the legislative rule in electronic format to the Legislative Oversight Commission on Education Accountability. Rules submitted electronically shall be transmitted in a timely manner and shall be compatible with computer applications in use by the Legislative Oversight Commission on Education Accountability.~~

(f) After reviewing the legislative rule, the Legislative Oversight Commission on Education Accountability ~~may~~ shall recommend ~~to that~~ the Legislature: ~~any statutory changes needed to clarify the legislative intent of the statute upon which the rule is based or may make any other recommendations to the Legislature as it considers appropriate.~~

(1) Authorize the promulgation of the legislative rule;

(2) Authorize the promulgation of part of the legislative rule;

(3) Authorize the promulgation of the legislative rule with certain amendments;

(4) Recommend that the proposed rule be withdrawn; or

(5) Reject the proposed rule.

(g) The Legislative Oversight Commission on Education Accountability's submission of legislative rules submitted to them by the West Virginia Board of Education, alongside their findings and recommendations, shall be done in accordance with the procedures, but not the underlying delegating authority of §29A-3-1 et seq. of this code.

§29A-3B-10. Emergency legislative rules; procedure for promulgation; definition.

(a) ~~The board~~ West Virginia Board of Education may, without hearing, find that an emergency exists requiring that emergency rules be promulgated and promulgate the same in accordance with this section. Such emergency rules, together with a statement of the facts and circumstances constituting the emergency, shall be filed

in the State Register and shall become effective immediately upon such filing. Such emergency rules may adopt, amend, or repeal any legislative rule, but the circumstances constituting the emergency requiring such adoption, amendment, or repeal shall be stated with particularity and be subject to de novo review by any court having original jurisdiction of an action challenging their validity.

(b) The board shall file ten copies of the rules and of the required statement with the Legislative Oversight Commission on Education Accountability. At its discretion, the board may meet the filing requirement contained in this subsection by submitting the emergency rule electronically to the Legislative Oversight Commission on Education Accountability. Proposed rules submitted electronically shall be transmitted in a timely manner, shall contain all required information and shall be compatible with computer applications in use by the Legislative Oversight Commission on Education Accountability.

(c) An emergency rule shall be effective for not more than ~~fifteen~~ 15 months and shall expire earlier if any of the following occurs:

(1) The board has not previously filed and fails to file a notice of public hearing on the proposed rule within ~~sixty~~ 60 days of the date the proposed rule was filed as an emergency rule; in which case the emergency rule expires on the sixty-first day.

(2) The board has not previously filed and fails to file the proposed rule with the Legislative Oversight Commission on Education Accountability within ~~one hundred eighty~~ 30 days of the date the proposed rule was filed as an emergency rule; in which case the emergency rule expires on the ~~one hundred eighty-first~~ thirty-first day.

(3) The board adopts a legislative rule dealing with substantially the same subject matter since such emergency rule was first promulgated and in which case the emergency rule expires on the date the authorized rule is made effective.

(d) Any amendment to an emergency rule made by the board shall be filed in the State Register and does not constitute a new emergency rule for the purpose of acquiring additional time or avoiding the expiration dates in subdivision (1), (2), or (3), subsection (c) of this section.

(e) Once an emergency rule expires due to the conclusion of 15 months or due to the effect of subdivision (1), (2), or (3), subsection (c) of this section, the board may not refile the same or similar rule as an emergency rule.

(f) Emergency legislative rules currently in effect under the prior provisions of this section may be refiled under the provisions of this section.

(g) The provision of this section shall not be used to avoid or evade any provision of this article or any other provisions of this code, including any provisions for legislative review of proposed rules. Any emergency rule promulgated for any such purpose may be contested in a judicial proceeding before a court of competent jurisdiction.

(h) ~~The Legislative Oversight Commission on Education Accountability~~ Within 15 months, the Legislative Oversight Commission on Education Accountability ~~may~~ shall review any emergency rule to determine: (1) Whether the board has exceeded the scope of its statutory authority in promulgating the emergency rule; (2) whether there exists an emergency justifying the promulgation of such rule; and (3) whether the rule was promulgated in compliance with the requirements and prohibitions contained in this section. The commission may recommend to the board, the Legislature, or the Secretary of State such action as it may deem proper.

§29A-3B-11. Legislative review of procedural rules, interpretive rules, and existing legislative rules.

The Legislative Oversight Commission on Education Accountability may review any procedural rules, interpretive rules, or existing legislative rules and may make recommendations

concerning such rules to the Legislature, or to the board, or to both the Legislature and the board

The bill (Eng. Com. Sub. for H. B. 2755), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2880, Relating to parent resource navigators.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 2942, Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Energy, Industry, and Mining, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 34. DEPARTMENT OF ENVIRONMENTAL PROTECTION DESIGN-BUILD PILOT PROGRAM.

§22-34-2. West Virginia Department of Environmental Protection Design-Build Program.

(a) Notwithstanding any provision of this code to the contrary, the secretary of the West Virginia Department of Environmental Protection may expedite the construction of projects by combining the design and construction elements of a project into a single contract as provided in this article.

(b) The secretary shall promulgate procedural rules as the secretary deems to be useful or necessary to carry out the purpose of this article and to implement the intent of the Legislature in accordance with the provisions of §29A-3-1 et seq. of this code, which must provide at a minimum:

(1) The application process for approval of a design-build project;

(2) The procedure for selecting the most qualified design-builders prior to the release of the invitation for proposals;

(3) The procedure for the preparation and contents of invitations for proposals;

(4) The procedure for preparing and submitting proposals;

(5) The procedure for evaluating proposals;

(6) The procedure for negotiations between the agency and those submitting proposals prior to the acceptance of a proposal, if any such negotiations are contemplated;

(7) The procedure for awarding and executing design-build contracts; and

(8) The procedure for acting on formal protests relating to the solicitation or award of design-build contracts.

(c) A design-build project may be let to contract only in accordance with the secretary's procedural rules promulgated pursuant to the provisions of this article: Provided, That only contracts awarded directly by the Department of Environmental Protection may utilize the design-build delivery method authorized pursuant to the provisions of this article: Provided, however, design-build delivery projects awarded pursuant to the provisions of this article may not exceed a total aggregate value of ~~\$50~~ \$75 million.

§22-34-5. Report to the Legislature; sunset date.

(a) On or before January 15, 2024, ~~and annually thereafter~~, the secretary shall prepare and submit to the Joint Committee on Government and Finance a written report, which may be transmitted electronically, evaluating the experience of the West Virginia Department of Environmental Protection with each design-built project completed pursuant to the provisions of this article during the prior calendar year, including whether the department realized any cost or time savings, the number and cost of change orders, the quality of work performed, the number of bids received, and other issues the secretary considers appropriate.

(b) The provisions of this article expire and shall have no force and effect after December 31, ~~2025~~ 2027.

The bill (Eng. H. B. 2942), as amended, was then ordered to third reading.

Eng. House Bill 3000, Relating to agency changes and updates to the West Virginia Commercial Feed Law.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 14. WEST VIRGINIA COMMERCIAL FEED LAW.

§19-14-2. Definitions.

(a) "Brand name" means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor, guarantor, or manufacturer and distinguishing it from all others.

(b) "Bulk" refers to commercial feed or feed ingredients distributed in nonpackaged form where a label cannot be attached and accompanied by an invoice or delivery slip.

(c) "Commercial feed" means all materials or combinations of materials which are distributed, or intended for distribution, for use as feed or for mixing in feed, unless such materials are specifically exempted, for animals, other than humans, except: (1) Unmixed or unprocessed whole seeds when such whole or unprocessed seeds are not chemically changed or adulterated; (2) unprocessed hay, straw, stover, silage, cobs, husks, hulls, and raw meat when not mixed with other materials and when not adulterated; (3) individual chemical commodities, compounds or substances when such commodities, compounds or substances are not inter-mixed with ~~when not mixed with~~ other materials, and are therefore not adulterated within the meaning of §19-14-10 of this code. The term commercial feed shall include the categories of feed ingredients, customer-formula feeds, pet foods and specialty pet foods.

(d) "Commissioner" refers to the commissioner of agriculture of the State of West Virginia or a duly authorized employee of the commissioner.

(e) "Contract feeder" means a person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract and the commercial feed is supplied, furnished, or provided to the independent contractor and such contractor's remuneration is determined all or in part by feed consumption, mortality, profits, or the amount or quality of the product.

(f) "Customer-formula feed" means a commercial feed that consists of a mixture of commercial feed and/or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

(g) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed; or to supply, furnish, or provide commercial feed to a contract feeder.

(h) "Distributor" means any person who distributes a commercial feed.

(i) "Drug" means any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals, other than humans; and any substance intended to affect the structure or any function of the animal body.

(j) "Feed" means any material consumed, or intended to be consumed, by animals other than humans, or any element of that material that contributes nutrition, taste, or aroma, or otherwise has a technical effect on the consumed material. The term "feed" includes raw materials, ingredients, and finished product.

(k) "Feed ingredient" means each constituent material making up feed, including individual chemical compounds labeled for use as a feed ingredient.

(l) "Guarantor" means any person whose name appears on a label and who is therefore responsible for the product and its labeling.

(m) "Label" means a display of written, printed, or graphic matter printed upon or otherwise affixed to the container in which commercial feed is distributed; or printed upon or otherwise affixed to the invoice, delivery slip, or other shipping document which accompanies bulk shipments of commercial feed or customer-formula feed. All such labels shall be legible and in English.

(n) "Labeling" means and includes all labels as well as all other written, printed, or graphic matter found: (1) upon a commercial feed or any of its containers or wrappers, or (2) accompanying such commercial feed.

(o) "Manufacture" means to grind, mix, blend, package, pack, repack, repack, or otherwise process a commercial feed for distribution.

(p) "Medicated feed" means any feed which contains one or more drugs. Antibiotics included in a feed growth promotion

and/or efficiency level are drug additives and feeds containing such antibiotics are included in the definition of "medicated feed".

(q) "Mineral feed" means a commercial feed designed or intended to supply primarily mineral elements or inorganic nutrients.

(r) "Official sample" means any sample of feed taken by the commissioner in accordance with the provisions of this article and rules promulgated hereunder.

(s) "Percent" or "percentage" means percentage by weights.

(t) "Person" means an individual, partnership, association, fiduciary, firm, company, corporation, or any organized group of persons whether incorporated or not.

(u) "Pet" means dog (*Canis familiaris*) or cat (*Felis catus*).

(v) "Pet food" means any commercial feed manufactured and distributed for consumption by pets.

(w) "Process" means a method used to prepare, treat, convert, or transform materials into feed or feed ingredients. The word "processed" can be used to further describe an ingredient name, so long as the ingredient is not nutritionally altered from the original form of the ingredient.

(x) "Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use and distinguishes it from all other products bearing the same brand name.

(y) "Quantity statement" means the net weight (mass), liquid measure, or count.

(z) "Repack" or "repackaging" means to pack and label a previously manufactured feed.

(aa) "Specialty pet" means any animal normally maintained in a household, such as rodents, ornamental birds, fish, reptiles,

amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for food or fur.

(bb) "Specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(cc) "Ton" means a net weight of two thousand pounds avoirdupois.

§19-14-5. Permits; registration.

(a) Permits and registrations shall not be transferrable with respect to persons or locations.

(b) A person must apply for a permit or registration at least 30 days prior to the expiration of the current permit or registration; or at least 30 days prior to the date that the person intends to engage in the business of selling or marketing commercial feed products in this state. All applications shall be accompanied by the required fee. A penalty shall be added to the fee for all permits or registrations that are not applied for or renewed within the time limit.

(c) Persons manufacturing commercial feed or customer-formula feed in this state must obtain a Commercial Feed Manufacturing Permit from the commissioner, except for persons manufacturing feed for only ~~his/her~~ his or her animals on ~~his/her~~ his or her premises, or those producing pet food. Application forms shall be provided by the commissioner and include such information as established by rules. A separate permit shall be obtained for each manufacturing facility or location in this state. Each Commercial Feed Manufacturing Permit application shall be accompanied by the required application fee. Each permit issued shall expire on December 31, next following the date of issue.

(d) Each person distributing commercial feed in West Virginia must obtain a Commercial Feed Distributor Permit from the commissioner, except:

(1) Persons distributing pet food exclusively;

(2) Persons holding a valid Commercial Feed Manufacturing Permit issued by the commissioner; and

(3) Persons holding a Commercial Feed Guarantor Permit issued by the commissioner;

Application forms shall be provided by the commissioner and include such information as established by rules. Each Commercial Feed Distributor Permit application shall be accompanied by the required application fee. Each permit issued shall expire on December 31, next following the date of issue.

(e) Each person whose name appears on the label of a commercial feed or customer-formula feed as guarantor must obtain a Commercial Feed Guarantor Permit from the commissioner for each manufacturing facility or location that distributes feed in or into the state, except those facilities or locations for which a Commercial Feed Manufacturing Permit has already been issued by the commissioner. Application forms shall be provided by the commissioner and include such information as established by rules. Each Commercial Feed Guarantor Permit application shall be accompanied by the required application fee. Each permit issued shall expire on December 31, next following the date of issue.

(f) Pet food in packages over 10 pounds or bulk shall be registered annually. Each application for registration shall be accompanied by the required registration fee. Each registration shall expire on August 31 next following the date of issue: *Provided, That until June 30, 2027,* an additional registration fee of \$50 per product shall accompany each application for registration and the additional registration fee shall be deposited into the West Virginia Spay Neuter Assistance Fund for spay and neutering services performed within this state by licensed veterinarians.

(g) Pet food packaged in packages of 10 pounds and under shall be registered annually. Each application for registration shall be accompanied by the required registration fee. Each registration shall expire on December 31, next following the date of issue:

Provided, That ~~until June 1, 2027~~, an additional registration fee of \$35 per product shall accompany each application for registration and the additional registration fee shall be deposited into the West Virginia Spay Neuter Assistance Fund for spay and neutering services performed within this state by licensed veterinarians.

(h) Specialty pet food shall be registered annually. Each application for registration shall be accompanied by the required registration fee. Each registration shall expire on December 31, next following the date of issue.

(i) A person is not required to register any brand name or product name of commercial feed which is already registered by another person.

(j) Alteration of a pet food or specialty pet food that changes the label requires a new application for registration be made and approved before distribution.

§19-14-10. Adulteration.

Commercial feed or feed ingredients is adulterated:

(1) If it bears or contains any poisonous or deleterious substance, which may render it injurious to human or animal health; unless the substance is not an added substance, in which case such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to human or animal health;

(2) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is: (A) A pesticide chemical in or on a raw commodity; or (B) a food additive;

(3) If it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act;

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act: *Provided*, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug, and Cosmetic Act;

(5) If it bears or contains any color additive which is unsafe within the meaning of Section 721 of the Federal Food, Drug, and Cosmetic Act;

(6) If it is, or it bears or contains, any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug, and Cosmetic Act;

(7) If it consists, in whole or part, of any filth, putrid, or decomposed substance, or if it is otherwise unfit for feed;

(8) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(9) If it is, in whole or in part, the product of a diseased animal, or of an animal that has died other than by slaughter that is unsafe within the meaning of Section 404~~2~~(a)(1) or (a)(2) of the Federal Food, Drug, and Cosmetic Act;

(10) If the container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(11) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act;

(12) If any valuable constituent has been, in whole or in part, omitted or abstracted therefrom or any less valuable substance substituted therefor;

(13) If its composition or quality falls below or differs from that which it is purported or represented to possess by its labeling; or

(14) If it contains a drug, and the methods used in the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the commissioner to assure that the drug meets the requirements of this law as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the commissioner may adopt the current good manufacturing practice regulations for Type A medicated Articles and Type B and Type C Medicated Feeds established under authority of the Federal Food, Drug, and Cosmetic Act.

(15) If it contains viable weed seeds in amounts exceeding the limits which the commissioner shall establish by legislative rule.

§19-14-14. Prohibited acts.

It shall be unlawful:

(a) To manufacture or distribute any commercial feed that is adulterated or misbranded.

(b) To adulterate or misbrand any commercial feed.

(c) To distribute, use, remove, or dispose of commercial feed in violation of an embargo order, or condemnation and confiscation order provided for under this article.

(d) To manufacture, distribute, or use any commercial feed containing a drug or drugs that cause or may cause residue of the drug or drugs in the edible tissues, milk, or eggs of the animals fed such feed in excess of the acceptable residue levels set by the commissioner by rules.

(e) To fail or refuse to register pet foods or specialty pet foods.

(f) To fail or refuse to obtain permits required under this article.

(g) To fail to make an accurate statement of tonnage.

(h) To fail to pay inspection fees as required under this article.

(i) To distribute or knowingly use any commercial feed that has not had an accurate statement of tonnage reported to the commissioner in the previous reporting period.

(j) To use or imply the name West Virginia Department of Agriculture, or reference any inspection or sample findings made by the West Virginia Department of Agriculture on labels or labeling of commercial feed.

(k) To interfere with the commissioner's official duties.

(l) To distribute raw milk for use as commercial feed for any species, unless:

(1) It has been decharacterized using a sufficient quantity of food coloring as designated by the commissioner;

(2) It has been decharacterized using food coloring approved by the U.S. Food and Drug Administration, or in the case of raw milk labeled as organic, approved by the U.S. Department of Agriculture;

(3) It has been decharacterized and the nutritive value of the milk has not been adversely affected by the decharacterization;

(4) The packaging of the raw milk does not resemble that used for the packaging of milk for human consumption;

(5) It is not stored at retail with, or in the vicinity of, milk or milk products intended for human consumption; and

(6) It does not otherwise violate this section.

(m) ~~The distribution of~~ To distribute agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, which are adulterated within the meaning of §19-14-10 of this code.

§19-14-17. Severability.

If any clause, sentence, paragraph, or part of this law shall for any reason be judged invalid by any court of competent jurisdiction, such judgement shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgement shall be rendered.

The bill (Eng. Com. Sub. for H. B. 3000), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3125, To remove restrictions from teachers receiving permanent teaching licenses.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3133, Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3144, Wireless Infrastructure and Facilities Siting and Co-location.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3187, Relating to the West Virginia Task Force on Artificial Intelligence.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3272, Relating to eviction proceedings.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 3A. REMEDIES FOR WRONGFUL
OCCUPATION OF RESIDENTIAL RENTAL
PROPERTY.**

**§55-3A-1. Petition for summary relief for wrongful occupation
of residential rental property.**

(a) A person desiring to remove a tenant from residential rental property may apply for ~~such~~ relief to the magistrate court or the circuit court of the county in which ~~such~~ the property is located, by verified petition, setting forth the following:

(1) That he or she is the owner or agent of the owner and as such has a right to recover possession of the property;

(2) A brief description of the property sufficient to identify it;

(3) That the tenant is wrongfully occupying ~~such~~ the property in that the tenant is in arrears in the payment of rent, has breached

a warranty or a leasehold covenant, or has deliberately or negligently damaged the property or knowingly permitted another person to do so, and describing ~~such~~ the arrearage, breach, or act or omission; and

(4) A prayer for possession of the property.

(b) ~~Previous to the filing of the petition the person shall request from the court the time and place at which the petitioner shall be heard. The~~ Upon filing the petition, the court shall fix a time for such schedule a hearing, which time shall may not be less than five nor more than 10 judicial days following such request the filing of the petition.

(c) Immediately upon being apprised of the time and place for hearing the petitioner shall cause a notice of the ~~same~~ hearing to be served upon the tenant in accordance with the provisions of Rule 4 of the West Virginia ~~rules of civil procedure~~ Rules of Civil Procedure or by certified mail, return receipt requested. ~~Such~~ The notice shall inform the tenant that any written defense to the petition ~~must~~ may be ~~submitted in writing to~~ filed and served upon the petitioner within five days of the receipt by the tenant of the notice, ~~and in no case later than the fifth day next preceding the date of hearing.~~ Upon receipt of the return of service or the return receipt as the case may be, evidencing service upon the tenant, the petitioner shall file with the court his or her petition and ~~such~~ the proof of service.

The bill (Eng. H. B. 3272), as amended, was then ordered to third reading.

Eng. House Bill 3274, Relating to reports of circuit court proceedings.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3275, Update timing for appeals.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3373, To extend and revise the sunset provision in the Tourism Development Act to December 31, 2030.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3440, Relating generally to removing and repealing obsolete provisions under the purview of the State Treasurer's Office.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3444, Relating to inflammation of the eyes of newborns.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk:

On page 1, section 13, after line 1, by adding a new section, designation section 14, to read as follows:

§16-3-14. Inflammation of the eyes of the newborn; treatment; opt-out.

(a) Any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from, or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection shall be known as "inflammation of the eyes of the newborn" (ophthalmia neonatorum).

(b) It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative and persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant, at childbirth to immediately upon the birth of the child to administer the contents of a single use tube of an ophthalmic ointment containing one

percent tetracycline or one half of one percent erythromycin or the equivalent dose of such medication or other appropriate medication for prevention of inflammation of the eyes of the newborn, unless the parent opts out of the treatment.

Following discussion,

The question being on the adoption of Senator Takubo's amendment to the bill (Eng. Com. Sub. for H. B. 3444), and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Clements, Deeds, Garcia, Grady, Hamilton, Morris, Oliverio, Phillips, Queen, Takubo, Tarr, Weld, and Woodrum—13.

The nays were: Azinger, Barrett, Chapman, Charnock, Fuller, Hart, Helton, Martin, Maynard, Roberts, Rose, Rucker, Taylor, Thorne, Willis, and Smith (Mr. President)—16.

Absent: Bartlett, Boley, Jeffries, Stuart, and Woelfel—5.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Takubo's amendment to the bill rejected.

The bill (Eng. Com. Sub. for H. B. 3444) was then ordered to third reading.

Eng. House Bill 3505, Relating to insurance.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was referred to the Committee on Rules, with an amendment from the Committee on Health and Human Resources pending.

Eng. House Bill 3515, Relating to appointment of officers of the West Virginia State Police.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

The Senate proceeded to the tenth order of business.

Eng. Com. Sub. for House Bill 2014, Certified Microgrid Program.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Phillips and Helton.

At the request of Senator Martin, unanimous consent being granted, the Senate returned to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 257, Providing protection for property owner when someone visiting private cemetery causes damage to property.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 2, section 1, lines 37 through 41, by striking out the remainder of the Bill and inserting in lieu thereof:

"(g) A private property owner shall not be held liable for any damage to a cemetery on their property when that damage is caused

by individuals conducting familial or social visitations to the cemetery. *Provided*, that this limitation on liability shall not apply if the person conducting the visitation is an agent of the private property owner. Individuals conducting familial and social visitations to a cemetery contemplated by this section are liable for any damage they cause."

On motion of Senator Martin, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 257, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—30.

The nays were: None.

Absent: Bartlett, Boley, Jeffries, and Woelfel—4.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 257) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 270, Declaring sale and manufacture of firearms essential business during declared emergency.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

Be it enacted by the Legislature of West Virginia:

"CHAPTER 15. PUBLIC SAFETY.

ARTICLE 5. DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

§15-5-19a. Possession of firearms during a declared state of emergency.

(a) Notwithstanding any other provision of law to the contrary, the transport, storage, transfer, sale, commerce in, import and export of, distribution, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components, and other goods and services directly related to lawful firearm possession, use, storage, repair, maintenance, and training in the use of firearms, are declared to be "essential" businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or emergencies of whatever kind or nature.

(b) ~~During a federal or state declared state of emergency, Except as provided in this section, no state agency, political subdivision, county, or municipality, or any elected or appointed official or employee thereof, may, under any governmental authority or color of law exercised as part of any statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or as part of any federal or state declared state of emergency or preparedness of whatever kind or nature:~~

(1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage, sale, display, or other lawful use of a firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms;

(2) Seize, confiscate, or authorize the seizure or confiscation of any otherwise lawfully possessed firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms unless:

(A) The person acting on behalf of or under the authority of the state, a county, or municipality is:

(i) Defending himself or herself or another from an assault; or

(ii) Arresting a person in actual possession of a firearm or ammunition for a violation of law; or

(B) The firearm or ammunition is being seized or confiscated as evidence of a crime;

(3) Require registration of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms;

(4) Suspend or revoke a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon issued pursuant to §61-7-1 *et seq.* of this code except as expressly authorized in that article;

(5) Willfully refuse to accept an application for a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon, provided the application has been properly completed in accordance with §61-7-1 *et seq.* of this code;

(6) Close or limit the operating hours of any entity engaged in the lawful selling or servicing of any firearm, including any component or accessory, ammunition, ammunition reloading

equipment and supplies, or personal weapons other than firearms; ~~unless the closing or limitation of hours applies generally within the jurisdiction of commerce;~~

(7) Close or limit the operating hours of any indoor or outdoor shooting range; or any entity engaged in providing firearms safety training or firearms safety instructor courses, classes, or programs,
~~or~~

(8) Place restrictions or quantity limitations on any entity regarding the lawful sale or servicing of any firearm or ammunition, any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or personal weapons other than firearms; or

(9) Suspend, restrict, or prohibit otherwise lawful hunting or fishing activities; ~~unless the suspension, restriction, or prohibition is consistent with travel restrictions or restrictions on public access to state lands or waters that apply equally with other travel or public access restrictions to state lands or waters within the jurisdiction.~~

~~(b) (c)~~ The prohibitions of ~~subdivision (1), subsection (a) of this section~~ §15-5-19a(b)(1) do not prohibit the state or an authorized state or local authority from ordering and enforcing an evacuation or general closure of businesses in the affected area during a declared state of emergency.

~~(e) (d)(1)~~ If a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon has been issued to a person pursuant to §61-7-4 of this code, and if the date that the valid and subsisting license would or is scheduled to expire falls within the period of emergency declared by the Governor's executive order or the 14 days immediately preceding that declaration, then, notwithstanding the date of scheduled expiration, the duration of that license is automatically extended for a period of 60 days commencing from the date of the license's scheduled expiration or 30 days commencing from the termination of the state of emergency, whichever is later.

(2) If §15-5-19a(d)(1) of this subsection applies with respect to a license to carry a concealed deadly weapon or provisional license to carry a concealed deadly weapon, then during the extension period described in that section that is applicable to that license, all of the following apply:

(A) The license shall be valid for all purposes under the laws of this state and the person to whom the license was issued shall be considered for all purposes under the laws of this state to be the holder of a valid license to carry a concealed handgun;

(B) The license remains subject to the operation of §61-7-1, et seq., of this code during the extended period of the license and at any other time; and

(C) Except for the date of scheduled expiration, all other conditions, and restrictions otherwise applicable to the license and the license holder continue to apply during the extended period of the license and at any other time.

(e) This section shall not apply to the following:

(1) The authority of a chief administrative officer of a political subdivision with police powers to prohibit the sale, offering for sale, dispensing, or transportation of firearms or other dangerous weapons, ammunition, dynamite, or other dangerous explosives in, to, or from a cordoned-off area when engaged in suppressing a riot or when there is a clear and present danger of a riot as that term is delineated in §15-1D-1, et. seq. of this Code;

(2) The ability of a law-enforcement officer to remove firearms or ammunition from any person pursuant to other lawful authority: *Provided*, That before releasing the individual, the law-enforcement officer shall return to the individual any seized firearms and ammunition, and components thereof, and any firearms accessories and ammunition-reloading equipment and supplies, unless

(A) the officer takes the individual into physical custody for engaging in criminal activity or for observation, or

(B) seizes the items as evidence pursuant to an investigation for the commission of a crime; or

(3) A zoning ordinance that specifies the hours of operation or the geographic areas where the commercial sale of firearms, firearm components, or ammunition for firearms may occur: *Provided*, that the zoning ordinance is consistent with the provisions of §8-12-5a(h)(2) of this Code.

(f)(1) Any individual, person, group, or entity adversely affected by a violation of this section, or by any manner of law, ordinance, rule, regulation, resolution, practice, or other action enacted or enforced in violation of the provisions of this section, may seek relief in an action at law or in equity for damages, injunctive relief, declaratory relief, or other appropriate redress against any state agency, county, municipality, or other political subdivision of this state, or against any elected or appointed official or employee of this state, a county, ~~or~~ municipality or any other political subdivision of this state, that subjects the individual, or causes the individual, to be subjected, to an action prohibited by this section.

(2) Such suit may be filed

(A) in the court having jurisdiction over the county in which the aggrieved person resides, or group or entity is located, or in which the violation occurred, or

(B) in the case of an action by the state or any state agency, in the Circuit Court of Kanawha County.

~~(d)~~ (g) In addition to any other remedy at law or in equity, an individual who is adversely affected by the seizure or confiscation of any firearm or ammunition component or accessory, ammunition reloading equipment and supplies, or otherwise lawful personal weapons other than firearms in violation of this section,

(1) may bring an action for the return of the seized or confiscated property in the circuit court of the county in which that individual resides or in which the seized or confiscated property is located and, except where those weapons have been seized as part

of a lawful arrest as provided in §15-5-19a(d)(2), that court shall order the immediate return of the items by the seizing or confiscating governmental office and that office's employed officials; and

(2) that individual shall also be entitled to recover a civil penalty for damages, in the amount of \$5,000 per violation, against any person who violates the seizure or confiscation restrictions in this section.

~~(e)~~ (3) A prevailing plaintiff in an action brought under ~~this section~~ §15-5-19a(f) or §15-5-19a(g) is also entitled to recover the following:

~~(1)~~ (A) Actual damages, including consequential damages;

~~(2)~~ (B) Court costs and fees; and

~~(3)~~ (C) Reasonable attorney's fees.

(4) And, any award to a prevailing plaintiff under the provisions of §15-5-19a(f) or §15-5-19a(g) may be awarded regardless of whether the law, ordinance, rule, regulation, resolution, practice, or action or the manner of its enforcement is repealed or rescinded, or, expires after the civil action was filed but prior to a final court determination of the action.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 270—A Bill to amend and reenact §15-5-19a of the Code of West Virginia, 1931, as amended, all relating to limiting restrictions of firearms owners during certain states of emergency and other like states; declaring the sale, repair, maintenance, and manufacture of firearms, ammunition, and related accessories and components to be essential businesses and services for the purposes of safety and security in times of declared emergency or any other statutorily authorized responses to disaster, war, acts of terrorism, riot or civil disorder, or other emergencies;

adding entities engaged in providing firearms safety training, or firearms safety instructor courses, classes, or programs to a list of entities the operation of which may not be restricted by state action in an emergency; limiting restrictions on lawful hunting or fishing activities in an emergency; prohibiting specific governmental regulation of firearms, ammunition, components or accessories of any kind or nature, or their use or possession; extending the expiration date of concealed license during emergencies; providing enumerated exceptions that would permit limited government action in the regulation of firearms in emergencies in certain narrowly tailored factual scenarios; creating an action for damages, injunctive relief, declaratory relief, or other appropriate redress for the unlawful seizure or confiscation of firearms or related accessories and components; and providing for civil damages.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 270, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 270) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 464, Creating license plate for recipients of Medal of Valor.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting clause, by striking out the remainder of the committee substitute and inserting in lieu thereof the following:

**ARTICLE 3. ORIGINAL AND RENEWAL OF
REGISTRATION; ISSUANCE OF CERTIFICATES OF
TITLE.**

§17A-3-14g. Special registration plates for first responders.

(a) The division may issue special emergency or volunteer registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified paramedic or emergency medical technician, member of a paid fire department, member of the State Fire Commission, the State Fire Marshal, State Fire Marshal assistant, State Fire Administrator, or voluntary rescue squad member may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group, or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subsection shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special initial application fee of \$10, which is in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(b) The division may issue special certified firefighter registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a certified firefighter may apply for a special license plate that bears the insignia of the profession for any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subsection shall bear the requested insignia pursuant to the provisions of this article. Upon presentation of written evidence of certification as a certified firefighter, certified firefighters are eligible to purchase the special registration plate issued pursuant to this subsection.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit stating that the applicant is justified in having a registration with the requested insignia, proof of compliance with all laws of this state regarding registration and licensure of motor vehicles, and payment of all required fees. The firefighter certification department, section, or division of the West Virginia University fire service extension shall notify the commissioner in writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her certification, the commissioner may not issue him or her a license plate under this subsection.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special initial application fee of \$10, which is in addition to all other fees required by this chapter. All special fees shall be collected by the division and deposited into the State Road Fund.

(c) The division may issue special volunteer firefighter registration plates as follows:

(1) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer firefighter may apply for a special license plate for any Class A vehicle titled in the name of the qualified applicant which bears the insignia of the profession in white letters on a red background. The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia on the left side of the license plate.

(2) Each application submitted pursuant to this subsection shall be accompanied by an affidavit signed by the applicant's fire chief, stating that the applicant is a volunteer firefighter and is justified in having a registration plate with the requested insignia. The applicant must comply with all other laws of this state regarding registration and licensure of motor vehicles and must pay all required fees.

(3) Each application submitted pursuant to this subsection shall be accompanied by payment of a special one-time initial application fee of \$10, which is in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.

(d) The division may issue special registration plates to applicants supporting law-enforcement officers, to retired members of the West Virginia State Police, and to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency as follows:

(1) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner which recognizes, supports, and honors the men and women of law-

enforcement and includes the words Back the Blue. Upon appropriate application, the division shall issue to any member of a municipal police department, sheriff's department, the State Police, or the law-enforcement division of the Division of Natural Resources who has been wounded in the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association, or the Division of Natural Resources a special registration plate for one vehicle titled in the name of the qualified applicant with an insignia appropriately designed by the commissioner.

(2) For special registration plates supporting law-enforcement officers, the division shall charge a special initial application fee of \$10 in addition to all other fees required by this chapter. This special fee shall be collected by the division and deposited in the State Road Fund. An annual fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition to all other fees required by this chapter.

(3) Registration plates issued pursuant to this subsection to survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency are exempt from the registration fees otherwise required by the provisions of this chapter. A surviving spouse may continue to use his or her deceased spouse's special registration plate until the surviving spouse dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency may obtain a license plate as described in this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge for the second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition to all other fees required by this chapter.

(4) Upon appropriate application, the division may issue special registration plates designed by the commissioner for any number of vehicles titled in the name of the qualified applicant who offers sufficient proof of being a retired member of the West Virginia State Police. The division shall charge a special initial

application fee of \$10 in addition to all other fees required by this chapter. This special fee shall be collected by the division and deposited in the State Road Fund.

(e) The division may issue special plates with an insignia appropriately designed by the commissioner to recipients of the distinguished Medal of Valor awarded under §29-32-1 *et seq.* of this code to firefighters, law-enforcement officers, and emergency medical services personnel who distinguish themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty in the performance of their duties as follows:

(1) Any Medal of Valor recipient under §29-32-1 *et seq.* of this code or their surviving spouse may apply to receive the special registration plate issued pursuant to this subsection for any Class A vehicle titled in the name of the Medal of Valor recipient or their surviving spouse.

(2) The applicant shall present satisfactory proof as determined by the commissioner as evidence of qualification for any plate authorized in this subsection. A surviving spouse may continue to use the license plate of his or her deceased spouse that was issued pursuant to this subsection until the surviving spouse dies, remarries, or does not renew the license plate.

(3) A qualified applicant as provided in paragraph (1) of this subsection may apply for a second license plate as described in this subsection for use on a Class A vehicle titled in the name of the qualified applicant.

(4) Registration plates issued pursuant to this subsection to qualified applicants are exempt from the registration fees otherwise required by the provisions of this chapter. A qualified applicant may obtain a license plate as described in this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge for the second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition to all other fees required by this chapter.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Com. Sub. for Senate Bill 464—A Bill to amend and reenact §17A-3-14g of the Code of West Virginia, 1931, as amended, relating to the issuance of special plates to recipients of the Distinguished Medal of Valor or their surviving spouse; providing for plate design by Division of Motor Vehicles; specifying fees; exempting certain individuals from registration fees; and providing application and qualification requirements.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 464, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 464) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and

requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 537, Establishing WV Mothers and Babies Pregnancy Support Program.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page 1, after the enacting clause by striking out the remainder of the bill and inserting in lieu thereof, the following:

ARTICLE 66. SUPPORT FOR MOTHERS AND BABIES ACT.

§16-66-2. Establishing the West Virginia Mothers and Babies Pregnancy Support Program.

(a) ~~There is hereby established~~ The West Virginia Mothers and Babies Pregnancy Support Program under the Bureau for Public Health is continued.

(b) A pregnancy help organization is eligible to receive funding from the program, subject to meeting the standards defined by the managing agency.

(c) An abortion industry organization may not receive funding from the program.

(d) (1) The program's funds may be distributed to pregnancy help organizations eligible under this article for the following reasons:

(A) Capital expenditures;

(B) Expenditures associated with adding additional services;

(C) Expenditures associated with meeting the requirements established by relevant licensing, accreditation, or standards setting organizations; and

(D) Training expenditures for pregnancy help organization staff and volunteers.

(2) Except as provided in subdivision (1) of this subsection, funds distributed under the program shall be distributed on a fee per service arrangement with a fee per service and hour arrangement as set by the management agency.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 537, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 537) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 627, Removing prohibition against leasing state-owned pore spaces underlying lands designated as state parks.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page 1, after the enacting clause, by striking out the remainder of the committee substitute and inserting in lieu thereof the following:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-22. Authorizing the director to lease and develop pore spaces.

(a) The director may, with the approval in writing of the Secretary of Commerce, lease state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director for underground carbon sequestration: ~~Provided, That the director is prohibited from leasing state-owned pore spaces underlying lands that are designated as state parks.~~ Provided, That the director may not permit the disturbance of the surface of state park property for any drilling or injection activity. Before entering into a lease, the director shall receive sealed bids therefor, after notice by publication as a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for such publication shall be each county in which the affected lands are located, and on the division's main website for a period of at least 14 days prior to entering into any lease pursuant to this section. The pore space development proposal so advertised shall be leased to the highest responsible bidder, who shall give bond for the proper performance of the lease as the director shall designate; but the director may reject any and all bids and re-advertise for bids. The development of pore spaces pursuant to this section shall be consistent with the requirements of §22-11B-1 *et seq.* of this code. The proceeds arising from any such lease shall be paid to the Treasurer of the State of West Virginia and shall be credited to the division and used exclusively ~~for the purposes of this chapter~~ improvements and maintenance in the state forests, state parks,

natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director where the leased pore space is located.

(b) Notwithstanding the competitive bidding process established in subsection (a) of this section, the director may, with the approval in writing of the Secretary of the Department of Commerce, directly award a pore space lease when the Secretary of the Department of Commerce and the Secretary of the Department of Economic Development certifies in writing to the director that the lease is a necessary component of an economic development project: *Provided*, That the lease shall afford a market value or greater royalty.

(c) The center of any well pad leased in accordance with subsection (a) for pore space underlying state parks may not be located within two hundred feet of a state park boundary; *Provided*, That the Secretary of the Department of Commerce, in consultation with the Director of the Division of Natural Resources, may waive this requirement after considering the impact of the lessee's proposed well-site location on viewshed, noise, and other possible impediments to the public use and enjoyment of the state park property.;

And,

By striking out the title and substituting therefore a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 627—A Bill to amend and reenact §20-1-22 of the Code of West Virginia, 1931, as amended, relating to removing the prohibition against leasing state-owned pore spaces underlying lands designated as state parks; prohibiting any disturbance of the surface of state park property for any drilling or injection activity; requiring that the proceeds from any leased state-owned pore spaces underlying state forests, state parks, natural and scenic areas, wildlife management areas, and other lands under the jurisdiction and control of the director be used exclusively where the leased pore space is located; and requiring that the center of any well pad leased for pore space underlying

state parks may not be located within two hundred feet of a state park boundary, provided, that the Secretary of the Department of Commerce, in consultation with the Director of the Division of Natural Resources, may waive the setback requirement after considering the impact of the lessee's proposed well-site location on viewshed, noise, and other possible impediments to the public use and enjoyment of the state park property.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 627, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Woodrum, and Smith (Mr. President)—26.

The nays were: Chapman, Hart, Rose, Rucker, and Willis—5.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 627) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2397, Prevent immediate family members from acting in a fiduciary capacity for the same governmental authority.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the Senate amendments to the bill were reported by the Clerk:

By striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5. FISCAL AFFAIRS.

§7-5-4. Payment of money out of county treasury; signing of orders by mechanical or electrical devices; process when two or more designated signatories are family or household members; forgery; penalty.

(a) ~~No money shall~~ Money may not be paid by the sheriff out of the county treasury except upon an order signed by the president of the county commission and ~~clerk of the county court~~ the county clerk, and properly endorsed. *Provided, however, That* In counties having a population in excess of 50,000 as shown by the last preceding federal census, such signatures ~~and the signature of the sheriff authorizing the payment of such orders by a county depository~~ may be made by means of such mechanical or electrical device as the county court may select. ~~Such~~ The mechanical or electrical device utilized for ~~the~~ making of the signatures of the president and clerk shall be safely kept in the office of the ~~clerk of the county court~~ county clerk so that no one ~~shall have~~ has access ~~thereto~~ except the members of the county court, ~~and the clerk of the county court~~ the county clerk, and such of their respective employees as may be authorized to have access. ~~thereto. Such~~ The mechanical or electrical device utilized for ~~the~~ making of the sheriff's signature ~~of the sheriff~~ shall be safely kept in the ~~office of the sheriff~~ sheriff's office so that no one ~~shall have~~ has access ~~thereto~~ except the sheriff and such of his or her deputies as may be authorized to have access. ~~thereto~~

(b) In the event that two or more individuals among the county commission president, sheriff, and county clerk, are family or household members, alternate signatories shall be designated, as follows:

(1) The county commission shall vote to designate another county commissioner who is not a family or household member of any other required signatory to sign for the president;

(2) The chief tax deputy shall sign for the sheriff. If the chief tax deputy is a family or household member of any other signatory, then the county commission shall vote to appoint a resident of the county to serve as a substitute signatory; and

(3) The county clerk is not subject to substitution.

(c) As used in this section, "family or household member" has the same meaning as set forth in §48-27-204 of this code.

(d) If any person, other than the persons authorized ~~so to do~~ shall sign to sign by this section, signs the name of the county commission president, of the county court, the clerk of the county court or the sheriff by the use of any such county clerk, or sheriff, using any mechanical or electrical device, or otherwise, on any warrant, order, or check, or ~~utter or attempt~~ knowingly utters or attempts to employ as true such the forged warrant, order, or check, knowing the same to be forged he shall be he or she is guilty of a felony and, upon conviction, shall be confined in the penitentiary not less fewer than two years and not more than 10 years.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 2397—A Bill to amend and reenact §7-5-4 of the Code of West Virginia, 1931, as amended, relating to modifying the process for designating signatories for certain expenditures from the county treasury by a county sheriff when two or more of the designated signatories are family or household members.

On motion of Senator Martin, the Senate concurred in the foregoing House of Delegates amendments to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2397, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Bartlett, Boley, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2397) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the fourth order of business.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2054, Relating to liability of vendors in private farmers markets.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2066, Creating a crime for the destruction of first responder equipment.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2066) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2121, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses.

With amendments from the Committee on Military pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2121) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

With an amendment from the Committee on the Judiciary pending;

And has also amended the same.

And reports the same back with the recommendation that it do pass, as amended by the Committee on the Judiciary to which the bill was first referred; and as last amended by the Committee on Finance.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2267) contained in the preceding report from the Committee on Finance was taken up for

immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for Com. Sub. for House Bill 2349, To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2349) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2351, Relating to compensation for panel attorneys.

With amendments from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2351) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 2358, Relating to postmortem examinations.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2358) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2511, Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 2575, Relating to the establishment of a full-time Dementia Services Director position.

With amendments from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 2575) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2634, To double the criminal penalty for anyone found guilty of sexual assault on a minor.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2634) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Jeffries, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Eng. Com. Sub. for House Bill 2695, Raleigh and Mason Counties Economic Opportunity Development Districts.

And has amended same.

And,

Eng. House Bill 3492, Relating to municipal economic opportunity development districts.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Glenn D. Jeffries,
Chair.

At the request of Senator Barrett, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bills contained in the foregoing report from the Committee on Economic Development.

At the further request of Senator Barrett, and by unanimous consent, the bills (Eng. Com. Sub. for H. B. 2695 and Eng. H. B. 3492) were each taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2710, Truth in Giving.

Eng. Com. Sub. for House Bill 2816, Relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances.

Eng. House Bill 3162, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party.

Eng. Com. Sub. for House Bill 3167, To require hair follicle drug testing of parents or guardians in cases of substantiated child abuse or neglect of a minor.

Eng. Com. Sub. for House Bill 3294, Enacting the Bank Protections for Eligible Adults from Financial Exploitation Act.

Eng. House Bill 3504, Relating to protecting critical infrastructure; and defining terms.

And,

Eng. House Bill 3513, Relating to standards of liability and insurance requirements in certain civil actions.

And reports the same back without recommendation as to passage; but with the recommendation that they be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2710, Eng. Com. Sub. for H. B. 2816, Eng. H. B. 3162, Eng. Com. Sub. for H. B. 3167, Eng. Com. Sub. for H. B. 3294, Eng. H. B. 3504, and Eng. H. B. 3513) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

At the further request of Senator Martin, unanimous consent being granted, the bills were rereferred to the Committee on the Judiciary.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2718, Relating to creating a State Advisory Council on Establishing a Military College.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2718) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2802, Relating to in-service training credits for law-enforcement officers.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2836, Relating to wild animal rehabilitation permits.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2836) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2961, To amend the law concerning ownership and possession of real property.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 2963, To ensure that the survivor of a merger, reorganization, purchase, or assumption of liabilities of a bank chartered by West Virginia is insured by the Federal Deposit Insurance Corporation.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2963) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3014, Relating generally to liability of hospital police.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3014) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3016, Photo voter ID.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3111, To provide pay increases to members of the judiciary.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3111) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3174, Requiring municipalities take actions when potential customers apply for water and sewer service.

With an amendment from the Committee on Government Organization pending;

And has also amended same.

And reports the same back with the recommendation that it do pass as last amended by the Committee on Finance.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3174) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3181, Allow all law enforcement officers to purchase gun upon retirement.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3181) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3209, To provide at least one counselor for every 250 students in public schools and public charter schools in this state.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3209) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 3263, Relating to providing notification of utility service disruption to its' customers.

With amendments from the Committee on Transportation and Infrastructure pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Transportation and Infrastructure to which the bill was first referred.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3263) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 3297, Establishing the Washington Center for Civics, Culture, and Statesmanship at West Virginia University.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3297) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3336, Well Plugging methods.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3338, Allow child witness testify remotely in situations deemed traumatic by judge.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Stuart,
Chair.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 3344, Relating to the establishment of a grant program to fund the United States Food and Drug Administration's drug development trials with ibogaine.

With an amendment from the Committee on Health and Human Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Health and Human Resources to which the bill was first referred.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3344) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. Com. Sub. for House Bill 3411, Relating to commissions; removing the legislative members; and eliminating expired commissions.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3411) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Eng. House Bill 3412, Relating to exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own rules.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3412) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 3424, Removing language regarding short term loans being provided to released inmates for costs related to reentry into the community.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3424) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Barrett, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Eng. House Bill 3517, Relating generally to fiscal emergencies of local governments.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Jason Barrett,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3517) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the thirteenth order of business.

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BLVD. EAST
CHARLESTON, WV 25305-0800
304-357-7800

April 9, 2025

The Honorable Patrick Morrissey, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrissey,

The following bills, authenticated by the signature of the Clerk of each House, and signed by the President of the Senate and the Speaker of the House of Delegates, have been examined and found truly enrolled:

Com. Sub. for S. B. 10, Exempting certain meat processes from consumers sales and service tax;

Com. Sub. for S. B. 22, Applying penalties for nonpayment of royalties under terms of oil and natural gas leases;

Com. Sub. for S. B. 267, Extending time for renewal and restoration of commercial driver's licenses;

Com. Sub. for S. B. 369, Authorizing miscellaneous boards and agencies to promulgate legislative rules;

Com. Sub. for S. B. 459, Requiring county planning commission members be state residents;

Com. Sub. for S. B. 538, Allowing certain entities to purchase qualifying tax-delinquent properties before they are offered at public auction;

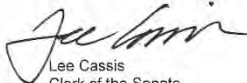
Com. Sub. for S. B. 573, Relating to restrictions on use or sale of motor vehicles based on power source;

And,

S. B. 828, Clarifying requirements for persons employed by Division of Corrections and Rehabilitation include contracted vendor staff.

These bills are presented to you on this day, April 9, 2025.

Respectfully submitted,



Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Martin, at 7:48 p.m., the Senate adjourned until tomorrow, Thursday, April 10, 2025, at 10 a.m.

THURSDAY, APRIL 10, 2025

The Senate met at 10:48 a.m.

(Senator Smith, Mr. President, in the Chair.)

Prayer was offered by the Reverend Matt Friend, Director of Spiritual Care, Charleston Area Medical Center, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Willis, a senator from the fifteenth district.

Pending the reading of the Journal of Wednesday, April 9, 2025,

At the request of Senator Phillips, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendment to, and the passage as amended with its Senate amended title, to take effect from passage, of

Eng. Senate Bill 650, Relating to full-time interventionists.

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 861, Updating references to reflect consolidation of Information Services and Communications Division into Office of Technology.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 862, Repealing antiquated language related to Voluntary Gilding Dome Check-Off Program.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 863, Removing reference to Information Services and Communications Division.

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 2013, Transfer of employees to classified exempt service.

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 2067, West Virginia Firearms Liability Clarification Act.

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 3522—A Bill supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget bill, in Title II from the appropriations of public moneys out of the Treasury from the balance remaining as an unappropriated balance in the State Fund, General Revenue, to the

Department of Arts Culture and History – Division of Culture and History, fund 0293, fiscal year 2025, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2025, by adding a new item of appropriation.

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 3522 was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 3522 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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 3522) 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, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Roberts, Rucker, Stuart, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—29.

The nays were: Hart, Martin, Maynard, Rose, and Taylor—5.

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. 3522) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Executive Communications

Senator Smith (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, regarding annual reports, which communication was received and filed with the Clerk:



Patrick Morrissey
Office of the Governor

April 9, 2025

Executive Message 3
2025 Regular Session

The Honorable Randy Smith
President, West Virginia Senate
State Capitol, Rm 229M
Charleston, WV 25305

Dear Mr. President:

Pursuant to the provisions of section 20, article 1, chapter 5 of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

Accountancy, West Virginia Board of; FY2024 Annual Report

Administration, West Virginia Department of; State Building Commission Fund Month End of February 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of March 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of April 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of May 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of June 2024

Administration, West Virginia Department of; State Building Commission Fund Month End of September 2024

Administration, West Virginia Department of; State Building Commission Fund Month Ending October 2024

Administration, West Virginia Department of; State Building Commission Fund Month Ending November 2024

Administration, West Virginia Department of; Shared Services Section Cost Analysis and Report

Administration, West Virginia Department of; State Building Commission Fund Month End of January 2025

Administration, West Virginia Department of; State Building Commission Fund Month End of February 2025

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Agricultural Land Protection Authority, West Virginia; West Virginia Agricultural Land Protection Authority Report

Agriculture, West Virginia Department of; West Virginia Farm-to-Food Bank Tax Credit Tax Credit Review Report Years Ended December 31, 2022, and 2023

Architects, West Virginia Board of; Annual Report FY2024 & FY2023

Attorney General, West Virginia Office of the; Eightieth Biennial Report and Official Opinions of the Attorney General of the State of West Virginia for the Fiscal Years Beginning July 1, 2022 and Ending June 30, 2024

Attorney General, West Virginia Office of the; Annual Report 2024

Attorney General, West Virginia Office of the; 2023 Annual Report on the Activities of the Consumer Protection and Antitrust Division

City of Welch; First Semi-Annual Progress Report of 2024

City of Welch; Second Semi-Annual Progress Report of 2024

Concord University; Annual Foundation Investment Report

Consolidated Public Retirement Board, West Virginia; West Virginia State Police Disability Experience Annual Report Fiscal Year 2024

Corrections & Rehabilitation, West Virginia Division of; Annual Report FY2024

Dentistry, West Virginia Board of; Report of the Biennium for Fiscal Years 2023 & 2024

Fire Marshal & State Fire Commission, West Virginia State; FY 2024 Annual Report

Insurance Commissioner, West Virginia Offices of the; CY2023 Annual Report

Insurance Commissioner, West Virginia Offices of the; State Agency Workers' Compensation (SAWC) Annual Report FY 2024

Insurance Commissioner, West Virginia Offices of the; 2024 Annual Medical Malpractice Report

Insurance Commissioner, West Virginia Offices of the; West Virginia Office of Consumer Advocate Offices of the WV Insurance Commissioner 2024 Annual Report

Legislative Claims Commission, West Virginia; Report of the Legislative Claims Commission 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending February 29, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending March 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending April 30, 2023

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending May 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending June 30, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending July 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending August 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending September 30, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending October 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending November 30, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending December 31, 2024

Lottery, West Virginia; Monthly Report on Lottery Operations Month Ending January 31, 2025

Lottery, West Virginia; Annual Comprehensive Financial Report Fiscal Years Ended June 30, 2024 and 2023

Medicine, West Virginia Board of; Annual Report July 1, 2021-June 30, 2023

Multimodal Transportation Facilities - Public Transit Section, West Virginia Department of Transportation/Division of; 2023 Annual Safety Status Report

Natural Resources, West Virginia Division of Natural Resources; Annual Report 2023-2024

Occupational Therapy, West Virginia Board of; Annual Report FY 2023-FY 2024

Osteopathic Medicine Foundation, Inc., West Virginia School of; Statements of Cash Flows for the Years Ended

Potomac River Basin, Interstate Commission on the; Eighty Third Financial Statement for the period of October 1, 2022 to September 30, 2023

Real Estate Appraiser Licensing and Certification Board, West Virginia; Annual Report Fiscal Years 2023 and 2024

Resiliency Office, West Virginia State, Annual Report 2024

Respiratory Care, West Virginia Board of; Annual Report July 1, 2023-June 30, 2024

Revenue, West Virginia Department of; Public Employees Insurance Reserve Fund Report FY 2024

State Board of Registration for Professional Engineers of West Virginia; FY2024 Annual Report

State Tax Department, West Virginia; Report to Governor and Joint Committee on Government and Finance for Tax Year 2025 September 2025

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

State Treasurer, West Virginia Office of the; Cash Management Improvement Act Quarterly Report

Tax Division, West Virginia; West Virginia Tax Expenditure Study for 2025

Treasury Investments, West Virginia Board of; Operating Report February 2024

Treasury Investments, West Virginia Board of; Operating Report March 2024

Treasury Investments, West Virginia Board of; Operating Report April 2024

Treasury Investments, West Virginia Board of; Operating Report June 2024
Treasury Investments, West Virginia Board of; Operating Report July 2024
Treasury Investments, West Virginia Board of; Audited Financial Statements with Other Financial Information
Year Ended June 30, 2024
Treasury Investments, West Virginia Board of; Operating Report August 2024
Treasury Investments, West Virginia Board of; Operating Report September 2024
Treasury Investments, West Virginia Board of; Operating Report October 2024
Treasury Investments, West Virginia Board of; Annual Comprehensive Financial Report Fiscal Year Ended
June 30, 2024
Treasury Investments, West Virginia Board of; Operating Report November 2024
Treasury Investments, West Virginia Board of; Operating Report December 2024
Treasury Investments, West Virginia Board of; Operating Report January 2025
Treasury Investments, West Virginia Board of; Operating Report February 2025
Veterinary Medicine, West Virginia Board of; Biennium Report 2023 & 2024
Water Development Authority, West Virginia; Fiscal Year 2024 Annual Report
Water Sanitation Commission, Ohio River Valley; Annual Report 2024
West Virginia State Police; 2023-2024 Annual Report

Sincerely,



Patrick Morrissey
Governor

cc: Lee Cassis, Clerk, West Virginia Senate
Section of Archives and History

Senator Smith (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor, submitting the annual probation and parole report, which was received:



Patrick Morrisey
Office of the Governor

April 9, 2025

EXECUTIVE MESSAGE NO. 4
2025 REGULAR SESSION

The Honorable Randy Smith
President, West Virginia Senate
State Capitol, Rm 229M
Charleston, West Virginia 25305

Dear Mr. President:

In accordance with the provisions of section 11, article 7 of the Constitution of the State of West Virginia, and section 16, article 1, chapter 5 of the Code of West Virginia, I hereby report that I granted no pardons or reprieves, nor commuted punishment to any person, nor remitted any fines or penalties, during the period of January 13, 2025, through April 9, 2025.

Sincerely,


Patrick Morrisey
Governor

cc: Lee Cassis, Clerk, West Virginia Senate
Section of Archives and History

Senator Smith (Mr. President) next laid before the Senate the following proclamation from His Excellency, the Governor, extending this current legislative session until and including the thirteenth day of April, 2025, which was received and read by the Clerk:

EXECUTIVE DEPARTMENT

Charleston

A PROCLAMATION

By the Governor

WHEREAS, the Constitution of West Virginia sets forth the respective powers, duties, and responsibilities of the three separate branches of government; and

WHEREAS, Article VI, Section 22 of the Constitution of West Virginia provides that the current regular session of the Legislature shall not exceed sixty calendar days computed from and including the second Wednesday of February two thousand twenty-five; and

WHEREAS, pursuant to Article VI, Section 22 of the Constitution of West Virginia, the two thousand twenty-five regular session of the Legislature is scheduled to conclude on the twelfth day of April, two thousand twenty-five; and

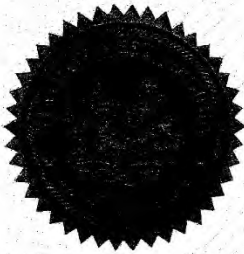
WHEREAS, Article VI, Section 51 of the Constitution of West Virginia sets forth the obligations of the Governor and the Legislature relating to the preparation and enactment of the Budget Bill; and

WHEREAS, Subsection D, Article VI, Section 51 of the Constitution of West Virginia requires the Governor to issue a proclamation extending the regular session of the Legislature if the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session; and

WHEREAS, the Budget Bill has not been finally acted upon by the Legislature as of this ninth day of April, two thousand twenty-five;

NOW, THEREFORE, I, PATRICK MORRISEY, Governor of the State of West Virginia, do hereby issue this Proclamation, in accordance with Subsection D, Article VI, Section 51 of the Constitution of West Virginia, extending the two thousand twenty-five regular session of the Legislature for an additional period not to exceed one day, through and including the thirteenth day of April, two thousand twenty-five; but no matters other than the Budget Bill shall be considered during this extension of the regular session, except the matters detailed in Section 14, Article VII of this Constitution and a provision for the cost thereof.

IN WITNESS WHEREOF, I have herunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, on this the Ninth Day of April, in the Year of our Lord, Two Thousand Twenty-Five, and in the One Hundred Sixty-Second Year of the State.

Patrick Morrisey
GOVERNOR

Krist Warner
SECRETARY OF STATE

The Senate proceeded to the sixth order of business.

Senator Smith (Mr. President) offered the following resolution:

Senate Resolution 49—Recognizing May 8, 2025, as World Red Cross Day and Red Crescent Day at the Legislature.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. House Bill 2120, Relating to forms and disclosures to the Ethics Commission.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2120) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2120—A Bill to amend and reenact §6B-2-1, §6B-2-2, §6B-2-12, §6B-3-1, §6B-3-2, §6B-3-4, §6B-3-5, §6B-3-7, and §6B-3-9 of the Code of West Virginia, 1931, as amended, relating to modifying certain provisions regarding governmental ethics; modifying certain Ethics Commission duties and authorities; requiring a commission member to recuse himself or herself from certain decisions under certain circumstances;

modifying certain rule-making requirements; requiring Ethics Commission develop certain electronic registration and reporting system by date certain and establishing criteria and functionality for same; requiring Ethics Commission provide certain information and resources on its website for public and lobbyist use; modifying certain lobbying registration requirements; modifying certain lobbying reporting requirements and increasing the number of required lobbying activity reports per year; and modifying the penalty provisions related to violations of statutory provisions governing lobbyists.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for House Bill 2164, To allow for public and private schools in West Virginia to employ security personnel.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Com. Sub. for House Bill 2167, Relating to public charter schools code provisions.

On third reading, coming up in regular order, with the unreported Education committee amendment pending, and with the right having been granted on yesterday, Wednesday, April 9, 2025, for further amendments to be received on third reading, was read a third time.

At the request of Senator Grady, as chair of the Committee on Education, and by unanimous consent, the unreported Education committee amendment to the bill was withdrawn.

On motion of Senator Grady, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 5G. PUBLIC CHARTER SCHOOLS.

§18-5G-3. Public charter school criteria, governance structure and statutory compliance requirements; applicable federal and state laws.

(a) Public charter schools authorized pursuant to this article shall meet the following general criteria:

(1) Are part of the state's system of public schools and are subject to general supervision by the West Virginia Board of Education for meeting the student performance standards required of other public school students under §18-2E-5(d) and (e) of this code;

(2) Are subject to the oversight of the school's authorizer for operating in accordance with its approved charter contract and for meeting the terms and performance standards established in the charter contract;

(3) Are not home school-based;

(4) Are not affiliated with or espouse any specific religious denomination, organization, sect, or belief and do not promote or engage in any religious practices in their educational program, admissions, employment policies, or operations;

(5) Are not affiliated with any organized group whose espoused beliefs attack or malign an entire class of people, typically for immutable characteristics, as identified through listings of such groups as may be made by the U. S. Department of Justice, the Federal Bureau of Investigation, or officials having similar jurisdiction in this state;

(6) Are public schools to which parents or legal guardians choose to send their child or children;

(7) Do not charge full-time tuition and may only charge such tuition or fees as may be imposed by noncharter public schools in this state, such as for part-time Hope Scholarship enrollment or for participation in student activities.

(8) Have no requirements that would exclude any child from enrollment who would not be excluded at a noncharter public school.

(b) A public charter school authorized pursuant to this article shall be governed by a board that meets the requirements established in §18-5G-7 of this code and:

(1) Has autonomy over key decisions, including, but not limited to, decisions concerning finance, personnel, scheduling, curriculum, and instruction except as provided in this article;

(2) Has no power to levy taxes;

(3) Operates in pursuit of a specific set of educational objectives as defined in its charter contract;

(4) Provides a program of public education that:

(A) Includes one or more of the following: Prekindergarten and any grade or grades from kindergarten to grade 12 including any associated post-secondary embedded credit, dual credit, advanced placement, internship, and industry or workforce credential programs that the public charter school chooses to incorporate into its programs;

(B) May include in its mission a specific focus on students with special needs, including, but not limited to, at-risk students, English language learners, students with severe disciplinary problems at a noncharter public school, or students involved with the juvenile justice system; and

(C) May include a specific academic approach or theme including, but not limited to, approaches or themes such as STEM education, mastery-based education, early college, or fine and performing arts;

(5) Provides programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, regulations, rules and policies. A charter school shall deliver the services directly or contract with a county board or another provider to deliver the services as set forth in its charter contract;

(6) Is eligible to participate in state-sponsored or district-sponsored athletic and academic interscholastic leagues, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools;

(7) Employs its own personnel as employees of the public charter school and is ultimately responsible for processing employee paychecks, managing its employees' participation in the applicable retirement system, and managing its employees' participation in insurance plans: *Provided*, That nothing in this subdivision prohibits the public charter school from contracting with another person or entity to employ personnel or to perform services relating to managing its employees' participation in the retirement system or insurance plan. A county board may not require any employee of its school system to be employed in a public charter school. A county board may not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate against any school system employee involved directly or indirectly with an application to establish a public charter school as authorized under this section. All personnel in a public charter school who were previously employed by the county board shall continue to accrue seniority with the county board in the same manner that they would accrue seniority if employed in a noncharter public school in the county for purposes of employment in noncharter public schools; and

(8) Is responsible for establishing a staffing plan that includes the requisite qualifications and any associated certification and/or licensure necessary for teachers and other instructional staff to be employed at the public charter school and for verifying that these requirements are met.

(c) A public charter school authorized pursuant to this article is exempt from all statutes and rules applicable to a noncharter public school or board of education except the following:

(1) All federal laws and authorities applicable to noncharter public schools in this state including, but not limited to, the same federal nutrition standards, the same civil rights, disability rights and health, life and safety requirements applicable to noncharter public schools in this state;

(2) The provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings;

(3) The same immunization requirements applicable to noncharter public schools;

(4) The same compulsory school attendance requirements applicable to noncharter public schools.

(A) When a parent or guardian withdraws a student from a public charter school and enrolls the child in a public school district of that county, the school district of the student's county of residence becomes responsible to track the student for all purposes.

(B) When a parent or guardian withdraws a student from a public charter school and enrolls the child in another public charter school, home school, private school, learning pod, microschool, or out-of-state school, the receiving school or district becomes responsible to track the student for all purposes: *Provided, That the public charter school from which the student is withdrawing provides the attendance director of the student's county of residence notification of withdrawal from the charter school by phone, electronically, or in writing. The written notification shall include, but is not limited to, the student's name, WVEIS identification number, parent/guardian contact information, and the anticipated or actual withdrawal date.*

(5) The same minimum number of days or an equivalent amount of instructional time per year as required of noncharter public school students under §18-5-45 of this code;

(6) The same student assessment requirements applicable to noncharter public schools in this state, but only to the extent that will allow the state board to measure the performance of public charter school students pursuant to §18-2E-5(d) and (e) of this code. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements. Public charter school teachers who are not certified or licensed in the State shall be permitted to proctor state assessments: *Provided*, That the teacher has successfully completed the annual training to serve as proctor and the charter school maintains a list of all staff who have successfully completed that annual training.

(7) The Student Data Accessibility, Transparency and Accountability Act pursuant to §18-2-5h of this code;

(8) Use of the electronic education information system established by the West Virginia Department of Education for the purpose of reporting required information;

(9) Reporting information on student and school performance to parents, policy-makers, and the general public in the same manner as noncharter public schools utilizing the electronic format established by the West Virginia Department of Education. Nothing precludes a public charter school from utilizing additional measures for reporting information on student and school performance that go beyond state requirements;

(10) All applicable accounting and financial reporting requirements as prescribed for public schools, including adherence to generally accepted accounting principles. A public charter school shall annually engage an external auditor to perform an independent audit of the school's finances. The public charter school shall submit the audit to its authorizer and to the state superintendent of schools within nine months of the end of the fiscal year for which the audit is performed;

(11) A criminal history check pursuant to §18A-3-10 of this code for any staff person that would be required if the person was employed in a noncharter public school, unless a criminal history

check has already been completed for that staff person pursuant to that section. Governing board members and other public charter school personnel are subject to criminal history record checks and fingerprinting requirements applicable to noncharter public schools in this state. Contractors and service providers or their employees are prohibited from making direct, unaccompanied contact with students and from access to school grounds unaccompanied when students are present if it cannot be verified that the contractors, service providers or employees have not previously been convicted of a qualifying offense pursuant to §18-5-15c of this code;

(12) The same zoning rules for its facilities that apply to noncharter public schools in this state;

(13) The same building codes, regulations and fees for its facilities that apply to noncharter public schools in this state, including any inspections required for noncharter public schools under this chapter and the West Virginia State Fire Marshal for inspection and issuance of a certificate of occupancy for any facility used by the public charter school; and

(14) The same student transportation safety laws applicable to public schools when transportation is provided.

§18-5G-4. West Virginia Board of Education; powers and duties for implementation, general supervision and support of public charter schools.

(a) The state board along with the West Virginia Public Charter School Board established in §18-5G-15 of this code shall consult with nationally recognized charter school organizations and establish and maintain a catalogue of best practices for public charter schools applicable for all applicants, authorizers, governing board members, and administrators that are consistent with this article and nationally recognized principles and professional standards for quality public charter school authorizing and governance in all major areas of authorizing and governance responsibility in the following areas:

- (1) Organizational capacity and infrastructure;
- (2) Solicitation and evaluation of charter applications;
- (3) A framework to guide the development of charter contracts;
- (4) Performance contracting including a performance framework;
- (5) Providing transparency and avoiding all conflicts of interest;
- (6) Ongoing public charter school oversight and evaluation; and
- (7) Charter approval and renewal decision-making;

(b) The state board is responsible for exercising, in accordance with this article, the following powers and duties with respect to the oversight and authorization of public charter schools:

(1) Provide forms to promote the quality and ease of use for authorizers to solicit applications for public charter schools, for applicants to complete applications, and for establishing quality charter contracts that include a framework for performance standards. The forms shall be available for use and solicitations made not later than the beginning of February, 2020. The forms shall include an application deadline of August 31st of the year prior to the beginning of operations for the proposed school year, or April 30th of the proposed school year in the case of a conversion public charter school or a program conversion public charter school. No public charter school may begin operation prior to the beginning of the proposed school year ~~following the previous year August application;~~

(2) Provide training programs for public charter school applicants, administrators and governing board members, as applicable, that include, but are not limited to:

(i) Pre-application training programs and forms to assist in the development of high quality public charter school applications;

(ii) The required components and the necessary information of the public charter school application and the charter contract as set forth in this article;

(iii) The public charter school board's statutory role and responsibilities;

(iv) Public charter school employment policies and practices; and

(v) Authorizer responsibilities for public charter school contract oversight and performance evaluation;

(3) Receive and expend appropriate gifts, grants and donations of any kind from any public or private entity to carry out the purposes of this act, subject to all lawful terms and conditions under which the gifts, grants or donations are given;

(4) Apply for any federal funds that may be available for the implementation of public charter school programs;

(5) Establish reporting requirements that enable the state board to monitor the performance and legal compliance of authorizers and public charter schools;

(6) Establish a framework and procedures for interactions between public charter schools, public noncharter schools and county boards of education to facilitate cooperation for shared services, training and information and to ensure the prompt transfer of student records, including IEP's, so as to minimize the interruption of a student's education when transferring between noncharter public schools and public charter schools; and

(7) Submit to the Governor and the Legislature an annual report within 60 days of the end of each school year summarizing:

(A) The student performance of all operating public charter schools; and

(B) The authorization status of all public charter schools within the last school year, identifying all public charter schools as:

- (i) Application pending;
- (ii) Application denied and reasons for denial;
- (iii) Application approved, but not yet operating;
- (iv) Operating and years of operation;
- (v) Renewed and years of operation;
- (vi) Terminated;
- (vii) Closed;
- (viii) Never opened; and

(ix) Any successful innovations applied in authorized public charter schools which may be replicated in other schools. The report shall provide information about how noncharter public schools may implement these innovations.

(c) The state board shall be the authorizer of a public charter school when a county board or boards approve the application for a public charter school and requests the state board to perform the authorizer duties and responsibilities or when an application to form a public charter school or to renew a charter contract is submitted from an applicant within a county in which the state board has intervened and limited the power of the county board to act pursuant to §18-2E-5 of this code.

§18-5G-7. Public Charter school governing board.

(a) To ensure compliance with this article, a public charter school shall be administered by a governing board accountable to the authorizer as set forth in the charter contract. A public charter school governing board shall consist of no fewer than five members elected or selected in a manner specified in the charter application, including at least the following:

(1) Two parents of students attending the public charter school operating under the governing board; and

~~(2)~~ Two members who reside in the community served by the public charter school.

(b) Members of the governing board shall:

~~(A)~~ (1) Not be an employee of the public charter school administered by the governing board;

~~(B)~~ (2) Not be an employee of an education service provider that provides services to the public charter school;

~~(C)~~ (3) File a full disclosure report to the authorizer identifying potential conflicts of interest, relationships with management organizations, and relationships with family members who are employed by the public charter school or have other business dealings with the school, the management organization of the school, or any other public charter school;

~~(D)~~ (4) Collectively possess expertise in leadership, curriculum and instruction, law, and finance; and

~~(E)~~ (5) Be considered an officer of a school district under the provisions of §6-6-7 of this code and removal from office shall be in accordance with the provisions of that section or by a vote of the governing board.

(c) The public charter school governing board shall:

(1) Operate under the oversight of its authorizer in accordance with its charter contract;

(2) As a public corporate body, have the powers necessary for carrying out the terms of its charter contract, including, but not limited to the power to:

(A) Receive and disburse funds for school purposes;

(B) Secure appropriate insurance and enter into contracts and leases;

(C) Contract with an education service provider, so long as the governing board retains final oversight and authority over the school;

(D) Pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit;

(E) Solicit and accept any gifts or grants for school purposes, subject to applicable laws and the terms of its charter; and

(F) Acquire real property for use as its facilities or facilities from public or private sources;

(3) Enroll students in the public charter school pursuant to §18-5G-11 of this code;

(4) Require any education service provider contracted with the governing board to provide a monthly detailed budget to the board; and

(5) Provide programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, rules, and regulations. A public charter school shall deliver the services directly or contract with another provider to deliver the services.

(d) A public charter school authorized under this article may:

(1) Negotiate and contract with its authorizer or any third party for the use, operation, and maintenance of a building and grounds, liability insurance, and the provision of any service, activity, or undertaking that the public charter school is required to perform in order to carry out the educational program described in its charter contract. Any services for which a public charter school contracts with a school district shall be provided by the district at cost and shall be negotiated as a separate agreement after final charter contract negotiations;

(2) Sue and be sued in its own name;

(3) Own, rent, or lease its space;

(4) Participate in cocurricular activities to the same extent as noncharter public schools; and

(5) Participate in extracurricular activities to the same extent as noncharter public schools.

(e) The public charter school governing board is responsible for the operation of its public charter school, including, but not limited to, ensuring compliance with the public charter school criteria, governance and statutory compliance set forth §18-5G-3 of this code, the preparation of an annual budget, contracting for services, school curriculum, personnel matters, and achieving the objectives and goals of the public charter school's program.

(f) The public charter school governing board shall comply with the provisions of §29B-1-1 *et seq.* of this code relating to freedom of information and the provisions of §6-9A-1 *et seq.* of this code relating to open governmental proceedings.

(g) Notwithstanding anything else in this Code, when a state institution of higher education is an applicant and after its application is approved by an authorizer, the governing board of the public charter school may be an administrative unit of the state institution of higher education, and the governing board may enter into the charter contract on behalf of the state institution of higher education.

§18-5G-14a. Alternative high-risk population public charter schools.

(a) Alternative high-risk population public charter schools may be authorized and funded pursuant to this article. To be eligible for an alternative high-risk population public charter school, the school must have an unduplicated count of at least 70 percent of their total enrollment, upon first entry to the school, comprised of high-risk students and obtain approval from the Charter School Board certifying the school meets the criteria. "High risk" students include the following:

(1) Students who have been expelled;

(2) Students who have been suspended more than 10 days in a school year;

(3) Wards of the court or dependents of the court;

(4) Recovered dropouts;

(5) Students who are habitually truant;

(6) Students who have been retained more than once in kindergarten through grade eight;

(7) Students who are credit deficient;

(8) Students who have a high-level transiency such as being enrolled in more than two schools during the past academic year or have changed secondary schools more than two times since entering high school;

(9) Foster youth;

(10) Homeless youth; and

(11) Students who need greater flexibility in scheduling or have circumstances which would benefit from this type of schooling.

(b) The state board shall promulgate a rule pursuant to the provisions of §29A-3B-1 *et seq.* of this code setting forth requirements for alternative high-risk population charter school funding.

Engrossed Committee Substitute for Committee Substitute for House Bill 2167, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Grady, Hamilton, 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 and Hart—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for H. B. 2167) 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 Com. Sub. for House Bill 2167—A Bill to amend and reenact §18-5G-3, §18-5G-4, and §18-5G-7 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §18-5G-14a, relating to providing that public charter schools may not charge full-time tuition and may only charge such tuition or fees as may be imposed by noncharter public schools in this state, such as for part-time Hope Scholarship enrollment or for participation in student activities; allowing public charter schools to employ personnel to perform services relating to managing its employees' participation in the retirement system or insurance plan; assigning responsibility for tracking the student when a parent or guardian withdraws the student from a public charter school and imposing notification of withdraw requirement on public charter school in certain instances; providing that public charter school teachers who are not certified or licensed are permitted to proctor state assessment under certain conditions; providing for a different application deadline in the case of a conversion public charter school or a program conversion public charter school; allowing a public charter school governing board member to be removed by a vote of the governing board; allowing alternative high-risk population public charter schools to be authorized and funded under public charter school article; providing eligibility requirements to be an alternative high-risk population public charter school; providing for which students qualify to be high-risk; and requiring state board rule setting forth requirements for funding.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2402, Relating to providing access to medical records; providing access to a minor's medical record.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Wednesday, April 9, 2025, for further amendments to be received on third reading, was read a third time.

At the request of Senator Chapman, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the bill was withdrawn.

On motion of Senator Chapman, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 29. HEALTH CARE RECORDS.

§16-29-1. Copies of health care records to be furnished to patients.

(a) ~~Any licensed, certified or registered~~ A health care provider so licensed, certified or registered under the laws of this state shall, upon the written request of a patient, his or her personal representative, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and any rules promulgated pursuant to the act, and his or her authorized agent or authorized representative, within no more than thirty days from the receipt of the request, furnish a copy, in the form of a paper copy or, if requested and if the provider routinely stores records electronically and has the ability to so provide, a copy in an electronic format including, but not limited to, a downloadable format through a secure web portal, a copy saved upon a computer disc, an electronically mailed copy or a copy saved upon a portable memory device of all or a portion of the patient's record to the

patient, his or her personal representative, or authorized agent or authorized representative subject to the following exceptions:

(1) In the case of a patient receiving treatment, ~~for psychiatric or psychological problems,~~ a summary of the record shall be made available to the patient, personal representative, or his or her authorized agent or authorized representative following termination of the treatment. ~~program.~~

(2) The furnishing of a copy, as requested, of the reports of x-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article.

~~(b) Nothing in this article shall be construed to require a health care provider responsible for diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease according to any provision of this code, to release patient records of such diagnosis, treatment or provision of health care as aforesaid to a parent or guardian, without prior written consent therefor from the patient, nor shall anything in this article be construed to apply to persons regulated under the provisions of chapter eighteen of this code or the rules and regulations established thereunder.~~

~~(c)~~ This article does not apply to records subpoenaed or otherwise requested through court process, except for the fee provisions in §16-29-2 of this code, which do apply to subpoenaed records.

~~(d)~~ (c) The provisions of this article may be enforced by a patient, personal representative, authorized agent or authorized representative. ~~and any~~ A health care provider found to be in violation of this article shall pay any attorney fees and costs, including court costs incurred in the course of such enforcement.

~~(e) Nothing in this article shall be construed to apply to health care records maintained by health care providers governed by the AIDS-related Medical Testing and Records Confidentiality Act under the provisions of article three c of this chapter.~~

§16-29-3. Access to minor's records.

(a) A parent, guardian, foster parent or kinship placement may not be denied access to the health records of their minor child unless otherwise ordered by a court or pursuant to subsection (b) of this section.

(b) A parent is not permitted to access the health records of that parent's minor child if:

(1) The minor child has graduated high school or equivalent;

(2) The minor child is emancipated; or

(3) The minor child is married.

(c) Except as provided in subsection (b) of this section, no release, authorization, nor any form of permission from or by the minor child shall be required or requested as a prerequisite for the parent or legal guardian to obtain the medical records.

Following discussion,

The question being on the adoption of Senator Chapman's amendment to the bill, the same was put and prevailed.

Engrossed House Bill 2402, as just amended, was then put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 2402 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 present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2402) passed.

On motion of Senator Chapman, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2402—A Bill to amend and reenact §16-29-1 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §16-29-3, relating to providing access to medical records; providing access to a summary of medical records; providing access to a minor's medical records; removing exemptions for records governed by the AIDS related Medical Testing and Records Confidentiality Act; and providing exemptions for access to a minor's medical records.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2479, Relating to Management and control of county authority vested in board.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2479) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2479—A Bill to amend and reenact §7-12-3 of the Code of West Virginia, 1931, as amended, relating to management and control of county authority vested in a board; and reducing minimum number of members of county economic development authority.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2491, Relating to conditions on holding online raffles.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Charnock, Clements, Fuller, Garcia, Hamilton, Jeffries, Morris, Oliverio, Phillips, Queen, Rucker, Takubo, Tarr, Thorne, Weld, Woelfel, Woodrum, and Smith (Mr. President)—21.

The nays were: Azinger, Bartlett, Deeds, Grady, Hart, Helton, Martin, Maynard, Roberts, Rose, Stuart, Taylor, and Willis—13.

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. 2491) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2528, To permit students in Christian schools at the elementary and middle school level to participate in county level sport tournaments.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2528) 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 2528—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to authorizing elementary and middle school students enrolled in any private, parochial, or church school or school of a religious order or other nonpublic school to participate in county athletic tournaments under certain circumstances.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2576, NIL Protection Act.

On third reading, coming up in regular order, was reported by the Clerk.

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.

Eng. Com. Sub. for House Bill 2595, Non Profit Athletics Act.

On third reading, coming up in regular order, was reported by the Clerk.

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, following consideration of Engrossed Committee Substitute for House Bill 2576, already placed in that position.

Eng. House Bill 2742, Relating to creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2742) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, 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, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—28.

The nays were: Azinger, Hart, Martin, Maynard, Rose, and Woelfel—6.

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. 2742) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

Eng. Com. Sub. for House Bill 2755, To provide that the West Virginia Board of Education may promulgate rules or policies to be submitted to the Legislature for review.

On 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 2755 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Fuller, Hart, Helton, Martin, Maynard, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Willis, and Smith (Mr. President)—19.

The nays were: Boley, Clements, Deeds, Garcia, Grady, Hamilton, Jeffries, Morris, Oliverio, Phillips, Queen, Takubo, Weld, Woelfel, and Woodrum—15.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2755) 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 2755—A Bill to amend and reenact §29A-3B-1, §29A-3B-8, § 29A-3B-9, §29A-3B-10, and §29A-3B-11 Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to submit newly

promulgated rules to the Legislature through the Legislative Oversight Commission on Education Accountability; allowing the Legislature to approve, amend, or reject, in whole or in part, these rules in a manner prescribed by general law and pursuant to this article; adjusting the time frames for the State Board of Education to submit emergency rules to the Legislative Oversight Commission on Education Accountability; and providing for the expiration of those emergency rules if notice is not timely filed with the committee.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2776, Requiring Department of Health to report positive Alpha Gal tests to CDC.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on April 8, 2025, for further amendments to be received on third reading, was reported by the Clerk.

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, following consideration of Engrossed Committee Substitute for House Bill 2595, already placed in that position.

Eng. Com. Sub. for House Bill 2880, Relating to parent resource navigators.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on yesterday, Wednesday, April 9, 2025, for further amendments to be received on third reading, was read a third time.

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 16B. INSPECTOR GENERAL.

**ARTICLE 22. PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS.**

§16B-22-1. Definitions.

As used in the article:

"Critical incident" means an occurrence of any of the following:

(1) Self-harm or a suicide emergency;

(2) A restraint, seclusion, or emergency safety intervention occurring at the program whether medical attention is or is not required;

(3) A denial or unreasonable medical delay of required medical attention to the child in the program;

(4) An admittance or a transport of a child in the program to or from a medical facility;

(5) An incident or allegation of abuse or harm to a child while in the program;

(6) A use of force, coercion, or deception in transporting a child to or from the program, unless the program did not conduct or pay for the transport;

(7) A police report or investigation involving a child or an individual who has or had access to the program;

(8) A physical condition of the program's facility that jeopardizes the health, safety, or well-being of a child; or

(9) Any additional occurrence or condition that the Director defines as a critical incident.

"Director" means the director of the Office of Health Facility Licensure and Certification or his or her designee.

"Direct access" means that an individual has or likely will have person-to-person spoken or physical contact with or access to a program participant.

"Inspector General" means the Inspector General of the Office of the Inspector General as described in §16B-2-1 of this code, or his or her designee.

"License" means a written document issued by the department that the license holder has complied with this part and the applicable standards and rules for programs.

"Licensee" means the holder of a license issued by the department in accordance with the provisions of this article.

"Office of Health Facilities Licensure and Certification" means the West Virginia Office of Health Facility Licensure and Certification within the Office of the Inspector General.

"Person associated with the program" means any owner, partner, member, employee, or contractor providing professional or occupational services to a program.

"Program" means each location of a facility or program operated by a public or private entity that, with respect to one or more youth who are unrelated to the owner or operator of the facility or program, in a residential environment including, but not limited to:

(1) A program with a wilderness or outdoor experience, expedition, or intervention;

(2) A bootcamp experience or other experience designed to simulate characteristics of basic military training or correctional regimes; or

(3) An education or therapeutic boarding school.

The term does not include: recreational programs such as Boy Scouts, Girl Scouts, or 4-H clubs; organizations, boarding schools, or residential schools with a sole focus on academics; residential training or vocational programs with a sole focus on education and vocational training; youth camps with a focus on recreation and faith-related activities; an organization, boarding school, or residential school that is an adjunct ministry of a church; or any programs operated pursuant to §15-1B-24 of this code.

"Program participant" means any adolescent to whom services are being provided by the program.

§16B-22-2. Programs to obtain license.

The Inspector General shall designate the Director of the Office of Health Facilities Licensure and Certification to enforce the provisions of this article, except as otherwise stated.

No person, partnership, association, or corporation, or any local governmental unit or any division, department, board, or agency thereof may operate a program unless the operation has been approved and annually licensed by the director in accordance with the provisions of this article and the rules lawfully promulgated hereunder.

§16B-22-3. Licensure requirements.

(a) The director shall require applicants and licensees to submit a set of fingerprints for each person associated with the program who has direct access to program participants for the purpose of conducting a criminal and child protection background check according to §16B-15-1 *et seq.* of this code.

(b) The director shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code that pertain to ensuring the health and safety of program participants, including:

(1) A procedure for a licensed program to report the use of a chemical, physical, mechanical, or environmental restraint or seclusion to the department within one business day after the day

on which the use of the chemical, physical, mechanical, or environmental restraint or seclusion occurs;

(2) Guidelines for written policies and procedures of the licensed program, including policies and procedures on suicide prevention and for implementation of the requirements and restrictions in subsections (c) and (d) of this section;

(3) A procedure for the department to review and approve the licensed program's policies and procedures;

(4) A procedure for submitting a complaint about a licensed program to the department and law enforcement and a requirement that each licensed program publicly post information that describes how to submit a complaint about the licensed program to the department and law enforcement;

(5) Establish a licensure and renewal fee; and

(6) A procedure for responding to critical incidents.

(c) A licensed program may not:

(1) Use physical discipline or the threat of physical discipline as a punishment, deterrent, incentive, or to gain compliance;

(2) Deprive a youth of basic necessity or inherent right, including education;

(3) Admit a youth who is under the age approved in the licensure or has a condition not allowed to be treated under the licensure; or

(4) Sexually abuse, exploit, or harass an enrolled youth.

(d) A licensed program shall:

(1) Allow a parent or guardian to remove a youth from the licensed program; and

(2) Unless otherwise prohibited by law or court order, facilitate weekly confidential and unsupervised video communication

between a youth and the youth's parents, guardians, or foster parents.

(e) A licensed program shall provide a fixed number telephone to the child abuse hotline operated by the Department of Human Services that is readily available to enrolled participants 24 hours a day.

§16B-22-4. Inspector General to establish legislative rules.

The Inspector General shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* and §16B-22-3(b) of this code not in conflict with any provision of this article, as he or she finds necessary in order to ensure adequate care and accommodations for consumers of programs.

§16B-22-5. Suspension; revocation.

(a) The director, in consultation with the Inspector General, may suspend or revoke a license issued hereunder if the provisions of this article or of the rules are violated.

(b) Before any such license is suspended or revoked, written notice shall be given the licensee, stating the grounds of the complaint, and the date, time, and place set for the hearing on the complaint, which date may not be less than 30 days from the time notice is given. The notice shall be sent by registered mail to the licensee at the address where the program concerned is located. The licensee shall be entitled to be represented by legal counsel at the hearing.

(c) If a license is revoked as herein provided, a new application for a license shall be considered by the director, in consultation with the Inspector General, if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been furnished. A new license shall then be granted after proper inspection has been made and all provisions of this article and rules promulgated hereunder have been satisfied.

(d) All of the pertinent provisions of §29A-5-1 *et seq.* of this code shall apply to and govern any hearing authorized and required

by the provisions of this article and the administrative procedure in connection with and following any such hearing, with like effect as if the provisions of §29A-5-1 *et seq.* of this code were set forth in extenso in this section.

(e) Any applicant or licensee who is dissatisfied with the decision of the Board of Review as a result of the hearing provided in this section may, within 30 days after receiving notice of the decision, appeal to the West Virginia Intermediate Court of Appeals for judicial review of the decision.

(f) The court may affirm, modify, or reverse the decision of the Board of Review and either the applicant, or licensee, or the Inspector General may appeal from the court's decision to the Supreme Court of Appeals.

§16B-22-6. Violations; penalties; civil monetary penalty; injunctive relief.

(a) Any person, partnership, association, or corporation, and any local governmental unit or any division, department, board, or agency thereof establishing, conducting, managing, or operating a program without first obtaining a license therefor as herein provided, or violating any provisions of this article or any legislative rule lawfully promulgated thereunder, is guilty of a misdemeanor and, upon conviction thereof, shall be punished for the first offense by a fine of not more than \$1,500, with confinement in the county jail for a period of not more than 90 days, or both fined and confined. Each day of a continuing violation after conviction shall be considered a separate offense.

(b) The Director, in consultation with the Inspector General, may deny the provider's application for licensure or licensure renewal; modify or revoke a license; or order any admission ban or reduction in consumer census for one or more of the following reasons:

(1) The provider fails to submit an adequate plan of correction without formally and timely notifying the director that the provider intends to exercise its due process rights of appeal;

(2) The director makes a determination that fraud or other illegal action has been committed;

(3) The provider violates federal, state, or local law relating to building, health, fire, safety, sanitation, or zoning; or is noncompliant with payment of workers' compensation or employment security taxes, and fails to remedy such violation given sufficient notice;

(4) The provider conducts practices which jeopardize the health, safety, welfare, or clinical treatment of consumer;

(5) The provider fails or refuses to make records related to compliance with this rule available within a reasonable period of time as requested by the Director; or

(6) The provider fails or refuses to provide access to its service locations within a reasonable period of time as requested by the Director.

(c) Where the operation of the provider clearly constitutes an immediate danger of serious harm to consumers served by the provider, the Director, in consultation with the Inspector General, may issue an order of closure terminating operation of the provider's program license clearly giving rise to the immediate danger of serious harm. A provider appealing such a closure order does not stay enforcement of the closure order.

(d) If the program conducts a practice which jeopardizes the health, safety, welfare, or clinical treatment of consumers, which such practices clearly give rise to imminent danger of serious harm or the immediate risk or danger of serious harm, the Director, in consultation with the Inspector General, may impose a civil monetary penalty not to exceed \$10,000 with criteria to be developed in rulemaking.

(e) Notwithstanding the existence or pursuit of any other remedy, the Inspector General shall, in the manner provided by law, maintain an action in the name of the state for an injunction against any person, partnership, association, or corporation, to restrain or prevent the establishment, conduct, management, or

operation of any program or violation of any provision of this article without first obtaining a license in the manner required by this article.

(f) The Inspector General may also seek injunctive relief if the establishment, conduct, management, or operation of any provider, whether licensed or not, jeopardizes the health, safety, or welfare of all of its consumers.

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;

~~(11)~~ (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, including information related to the identity of the

person reporting or making a complaint of child abuse or neglect, or both, shall be made available, upon request, to the Foster Care Ombudsman, or his or her designee: *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, 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.

~~(i)~~ (j) 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 Medical Services and the Bureau for Social Services shall provide electronic access to a child's medical records taken into their custody to the managed care organization, the child-placing agency, and the person having temporary custody 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, October 1, 2025, 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 county of residence, the date of the incident, the child's sex, the child's age, and the child's race/ethnicity. 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 Office of Inspector General 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 October 1, 2025, the data reported on the child welfare data dashboard shall be represented as a point in time number and trended over time. Beginning October 1, 2025, 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 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 10 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 30 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.

On motion of Senator Rucker, the following amendment to the Health and Human Resources committee amendment to the bill (Eng. Com. Sub. for H. B. 2880) was reported by the Clerk:

On page 3, section 3, line 15, by striking out the words "and approve".

Following discussion,

The question being on the adoption of Senator Rucker's amendment to the Health and Human Resources committee amendment to the bill, the same was put and prevailed.

The question now being on the adoption of the Health and Human Resources committee amendment to the bill, as amended.

Following discussion,

The question being on the adoption of the Health and Human Resources committee amendment to the bill, as amended, the same was put and prevailed.

Engrossed Committee Substitute for House Bill 2880, as just amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Takubo,

Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Stuart—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2880) passed.

On motion of Senator Chapman, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 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, §16B-22-1, §16B-22-2, §16B-22-3, §16B-22-4, §16B-22-5, and §16B-22-6; 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; regulating private adolescent residential or outdoor programs; requiring licensure; setting forth licensure requirements; requiring rulemaking; permitting suspension of license; permitting revocation of license; permitting criminal penalties for violation; permitting fines for violation; permitting injunctive relief; 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 Medical Services and the Bureau for Social Services to provide electronic access to various persons; 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.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2942, Administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2942) passed.

The following amendment to the title of the bill, from the Committee on Energy, Industry, and Mining, was reported by the Clerk and adopted:

Eng. House Bill 2942—A Bill to amend and reenact §22-34-2 and §22-34-5 of the Code of West Virginia, 1931, as amended, related to the administration of the West Virginia Department of Environmental Protection Design-Build Pilot Program; extending and revising the sunset provision to December 31, 2027; and increasing from \$50 million to \$75 million the maximum aggregate value of all ongoing design-build projects that can be active at any time.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3000, Relating to agency changes and updates to the West Virginia Commercial Feed Law.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Roberts—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3000) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 3000—A Bill to amend and reenact §19-14-2, §19-14-5, §19-14-10, and §19-14-14, of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §19-14-17, relating to West Virginia commercial feed law; updating definitions; removing sunset date for deposit of pet food registration fee into spay neuter assistance fund; clarifying changes to feed adulteration standards; authorizing Commissioner of Agriculture of State of West Virginia to promulgate regulations that adopt certain regulations under Federal Food, Drug, and Cosmetic Act; clarifying prohibited acts; and providing severability clause.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 3133, Permitting counties and municipalities to enter into memoranda of understanding for demolition of dilapidated structures.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3133) 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. 3133) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3144, Wireless Infrastructure and Facilities Siting and Co-location.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3144) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 3179, Funding for failing public utilities.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 3179) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3187, Relating to the West Virginia Task Force on Artificial Intelligence.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3187) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3272, Relating to eviction proceedings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3272) passed.

On motion of Senator Stuart, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 3272—A Bill to amend and reenact §55-3A-1 of the Code of West Virginia, 1931, as amended, relating to eviction proceedings; requiring hearing to be scheduled upon filing the petition; permitting tenants to file and serve written defense to eviction petition within five days of the tenant's receipt of notice of petition; and providing that the hearing shall be scheduled five to 10 judicial days following filing of the petition.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 3274, Relating to reports of circuit court proceedings.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Queen—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3274) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3275, Update timing for appeals.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, 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: Hart—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3275) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3373, To extend and revise the sunset provision in the Tourism Development Act to December 31, 2030.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, 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: Hart—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3373) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 3373—A Bill to amend and reenact §5B-2E-11 of the Code of West Virginia, 1931, as amended, relating to extending the sunset date for tourism development projects to January 1, 2031; and modifying the title of the affected state agency.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 3440, Relating generally to removing and repealing obsolete provisions under the purview of the State Treasurer's Office.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 3444, Relating to inflammation of the eyes of newborns.

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 3444 pass?"

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Chapman, Charnock, Fuller, Hart, Helton, Jeffries, Martin, Maynard, Roberts, Rose, Rucker, Taylor, Thorne, Willis, and Smith (Mr. President)—18.

The nays were: Boley, Clements, Deeds, Garcia, Grady, Hamilton, Morris, Oliverio, Phillips, Queen, Takubo, Tarr, Weld, Woelfel, and Woodrum—15.

Absent: Stuart—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. 3444) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 3515, Relating to appointment of officers of the West Virginia State Police.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, April 9, 2025, for amendments to be received on third reading, was read a third time.

There being no amendments offered,

Engrossed House Bill 3515 was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3515) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

On motion of Senator Martin, at 12:08 p.m., the Senate recessed until 2 p.m. today.

The Senate reconvened at 2:41 p.m.

On motion of Senator Martin, at 2:41 p.m., the Senate recessed until 3 p.m. today.

The Senate reconvened at 3:24 p.m. and, at the request of Senator Martin, and by unanimous consent, 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 198, Prohibiting creation, production, distribution, or possession of artificially generated child pornography.

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 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-28a. Nonconsensual disclosure of private intimate images; definitions; and penalties.

(a) As used in this section:

(1) "Disclose" means to publish, publicly display, distribute, deliver, circulate or disseminate by any means, including, but not limited to, electronic transmission.

(2) "Image" means a photograph, videotape, motion picture film, digital recording or any product of any mechanical or electronic recording process or device that can preserve, for later viewing, a visual image.

(3) "Intimate parts" means a person's genitalia, pubic area, anus or female post-pubescent breasts.

(4) To "publicly disclose" means to disclose an image to one or more persons other than those persons whom the person depicted understood would view the image at the time it was captured.

(5) "Fabricated intimate image" means an image of an identifiable depicted individual that was created by the use of artificial intelligence or other computer technology capable of processing and interpreting specific data inputs and depicts computer-generated intimate parts or the intimate parts of another human being as the intimate parts of the depicted individual.

(b) No person may knowingly and intentionally disclose, cause to be disclosed or threaten to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, a fabricated intimate image of another or an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed.

(c)(1) A person convicted of a violation of subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year, fined not less than \$1,000 nor more than \$5,000, or both confined and fined.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a person convicted of a second or subsequent violation of subsection (b) of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not more than three years, fined not less than \$2,500 nor more than \$10,000, or both imprisoned and fined.

(d) The provisions of this section do not apply to:

(1) Images disclosed with the prior written consent of the person depicted;

(2) Images depicting the person voluntarily exposing himself or herself in a public or commercial setting; or

(3) Disclosures made through the reporting of illegal conduct or the lawful and common practices of law enforcement, criminal reporting, legal proceeding or medical treatment.

(e) Nothing in this section shall be construed to impose liability on the provider of an interactive computer service as defined by 47 U. S. C. §230(f)(2), an information service as defined by 47 U. S. C. §153(24), or telecommunications service as defined by 47 U. S. C. §153(53), for content provided by another person.

ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS.

§61-8C-1. Definitions.

(a) For the purposes of this article:

~~(a)~~ (1) "Minor" means any child under ~~eighteen~~ 18 years of age.

~~(b)~~ (2) "Knowledge" means knowing or having reasonable cause to know which warrants further inspection or inquiry.

~~(c)~~ (3) "Sexually explicit conduct" includes any of the following, whether actually performed or simulated:

~~(1)~~ (A) Genital to genital intercourse;

~~(2)~~ (B) Fellatio;

~~(3)~~ (C) Cunnilingus;

~~(4)~~ (D) Anal intercourse;

~~(5)~~ (E) Oral to anal intercourse;

~~(6)~~ (F) Bestiality;

~~(7)~~ (G) Masturbation;

~~(8)~~ (H) Sadomasochistic abuse, including, but not limited to, flagellation, torture, or bondage;

~~(9)~~ (I) Excretory functions in a sexual context; or

~~(10)~~ (J) Exhibition of the genitals, pubic, or rectal areas of any person in a sexual context.

~~(d)~~ (4) "Person" means an individual, partnership, firm, association, corporation, or other legal entity: Provided, That this term does not apply to the provider of an interactive computer service as defined by 47 U. S. C. §230(f)(2), an information service as defined by 47 U. S. C. §153(24), or telecommunications service as defined by 47 U. S. C. §153(53), for content provided by another person.

(5) "Visual portrayal" means:

(A) A photograph;

(B) A motion picture;

(C) A digital image;

(D) A digital video recording;

(E) Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance, and other digital storage or transmitting devices; or

(F) Any media listed in this subdivision which was created, generated, or otherwise produced, in whole or in part, by any manner of manipulation, including, but not limited to, artificial intelligence.

(6) "Computer-generated child pornography" means:

(A) Any visual portrayal of an identifiable minor that has been created, adapted, or modified to depict the minor as engaging in sexually explicit conduct; or

(B) Any visual portrayal that appears to depict a minor engaged in sexually explicit conduct if the visual portrayal is:

(i) Created by the use of artificial intelligence or other computer technology capable of processing and interpreting specific data inputs to create a visual portrayal; and

(ii) Indistinguishable from a minor.

(7) "Identifiable minor" means any visual portrayal that depicts a minor who is identifiable from the matter itself or from information displayed with or otherwise connected to the matter, and that was created or altered by the use of artificial intelligence or other computer technology capable of processing and interpreting specific data inputs to depict the minor.

(8) "Indistinguishable" as used with respect to a visual portrayal, means virtually indistinguishable, in that the visual portrayal is such that an ordinary person viewing the visual portrayal would conclude that the visual portrayal is of an actual minor engaged in sexually explicit conduct. This definition does not apply to visual portrayals that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

(b) Nothing in this article shall be construed to include a visual portrayal of an actual and identifiable person who was not a minor at the time the visual portrayal was created.

§61-8C-2. Use of minors in filming sexually explicit conduct prohibited; penalty.

(a) Any person who causes or knowingly permits, uses, persuades, induces, entices or coerces such minor to engage in or uses such minor to do or assist in any sexually explicit conduct ~~shall be~~ is guilty of a felony when ~~such person has knowledge that any such~~ the act is being photographed or filmed ~~used to create a~~ visual portrayal. Upon conviction thereof, such person shall be

fined not more than \$10,000 or imprisoned in the penitentiary not more than ~~ten~~ 10 years, or both fined and imprisoned.

(b) Any person who ~~photographs or films such~~ creates a visual portrayal of a minor engaging in any sexually explicit conduct ~~shall be~~ is guilty of a felony, and, upon conviction thereof, shall be fined not more than \$10,000, or imprisoned in the penitentiary not more than ~~ten~~ 10 years, or both fined and imprisoned.

(c) Any parent, legal guardian, or person having custody and control of a minor, who ~~photographs or films~~ creates a visual portrayal of such minor in any sexually explicit conduct or causes or knowingly permits, uses, persuades, induces, entices, or coerces such minor child to engage in or assist in any sexually explicit act ~~shall be~~ is guilty of a felony when such ~~person has knowledge that any such act may be photographed or filmed~~ is used to create a visual portrayal. Upon conviction thereof, such person shall be fined not more than \$10,000 or imprisoned in the penitentiary not more than ~~ten~~ 10 years, or both fined and imprisoned.

(d) It is not a defense under this section that the minor depicted has attained the age of at least 18 years old at the time of investigation and/or prosecution, as long as the visual portrayal of the minor used was originally taken or captured when the subject was less than 18 years of age.

(e) It is not a defense under this section that the minor depicted is deceased at the time of investigation and/or prosecution, regardless of whether the minor depicted had attained the age of 18 years of age at the time of his or her death.

§61-8C-3. Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct or computer-generated child pornography prohibited; penalty.

(a) Any person who, knowingly ~~and willfully~~, sends or causes to be sent or distributes, exhibits, possesses, electronically accesses with intent to view or displays or transports any ~~material visually portraying~~ visual portrayal of a minor engaged in any sexually

explicit conduct or computer-generated child pornography is guilty of a felony.

~~(b) It is not a defense to this section that a minor subject's identity and/or age cannot be ascertained. It is sufficient that the material visually portrays a minor, regardless of whether the subject's age is represented to be less than age 18 years old.~~

"(b) It is sufficient for purposes of this section that the material visually portrays a minor, regardless of whether the subject's age is represented to be less than age 18 years old or whether the minor subject's actual identity can be ascertained.

~~(c) It is not a defense under this section that the visual portrayal was created, in whole or in part, by digital manipulation, artificial intelligence, or any other means.~~

"(c) A visual portrayal created in whole or in part by digital manipulation, artificial intelligence, or any other means may satisfy the requirements of this section.

(d) It is not a defense under this section that the minor depicted has attained the age of at least 18 years old at the time of investigation and/or prosecution, as long as the visual portrayal of the minor was originally taken or captured when the subject was under the age of 18 years of age.

(e) It is not a defense under this section that the minor depicted is deceased at the time of investigation and/or prosecution, regardless of whether the minor depicted had attained the age of at least 18 years of age at the time of his or her death.

~~(b)~~ (f) Any person who violates the provisions of subsection (a) of this section when the conduct involves ~~fifty~~ 50 or fewer images shall, upon conviction, be imprisoned in a state correctional facility for not ~~more~~ less than two years nor more than five years or fined not more than ~~\$2,000~~ \$5,000 or both.

~~(e)~~ (g) Any person who violates the provisions of subsection (a) of this section when the conduct involves more than ~~fifty~~ 50 but fewer than ~~six hundred~~ 300 images shall, upon conviction, be

imprisoned in a state correctional facility for not less than ~~two~~ three nor more than ~~ten~~ 15 years or fined not more than ~~\$5,000~~ \$10,000, or both.

~~(d)~~ (h) Notwithstanding the provisions of subsections (b) and (c) of this section, any person who violates the provisions of subsection (a) of this section when the conduct involves ~~six hundred~~ 300 or more images or depicts violence against a child or a child engaging in bestiality shall, upon conviction, be imprisoned in a state correctional facility for not less than five nor more than ~~fifteen~~ 20 years or fined not more than \$25,000, or both.

~~(e)~~ (i) For purposes of this section each video clip, movie, or similar recording of five minutes or less shall constitute ~~seventy-five~~ 100 images. A video clip, movie or similar recording of a duration longer than five minutes ~~shall be deemed to constitute~~ constitutes ~~seventy-five~~ 100 images for every two minutes in length it exceeds five minutes.

\$61-8C-3a. Prohibiting child erotica; penalties.

(a) Any person age ~~eighteen~~ 18 or over who knowingly and intentionally produces, possesses, displays or distributes, in any form, any visual portrayals of minors who are partially clothed, where the visual portrayals are: (1) Unrelated to the sale of a commercially available legal product; and (2) used for purely prurient purposes, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year or fined not more than \$1,000, or both confined and fined.

(b) As used in this section only:

(1) "Purely prurient purposes" means for the specific purpose of sexual gratification or sexual arousal from viewing the visual portrayals prohibited by this section; and

(2) "Commercially available" means for sale to the general public.

~~(3) A "minor" is a child under the age of sixteen years, or a person who is sixteen years of age or older but less than eighteen years old and who is mentally defective or mentally incapacitated.~~

§61-8C-3b. Prohibiting juveniles from manufacturing, possessing, and distributing nude or partially nude images of minors; creating exemptions; declaring a violation to be an act of juvenile delinquency; and providing for the punishment thereof.

(a) Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise disseminates any computer-generated child pornography or a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner is guilty of an act of delinquency and, upon adjudication, disposition may be made by the circuit court pursuant to the provisions of §49-4-701 through §49-4-725 of this code.

(b) As used in this section, "posing in an inappropriate sexual manner" means exhibition of a bare female breast, female or male genitalia, pubic, or rectal areas of a minor for purposes of sexual gratification.

~~(1) "Posing in an inappropriate sexual manner" means exhibition of a bare female breast, female or male genitalia, pubic, or rectal areas of a minor for purposes of sexual titillation.~~

~~(2) "Visual portrayal" means:~~

~~(A) A photograph;~~

~~(B) A motion picture;~~

~~(C) A digital image;~~

~~(D) A digital video recording; or~~

~~(E) Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance, and other digital storage or transmitting devices;~~

(c) It shall be an affirmative defense to an alleged violation of this section that a minor charged with possession of the prohibited visual ~~depiction~~ portrayal did neither solicit its receipt nor distribute, transmit, or present it to another person by any means.

(d) Notwithstanding the provisions of §15-12-1 *et seq.* of this code, an adjudication of delinquency under the provisions of this section shall not subject the minor to the requirements of that article and chapter.

§61-8C-3c. Confidentiality; exemption from prosecution.

(a) Nothing in this article shall be construed to prevent the lawful investigation and/or prosecution of the criminal offenses described in this article: *Provided*, That prohibited media or visual portrayal described in this article shall not be published to the public at any time.

(b) It does not constitute an offense of the crimes set forth in this article when the following persons possess or distribute prohibited media or material, or visual portrayal while acting in the performance of their official duties:

(1) Law enforcement officials, including those entities with specialized investigatory experience with whom law enforcement agencies regularly contract for the purpose of providing investigatory services and assistance;

(2) Prosecuting attorneys;

(3) Attorneys acting as officers of the court and while acting in the performance of their official duties;

(4) Judges and magistrates;

(5) Jurors hearing a case involving an alleged violation of offenses in this article;

(6) Support personnel for the persons listed in this section; and

(7) Any person acting in accordance and in compliance with a valid order issued by a circuit court of this state or the Supreme Court of Appeals.

(c) The Supreme Court of Appeals is hereby requested to promulgate such rules, protocols, and forms which are necessary to regulate access to, use, and handling of prohibited media and visual portrayals described in this article, giving due consideration to the privacy rights of victims and the due process rights of defendants in criminal proceedings.

(d)(1) Any person not listed in subsection (b) of this section who, in the course and scope of employment or business, views an image or images on a computer or electronic device that is or appears to be material visually portraying a minor engaged in any sexually explicit conduct shall immediately report the discovery of the image or images to a local or state law enforcement agency or the Cyber Tipline at the National Center for Missing and Exploited Children. The report must include the name and address of the owner or person claiming a right to possession of the computer or electronic device, if known, and as permitted by federal law. For purposes of this subdivision, such reporting may include furnishing the law enforcement officer with any image, information, or data that the person reasonably believes to be evidence of material visually portraying a minor engaged in any sexually explicit conduct, transmission of material visually portraying a minor engaged in any sexually explicit conduct, or an image, information, or data that is harmful to minors.

(2) Except in a case of willful or wanton misconduct, compliance with subdivision (1) of this subsection is an affirmative defense to an alleged violation of this section.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 198—A Bill to amend and reenact §61-8-28a, §61-8C-1, §61-8C-2, §61-8C-3, §61-8C-3a, and §61-8C-3b of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto a new section, designated §61-8C-3c, relating to unlawful computer-generated images; creating definitions relating to intimate images; clarifying the offense of nonconsensual disclosure of intimate images includes certain fabricated intimate images; creating criminal offenses for nonconsensual disclosure of fabricated intimate images; clarifying the definitions relating to filming sexually explicit conduct of minors; creating definitions relating to filming sexually explicit conduct of minors; creating definitions relating to computer-generated child pornography; clarifying certain exemptions for the definitions relating to computer-generated child pornography; amending the article for consistent use of defined terms; clarifying facts or circumstances applicable to liability for offenses involving filming sexually explicit conduct of minors; creating criminal offenses for computer-generated child pornography; increasing certain penalties for distribution and exhibiting of material depicting minors engaged in sexually explicit conduct or computer-generated child pornography; reducing the number of images required for prosecution of certain offenses relating to distribution and exhibiting of material depicting minors engaged in sexually explicit conduct or computer-generated child pornography; clarifying the number of images attributable to certain video clips, movies, or similar recordings; clarifying that certain acts involving computer-generated child pornography may be acts of delinquency for minors; creating confidentiality provisions for restricted materials used for prosecution of offenses; clarifying the groups of persons to whom the criminal prohibitions related to child pornography are inapplicable when such persons are performing their official or employment duties; requesting the Supreme Court of Appeals to promulgate certain rules; authorizing mandatory reporting of certain individuals who observe images appearing to be a minor engaged in sexually explicit conduct on electronic devices; creating an affirmative defense for persons

complying with the mandatory reporting requirements; creating criminal penalties; and making technical and stylistic corrections.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 198, 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, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 198) 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 325, Authorizing Department of Health to promulgate legislative rules.

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 9, line 11, by inserting the following:

"On page 6, by adding two new subdivisions, designated as subdivision 6.5.7. and 6.5.8. to read as follows:

6.5.7. Disclose and list any other healthcare facility and recovery residence owned or managed by the applicant in any state in the United States;

6.5.8. Disclose whether the applicant is part of any lawsuit or regulatory action in any state in the United States related to patient care, human trafficking, labor exploitation, or financial misconduct.;

On page 9, after subsection 6.16., by inserting two new subsections, designated as 6.17. and 6.18. to read as follows:

6.17. Upon discharge of a resident, the recovery residence shall provide to the discharged resident a link or QR code for the resident to be able to complete an exit survey in a form to be prescribed by the Office of Health Facility Licensure and Certification.

6.18. The Office of Health Facility Licensure and Certification, the certifying agency, and the West Virginia Fusion Center may refer complaints and information received among each other and with law enforcement and criminal justice support agencies, as appropriate.;

And,

On page 10, line 52, by inserting the following:

"(c) The Legislature directs the Department of Human Services to amend the legislative rule filed in the State Register on May 11, 2021, authorized under the authority of §49-2-121 of this code, relating to the Department of Human Services (child placing agencies licensure, 78 CSR 02), is authorized with the amendment set forth below:

On page 1, subsection 1.5. by striking out the number "2026" and inserting in lieu thereof the number "2031";

On page 29, by striking out all of paragraph 13.2.1.b.;

And,

Renumbering the remaining paragraphs accordingly.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 325—A Bill to amend and reenact §64-5-1 et seq. and §64-5A-1 et seq. of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new article, designated §64-5B-1, relating to authorizing certain agencies of the Department of Health, Department of Human Services, and the Office of Inspector General to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; directing certain agencies of the Department of Health to amend current legislative rules; authorizing the Department of Health to promulgate a legislative rule relating to public water systems; authorizing the Department of Health to promulgate a legislative rule relating to statewide trauma and emergency care system; authorizing the Department of Health to promulgate a legislative rule relating to fatality and mortality review team; authorizing the Department of Health to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health to promulgate a legislative rule relating to the Primary Care Support Program; authorizing the Department of Health to promulgate a legislative rule relating to the general provisions of the Medical Cannabis Program; authorizing the Department of Health to promulgate a legislative rule relating to growers and processors of the Medical Cannabis Program; authorizing the Department of Health to promulgate a legislative rule relating to laboratories of the Medical Cannabis Program; authorizing the Department of Health to promulgate a legislative rule relating to dispensaries of the Medical Cannabis Program; authorizing the

Department of Health to promulgate a legislative rule relating to the Safe Harbor Letter for the Medical Cannabis Program; authorizing the Department of Health to promulgate a legislative rule relating to critical access hospitals; directing the Department of Health to amend a legislative rule relating to sewage treatment and collection system design standards; authorizing the Department of Human Services to promulgate a legislative rule relating to the Recovery Residence Certification and Accreditation Program; authorizing the Department of Human Services to promulgate a legislative rule relating to the pilot program for drug screening of applicants for cash assistance; directing the Department of Human Services to amend a legislative rule relating to child placing agencies licensure; authorizing the Office of Inspector General to promulgate a legislative rule relating to hospital licensure; and authorizing the Office of Inspector General to promulgate a legislative rule relating to Behavioral Health Centers Licensure.

On motion of Senator Martin, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 325) was reported by the Clerk and adopted:

On page 9, subsection (b), by striking out lines 3-17 and inserting in lieu thereof the following:

On page 6, subdivision 6.5.5., by striking out the word "and";

On page 6, after subdivision 6.5.6., by adding two new subdivisions, designated as subdivision 6.5.7. and 6.5.8. to read as follows:

6.5.7. Disclose and list any other healthcare facility and recovery residence owned or managed by the applicant in any state in the United States; and

6.5.8. Disclose whether the applicant is part of any lawsuit or regulatory action in any state in the United States related to patient care, human trafficking, labor exploitation, or financial misconduct.;

On page 9, after subsection 6.16., by inserting two new subsections, designated as subsection 6.17. and subsection 6.18. to read as follows:

6.17. Resident Exit Survey

6.17.1. Upon discharge of a resident, the recovery residence shall provide to the discharged resident a link or QR code for the resident to be able to complete an exit survey in a form to be prescribed by the Office of Health Facility Licensure and Certification.

6.18. Referral of Complaints

6.18.1. The Office of Health Facility Licensure and Certification, the certifying agency, and the West Virginia Fusion Center may refer complaints and information received among each other and with law enforcement and criminal justice support agencies, as appropriate.;

And,

By renumbering the remaining subsections.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 325, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 325) 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, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 325) 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. Com. Sub. for Senate Bill 617, Discouraging gang activity.

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 2, lines 2 through 5, by striking subdivision (1) in its entirety and inserting in lieu thereof the following:

(1) "Gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its activities the commission of one or more qualifying offenses, and whose members engage in or have engaged in qualifying offenses.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 617—A Bill to amend and reenact §61-13-1, §61-13-2, and §61-13-3 of the Code of West Virginia, 1931, as amended, relating to organized criminal enterprises; amending the findings to include gangs and gang activity; creating a definition of gang; adding gang activity to offenses punishable by this section; adding certain qualifying offenses to be subject to the Anti-Organized Criminal Enterprise Act; clarifying that certain offenses are separate and distinct crimes; creating criminal penalties; and making technical corrections.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 617, 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, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 617) 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 amendments to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2411, To provide and change graduation requirements and change duties relating to academic content standards.

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 6, section 9, line 126, by striking out the words "or science credit";

And,

Page 6, section 9, line 128 by striking out "or a high school science course, as applicable,".

On motion of Senator Martin, the following amendment to the House of Delegates amendments to the Senate amendments to the bill (Eng. Com. Sub. for H. B. 2411) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 2411—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring all West Virginia high school students to pass

a minimum of one credit of computer science; defining computer science; allowing computer science credit to be earned in grades eight through twelve; establishing requirements for the classes; allowing computer science credit to substitute for one math credit or one personalized education plan credit; requiring the computer science credit to be approved for one credit in career technical education if the credit is relevant to the program of study; requiring computer science course if used to fulfil a math credit to be denoted as the equivalent of a high school math course on the student's transcript for certain purpose; requiring West Virginia Board of Education rules detailing how certain credit fulfillment is to be granted; requiring West Virginia Board of Education to make available to all public schools a list of course options that can meet the requirements for this computer science credit; and allowing the West Virginia Board of Education to adopt rules to administer the computer science credit provisions.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the Senate amendments, as amended.

Engrossed Committee Substitute for House Bill 2411, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Stuart, Tarr, Taylor, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—31.

The nays were: Rucker and Thorne—2.

Absent: Takubo—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. 2411) 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 amendment, 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 amendment, as to

Eng. Com. Sub. for House Bill 2123, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse.

On motion of Senator Martin, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendment 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 House Bill 2123—A Bill to amend and reenact §61-8D-3 and §61-8D-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the criminal penalties imposed on a parent, guardian, custodian, or person in a position of trust in relation to a child for child abuse resulting in bodily injury, serious bodily injury, child abuse causing substantial risk of death or serious bodily injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction; and also relating to modifying the criminal penalties imposed on a parent, guardian, custodian, or person in a position of trust in relation to a child for child neglect resulting in bodily injury, serious bodily injury, and child neglect causing substantial risk of death or serious bodily injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction.

On motion of Senator Martin, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendment to the bill.

Engrossed Committee Substitute for House Bill 2123, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 2123) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the fourth order of business.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2347, Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2347) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2451, To facilitate the creation of home-based businesses.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2451) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

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.

On motion of Senator Queen, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H. B. 2451) were reported by the Clerk and considered simultaneously:

On page one, before the article heading by inserting 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 does not maintain a permanent physical location within the municipalities city limits, which includes any business with under \$10,000 in revenue.

§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 revenue below \$10,000 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.

And,

On page three, after line three by inserting the following:

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~~ net 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.

Following discussion,

The question being on the adoption of Senator Queen's amendments to the Judiciary committee amendment to the bill, the same was put and prevailed.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2451), as amended, was then ordered to third reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2710, Truth in Giving.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 9, 2025;

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,

Mike Stuart,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3162, Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party.

With an amendment from the Committee on Banking and Insurance pending;

And has also amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 9, 2025;

And reports the same back with the recommendation that it do pass as last amended by the Committee on the Judiciary.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3162) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

At the request of Senator Azinger, as chair of the Committee on Banking and Insurance, and by unanimous consent, the unreported Banking and Insurance committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 46A. WEST VIRGINIA CONSUMER
CREDIT AND PROTECTION ACT.**

ARTICLE 2. CONSUMER CREDIT PROTECTION.

§46A-2-122. Definitions.

For the purposes of this section and sections one hundred twenty-three, one hundred twenty-four, one hundred twenty-five, one hundred twenty-six, one hundred twenty-seven, one hundred

twenty-eight, one hundred twenty-nine and one hundred twenty-nine-a of this article, the following terms shall have the following meanings:

(a) "Consumer" means any natural person obligated or allegedly obligated to pay any debt and includes any duly appointed personal representative of the estate of a natural person obligated or allegedly obligated to pay any debt.

(b) "Claim" means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or service which is the subject of the transaction is primarily for personal, family or household purposes, whether or not such obligation has been reduced to judgment.

(c) "Debt collection" means any action, conduct or practice of soliciting claims for collection or in the collection of claims owed or due or alleged to be owed or due by a consumer.

(d) "Debt collector" means any person or organization engaging directly or indirectly in debt collection. The term includes any person or organization who sells or offers to sell forms which are, or are represented to be, a collection system, device or scheme, and are intended or calculated to be used to collect claims. The term excludes attorneys representing creditors provided the attorneys are licensed in West Virginia or otherwise authorized to practice law in the state of West Virginia and handling claims and collections in their own name as an employee, partner, member, shareholder or owner of a law firm and not operating a collection agency under the management of a person who is not a licensed attorney.

CHAPTER 55. ACTIONS, SUITS AND ARBITRATION; JUDICIAL SALE.

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-8a. Actions which survive; limitations; law governing such actions.

(a) In addition to the causes of action which survive at common law, causes of action for injuries to property, real or personal, ~~or~~ injuries to the person and not resulting in death, ~~or for~~ deceit or fraud, or any violations of §46A-1-101 et. seq. of this code, also ~~shall~~ survive; and such actions may be brought notwithstanding the death of the person entitled to recover or the death of the person liable.

(b) If any ~~such~~ action is begun during the lifetime of the injured party, and within the period of time permissible under the applicable statute of limitations as provided by §55-2-1 *et seq.* of this code and §55-2A-1 *et seq.* of this code, (either against the wrongdoer or his or her personal representative), and ~~such~~ the injured party dies pending the action it may be revived in favor of the personal representative of ~~such the~~ injured party and prosecuted to judgment and execution against the wrongdoer or ~~his or her~~ personal representative.

(c) If the injured party dies before having begun ~~any such an~~ action and it is not at the time of his or her death barred by the applicable statute of limitations under the provisions of §55-2-1 *et seq.* of this code and §55-2A-1 *et seq.* of this code ~~such the~~ action may be begun by the personal representative of the injured party against the wrongdoer or ~~his or her~~ personal representative and prosecuted to judgment and execution against the wrongdoer or his or her personal representative. Any ~~such~~ action shall be instituted within the same period of time that would have been applicable had the injured party not died.

(d) If ~~any such an~~ action mentioned in the ~~preceding~~ subsections (a), (b) and/or (c) of this section ~~shall~~ have been begun against the wrongdoer and he or she dies during the pendency thereof, it may be revived against the personal representative of the wrongdoer and prosecuted to judgment and execution.

(e) The applicable provisions of §56-8-1 *et seq.* of this code ~~shall~~ govern the actions hereinabove mentioned, with reference to their abatement, revival, discontinuance, reinstatement, and substitution of parties.

(f) Nothing contained in this section shall be construed to extend the time within which an action for any other tort shall be brought, nor to give the right to assign a claim for a tort not otherwise assignable.

The bill (Eng. H. B. 3162), as amended, was then ordered to third reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3164, Requiring registered sex offenders pay annual fee.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3164) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 3294, Enacting the Bank Protections for Eligible Adults from Financial Exploitation Act.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 9, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3294) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 2C. BANKING AND FINANCIAL SERVICES
PROVIDER PROTECTIONS FOR ELIGIBLE ADULTS
FROM FINANCIAL EXPLOITATION.**

§31A-2C-1. Short title.

This article may be cited as Banking and Financial Services Provider Protections for Eligible Adults from Financial Exploitation.

§31A-2C-2. Legislative findings, purpose, and intent.

(a) The Legislature recognizes that depository institutions, broker-dealers, and investment advisers have duties imposed by law and by contract to conduct customer-directed transactions in a timely manner and in accordance with their customers' instructions.

(b) The Legislature recognizes that customers are increasingly being induced to authorize transactions that are not in their interest.

(c) It is the intent of the Legislature to:

(1) Ensure that eligible adults have ready access to their funds;

(2) Provide depository institutions with the tools and protections to intervene in customer-directed transactions when, in their discretion, the transaction presents potential significant risk of harm to the customer, including providing broker-dealers and investment advisers acting in accordance with actions traditionally associated with those committed by depository institutions, and not in contradiction with any of the duties and protections described in §32-6-601 *et seq.* of this code of those same tools; and

(3) Provide designated state agencies with the tools and information to investigate potential financial exploitation.

(d) The Legislature does not intend to create a duty for depository institutions, broker-dealers, and investment advisers to contravene the valid instructions of their customers and nothing in this chapter creates such a duty.

§31A-2C-3. Definitions.

As used in this article, the following terms and phrases have the following meanings:

"Associated third party" means an individual:

(1) Who is a parent, spouse, adult child, sibling, or other family member of an eligible adult whom a depository institution, broker-dealer, and/or investment adviser believes is closely associated with the eligible adult;

(2) Whom an eligible adult authorizes the depository institution, broker-dealer, and/or investment adviser to contact;

(3) Who is a co-owner, additional authorized signatory, or beneficiary on an eligible adult's account or an agent under a power of attorney; or

(4) Who is an attorney, trustee, conservator, or other fiduciary whom a court or a government agency selects to manage some or all of the financial affairs of the eligible adult.

"Account" means any of the following:

(1) A contract of deposit of funds between the depositor and a depository institution and:

(A) The account is a consumer account owned by an eligible adult, whether individually or with one or more other persons;

(B) An eligible adult is a beneficiary of the conservatorship account or guardianship account; or

(C) The account is a line of credit owned by an eligible adult, whether individually or with one or more other persons.

(2) Any account of a broker-dealer or investment adviser for which a client or customer has the authority to transact business.

"Broker-dealer" has the same meaning as defined in §32-4-401 of this code.

"Depository institution" has the same meaning as defined in §31-17A-2 of this code.

"Designated state agency" means the entity responsible for receiving reports of alleged or suspected maltreatment or financial exploitation of an eligible adult including the West Virginia Department of Human Services' Bureau for Social Services and the West Virginia Attorney General.

"Eligible adult" means:

(1) A person 65 years of age or older or a person subject to §9-6-1 *et seq.* of this code; or

(2) A person 18 years or older who:

(A) Has a substantial mental or functional impairment that significantly interferes with his or her ability to make financial decisions or for whom a conservator has been appointed under state law; and

(B) The depository institution, broker-dealer, and/or investment adviser has actual knowledge that the person has an appointed guardian under state law.

"Financial exploitation" means:

(1) The wrongful or unauthorized taking, withholding, appropriation, expenditure, or use of money, assets, or property owned by an eligible adult; or

(2) An act or omission taken by a person, including through the use of a power of attorney, guardianship, trustee, or conservatorship of an eligible adult, to:

(A) Obtain control, through deception, intimidation, or undue influence, over the eligible adult's money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or possession of the eligible adult's money, assets, or property; or

(B) Convert money, assets, or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit, or possession of the eligible adult's money, assets, or property.

"Investment adviser" has the same meaning as defined in §32-4-401 of this code.

§31A-2C-4. Government disclosures.

(a) Any depository institution and/or its employees who believe that financial exploitation of an eligible adult has occurred, may have been attempted, or is being attempted, shall promptly notify a designated state agency; and

(b) Any broker-dealer or investment adviser, and/or their employees, acting in accordance with actions traditionally associated with those committed by depository institutions, and not in contradiction with any of the duties and protections described in §32-6-601 *et seq.* of this code shall also promptly notify a designated state agency.

§31A-2C-5. Authority to delay, refuse, or prevent certain activities.

(a) When, based on information they have individually observed or information they have received from a government

agency or a law-enforcement agency, a depository institution, or a broker-dealer or investment adviser acting in accordance with actions traditionally associated with those committed by depository institutions, and not in contradiction with any of the duties and protections described in §32-6-601 *et seq.* of this code and/or their employees, believe that financial exploitation of an eligible adult may have occurred, has been attempted, is occurring, or is being attempted, the depository institution, broker-dealer, investment adviser, and/or their employees may, but are not required to:

(1) Delay or refuse one or more transactions with or involving the eligible adult;

(2) Delay or refuse to permit the withdrawal or disbursement of funds contained in the eligible adult's account;

(3) Prevent a change in ownership of the eligible adult's account;

(4) Prevent a transfer of funds from the eligible adult's account to an account owned wholly or partially by another person;

(5) Refuse to comply with instructions given to the depository institution, broker-dealer, or investment adviser by an agent or a person acting for or with an agent under a power of attorney signed or purported to have been signed by the eligible adult; or

(6) Prevent the designation or change the designation of beneficiaries to receive any property, benefit, or contract rights for an eligible adult at death.

(b) A depository institution, broker-dealer, investment adviser, and/or their employees are not required to act under subsection (a) of this section when provided with information alleging that financial exploitation may have occurred, may have been attempted, is occurring, or is being attempted, but may use their sole discretion to determine whether or not to act under subsection (a) of this section based on the information available to them at the time.

(c) The authority to delay a transaction set forth in subsection (a) of this section expires upon the sooner of:

(1) Fifteen business days after the date on which the depository institution, broker-dealer, and/or investment adviser first acted under subsection (a) of this section;

(2) When the depository institution, broker-dealer, and/or investment adviser is satisfied in its sole discretion that the transaction or act will not likely result in financial exploitation of the eligible adult; or

(3) Upon an order of a court of competent jurisdiction directing the release of funds.

(d) Notwithstanding any other law to the contrary, the refusal to engage in a transaction as authorized under subsection (a) of this section may not constitute the wrongful dishonor of an item under §46-4-1 *et seq.* of this code.

(e) A reasonable belief that payment of a check will facilitate the financial exploitation of an eligible adult constitutes reasonable grounds to doubt the collectability of the item for purposes of the federal Check Clearing for the 21st Century Act, 12 U.S.C. § 5001 *et seq.*, the federal Expedited Funds Availability Act, 12 U.S.C. § 4001 *et seq.*, and 12 C.F.R. part 229. Nothing herein, however, requires depository institutions, broker-dealers, investment advisers, and/or their employees, to review the checks of eligible adults.

(f) A delay or refusal to complete a funds transfer request as authorized under subsection (a) of this section does not violate §46-4A-101 *et seq.* of this code: *Provided*, That if a transaction is delayed under subsection (a) of this section, the payment order is not considered as received until the hold is removed and the depository institution and/or broker-dealer submits the payment order for processing. Funds transfer and payment order have the same meanings as defined in §46-4A-101 *et seq.* of this code.

§31A-2C-6. Third-party notifications.

(a) A depository institution, broker-dealer, investment adviser, and/or their employees may notify an associated third party, if any, if the depository institution, broker-dealer, investment adviser, or their employees believe that the financial exploitation of the eligible adult is occurring, has or may have occurred, is being attempted, or has been or may have been attempted.

(b) A depository institution, broker-dealer, investment adviser, and/or their employees, may choose not to notify an associated third party as described in subsection (a) of this section, if the depository institution, broker-dealer, investment adviser, or employees believe that the third party is, may be, or may have been engaged in the financial exploitation of the eligible adult.

(c) When providing information under subsection (a) of this section, a depository institution, broker-dealer, investment adviser, and/or their employees may limit the information provided to disclosing their suspicion that the eligible adult may be a victim or target of financial exploitation.

(d) Any disclosure under subsection (a) of this section is exempt from coverage by state privacy laws and/or requirements.

§31A-2C-7. No private cause of action.

Compliance with this article shall not serve as the basis for a private cause of action against any depository institution, broker-dealer, investment advisor, or their employees unless there is clear and convincing evidence that these persons did not act in good faith.

The bill (Eng. Com. Sub. for H. B. 3294), as amended, was then ordered to third reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3434, Relating to the controlled substance schedules and to clean-up errors identified in the code sections.

Now on second reading, having been read a first time and rereferred to the Committee on Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3434) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a second time, and ordered to third reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3503, Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 8, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3503) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 11. WATER POLLUTION CONTROL ACT.

§22-11-31. State pre-emption in favor of commercial horticulture under the Water Pollution Control Act.

(a) Notwithstanding the provisions of Chapter 7, Chapter 7A, Chapter 8, and Chapter 8A of the West Virginia Code or the West Virginia Code of State Rules promulgated thereunder to the contrary, no county, municipality, or political subdivision may prohibit, regulate, permit, or license commercial horticulture by adopting any charter, law, rule, regulation, ordinance, or zoning provision concerning the size, placement, location, or operation of commercial horticulture within the subject matter of the Water Pollution Control Act, as provided in §22-11-1 *et seq.* of this code, and all such provisions in charters, laws, rules, regulations, ordinances, or zoning provisions are hereby invalid and unenforceable.

(b) No county, municipality, or political subdivision may bring a cause of action against a commercial horticulture operation for any activity within the subject matter of said Water Pollution Control Act, if the commercial horticulture operation is in material compliance of the Water Pollution Control Act, its rules, and federal laws and regulations.

On motion of Senator Rucker, the following amendment to the Judiciary committee amendment to the bill (Eng. H. B. 3503) was reported by the Clerk:

On page 13, section 1, following line 12, by inserting the following:

(c) Any ordinance of a political subdivision of this state may not be more stringent than any federal or state rule, regulation, program, or permitting regime.

Following discussion,

The question being on the adoption of Senator Rucker's amendment to the Judiciary committee amendment to the bill, the same was put and prevailed.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. H. B. 3503), as amended, was then ordered to third reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3504, Relating to protecting critical infrastructure; and defining terms.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 9, 2025;

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3504) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a second time, and ordered to third reading.

Senator Stuart, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Eng. House Bill 3513, Relating to standards of liability and insurance requirements in certain civil actions.

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on April 9, 2025;

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mike Stuart,
Chair.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. H. B. 3513) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration and read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12b. Liability of intoxicated persons; liability of persons or licensees for knowingly unlawful sales; rebuttable presumptions and exceptions.

(a) Notwithstanding any other provision of this article to the contrary, a licensee or person acting on the licensee's behalf who sells, furnishes, or serves an alcoholic beverage to a person is not thereby liable in a civil action for damages for injury, death, or

damage caused by or resulting from the impairment or intoxication of the person who was furnished the alcoholic beverage, including injury or death to other individuals, unless either of the following circumstances apply:

(1) The licensee or person acting on the licensee's behalf knowingly sells, furnishes, or serves alcoholic beverages to a person who is not of lawful drinking age; or

(2) The licensee or person acting on the licensee's behalf knowingly sells, furnishes, or serves alcoholic beverages to a person who was visibly intoxicated at the time the alcoholic beverage was furnished.

(b) Where either of the circumstances set forth in §60-7-12b(a) of this code are met by a preponderance of the evidence, a person or licensee may become liable for injury or damage caused by or resulting from the intoxication of the person when the sale, furnishing, or serving of alcoholic beverages to the person is the proximate cause of the injury or damage.

(c) In determining whether the sale, furnishing, or serving of alcoholic beverages to a person not of legal drinking age is done knowingly, as provided in §60-7-12b(a)(1) of this code, a rebuttable presumption that the alcoholic beverages were not sold, furnished, or served knowingly exists if:

(1) The person selling, furnishing, or serving alcoholic beverages has installed a transaction scan device on its licensed premises and can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom alcoholic beverages have been furnished; or,

(2) The person selling, furnishing, or serving alcoholic beverages can demonstrate that it requires each employee, servant, or agent to verify the age of any individual to whom an alcoholic beverage is sold by providing evidence:

(A) That it has developed a written policy which requires each employee, servant, or agent to verify the age of each individual to whom an alcoholic beverage will be sold, furnished, or given away;

(B) That it has communicated this policy to each employee, servant, or agent; and

(C) That it monitors the actions of its employees, servants, or agents regarding the sale, furnishing, or provision without charge of any alcoholic beverage and that it has taken corrective action for any discovered noncompliance with this policy.

(d) For purposes of this section, an intoxicated person of lawful drinking age operating a motor vehicle, an executor or administrator of the intoxicated motor vehicle operator's estate, any person voluntarily riding in a motor vehicle operated by a person known to be intoxicated, or an executor or administrator of any person voluntarily riding in a motor vehicle operated by a person known to be intoxicated, do not have a private cause of action against any licensee, person acting on the licensee's behalf, or owner or lessor of any building of a licensee, for injuries to his or her person or property arising from the actions of the intoxicated driver.

(e) For any cause of action brought pursuant to this section against a licensee or person acting on the licensee's behalf that maintains liquor liability insurance in an amount not less than \$1 million per occurrence and at least \$2 million in the aggregate, a verdict of past medical expenses is limited to \$1 million, and an award of punitive damages may not exceed two times the amount of compensatory damages awarded.

(f) For purposes of this section, these terms are defined as follows:

"Alcoholic beverage" includes alcohol, beer, including nonintoxicating beer and nonintoxicating craft beer, wine, spirits and any other liquid or solid capable of being used as a beverage.

"Knowing" or "knowingly" means knew or should have known under a totality of the circumstances.

"Transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information

enclosed on the magnetic strip or bar code of a driver's license or other government-issued identity card.

"Visible intoxication" or "visibly intoxicated" means actual evidence of a person's action or series of actions that present objective signs of intoxication. A person's blood alcohol content or the number of alcoholic beverages a person consumes do not constitute prima facie evidence to establish that a person is visibly intoxicated within the meaning of this section but may be admissible as relevant evidence of the person's intoxication.

(g) Notwithstanding any other effective date to the contrary, the amendments to this article, enacted during the 2025 regular legislative session, apply to all cases filed on or after August 1, 2025.

§60-7-12c. Liability of owners or lessors for gross negligence.

(a) A person, and an executor or administrator of the person's estate, who suffers personal injury, death, or property damage as a result of the actions of an intoxicated person do not have a private cause of action against an owner or lessor who rents their building or premises to a licensee or person acting on the licensee's behalf against whom a private cause of action may be brought under §60-7-12b of this code, except when:

(1) The owner and the licensee are the same person, and the licensee violated a provision of §60-7-12b of this code; or

(2) There is clear and convincing evidence that the owner or lessor acted willfully, wantonly, or with gross negligence with respect to the renting of the owner or lessor's building or premises to a licensee or person acting on a licensee's behalf against whom a private cause of action has been brought.

(b) For any cause of action brought under this section in which the trier of fact has determined that punitive damages are to be awarded, the limitations on punitive damages provided in §55-7-29 of this code apply.

(c) Notwithstanding any other effective date to the contrary, the amendments to this article, enacted during the 2025 regular legislative session, apply to all cases filed on or after August 1, 2025.

The bill (Eng. H. B. 3513), as amended, was then ordered to third reading.

On motion of Senator Martin, at 4:11 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:45 p.m. and again proceeded to the eighth order of business.

The end of today's third reading calendar having been reached, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2576, NIL Protection Act.

On third reading, coming up in deferred order, was reported by the Clerk.

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 second reading calendar.

Consideration of Engrossed Committee Substitute for House Bill 2576 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2595, Non Profit Athletics Act.

On third reading, coming up in deferred order, was reported by the Clerk.

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 second reading calendar, following consideration of Engrossed Committee Substitute for House Bill 2576, already placed in that position.

Consideration of Engrossed Committee Substitute for House Bill 2595 having been concluded, the Senate proceeded to the consideration of

Eng. House Bill 2776, Requiring Department of Health to report positive Alpha Gal tests to CDC.

On third reading, coming up in deferred order, with the unreported Health and Human Resources committee amendment pending, and with the right having been granted on April 8, 2025, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Chapman, as chair of the Committee on Health and Human Resources, and by unanimous consent, the unreported Health and Human Resources committee amendment to the bill was withdrawn.

On motion of Senator Chapman, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-4. Proposal of rules by the secretary.

(a) The secretary may propose legislative rules in accordance with the provisions of §29A-3-1 *et seq.* of this code that include:

(1) Land usage endangering the public health: *Provided*, That no rules may be promulgated or enforced restricting the subdivision or development of any parcel of land within which the individual tracts, lots, or parcels exceed two acres each in total surface area and which individual tracts, lots, or parcels have an average frontage of not less than 150 feet even though the total surface area of the tract, lot, or parcel equals or exceeds two acres in total surface area, and which tracts are sold, leased, or utilized only as single-family dwelling units. Notwithstanding the

provisions of this subsection, nothing in this section may be construed to abate the authority of the department to:

(A) Restrict the subdivision or development of a tract for any more intense or higher density occupancy than a single-family dwelling unit;

(B) Propose or enforce rules applicable to single-family dwelling units for single-family dwelling unit sanitary sewerage disposal systems; or

(C) Restrict any subdivision or development which might endanger the public health, the sanitary condition of streams, or sources of water supply;

(2) The sanitary condition of all institutions and schools, whether public or private, public conveyances, dairies, slaughterhouses, workshops, factories, labor camps, all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption and places where trades or industries are conducted;

(3) Occupational and industrial health hazards, the sanitary conditions of streams, sources of water supply, sewerage facilities, and plumbing systems and the qualifications of personnel connected with any of those facilities, without regard to whether the supplies or systems are publicly or privately owned; and the design of all water systems, plumbing systems, sewerage systems, sewage treatment plants, excreta disposal methods, and swimming pools in this state, whether publicly or privately owned: Provided, That the secretary may not promulgate rules that require a public water supply system or business to have backflow prevention assemblies inspected more frequently than once in five years for a low-hazard system, which is defined as a hazard that could cause aesthetic problems or have a detrimental secondary effect on the quality of the public potable water supply: Provided, however, That a high-hazard system, which is defined as a hazard that is conducive to the introduction of waterborne disease organisms or harmful chemical, physical, or radioactive substances into a public

water system and that presents an unreasonable risk to health, shall be inspected annually;

(4) Safe drinking water, including:

(A) The maximum contaminant levels to which all public water systems must conform in order to prevent adverse effects on the health of individuals and, if appropriate, treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer. The rule shall contain provisions to protect and prevent contamination of wellheads and well fields used by public water supplies so that contaminants do not reach a level that would adversely affect the health of the consumer;

(B) The minimum requirements for: sampling and testing; system operation; public notification by a public water system on being granted a variance or exemption, or upon failure to comply with specific requirements of this section and rules promulgated under this section; record keeping; laboratory certification; as well as procedures and conditions for granting variances and exemptions to public water systems from state public water systems rules; and

(C) The requirements covering the production and distribution of bottled drinking water and may establish requirements governing the taste, odor, appearance, and other consumer acceptability parameters of drinking water;

(5) Food and drug standards, including cleanliness, proscription of additives, proscription of sale, and other requirements in accordance with §16-7-1 *et seq.* of this code as are necessary to protect the health of the citizens of this state;

(6) The training and examination requirements for emergency medical service attendants and emergency medical care technician-paramedics; the designation of the health care facilities, health care services, and the industries and occupations in the state that must have emergency medical service attendants and emergency medical care technician-paramedics employed; and the

availability, communications, and equipment requirements with respect to emergency medical service attendants and to emergency medical care technician-paramedics. Any regulation of emergency medical service attendants and emergency medical care technician-paramedics may not exceed the provisions of §16-4C-1 *et seq.* of this code;

(7) The health and sanitary conditions of establishments commonly referred to as bed and breakfast inns. For purposes of this article, "bed and breakfast inn" means an establishment providing sleeping accommodations and, at a minimum, a breakfast for a fee. The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer rooms to install a restaurant-style or commercial food service facility. The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of more than six rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast inn or those rooms numbering above six are used on an aggregate of two weeks or less per year;

(8) Fees for services provided by the Bureau for Public Health including, but not limited to, laboratory service fees, environmental health service fees, health facility fees, and permit fees;

(9) The collection of data on health status, the health system, and the costs of health care;

(10) The distribution of state aid to local health departments and basic public health services funds in accordance with:

(A) Base allocation amount for each county;

(B) Establishment and administration of an emergency fund of no more than two percent of the total annual funds of which unused amounts are to be distributed back to local boards of health at the end of each fiscal year;

(C) A calculation of funds utilized for state support of local health departments;

(D) Distribution of remaining funds on a per capita weighted population approach which factors coefficients for poverty, health status, population density, and health department interventions for each county and a coefficient which encourages counties to merge in the provision of public health services; and

(E) The provisions of this subdivision are in effect until the performance standard funding formula is created and established by legislative rule.

(b) The secretary shall propose legislative rules in accordance with the provisions of §29A-3-1 *et seq.* of this code to include alpha-gal syndrome on the list of diseases that shall be required to be reported to the Centers for Disease Control and Prevention (CDC).

~~(b)~~(c) The secretary ~~shall~~ may not review any repair or modernization of equipment at a public pool facility as long as such activity does not change the scope of the facility or its current use and such activity does not exceed \$25,000 in planned cost.

§16-1-9a. Regulation of public water systems.

(a) The ~~commissioner~~ secretary shall regulate public water systems as prescribed in this section.

(b) The ~~commissioner~~ secretary shall establish by legislative rule, in accordance with §29A-3-1 *et seq.* of this code:

(1) The maximum contaminant levels to which all public water systems shall conform in order to prevent adverse effects on the health of individuals;

(2) Treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer;

(3) Provisions to protect and prevent contamination of wellheads and well fields used by public water supplies so that contaminants do not reach a level that would adversely affect the health of the consumer;

(4) Minimum requirements for:

(A) Sampling and testing;

(B) System operation;

(C) Public notification by a public water system on being granted a variance or exemption or upon failure to comply with specific requirements of this section and regulations promulgated under this section;

(D) Recordkeeping;

(E) Laboratory certification; and

(F) Procedures and conditions for granting variances and exemptions to public water systems from state public water systems' regulations;

(5) Requirements covering the production and distribution of bottled drinking water;

(6) Requirements governing the taste, odor, appearance, and other consumer acceptability parameters of drinking water;

(7) Any requirements for a water supply system the ~~commissioner~~ secretary determines ~~is~~ are necessary to be equipped with a backflow prevention assembly, and all maintenance activities must be documented and provided to the ~~commissioner~~ secretary upon request: Provided, That the secretary may not require inspection more frequently than once in five years for a low-hazard system, which is defined as a hazard that could cause aesthetic problems or have a detrimental secondary effect on the quality of the public potable water supply: Provided, however, That a high-hazard system, which is defined as a hazard that is conducive to the introduction of waterborne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and that presents an unreasonable risk to health, shall be inspected annually; and Secretary

(8) Any other requirement the ~~commissioner~~ secretary finds necessary to effectuate the provisions of this article.

(c) The ~~commissioner~~ secretary, or his or her authorized representative or designee, may enter any part of a public water system, whether or not the system is in violation of a legal requirement, for the purpose of inspecting, sampling, or testing and shall be furnished records or information reasonably required for a complete inspection.

(d) The ~~commissioner~~ secretary, or his or her authorized representative or designee, may conduct an evaluation necessary to assure the public water system meets federal safe drinking water requirements. The public water system shall provide a written response to the commissioner within 30 days of receipt of the evaluation by the public water system, addressing corrective actions to be taken as a result of the evaluation.

(e)(1) Any individual or entity who violates any provision of this article, or any of the rules or orders issued pursuant to this article, is liable for a civil penalty not less than \$1,000 nor more than \$5,000. Each day's violation shall constitute a separate offense.

(2) For a willful violation of a provision of this article, or of any of the rules or orders issued under this article, an individual or entity shall be subject to a civil penalty of not more than \$10,000 and each day's violation shall be grounds for a separate penalty.

(3) Civil penalties are payable to the ~~commissioner~~ secretary. All moneys collected under this section shall be deposited into a restricted account known as the Safe Drinking Water Fund. All moneys deposited into the fund shall be used by the ~~commissioner~~ secretary to provide technical assistance to public water systems.

(f) The ~~commissioner~~ secretary, or his or her authorized representative or designee, may also seek injunctive relief in the circuit court of the county in which all or part of the public water system is located for threatened or continuing violations.

(g) By July 1, 2020, a public water system supplying water to the public within the state shall immediately, but in no instance later than six hours, report the occurrence and the lifting of each advisory to local departments of health and to local office of emergency management 911 answering point.

(h) By January 1, 2022, a public water system shall make available to interested customers boiled water advisories promptly through a text or a voice alert mass notification system.

Following discussion,

The question being on the adoption of Senator Chapman's amendment to the bill, the same was put and prevailed.

Engrossed House Bill 2776, 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, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2776) passed.

On motion of Senator Chapman, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2776—A Bill amend and reenact §16-1-4 and §16-1-9a of the Code of West Virginia, 1931, as amended, relating to the State Public Health System; requiring the Secretary of the Department of Health to propose legislative rules to include alpha-gal syndrome on the list of diseases that shall be required to be

reported to the Centers for Disease Control and Prevention (CDC); creating two classifications of backflow prevention assemblies; replacing references to the commissioner with the Secretary of the Department of Health; providing that the Secretary of the Department of Health may not require low-hazard backflow prevention assemblies to be inspected more frequently than once in five years; and providing that high-hazard backflow prevention assemblies shall be inspected annually.

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, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Woelfel—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2776) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

Eng. Com. Sub. for House Bill 2014, Certified Microgrid Program.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Economic Development committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2054, Relating to liability of vendors in private farmers markets.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page 1, after the enacting clause, but striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 4. LICENSES.

§60-4-3a. Distillery, mini-distillery, and micro-distillery license to manufacture and sell.

(a) *Sales of liquor.* — An operator of a distillery, mini-distillery, or micro-distillery may offer liquor for retail sale to customers from the distillery, mini-distillery, or micro-distillery for consumption off-premises only. Except for samples offered pursuant to §60-6-1 of this code, customers may not consume any liquor on the premises of the distillery, mini-distillery, or micro-distillery, except for a distillery, mini-distillery, or micro-distillery that obtains a private manufacturer club license set forth in §60-7-1 *et seq.* of this code, and a Class A retail dealer license set forth in §11-16-1 *et seq.* of the code: *Provided*, That a licensed distillery, mini-distillery, or micro-distillery may offer samples of alcoholic liquors as authorized by this subsection when alcoholic liquors are manufactured by that licensed distillery, mini-distillery, or micro-distillery for consumption on the licensed premises. Notwithstanding any other provision of law to the contrary, a licensed distillery, mini-distillery, or micro-distillery may sell, furnish, and serve alcoholic liquors when licensed accordingly beginning at 6:00 a.m. unless otherwise determined by the residents of the county pursuant to §7-1-3ss of this code.

(b) *Retail on-premises and off-premises consumption sales.* — Every licensed distillery, mini-distillery, or micro-distillery shall comply with the provisions of §60-3A-9, §60-3A-11, §60-3A-13, §60-3A-16, §60-3A-17, §60-3A-18, §60-3A-19, §60-3A-22, §60-3A-23, §60-3A-24, §60-3A-25, and §60-3A-26 of this code, and the provisions of §60-3-1 *et seq.*, §60-4-1 *et seq.*, and §60-7-1 *et seq.* of this code, applicable to liquor retailers, and distillers. In the interest of promoting tourism throughout the state, every licensed distillery, mini-distillery, or micro-distillery manufacturing liquor in this state is authorized, with a limited off-site retail privilege at private fairs and festivals, for on-premises consumption sales served by the drink or glass, and off-premises consumption sales by the bottle of only the licensed distillery, mini-distillery, or micro-distillery's sealed liquor. At least five days prior to an approved private fair and festival, an authorized distillery, mini-distillery, or micro-distillery shall provide a copy of a written agreement to sell only liquor manufactured by the licensed distillery, mini-distillery, or micro-distillery at the private fair and festival's licensed premises. If approved, an authorized distillery, mini-distillery, or micro-distillery may conduct on-premises and off-premises consumption sales of its liquor from a designated booth at the private fair and festival as set forth in §60-7-8a of this code. All authorized and approved distilleries, mini-distilleries, and micro-distilleries' off-premises consumption sales shall comply with all retail requirements in §60-3A-1 *et seq.* of this code, and specifically §60-3A-17 of this code with respect to all markups, taxes, and fees and also all retail requirements of §60-7-1 *et seq.* of this code when applicable. Additionally, every authorized distillery, mini-distillery, and micro-distillery may provide samples to patrons who are 21 years of age and older and who are not intoxicated. The liquor samples of the licensed distillery, mini-distillery, or micro-distillery's product on any sampling day shall not exceed:

~~(1) Three separate and individual sample servings per customer verified to be 21 years of age or older; and~~

(2) ~~Six~~ six ounces in total volume. Samples may be mixed with each other or with non-alcoholic liquids as long as the total amount of the liquor sampled does not exceed six ounces.

(c) *Payment of taxes and fees.* — The distillery, mini-distillery, or micro-distillery shall pay all taxes and fees required of licensed retailers and meet applicable licensing provisions as required by this chapter and by rule of the commissioner, except for payments of the wholesale markup percentage and the handling fee provided by rule of the commissioner: *Provided*, That all liquor for sale to customers from the distillery, mini-distillery, or micro-distillery for off-premises consumption is subject of a five percent wholesale markup fee and an 80 cents per case bailment fee to be paid to the commissioner: *Provided, however*, That liquor sold by the distillery, mini-distillery, or micro-distillery shall not be priced less than the price set by the commissioner pursuant §60-3A-17 of this code.

(d) *Payments to market zone retailers.* — Each distillery, mini-distillery, or micro-distillery shall submit to the commissioner two percent of the gross sales price of each retail liquor sale for the value of all sales at the distillery, mini-distillery, or micro-distillery each month. Any sales by a distillery, mini-distillery, or micro-distillery at a private fair and festival are treated as occurring on their licensed premises for purposes of this market zone calculation. This collection shall be distributed by the commissioner, at least quarterly, to each market zone retailer located in the distillery, mini-distillery, or micro-distillery's market zone, proportionate to each market zone retailer's annual gross prior years pretax value sales. The maximum amount of market zone payments that a distillery, mini-distillery, or micro-distillery shall submit to the commissioner is \$15,000 per annum.

(e) *Limitations on licensees.* — A distillery, mini-distillery, or micro-distillery may not produce more than 50,000 gallons per calendar year. The commissioner may issue more than one distillery, mini-distillery, or micro-distillery license to a single person or entity and a person may hold both a distillery and a mini-distillery license. The owners of a licensed distillery, mini-

distillery, or micro-distillery may operate a winery, farm winery, brewery, or as a resident brewer as otherwise specified in the code.

(f) Building code and tax classification. — Notwithstanding any provision of this code to the contrary, the mere addition of a distillery, mini-distillery, or micro-distillery licensed under this article on a property does not change the nature or use of the property which otherwise qualifies as agricultural use for building code and property tax classification purposes.

(g) A political subdivision of this state may not regulate any of the following activities of a distillery, mini-distillery, or micro-distillery licensed and operating in accordance with this section:

(1) The on-premises sale, tasting, or consumption of liquor during business hours set forth in §60-7-12 of this code;

(2) The storage, warehousing, and wholesaling of liquor in accordance with the rules of the commissioner and federal law or regulations; or

(3) The sale of liquor related items including but not limited to the sale of pre-packaged food not requiring kitchen preparation that are incidental to the sale of liquor and on-premises consumption.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-2. Definitions; authorizations; requirements for certain licenses.

Unless the context in which used clearly requires a different meaning, as used in this article:

(1) "Applicant" means a private club applying for a license under the provisions of this article.

(2) "Code" means the official Code of West Virginia, 1931, as amended.

(3) "Commissioner" means the West Virginia Alcohol Beverage Control Commissioner.

(4) "Licensee" means the holder of a license to operate a private club granted under this article, which remains unexpired, unsuspended, and unrevoked.

(5) "Private club" means any corporation or unincorporated association which either:

(A) Belongs to or is affiliated with a nationally recognized fraternal or veterans' organization which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which are admitted only duly-elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests;

(B) Is a nonprofit social club, which is operated exclusively for the benefit of its members, which pays no part of its income to its shareholders or individual members, which owns or leases a building or other premises to which are admitted only duly-elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which club the general public is not admitted, and which maintains in the building or on the premises a suitable kitchen and dining facility with related equipment for serving food to members and their guests;

(C) Is organized and operated for legitimate purposes, which has at least 100 duly- elected or approved dues-paying members in good standing, which owns or leases a building or other premises, including any vessel licensed or approved by any federal agency to carry or accommodate passengers on navigable waters of this state, to which are admitted only duly- elected or approved dues-paying members in good standing of the corporation or association and their guests while in the company of a member and to which the general public is not admitted, and which club maintains in the building or on the premises a suitable kitchen and dining facility

with related equipment and employs a sufficient number of persons for serving meals to members and their guests; or

(D) Is organized for legitimate purposes and owns or leases a building or other delimited premises in any state, county, or municipal park, or at any airport, in which a club has been established, to which are admitted only duly-elected and approved dues-paying members in good standing and their guests while in the company of a member and to which the general public is not admitted, and which maintains in connection with the club a suitable kitchen and dining facility and related equipment and employs a sufficient number of persons for serving meals in the club to the members and their guests.

~~(6)~~ "Private bakery" means an applicant for a private club or licensed private club license that has a primary function of operating a food preparation business that produces baked goods, including brownies, cookies, cupcakes, confections, muffins, breads, cakes, wedding cakes, and other baked goods where the applicant or licensee desires to sell baked goods infused with liquor, wine, or nonintoxicating beer or nonintoxicating craft beer, included: (A) In the icing, syrup, drizzle, or some other topping; (B) as an infusion where the alcohol is not processed or cooked out of the baked goods; or (C) from an infusion packet containing alcohol no greater than 10 milliliters where the purchaser adds the alcohol. ~~This~~ The applicant or licensee may not sell liquor, wine, or nonintoxicating beer or nonintoxicating craft beer for on-premises or off-premises consumption. The applicant or licensee may sell the baked goods with alcohol added as authorized for on-premises and off-premises consumption. Further, the applicant or licensee shall:

(i) Have at least 50 members;

(ii) Operate a kitchen that produces baked goods, as specified in this subdivision, including at least: (I) A baking oven and a four-burner range or hot plate; (II) a sink with hot and cold running water; (III) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (IV) baking utensils and pans, kitchen

utensils, and other food consumption apparatus as determined by the commissioner; and (V) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(iii) Maintain, at any one time, a food inventory capable of being prepared in the private bakery's kitchen. In calculating the food inventory, the commissioner shall include ~~television dinners~~, bags of chips or similar products, microwavable food or meals, frozen meals, pre-packaged foods, baking items such as flour, sugar, icing, and other confectionary items, or canned prepared foods;

(iv) Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private bakery are not sold items containing alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine. A person under 21 years of age may enter the shop and purchase other items not containing alcoholic liquors; and

(v) Meet and be subject to all other private club requirements.

~~(7)~~ "Private cigar shop" means an applicant for a private club or licensed private club licensee that has a primary function of operating a cigar shop for sales of premium cigars for consumption on or off the licensed premises. Where permitted by law, indoor on-premises cigar consumption is permitted with a limited food menu, which may be met by using a private caterer, for members and guests while the private club applicant or licensee is selling and serving liquor, wine, or nonintoxicating beer or nonintoxicating craft beer for on-premises consumption. Further, the applicant or licensee shall:

(A) Have at least 50 members;

(B) Operate a cigar shop and bar with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and

freezer which is not used for alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined by the commissioner; and (v) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintain, at any one time, not less than a food inventory capable of being prepared in the private club bar's kitchen or have on hand at least \$150 in food provided by a private caterer. In calculating the food inventory, the commissioner shall include ~~television dinners~~, bags of chips or similar products, microwavable food or meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private club bar are accompanied by a parent or legal guardian, and if a person under 21 years of age is not accompanied by a parent or legal guardian, refuse to admit that person ~~may not be admitted~~ as a guest; and

(E) Meet and ~~is~~ be subject to all other private club requirements.

~~(8)~~ "Private caterer" means a licensed private club restaurant, private hotel, or private resort hotel authorized by the commissioner to cater and serve food and sell and serve alcoholic liquors, or non-intoxicating beer or non-intoxicating craft beer. A private caterer shall purchase wine sold or served at a catering event from a wine distributor. A private caterer shall purchase nonintoxicating beer and nonintoxicating craft beer sold or served at the catering event from a licensed beer distributor. A private caterer shall purchase liquor from a retail liquor outlet authorized to sell in the market zone, where the catering event is held. The private caterer or the persons or entity holding the catering event shall:

(A) Have at least 10 members and guests attending the catering event;

(B) Have obtained an open container waiver or have otherwise been approved by a municipality or county in which the event is being held;

(C) Operate a private club restaurant on a daily operating basis;

(D) Only use its employees, independent contractors, or volunteers to sell and serve alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer who have received certified training in verifying the legal identification, the age of a purchasing person, and the signs of visible, noticeable, and physical intoxication;

(E) Provide to the commissioner, at least seven days before the event is to take place:

(i) The name and business address of the unlicensed private venue where the private caterer is to provide food and alcohol for a catering event;

(ii) The name of the owner or operator of the unlicensed private venue;

(iii) A copy of the contract or contracts between the private caterer, the person contracting with the caterer, and the unlicensed private venue;

(iv) A floorplan of the unlicensed private venue to comprise the private catering premises, which shall only include spaces in buildings or rooms of an unlicensed private venue where the private caterer has control of the space for a set time period and where the space safely accounts for the ingress and egress of the stated members and guests who will be attending the private catering event at the catering premises. The unlicensed private venue's floorplan during the set time period as stated in the contract shall comprise the private caterer's licensed premises, which is authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer and nonintoxicating craft beer, and wine throughout the licensed private catering premises: *Provided*, That the unlicensed private venue shall: (I) Be inside a building or structure; (II) have other facilities to prepare and serve

food and alcohol; (III) have adequate restrooms and sufficient building facilities for the number of members and guests expected to attend the private catering event; and (IV) otherwise be in compliance with health, fire, safety, and zoning requirements;

(F) Not hold more than 15 private catering events per calendar year. Upon reaching the 16th event, the unlicensed venue shall obtain its own private club license;

(G) Submit to the commissioner, evidence that any noncontiguous area of an unlicensed venue is within 150 feet of the private caterer's submitted floorplan and may submit a floorplan extension for authorization to permit alcohol and food at an outdoor event;

(H) Meet and be subject to all other private club requirements; and

(I) Use an age verification system approved by the commissioner.

~~(9)~~ "Private club bar" means an applicant for a private club or licensed private club licensee that has a primary function for the use of the licensed premises as a bar for the sale and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer and wine when licensed for those sales, while providing a limited food menu for members and guests, and meeting the criteria set forth in this subdivision which:

(A) Has at least 100 members;

(B) Operates a bar with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) a 17 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; (iv) kitchen utensils and other food consumption apparatus as determined by the commissioner; and (v) food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintains, at any one time, a food inventory capable of being prepared in the private club bar's kitchen. In calculating the food inventory, the commissioner shall include ~~television dinners~~, bags of chips or similar products, microwavable food or meals, frozen meals, prepackaged foods, or canned prepared foods;

(D) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 18 who are in the private club bar are accompanied by a parent or legal guardian. If a person under 18 years of age is not accompanied by a parent or legal guardian that person may not be admitted as a guest; and

(E) Meets and is subject to all other private club requirements.

~~(10)~~ "Private food truck" means an applicant for a private club, licensed private club licensee, or licensed private manufacturer's club licensee that has a primary function of operating a food preparation business using an industrial truck, van, or trailer to prepare food and meals for sale at various locations within the state while using a propane or electric generator powered kitchen. The private food truck applicant shall obtain county or municipal approval to operate a private food truck for food and liquor, wine, hard cider, and nonintoxicating beer or nonintoxicating craft beer sales and service, while providing a food menu for members and guests. The private food truck applicant shall:

(A) Have at least 10 members;

(B) Operate with a kitchen, including at least: (i) A two-burner hot plate, air fryer, or microwave oven; (ii) a sink with hot and cold running water; (iii) at least a 10 cubic foot refrigerator or freezer, or some combination of a refrigerator and freezer which is not used for alcohol cold storage; and (iv) plastic or metal kitchen utensils and other food consumption apparatus as determined by the commissioner;

(C) Maintain, at any one time, not less than \$200 of food inventory that is fit for human consumption and capable of being

prepared and served from the private food truck's kitchen during all hours of operation;

(D) ~~Is~~ Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private food truck is to be located and operated. Each location shall have a bounded and defined area and set hours for private food truck operations, sales, and consumption of alcohol that are not greater than a private club's hours of operation;

(E) Provide the commissioner with a list of all locations, including a main business location, where the private food truck operates, and is approved for sales pursuant to paragraph (D) of this section, and immediately update the commissioner when new locations are approved by a county or municipality;

(F) Require all nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section to be purchased from the licensed distributor where the private food truck has its home location or from a resident brewer acting in a limited capacity as a distributor, all in accordance with §11-16-1 *et seq.* of this code.

(G) Require wine or hard cider sold, furnished, tendered, or served pursuant to the license created by this section to be purchased from a licensed distributor, winery, or farm winery in accordance with §60-8-1 *et seq.* of this code.

(H) Require liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private food truck has its main business location, all in accordance with §60-3A-1 *et seq.* of this code.

(I) A licensee authorized by this section shall use bona fide employees to sell, furnish, tender, or serve the nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

(J) A brewer, resident brewer, winery, farm winery, distillery, mini-distillery, or micro-distillery may obtain a private food truck license;

(K) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor broker representatives may attend a location where a private food truck is located and discuss their respective products but may not engage in the selling, furnishing, tendering, or serving of any nonintoxicating beer or nonintoxicating craft beer, wine, or liquor.

(L) Use an age verification system approved by the commissioner for the purpose of verifying that persons under the age of 21 who are in the private club bar are not permitted to be served any alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, or wine but may be permitted to purchase food or other items;

(M) Obtain all permits required by §60-6-12 of this code; and

(N) Meet and be subject to all other applicable private club requirements.

~~(11)~~ "Private club restaurant" means an applicant for a private club or licensed private club licensee that has a primary function of using the licensed premises as a restaurant for serving freshly prepared meals and dining in the restaurant area. The private club restaurant may have a bar area separate from or commingled within the restaurant where seating requirements for members and guests are met by including the restaurant area. The applicant for a private club restaurant license is an applicant which:

(A) Has at least 100 members;

(B) ~~Operate~~ Operates a restaurant and full kitchen with at least: (i) Ovens and four-burner ranges; (ii) refrigerators or freezers, or some combination of refrigerators and freezers greater than 50 cubic feet, or a walk-in refrigerator or freezer; (iii) other kitchen utensils and apparatus as determined by the commissioner; and (iv) freshly prepared food fit for human consumption available to be served during all hours of operation on the licensed premises;

(C) Maintains, at any one time, fresh food capable of being prepared in the private club restaurant's full kitchen. In calculating

the food inventory, the commissioner may not include ~~television dinners~~, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Uses an age verification system approved by the commissioner for the purpose of verifying that persons under 18 years of age who are in the bar area of a private club restaurant are accompanied by a parent or legal guardian. The licensee may not seat a person in the bar area who is under the age of 18 years ~~and~~ who is not accompanied by a parent or legal guardian, but may allow that person, as a guest, to dine for food and nonalcoholic beverage purposes in the restaurant area of a private club restaurant:

(E) May uncork and serve members and guests up to two bottles of wine that a member purchased from a wine retailer, wine specialty shop, an applicable winery or farm winery when licensed for retail sales, or a licensed wine direct shipper when the purchase is for personal use and, not for resale. The licensee may charge a corkage fee of up to \$10 dollars per bottle. In no event may a member or a group of members and guests exceed two sealed bottles or containers of wine to carry onto the licensed premises for uncorking and serving by the private club restaurant and for personal consumption by the member and guests. A member or guest may cork and reseal any unconsumed wine bottles as provided in §60-8-3 (j) of this code and the legislative rules for carrying unconsumed wine off the licensed premises;

(F) Has at least two restrooms for members and their guests: *Provided*, That this requirement may be waived by the local health department upon supplying a written waiver of the requirement to the commissioner: *Provided, however*, That the requirement may also be waived for a historic building by written waiver supplied to commissioner of the requirement from the historic association or district with jurisdiction over a historic building: *Provided, further*, That in no event may a private club restaurant have less than one restroom; and

(G) Meets and is subject to all other private club requirements.

(12) "Private manufacturer club" means an applicant for a private club or licensed private club licensee which is also licensed as a distillery, mini-distillery, micro-distillery, winery, farm winery, brewery, or resident brewery that manufactures liquor, wine, nonintoxicating beer or nonintoxicating craft beer, which may be sold, served, and furnished to members and guests for on-premises consumption at the licensee's licensed premises and in the area or areas denoted on the licensee's floorplan, and which:

(A) Has at least 100 members;

(B) Offers tours, may offer samples, and may offer space as a conference center or for meetings;

(C) Operates a restaurant and full kitchen with ovens, four-burner ranges, a refrigerator, or freezer, or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves food: *Provided*, That a licensee required by the provisions of this code to serve food on premises in order to lawfully serve alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, wine, or hard cider may meet the requirement of having on-premises food preparation facilities by, during all hours alcoholic liquors, beer, wine, and hard cider are offered for sale or sampling, having on-site an operating food truck or other portable kitchen: *Provided, however*, That the approval of the commissioner and the appropriate health department is required to operate as allowed by subsection (a) of this section;

(D) Maintains, at any one time fresh food capable of being prepared in the private manufacturer club's full kitchen. In calculating the food inventory, the commissioner may include ~~television dinners~~, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(E) Owns or leases, controls, operates, and uses space which is contiguous, bounded, or fenced real property sufficient to safely operate the licensed premises that would be listed on the licensee's floorplan and may be used for large events such as weddings,

reunions, conferences, meetings, and sporting or recreational events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private manufacturer club's floorplan that would comprise the licensed premises, which would be authorized for the lawful sale, service, and consumption of alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer, hard cider, and wine throughout the licensed premises, whether these activities were conducted in a building or structure or outdoors while on the private manufacturer club's licensed premises, and as noted on the private manufacturer club's floorplan;

(G) Identifies a person, persons, an entity, or entities who or which have the right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(H) Uses an age verification system approved by the commissioner; and

(I) Meets and is subject to all other private club requirements.

~~(13)~~ "Private fair and festival" means an applicant for a private club or a licensed private club licensee meeting the requirements of §60-7-8a of this code for a temporary event, and the criteria set forth in this subdivision which:

(A) Has at least 100 members;

(B) Has been sponsored, endorsed, or approved, in writing, by the governing body, or its duly elected or appointed officers, of either the municipality or of the county in which the festival, fair, or other event is to be conducted;

(C) Prepares, provides, or engages a food vendor to provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and further ~~shall provide~~ provides any documentation or agreements to the commissioner prior to approval;

(D) Does not use third-party entities or individuals to purchase, sell, furnish, or serve alcoholic liquors, nonintoxicating beer or nonintoxicating craft beer;

(E) Provides adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the festival, fair, or other event;

(F) Provides a floorplan for the proposed premises with a defined and bounded area to safely account for the ingress and egress of stated members and guests who will be attending the festival, fair, or other event;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

(14) "Private hotel" means an applicant for a private club or licensed private club licensee meeting the criteria set forth in this subsection which:

(A) Has at least 2,000 members;

(B) Offers short-term, daily rate accommodations or lodging for members and their guests amounting to at least 30 separate bedrooms, and also offers a conference center for meetings;

(C) Operates a restaurant and full kitchen with ovens, four-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 20 hours per week;

(D) Maintains, at any one time, fresh food capable of being prepared in the private hotel's full kitchen. In calculating the food inventory, the commissioner may not include microwavable, frozen, or canned foods;

(E) Owns or leases, controls, operates, and uses acreage amounting to more than one acre but fewer than three acres, which

are contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for hotel and conferences and large contracted-for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private hotel's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private hotel's licensed premises and as noted on the private hotel's floorplan;

(G) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(H) Uses an age verification system approved by the commissioner;

(I) Meets and is subject to all other private club requirements; and

(J) May provide members and guests who are verified by proper form of identification to be 21 years of age or older to have secure access via key or key card to an in-room mini-bar in their rented short-term accommodation; the mini-bar may be a small refrigerator not in excess of 1.6 cubic feet for the sale of nonintoxicating beer or nonintoxicating craft beer, wine, hard cider, and liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination of 12 fluid ounce cans or bottles not exceeding 72 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not exceeding 750 ml of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, and 200 ml, with any combination of those liquor bottles not exceeding 750 ml; and (iv) any combination of canned or packaged food valued at

least \$50. All markups, fees, and taxes shall be charged on the sale of nonintoxicating beer, nonintoxicating craft beer, wine, liquor, and hard cider. All nonintoxicating beer or nonintoxicating craft beer available for sale shall be purchased from the licensed distributor in the area where licensed. All wine or hard cider available for sale shall be purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale shall be purchased from the licensed retail liquor outlet in the market zone of the licensed premises. The mini-bar shall be checked daily and replenished as needed to benefit the member and guest.

~~(15)~~ "Private resort hotel" means an applicant for a private club or licensed private club licensee which:

(A) Has at least 5,000 members;

(B) Offers short term, daily rate accommodations or lodging for members and their guests amounting to at least 50 separate bedrooms;

(C) Operates a restaurant and full kitchen with ovens, six-burner ranges, walk-in freezers, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serves freshly prepared food at least 25 hours per week;

(D) Maintains, at any one time, fresh food capable of being prepared in the private resort hotel's full kitchen. In calculating the food inventory, the commissioner may not include microwavable, frozen, or canned foods;

(E) Owns or leases, controls, operates, and uses acreage amounting to at least 10 contiguous acres of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for destination, resort, and large contracted-for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the

private resort hotel's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private resort hotel's licensed premises;

(G) Has an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property, buildings, and structures located on the proposed licensed premises;

(H) Uses an age verification system approved by the commissioner;

(I) Meets and is subject to all other private club requirements;

(J) May have a separately licensed resident brewer with a brewpub license inner-connected via a walkway, doorway, or entryway, all as determined and approved by the commissioner, for limited access during permitted hours of operation for tours and samples at the resident brewery; and

(K) May provide members and guests who are verified by proper form of identification to be 21 years of age or older to have access via key or key card to an in-room mini-bar in their rented short-term accommodation. The mini-bar may be a small refrigerator not in excess of 3.2 cubic feet for the sale of nonintoxicating beer, nonintoxicating craft beer, wine, hard cider, and liquor sold from the original sealed container, and the refrigerator may contain: (i) Any combination of 12 fluid ounce cans or bottles not exceeding 144 fluid ounces of nonintoxicating beer or nonintoxicating craft beer; (ii) any combination of cans or bottles of wine or hard cider not exceeding one and a half liters of wine or hard cider; (iii) liquor in bottles sized from 50 ml, 100 ml, 200 ml, and 375 ml with any combination of such liquor bottles not exceeding one and a half liters; and (iv) any combination of canned or packaged food ~~valued at least \$100~~. All markups, fees, and taxes shall be charged on the sale of nonintoxicating beer, nonintoxicating craft beer, hard cider, wine, and liquor. All nonintoxicating beer or nonintoxicating craft beer available for sale

shall be purchased from the licensed distributor in the area where licensed. All wine or hard cider available for sale shall be purchased from a licensed wine distributor or authorized farm winery. All liquor available for sale shall be purchased from the licensed retail liquor outlet in the market zone of the licensed premises. The mini-bar shall be checked daily and replenished as needed to benefit the member and guest.

(16) "Private golf club" means an applicant for a private club or licensed private club licensee which:

(A) Has at least 100 members;

(B) Maintains at least one 18-hole golf course with separate and distinct golf playing holes, not reusing nine golf playing holes to comprise the 18 golf playing holes, and a clubhouse;

(C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(D) Owns or leases, controls, operates, and uses acreage amounting to at least 80 contiguous acres of bounded or fenced real property which would be listed on the private golf club's floorplan and could be used for golfing events and large contracted-for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(E) Lists the entire property from paragraph (D) of this subsection and all adjoining buildings and structures on the private golf club's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer, wine, hard cider, or nonintoxicating craft beer throughout the licensed premises whether these activities ~~were~~ are conducted in a building or structure or outdoors while on the private golf club's licensed premises;

(F) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property, buildings, and structures located on the proposed licensed premises;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

~~(17)~~ "Private nine-hole golf course" means an applicant for a private club or licensed private club licensee which:

(A) Has at least 50 members;

(B) Maintains at least one nine-hole golf course with separate and distinct golf playing holes;

(C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and serves freshly prepared food at least 15 hours per week;

(D) Owns or leases, controls, operates, and uses acreage amounting to at least 30 contiguous acres of bounded or fenced real property which would be listed on the private nine-hole golf course's floorplan and could be used for golfing events and large contracted for group-type events such as weddings, reunions, conferences, meetings, and sporting or recreational events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private nine-hole golf course's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private nine-hole golf course's licensed premises;

(F) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Uses an age verification system approved by the commissioner; and

(H) Meets and is subject to all other private club requirements.

~~(18)~~ "Private tennis club" means an applicant for a private club or licensed private club licensee which:

(A) Has at least 100 members;

(B) Maintains at least four separate and distinct tennis courts, either indoor or outdoor, and a clubhouse or similar facility;

(C) Has a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises which is capable of serving freshly prepared food;

(D) Owns or leases, controls, operates, and uses acreage amounting to at least two contiguous acres of bounded or fenced real property which would be listed on the private tennis club's floorplan and could be used for tennis events and large events such as weddings, reunions, conferences, tournaments, meetings, and sporting or recreational events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private tennis club's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private tennis club's licensed premises;

(F) Has identified a person, persons, an entity, or entities who or which has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meets and is subject to all other private club requirements; and

(H) Uses an age verification system approved by the commissioner.

~~(19)~~ "Private college sports stadium" means an applicant for a private club or licensed private club licensee that operates a college

or university stadium or coliseum for Division I, II, or III sports and that involves a college, public or private, or university that is a member of the National Collegiate Athletic Association, or its successor, and uses the facility for football, basketball, baseball, soccer, or other Division I, II, or III sports, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer when conducting or temporarily hosting non-collegiate sporting events. This license may be issued in the name of the National Collegiate Athletic Association Division I, II, or III college or university or the name of the primary food and beverage vendor under contract with that college or university. All alcohol sales shall take place within the confines of the college or university stadium: *Provided*, That any outside area approved for alcohol sales and nonintoxicating beer or nonintoxicating craft beer shall be surrounded by a fence or other barrier prohibiting entry except upon the college or university's express permission, and under the conditions and restrictions established by the college or university, so that the alcohol sales area is closed in order to prevent entry and access by the general public. Further the applicant shall:

(A) Have at least 100 members;

(B) Maintain an open-air or enclosed stadium or coliseum venue primarily used for sporting events, such as football, basketball, baseball, soccer, or other Division I, II, or III sports, and also weddings, reunions, conferences, meetings, or other events where parties shall reserve the college stadium venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens and equipment that is equivalent or greater than a private club restaurant, as determined by the commissioner, on the licensed premises that is capable of serving freshly prepared food or meals to its stated members, guests, and patrons who will be attending the event at the private college sports stadium;

(D) Own or lease, control, operate, and use acreage amounting to at least two contiguous acres of bounded or fenced real property,

as determined by the commissioner, which would be listed on the private college stadium's floorplan and could be used for contracted-for temporary non-collegiate sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private college sports stadium's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private college sports stadium's licensed premises and as noted on the private college sports stadium's floorplan;

(F) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

~~(20)~~ "Private professional sports stadium" means an applicant for a private club or licensed private club licensee that is only open for professional sporting events when the events are affiliated with or sponsored by a professional sporting association, reserved weddings, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. The licensee may not sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer when conducting or hosting non-professional sporting events, and further the applicant shall:

(A) Have at least 1,000 members;

(B) Maintain an open-air or enclosed stadium venue primarily used for sporting events, such as football, baseball, soccer, auto

racing, or other professional sports, and also weddings, reunions, conferences, meetings, or other events where parties reserve the stadium venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises which is capable of serving freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private professional sports stadium;

(D) Own or lease, control, operate, and use acreage amounting to at least three contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the professional sports stadium's floorplan and could be used for contracted-for professional sporting events, group-type weddings, reunions, conferences, meetings, or other events;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private professional sports stadium's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private professional sports stadium's licensed premises;

(F) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

~~(21)~~ "Private farmers market" means an applicant for a private club or licensed private club licensee that operates as an association of bars, restaurants, and retailers who sell West Virginia-made products among other products, and other stores who open

primarily during daytime hours of 6:00 a.m. to 6:00 p.m., but may operate in the day or evenings for special events where the sale of food and alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer may occur for on-premises consumption, such as reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events and does not maintain daily or regular operating hours as a bar or restaurant. All businesses that are members of the association shall agree in writing to be liable and responsible for all sales, service, furnishing, tendering, and consumption of alcoholic liquors, nonintoxicating beer, nonintoxicating craft beer, wine, and hard cider occurring on the entire licensed premises of the private farmer's market, including indoor and outdoor bounded areas,~~and further, the~~ The applicant shall also:

(A) Have at least 100 members;

(B) Have one or more members operating a private club restaurant and full kitchen with ovens, four-burner ranges, a refrigerator or freezer or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and serve freshly prepared food at least 15 hours per week;

(C) Have one or more members operating a private club restaurant who maintain, at any one time, fresh food capable of being prepared for events conducted at the private farmers market in the private club restaurant's full kitchen. In calculating the food inventory, the commissioner may not include ~~television dinners,~~ bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Have an association that owns or leases, controls, operates, and uses acreage amounting to more than one acre, which is contiguous acreage of bounded or fenced real property which would be listed on the licensee's floorplan and would be used for large contracted-for reserved weddings, reserved dinners, pairing events, tasting events, reunions, conferences, meetings, or other special events;

(E) Have an association that lists in the application for licensure the entire property and all adjoining buildings and structures on the private farmers market's floorplan which would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private farmers market's licensed premises and as noted on the private farmers market's floorplan;

(F) Have an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(G) Have at least two separate and unrelated vendors applying for the license ~~and certifying that all vendors in the association have agreed to the liability responsibility associated with a private farmers market license;~~

(H) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

(I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members and guests who will be attending the private farmers market;

~~(J) Provide a copy of a written agreement between all the vendors of the association that is executed by all vendors stating that each vendor is jointly and severally liable for any violations of this chapter committed during the event~~

~~(K)~~ (J) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members', patrons', and guests' ages, to verify whether a member, patron, or guest is intoxicated, and to provide for the public health and safety of members, patrons, and guests;

~~(L)~~ (K) Use an age verification system approved by the commissioner; and

~~(M)~~ (L) Meet and be subject to all other private club requirements.

~~(22)~~ "Private wedding venue or barn" means an applicant for a private club or licensed private club licensee that is only open for reserved weddings, reunions, conferences, meetings, or other events and does not maintain daily or regular operating hours, and which:

(A) Has at least 25 members;

(B) Maintains a venue, facility, barn, or pavilion primarily used for weddings, reunions, conferences, meetings, or other events where parties reserve or contract for the venue, facility, barn, or pavilion in advance of the event;

(C) Operates a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises that is capable of serving freshly prepared food, or engages a food caterer to provide adequate freshly prepared food or meals to serve its stated members, guests, and patrons who will be attending the event at the private wedding venue or barn. The applicant or licensee shall provide written documentation including a list of food caterers or written agreements regarding any food catering operations to the commissioner prior to approval of a food catering event;

(D) Owns or leases, controls, operates, and uses space sufficient to safely operate the licensed premises. The applicant or licensee shall verify that, the property is not less than two acres and is remotely located, subject to the commissioner's approval. The bounded or fenced real property may be listed on the private wedding venue's or barn's floorplan and may be used for large events such as weddings, reunions, conferences, meetings, or other events;

(E) Lists the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private wedding venue or barn's floorplan that would comprise the licensed premises and which would be authorized for the lawful

sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private wedding venue or barn's licensed premises;

(F) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meets and is subject to all other private club requirements; and

(H) Uses an age verification system approved by the commissioner.

~~(23)~~ "Private multi-sport complex" means an applicant for a private club or licensed private club licensee that is open for multiple sports events to be played at the complex facilities, reserved weddings, concerts, reunions, conferences, meetings, or other special events, and which:

(A) Has at least 100 members;

(B) Maintains an open-air multi-sport complex primarily for use for sporting events, such as baseball, soccer, basketball, tennis, frisbee, or other sports, but may also conduct weddings, concerts, reunions, conferences, meetings, or other events where parties reserve ~~the~~ parts of the sports complex in advance of the sporting or other event;

(C) Operates a restaurant and full kitchen with ovens in the licensee's main facility, as determined by the commissioner, on the licensed premises which is capable of serving freshly prepared food, or meals to ~~serve~~ its stated members, guests, and patrons who will be attending the event at the private multi-sport complex. A licensee may contract with temporary food vendors or food trucks for food sales only, but not on a permanent basis, in areas of the multi-sport complex not readily accessible by the main facility;

(D) Maintains, at any one time, fresh food capable of being prepared in the private multi-sport complex's full kitchen. In calculating the food inventory, the commissioner may not include ~~television dinners~~, bags of chips or similar products, microwavable meals, frozen meals, prepackaged foods, or canned prepared foods;

(E) Owns or leases, controls, operates, and uses acreage amounting to at least 50 contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private multi-sport complex's floorplan and could be used for contracted-for sporting events, group-type weddings, concerts, reunions, conferences, meetings, or other events;

(F) Lists the entire property from paragraph (E) of this subdivision and all adjoining buildings and structures on the private multi-sport complex's floorplan which would comprise the licensed premises, and which would be authorized for the lawful sales, service, and consumption of alcoholic liquors, nonintoxicating beer, nonintoxicating craft beer, and hard cider throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on the private multi-sport complex's licensed premises, ~~and~~ as noted on the private multi-sport complex's floorplan. The licensee may sell alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer from a golf cart or food truck owned or leased by the licensee and also operated by the licensee when the golf cart or food truck is located on the private multi-sport complex's licensed premises;

(G) Has an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(H) Meets and is subject to all other private club requirements; and

(I) Uses an age verification system approved by the commissioner.

~~(24)~~ "Private coliseum or center" means an applicant for a private club or licensed private club licensee that is open for

various events including, but not limited to, musical concerts, bands, sporting events, monster trucks, sports entertainment events, circuses, expos, hobby events, tradeshow, health events, reserved weddings, reunions, retreats, conventions, conferences, meetings, or other special events. The licensee may not sell alcoholic liquors, nonintoxicating beer or wine when conducting or hosting events focused on patrons who are less than 21 years of age, ~~and further the~~. The applicant shall also:

(A) Have at least 5,000 members;

(B) Maintain an enclosed coliseum or center venue with at least 80,000 square feet of event space primarily used for events where parties reserve the coliseum or center venue in advance of the event;

(C) Operate a restaurant and full kitchen with ovens, as determined by the commissioner, on the licensed premises and be capable of serving freshly prepared food or meals to its stated members, guests, and patrons who will be attending events at the private coliseum or center;

(D) Own or lease, control, operate, and use acreage amounting to at least two contiguous acres of bounded or fenced real property, as determined by the commissioner, which would be listed on the private coliseum or center's floorplan and could be used for contracted-for events, or a private fair and festival, as authorized by the commissioner per dual licensing requirements as set forth in §60-7-2a of this code;

(E) List the entire property from paragraph (D) of this subdivision and all adjoining buildings and structures on the private coliseum or center's floorplan comprising the licensed premises which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure or outdoors while on private coliseum or center's licensed premises;

(F) Have an identified person, persons, or entity that has right, title, and ownership interest in the real property buildings and structures located on the proposed licensed premises;

(G) Meet and be subject to all other private club requirements; and

(H) Use an age verification system approved by the commissioner.

~~(25)~~ "Private food court" means an applicant who qualifies for a private club restaurant or licensed private club restaurant ~~license~~ license that operates in a facility within a licensed premises with one licensed floorplan that includes an association of other interconnected licensed private club restaurants or unlicensed restaurants that operate legally without alcohol sales, where all businesses that are licensed members of the association have agreed in writing to be liable and responsible for all sales, service, furnishing, tendering, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer occurring on the entire licensed premises of the private food court, ~~and further the~~. The applicant shall also:

(A) Have at least 100 members;

(B) Have at least one member of its association who qualifies for a private club restaurant containing a full kitchen with ovens, four-burner ranges, a refrigerator or freezer or some combination of a refrigerator and freezer, and other kitchen utensils and apparatus as determined by the commissioner on the licensed premises and be capable of serving freshly prepared food at least 15 hours per week in the private food court;

(C) Have at least one member of its association who qualifies for a private club restaurant license who maintains, at any one time, fresh food capable of being prepared in the private club restaurant's full kitchen. ~~and in~~ In calculating the food inventory the commissioner may not include ~~television dinners~~, bags of chips or similar products, microwavable meals, frozen meals, pre-packaged foods, or canned prepared foods;

(D) Have an association that owns or leases, controls, operates, and uses a facility that meets requirements of this article, and the entire facility is listed on the licensee's floorplan as its licensed premises;

(E) Have an association that lists in the application for licensure the entire facility and any inter-connected and adjoining structures on the private food court's floorplan which would compromise the licensed premises, and which would be authorized for the lawful sales, service, and consumption of alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure while on the private food court's licensed premises ~~and~~ as noted on the private food court's licensed floorplan;

(F) Have an identified person, persons, or entity that has right, title, and ownership or lease interest in the real property buildings and structures located on the proposed licensed premises;

(G) Have at least one separate and unrelated business applying for the license ~~and certifying that all licensed businesses in the association have agreed to the liability responsibility associated with a private food court license;~~

(H) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer or nonintoxicating craft beer;

(I) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members, patrons, and guests who will be attending the private food court;

~~(J) Provide a copy of a written agreement between all the vendors of the association that is executed by all businesses stating that each licensed vendor is jointly and severally liable for any violations of this chapter committed on the licensed premises~~

~~(K)~~ (J) Provide a security plan indicating all businesses who will be selling and serving alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer, list non-licensees who will be

selling and serving food, list all entrances, and list all exits, provide a plan to verify the ages of members, patrons, and guests, a plan to verify whether a member, patron, or guest is intoxicated, and a plan to provide for the public health and safety of members, patrons, and guests;

~~(L)~~ (K) Use an age verification system approved by the commissioner; and

~~(M)~~ (L) Meet and be subject to all other private club requirements.

The Division of Natural Resources, the authority governing any county or municipal park, or any county commission, municipality, other governmental entity, public corporation, or public authority operating any park or airport may lease, as lessor, a building or portion thereof or other limited premises in any park or airport to any corporation or unincorporated association for the establishment of a private club pursuant to this article.

§60-7-3. Sale of alcoholic liquors and nonintoxicating beer by licensee authorized.

(a) Notwithstanding any other provisions of this code to the contrary, licensees ~~are hereby authorized to~~ may sell, tender, and serve alcoholic liquors by the drink and as otherwise authorized by the provisions of §60-1-1 *et seq.*, §60-8-1 *et seq.*, and §60-8A-1 *et seq.* of this code, other than in sealed packages, for consumption on the premises of the licensees, to their members and their guests in accordance with the provisions of this article, rules of the commissioner and as authorized under §60-6-8 of this code. The licensees may keep and maintain on their premises a supply of those lawfully acquired alcoholic liquors in such quantities as may be appropriate for the conduct of their operations ~~thereof~~.

(b) Authorization for use of self-pour automated systems for nonintoxicating beer, hard cider, and wine.

(1) A licensee authorized pursuant to this article to sell alcoholic liquor and/or nonintoxicating beer, hard cider, or wine for on-premises consumption may use a self-pour automated

system that, upon activation of a payment card by the licensee, may be operated to dispense nonintoxicating beer, hard cider, and wine to the following: (A) An employee of the licensee who is authorized by law to serve alcoholic beverages, or (B) a person whom the licensee has verified to be 21 years of age or older who displays a government-issued identification card that matches the name on the payment card. The verification that a person is 21 years of age or older shall be recorded by the licensee or an employee of the licensee.

(2) A self-pour automated system authorized by subsection (a) of this section may not dispense a serving of more than (1) 32 ounces of nonintoxicating beer, (2) 32 ounces of hard cider, or (3) 10 ounces of wine, before the payment card is reactivated by the licensee or an employee of the licensee.

§60-7-8c. Special license for a multi-vendor private fair and festival; license fee and application; license subject to provisions of article; exception.

(a) There is hereby created a special license designated Class S3 private multivendor fair and festival license for the retail sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer for on-premises consumption at an event where multiple vendors shall share liability and responsibility, and apply for ~~this~~ the license. Each vendor may temporarily purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) To be eligible for the license authorized by subsection (a) of this section, the private multivendor fair and festival or other event shall:

(1) Be sponsored, endorsed, or approved by the governing body or its designee of the county or municipality in which the private multivendor fair and festival or other event is located;

(2) Jointly apply to the commissioner for the special license at least 15 days prior to the private fair, festival, or other event;

(3) Pay a nonrefundable nonprorated license fee of \$500 per event that may be divided among all the vendors attending the event;

(4) Be approved by the commissioner to operate the private multivendor fair, festival, or other event;

(5) Be limited to no more than 15 consecutive days;

(6) Have at least two separate and unrelated vendors applying for the license and certifying that at least 100 members will be in attendance;

(7) Freshly prepare and provide food or meals, or engage a food vendor to prepare and provide adequate freshly prepared food or meals to serve its stated members and guests who will be attending the temporary festival, fair, or other event, and provide any written documentation or agreements ~~of the~~ with a food caterer to the commissioner prior to approval of the license;

(8) Only use its employees, independent contractors, or volunteers to purchase, sell, furnish, or serve liquor, wine, nonintoxicating beer, or nonintoxicating craft beer;

(9) Provide adequate restroom facilities, whether permanent or portable, to serve the stated members, patrons, and guests who will be attending the private multi-vendor festival, fair, or other event;

~~(10) Provide an executed agreement between the vendors and/or food caterers stating that each vendor is jointly and severally liable for any improper acts or conduct committed during the multi-vendor festival or fair event~~

~~(11)~~ (10) Provide a security plan indicating all vendor points of service, entrances, and exits in order to verify members', patrons', and guests' ages, and whether a member, patron, or guest is intoxicated, to provide for the public health and safety of members, patrons, and guests;

~~(12)~~ (11) Provide a floorplan for the proposed premises with one defined and bounded indoor and/or outdoor area to safely

account for the ingress and egress of stated members, patrons, and guests who will be attending the festival, fair, or other event, and the floorplan that would comprise the licensed premises, which would be authorized for the lawful sales, service, and consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises whether these activities were conducted in a building or structure, or outdoors while on the licensed premises and as noted on the floorplan;

~~(13)~~ (12) Meet and be subject to all other private club requirements; and

~~(14)~~ (13) Use an age verification system approved by the commissioner.

(c) Nonintoxicating beer and nonintoxicating craft beer sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from the licensed distributor that services the area in which the private multi-vendor fair and festival will be held or from a resident brewer acting in a limited capacity as a distributor, in accordance with §11-16-1 *et seq.* of this code.

(d) Wine sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed distributor, winery, or farm winery in accordance with §60-8-1 *et seq.* of this code.

(e) Liquor sold, furnished, tendered, or served pursuant to the license created by this section shall be purchased from a licensed retail liquor outlet in the market zone or contiguous market zone where the private multi-vendor fair or festival will be held, all in accordance with §60-3A-1 *et seq.* of this code.

(f) A licensee authorized by this section may use bona fide employees, independent contractors, or volunteers to sell, furnish, tender, or serve the liquor, wine, nonintoxicating beer, or nonintoxicating craft beer; *Provided*, That the licensee shall train all employees, independent contractors, or volunteers to verify legal identification and to verify signs of intoxication.

(g) Licensed representatives of a brewer, resident brewer, beer distributor, wine distributor, wine supplier, winery, farm winery, distillery, mini-distillery, micro-distillery, and liquor brokers may attend a private multi-vendor festival or fair and discuss their respective products but may not engage in the selling, furnishing, tendering, or serving of any liquor, wine, nonintoxicating beer, or nonintoxicating craft beer.

(h) A licensee licensed under this section is subject to all other provisions of this article and the rules and orders of the commissioner: *Provided*, That the commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of each private multi-vendor fair and festival. The commissioner may revoke or suspend immediately any license issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however*, That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

§60-7-8d. Where private clubs may sell and serve alcoholic liquors and nonintoxicating beer or nonintoxicating craft beer.

(a) With prior approval of the commissioner, a private club licensee may sell, serve, and furnish alcoholic liquor and, if ~~also~~ licensed to also sell, serve, and furnish nonintoxicating beer or nonintoxicating craft beer to be consumed on premises in a legally demarcated area which may include a temporary private outdoor dining area or temporary private outdoor street dining area. A temporary private outdoor street dining area shall be approved by the municipal government or county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The private club licensee shall submit to the commissioner: (1) the municipal or county approval of the private outdoor dining area or private outdoor street dining area; and, (2) a revised floorplan requesting to sell alcoholic liquors, and when licensed,

for nonintoxicating beer or nonintoxicating craft beer, ~~then nonintoxicating beer or nonintoxicating craft beer~~, subject to the commissioner's requirements, in an approved and bounded outdoor area. The approved and bounded area need not be adjacent to the licensee's licensed premises, but in close proximity, for private outdoor street dining or private outdoor dining. For purposes of this subsection, "close proximity" means an available area within 300 feet of a licensee's licensed premises and under the licensee's control and with right of ingress and egress.

(c) This private outdoor dining or private outdoor street dining may be operated in conjunction with a private wine outdoor dining or private wine outdoor street dining area set forth in §60-8-32a of this code and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, private outdoor dining and private outdoor street dining include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any area where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) A private club restaurant or a private manufacturer club licensed for craft cocktail growler sales ~~must~~ shall provide food or a meal along with sealed craft cocktail growler sales as set forth in this article to a patron who is (i) in-person or in-vehicle while picking up food or a meal, or (ii) in-person having dined on food or a meal, and (iii) has ordered a sealed craft cocktail growler order-to-go, subject to verification that the purchasing person is 21 years

of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

§60-7-8e. Private club restaurant or private manufacturer club licensee's authority to sell craft cocktail growlers.

(a) *Legislative findings.* — The Legislature hereby finds that it is in the public interest to regulate, control, and support the brewing, manufacturing, distribution, sale, consumption, transportation, and storage of liquor and its industry in this state to protect the public health, welfare, and safety of the citizens of this state and promote hospitality and tourism. Therefore, this section authorizes a licensed private club restaurant or private manufacturer club, to have certain abilities to promote the sale of liquor manufactured in this state for the benefit of the citizens of this state, the state's growing distilling industry, and the state's hospitality and tourism industry, all of which are vital components for the state's economy.

(b) *Sales of craft cocktail growlers.* — A licensed private club restaurant or private manufacturer club ~~is authorized~~ may under a current and valid license ~~and that~~ meets the requirements of this section may offer a craft cocktail growler in the ratio of up to one fluid ounce of liquor to four fluid ounces of nonalcoholic beverages or mixers, not to exceed 128 fluid ounces for the entire beverage in the craft cocktail growler, for retail sale to patrons from their licensed premises in a sealed craft cocktail growler for personal consumption only off of the licensed premises. Prior to the sale, the licensee shall verify in-person, using proper identification, that any patron purchasing the craft cocktail growler is 21 years of age or older and that the patron is not visibly or noticeably intoxicated. There ~~shall be~~ is a \$100 non-prorated, non-refundable annual fee to sell craft cocktail growlers.

(c) *Retail sales.* — Every licensee licensed under this section shall comply with all the provisions of this chapter as applicable to retail sale of liquor at retail liquor outlets, shall comply with markup specified in §60-3A-17(e)(2) of this code when conducting sealed craft cocktail growler sales, and ~~shall be~~ is subject to all applicable requirements and penalties in this article.

(d) *Payment of taxes.* — Every licensee licensed under this section shall pay all sales taxes required of retail liquor outlets, in addition to any other taxes required, and meet any applicable licensing provisions as required by this chapter and by rule of the commissioner.

(e) *Advertising.* — Every licensee licensed under this section may only advertise a particular brand or brands of liquor manufactured by a distillery, mini-distillery, or micro-distillery upon written approval from the distillery, mini-distillery, micro-distillery, or an authorized and licensed broker to the licensee. Advertisements may not encourage intemperance or target minors.

(f) *Craft cocktail growler defined.* — For purposes of this chapter, "Craft Cocktail Growler" means a container or jug that is made of glass, ceramic, metal, plastic, or other material approved by the commissioner, that may be no larger than 128 fluid ounces in size and must be capable of being securely sealed. The growler ~~is utilized~~ may be used by an authorized licensee for purposes of off-premises sales only of liquor and a nonalcoholic mixer or beverage for personal consumption not on a licensed premise. Notwithstanding any other provision of this code to the contrary, a securely sealed craft cocktail growler is not an open container under state and local law. A craft cocktail growler with a broken seal is an open container under state and local law unless it is located in an area of the motor vehicle physically separated from the passenger compartment. A craft cocktail growler is not an original container of liquor, but once sanitized, filled, properly sealed, and sold, all as set forth in this article, is a sealed container.

~~(h)~~ (g) *Craft cocktail growler requirements.* — A licensee licensed under this section ~~must~~ shall prevent patrons from accessing the secure area where the filling of the craft cocktail or craft cocktail growler occurs ~~or to fill a craft cocktail growler~~. A licensee licensed under this section ~~must~~ shall sanitize, fill, securely seal, and label any craft cocktail growler prior to its sale. A licensee licensed under this section may refill a craft cocktail growler subject to the requirements of this section. A licensee licensed under this section shall visually inspect any craft cocktail growler before filling or refilling it. A licensee licensed under this

section may not fill or refill any craft cocktail growler that appears to be cracked, broken, unsafe, or otherwise unfit to serve as a sealed beverage container. For purposes of this article, a secure sealing means using a tamper-evident seal, such as: (1) A plastic heat shrink wrap band, strip, or sleeve extending around the cap or lid of craft cocktail growler to form a seal that must be broken when the container is opened; or (2) A screw top cap or lid that breaks apart when the craft cocktail growler is opened.

~~(h)~~ (h) *Craft cocktail growler labeling.* — A licensee licensed under this section selling craft cocktail growlers shall affix a conspicuous label on all sold and securely sealed craft cocktail growlers listing the name of the licensee selling the craft cocktail growler, the brand of the liquor in the craft cocktail growler, the type of craft cocktail or name of the craft cocktail, the alcohol content by volume of the liquor in the craft cocktail growler, and the date the craft cocktail growler was filled or refilled, ~~and, all.~~ All labeling on the craft cocktail growler shall be consistent with all federal labeling and warning requirements.

~~(i)~~ (i) *Craft cocktail growler sanitation.* — A licensee licensed under this section shall clean and sanitize all craft cocktail growlers he or she fills or refills in accordance with all state and county health requirements prior to its sealing. In addition, the licensee licensed under this section shall sanitize, in accordance with all state and county health requirements, all taps, tap lines, pipe lines, barrel tubes, and any other related equipment used to fill or refill craft cocktail growlers. Failure to comply with this subsection may result in penalties under this article: *Provided*, That, if the reuse or refilling of a craft cocktail growler would violate federal law such craft cocktail growler ~~must~~ may only be used one-time, for one filling, and shall be discarded after the one-time use.

~~(k)~~ (j) *Pre-mixing of craft cocktail.* — A licensee licensed under this section may pre-mix the nonalcoholic beverages or mixers in the advance of a craft cocktail growler purchase and sealing, and add the liquor, as set forth in this section, upon a member or guest's purchase of a craft cocktail growler. A licensee licensed under this section ~~must~~ shall dispose of any expired premixed nonalcoholic beverages or mixers pursuant to Bureau for

Public Health requirements when such premixed nonalcoholic beverages or mixers are no longer fit for human consumption. A licensee authorized under §60-6-8(7) of this code may use a premixed beverage meeting the requirements ~~therein~~ of that section and is also subject to the requirements of this section for a craft cocktail growler.

(4) ~~(k)~~ (k) *Limitations on licensees.* — A licensee licensed under this section shall not sell craft cocktail growlers to other licensees, but only to its members and guests. A licensee licensed under this section ~~must~~ shall provide food or a meal along with one sealed craft cocktail growler to a patron who is in-person or in-vehicle while picking up food or a meal, or who dined in-person on food or a meal and has ordered and a sealed craft cocktail growler ~~order-~~ to-go, subject to verification that the purchasing person is 21 years of age or older, and not visibly or noticeably intoxicated, and as otherwise specified in this article. A licensee licensed under this section may only sell one sealed craft cocktail growler to a patron ~~who has not been consuming alcoholic liquors or nonintoxicating beer on its licensed premises~~ or one craft cocktail growler per food or meal in the order delivered per §60-7-8f of this code. A licensee licensed under this section shall be subject to the applicable penalties under this article for violations of this article.

~~(m)~~ (l) *Rules.* — The commissioner, in consultation with the Bureau for Public Health, may to propose legislative rules concerning sanitation for legislative approval, pursuant to §29A-3-1 *et seq.* of this code, to implement the purposes of this section.

§60-7-8g. Special permit for a qualified permit holder in a private outdoor designated area; license fee and application; license subject to provisions of article.

(a) There is hereby created a special permit, designated Class S4, for the sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer in a private outdoor designated area that has been approved by a municipality pursuant to §8-12-26 of this code. Each Class S4 permittee may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) Definitions:

(1) "Private outdoor designated area" means public property that has become a legally demarcated area established by a municipal ordinance as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

(2) "Qualified permit holder" means the holder of ~~a Class A, Class B, or Class S2 license issued under this article that elects to operate within a private outdoor designated area, and a Class S4 special permit pursuant to §60-7-1 et seq. of this code~~ any of the following:

(i) A Class A private club type license or Class S2 or Class S3 license issued under this article;

(ii) A Class A tavern or brewpub license or Class S or Class S1 license issued under §11-16-1 et seq. of this code;

(iii) A Class A private wine restaurant, private wine bed and breakfast, or private wine spa license issued under §60-8-1 et seq. of this code;

(iv) A Class A hard cider license issued under §60-8A-1 et seq. of this code; or

(v) A Class S4N permit issued under §60-7-8h of this code.

(c) To be eligible for the special Class S4 permit authorized by subsection (a) of this section, the qualified permit holder shall:

(1) Operate in a private outdoor designated area created by municipal ordinance as set forth in §8-12-26 of this code, and provide the commissioner a copy of the certified ordinance from the municipality;

(2) Apply to the commissioner for the special permit prior to operating in an approved private outdoor designated area on an application provided by the commissioner;

(3) Pay a nonrefundable non-prorated annual special permit fee of \$100 to the commissioner: Provided, That this fee does not apply to qualified permit holders with a Class S1, Class S2, or Class S3 license, which are subject only to the applicable fees in §11-16-1 et seq. and §60-7-1 et seq. of this code;

(4) Be in compliance with all state and federal laws and be in good standing with the commissioner;

(5) Be approved by the municipality to operate in the private outdoor designated area;

(6) Provide the days and hours of operation in the private outdoor designated area;

(7) Provide, in conjunction with the municipality, adequate restroom facilities, whether permanent or portable, to serve the members, patrons, and guests who will be attending the private outdoor designated area;

(8) Provide a security plan for the private outdoor designated area indicating: All qualified permit holders' licensed premises where alcohol will be served in approved non-glass containers; all entrances and exits in order to verify members', patrons', and guests' ages, and to assess whether a member, patron, or guest is under 21 years of age or intoxicated; and a plan to provide for the public health and safety of members, patrons, and guests;

(9) Provide a floorplan for the private outdoor designated area indicating a legally demarcated area that is bounded or ~~utilizes~~ uses signage to safely account for the ingress and egress of members, patrons, and guests who will be within the private outdoor designated area and also be permitted to carry liquor, wine, nonintoxicating beer, and nonintoxicating craft beer on and off of the qualified permit holders' licensed premises and within the private outdoor designated area when contained in an approved non-glass container: Provided, That customers within the private outdoor designated area may carry alcoholic beverages purchased from any holder of a Class S4 or S4N permit and served in an approved non-glass container into and out of, and consume the

beverages within, the establishment of any other holder of a Class S4 or S4N permit within the applicable private outdoor designated area. The private outdoor designated area's floorplan does comprise a separate licensed premises authorized only for the lawful consumption of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer throughout the licensed premises when lawfully purchased from a qualified permit holder;

(10) Meet and be subject to all other applicable license requirements;

(11) Provide a plan to prevent members, guests, and patrons from bringing, consuming, or selling alcohol not in an approved non-glass container in the private outdoor designated area; and

(12) Use an age verification system approved by the commissioner.

(d) Notwithstanding the requirement to acquire a Class S4 or S4N permit to operate within a private outdoor designated area set forth in §60-7-8g(c) of this code, the holder of a Class S, Class S1, Class S2, or Class S3 license may participate in a private outdoor designated area on the premises of a Class S4 or S4N permit holder if that Class S4 or S4N permit holder grants permission, in writing, for the Class S, Class S1, Class S2, or Class S3 licensee to participate. A Class S, Class S1, Class S2, or Class S3 licensee may not participate in a private outdoor designated area pursuant to such written permission unless it has first met all applicable permit and fee requirements found in §11-16-1 et seq. and §60-7-1 et seq. of this code.

~~(d)~~(e) As set forth in §8-12-26 of this code a municipality may, by ordinance, establish a private outdoor designated area where the municipality may zone, set requirements, and establish conditions for safe operation of a private outdoor designated area by qualified permit holders.

~~(e)~~(f) A municipality ~~shall be~~ is responsible for the enforcement of any criminal violations occurring in a private outdoor designated area and shall report such violations to the

commissioner for a determination of any violation of §11-16-1 *et seq.* and chapter 60 of this code.

~~(f)~~(g) The commissioner shall enforce any violations of §11-16-1 *et seq.* and ~~chapter 60~~ §60-1-1 *et seq.* of this code committed by individual qualified permit holders against their permit and Class A, Class B, or Class S2 any other current license issued by the commissioner to the qualified permit holder alleged to be in violation.

~~(g)~~(h) A qualified permit holder that is separately authorized for an outdoor dining area or sidewalk dining area may continue to operate those areas in conjunction with the private outdoor designated area subject to the commissioner's requirements. Notwithstanding any other section of the code, a private outdoor designated area is authorized to simultaneously host multiple qualified permit holders as defined in §60-7-1 *et seq.* of the code.

~~(h)~~(i) A licensee permitted under this section is subject to all other provisions of this the article under which the licensee's license is issued, as well as to ~~and~~ the rules and orders of the commissioner: *Provided,* That the commissioner may, by rule or order, allow certain waivers or exceptions with respect to those provisions, rules, or orders as required by the circumstances of ~~for~~ the operation of qualified permit holders in each private outdoor designated area. The commissioner may revoke or suspend immediately any permit issued under this section prior to any notice or hearing, notwithstanding §60-7-13a of this code: *Provided, however,* That under no circumstances may the provisions of §60-7-12 of this code be waived or an exception granted with respect thereto.

§60-7-8h. Special permit for a qualified non-profit permit holder in a private outdoor designated area; license fee and application; license subject to provisions of article.

(a) There is hereby created a special permit, designated Class S4N, for the sale of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer in a private outdoor designated area that has been approved by a municipality pursuant to §8-12-26 of this

code by qualified non-profit corporate entities organized pursuant to §31E-1-1 *et seq.* of this code. Each Class S4N permittee may sell, furnish, or serve liquor, wine, nonintoxicating beer, and nonintoxicating craft beer as provided in this section.

(b) Definitions:

Except as set forth in this section, the definitions of §60-7-8g of this code also apply to this section.

"Qualified non-profit permit holder" means a non-profit corporate entity organized pursuant to §31E-1-1 *et seq.* of this code that elects to operate its events solely within a private outdoor designated area, and who has applied and been approved for a Class S4N special permit pursuant to §60-7-1 *et seq.* of this code.

(c) To be eligible for the special S4N permit authorized by subsection (a) of this section, the qualified non-profit permit holder shall:

(1) Have an approved outdoor location that operates solely in a private outdoor designated area created by a municipal ordinance as set forth in §8-12-26 of this code, provide the commissioner a copy of the certified ordinance from the municipality, and operate only on dates designated within the dates of operation for the private outdoor designated area;

(2) Apply to the commissioner for the special S4N permit prior to operating in an approved private outdoor designated area on an application provided by the commissioner which will provide verification of non-profit corporate status with the West Virginia Secretary of State;

(3) Pay a one-time, nonrefundable non-prorated annual special permit fee of \$1,500 to the commissioner: *Provided*, That in the first year following the effective date of this section, this special permit fee may be pro-rated for the period between effective date and June 30 of that year. The one-time permit covers as many approved events that can be held during the permit annual time period;

(4) Be in compliance with all state and federal laws and be in good standing with the commissioner;

(5) Provide the dates, days, and hours of operation of all events to be held in the private outdoor designated area between July 1 of the application year and June 30 of the year following the application year within the dates of operation of the private outdoor designated area within that timeframe: *Provided, That the S4N permit applicant may list future dates within the permit annual time period as to be determined so long as the qualified non-profit permit holder notifies the commissioner of the specific future event dates not later than 60 days prior to the event.*

(d) The commissioner shall enforce any violations of §11-16-1 *et seq.* and §60-1-1 *et seq.* of this code committed by qualified non-profit permit holders against their permit and their Class A, Class B, Class S, Class S1, Class S2 or Class S3 license.

ARTICLE 8. SALE OF WINES.

§60-8-2. Definitions.

Unless the context in which used clearly requires a different meaning, as used in this article:

"Commissioner" or "commission" means the West Virginia Alcohol Beverage Control Commissioner.

"Distributor" means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute wine to retailers, grocery stores, private wine bed and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops and that sells or distributes nonfortified dessert wine, port, sherry, and Madeira wines to wine specialty shops, private wine restaurants, private clubs, or retailers under authority of this article and maintains a warehouse in this state for the distribution of wine. For the purpose of a distributor only, the term "person" means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee,

and the trustee or other persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

"Fortified wine" means any wine to which brandy or other alcohol has been added where the alcohol content by volume does not exceed 24 percent, and includes nonfortified dessert wines where the alcohol content by volume is greater than 17 percent and does not exceed 24 percent.

"Grocery store" means any retail establishment, commonly known as a grocery store, supermarket, delicatessen, caterer, or party supply store, where food, food products, and supplies for the table are sold for consumption off the premises with average monthly sales (exclusive of sales of wine) of not less than \$500 and an average monthly inventory (exclusive of inventory of wine) of not less than \$500. The term "grocery store" also includes and means a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products, and supplies for the table for consumption off the premises with average monthly sales with respect to the separate or segregated portion, exclusive of sales of wine, of not less than \$500 and an average monthly inventory, exclusive of inventory of wine, of not less than \$500.

"Hard Cider" means a type of wine that is derived primarily from the fermentation of apples, pears, peaches, honey, or another fruit, or from apple, pear, peach, or another fruit juice concentrate and water; contains no more than 0.64 grams of carbon dioxide per 100 milliliters; contains at least one half of one percent and less than 12 and one-half percent alcohol by volume; and is advertised, labeled, offered for sale, or sold, as hard cider or cider containing alcohol, and not as wine, wine product, or as a substitute for wine.

"Hard Cider Distributor" means any person whose principal place of business is within the State of West Virginia who makes purchases from a supplier to sell or distribute hard cider, but not other types of wine, to retailers, grocery stores, private wine bed

and breakfasts, private wine restaurants, private wine spas, private clubs, or wine specialty shops under authority of this code and maintains a warehouse in this state for the distribution of hard cider, but not other types of wine. For the purpose of a hard cider distributor, the term "person" means and includes an individual, firm, trust, partnership, limited partnership, limited liability company, association, or corporation. Any trust licensed as a distributor or any trust that is an owner of a distributor licensee, and the trustee, or any other person or persons in active control of the activities of the trust relating to the distributor license, is liable for acts of the trust or its beneficiaries relating to the distributor license that are unlawful acts or violations of this article, notwithstanding the liability of trustees in §44D-10-1 *et seq.* of this code.

"Licensee" means the holder of a license granted under the provisions of this article.

"Nonfortified dessert wine" means a wine that is a dessert wine to which brandy or other alcohol has not been added, and which has an alcohol content by volume of at least 15.6 percent and less than or equal to 17 percent.

"Person" means and includes an individual, firm, partnership, limited partnership, limited liability company, association, or corporation.

"Private wine bed and breakfast" means any business with the sole purpose of providing, in a residential or country setting, a hotel, motel, inn, or other such establishment properly zoned as to its municipality or local ordinances, lodging and meals to its customers in the course of their stay at the establishment, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and

their guests while in the company of a member and does not admit the general public.

"Private wine restaurant" means a restaurant which: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which has, as its principal purpose, the business of serving meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to serve wine to its members and their guests when the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member and does not admit the general public. Private clubs that meet the private wine restaurant requirements in this definition shall be considered private wine restaurants: *Provided*, That, a private wine restaurant shall have at least two restrooms: *Provided, however*, That the two restroom requirement may be waived by a written waiver provided from a local health department to the commissioner: *And provided further*, That a private wine restaurant located in an historic building may also be relieved of the two restroom requirement if a historic association or district with jurisdiction over a historic building provides a written waiver of the requirement to the commissioner: *And provided further*, That in no event shall a private wine restaurant have less than one restroom. *And provided further*, That a winery or farm winery holding a private wine restaurant license or a multi-capacity winery or farm winery license is not subject to the food service requirements of this subdivision.

"Private wine spa" means any business with the sole purpose of providing commercial facilities devoted especially to health, fitness, weight loss, beauty, therapeutic services, and relaxation, and may also be a licensed massage parlor or a salon with licensed beauticians or stylists, which business also: (1) Is a partnership, limited partnership, corporation, unincorporated association, or other business entity which as part of its general business purpose provides meals on its premises to its members and their guests; (2) is licensed under the provisions of this article as to all of its premises or as to a separate segregated portion of its premises to

serve up to two glasses of wine to its members and their guests when the sale accompanies the serving of food or meals; and (3) admits only duly elected and approved dues-paying members and their guests while in the company of a member, and does not admit the general public.

"Retailer" means any person licensed to sell wine at retail to the public at his or her established place of business for off-premises consumption and who is licensed to do so under authority of this article.

"Supplier" means any manufacturer, producer, processor, winery, farm winery, national distributor, or other supplier of wine who sells or offers to sell or solicits or negotiates the sale of wine to any licensed West Virginia distributor.

"Table wine" means a wine with an alcohol content by volume between 0.5 percent and 15.5 percent.

"Tax" includes within its meaning interest, additions to tax, and penalties.

"Taxpayer" means any person liable for any tax, interest, additions to tax, or penalty under the provisions of this article, and any person claiming a refund of tax.

"Varietal wine" means any wine labeled according to the grape variety from which the wine is made.

"Vintage wine" or "vintage-dated wine" means wines from which the grapes used to produce the wine are harvested during a particular year, or wines produced from the grapes of a particular harvest in a particular region of production.

"Wine" means any alcoholic beverage obtained by the natural fermentation of the natural content of grapes, other fruits, or honey or other agricultural products containing sugar to which no alcohol has been added and includes table wine, hard cider, nonfortified dessert wine, wine coolers, and other similar wine-based beverages. Fortified wine and any product defined as or contained within the definition of nonintoxicating beer under the provisions

of §11-16-1 *et seq.*, of this code are excluded from this definition of wine.

"Wine specialty shop" means a retailer who deals principally in the sale of table wine, nonfortified dessert wines, wine accessories, and food or foodstuffs normally associated with wine and: (1) Who maintains a representative number of wines for sale in his or her inventory which are designated by label as varietal wine, vintage, generic, and/or according to region of production and the inventory shall contain not less than 15 percent vintage or vintage-dated wine by actual bottle count; and (2) who, any other provisions of this code to the contrary notwithstanding, may maintain an inventory of port, sherry, and Madeira wines having an alcoholic content of not more than ~~22~~ 24 percent alcohol by volume and which have been matured in wooden barrels or casks. All wine available for sale shall be for off-premises consumption except where wine tasting or wine sampling is separately authorized by this code.

§60-8-32a. Where wine may be sold and consumed for on-premises consumption.

(a) With prior approval of the commissioner, a Class A wine licensee may sell, serve, and furnish wine for on premises consumption in a legally demarcated area which may include a temporary private wine outdoor dining area or a temporary private wine outdoor street dining area. A temporary private wine outdoor street area shall be approved by the municipal government or county commission in which the licensee operates. The commissioner shall develop and make available an application form to facilitate the purposes of this subsection.

(b) The Class A wine licensee shall submit to a municipality or county commission for the approval of the private wine outdoor dining area or private wine outdoor street dining area and submit to the municipality or county commission a revised floorplan requesting to sell wine, subject to the commissioner's requirements, in an approved and bounded outdoor area. For private wine outdoor street dining or private wine outdoor dining the approved and bounded outdoor area need not be adjacent to the licensee's

licensed premises, but in close proximity and under the licensee's control and with right of ingress and egress. For purposes of this section, "close proximity," means an available area within 300 feet of the licensee's licensed premises.

(c) This private wine outdoor dining or private wine outdoor street dining may be operated in conjunction with a private outdoor dining or private outdoor street dining area set forth in §60-7-8d of this code, and nonintoxicating beer or nonintoxicating craft beer outdoor dining or outdoor street dining set forth in §11-16-9 of this code.

(d) For purposes of this section, "private wine outdoor dining and private wine outdoor street dining" include dining areas that are:

(1) Outside and not served by an HVAC system for air handling services and use outside air;

(2) Open to the air; and

(3) Not enclosed by fixed or temporary walls; however, the commissioner may seasonally approve a partial enclosure with up to three temporary or fixed walls.

Any areas where seating is incorporated inside a permanent building with ambient air through HVAC is not considered outdoor dining pursuant to this subsection.

(e) Class A licensees licensed for on-premises sales shall provide food, which may be pre-packaged food not requiring kitchen preparation, or a meal along with sealed wine in the original container or a sealed wine growler sales and service as set forth in this section and in §60-8-3 of this code, to a patron who is (i) in-person or in-vehicle while picking up food and sealed wine in the original containers or sealed wine growlers ordered-to-go, or (ii) in-person to a patron who dined on food or a meal and has ordered sealed wine in the original containers of sealed wine growlers to-go subject to verification that the purchasing person is 21 years of age or older, and not visibly, or noticeably intoxicated, and as otherwise specified in this article.

(f) West Virginia farm wineries possessing a Class A license may serve and sell wine by the glass or by the bottle in accordance with §60-4-3b and §60-8-32a of this code.

The bill (Eng. Com. Sub. for H. B. 2054), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2066, Creating a crime for the destruction of first responder equipment.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-60. Damage, destruction, or theft of equipment used by emergency responders; criminal penalties.

(a) Any person who knowingly and willfully damages, destroys, or commits the larceny of any equipment, or personal property, owned or operated by the state, a county or a municipality of this state, a volunteer fire department of this state, or a private entity that has contracted with the state or a county or municipality of the state for the performance of emergency response duties, that is used by emergency responders in the performance of emergency response duties, whether that equipment or personal property is in use or maintained in a garage or other building, structure, or location, and that action thereby creates a substantial risk of bodily injury or actual bodily injury to another person, results in property loss to any person served by the emergency responder, or results in the interruption of service by emergency responders to the public, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility not less than one nor more than three years, or both fined and imprisoned.

(b) The offense established by this section shall be in addition to and a separate and distinct offense from any other offense set forth in this code.

(c) For purposes of this section:

(1) "Emergency responder" has the same meaning as that term is defined in §5H-1-2 of this code and shall additionally include any entity of a political subdivision of the state providing emergency services pursuant to the provisions of §15-5-8 of this code and any county commission, political subdivision, or county 911 public safety answering point.

(2) "Emergency response duties" has the same meaning as that term is defined in §5H-1-2 of this code and shall additionally include disaster response activities and emergency services as those terms are defined in §15-5-2 of this code and activities of a county commission, political subdivision, or county 911 public safety answering point in providing emergency responder services.

The bill (Eng. Com. Sub. for H. B. 2066), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2121, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Military, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 13MM. WEST VIRGINIA PROPERTY TAX
ADJUSTMENT ACT.**

§11-13MM-2. Definitions.

(a) *General.* — When used in this article, or in the administration of this article, terms defined in subsection (b) of this

section have the meanings ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used.

(b) *Terms defined.* –

(1) "Ad valorem property tax" means and is limited to the West Virginia ad valorem property tax.

(2) "Business" means any activity taxable under article §11-12-1 *et seq.* of this code, which is engaged in by any person in this State.

(3) "Disabled veteran taxpayer" means a person given an honorable ~~discharged~~ discharge from any branch of the armed services of the United States and who is considered at least 90 percent totally and permanently disabled due solely to service-connected disabilities by the United States Department of Veterans Affairs.

(4) "Eligible motor vehicle" means a motor vehicle on which the ad valorem property tax has been paid for the taxable year by the eligible taxpayer, and which is a motor vehicle as defined in this article.

(5) "Eligible widowed spouse" means the unmarried surviving spouse of a disabled veteran taxpayer who had previously received the disabled veteran real property tax credit authorized by §11-13MM-4 of this code.

(~~5~~6) "Flow-through entity," "conduit entity," or "pass through entity" means an S Corporation, partnership, limited partnership, limited liability partnership, or limited liability company. The term "flow-through entity," "conduit entity," or "pass through entity" includes a publicly traded partnership as that term is defined in section 7704 of the Internal Revenue Code that has equity securities registered with the Securities and Exchange Commission under section 12 of Title I of the Securities Exchange Act of 1934, 15 U.S.C. § 781: *Provided*, That a publicly traded partnership as defined in section 7704 of the Internal Revenue Code having equity securities registered with the Securities and Exchange Commission

under section 12 of Title I of the Securities Exchange Act of 1934, 15 U.S.C. § 781, and any other person or entity that is treated as a C corporation for federal income tax purposes, shall be treated as a corporation taxable under article §11-24-1 *et seq.* of this code for purposes of this article.

(~~67~~) "Motor Vehicle" means the following class of vehicles defined in §17A-10-1 of this code: Class A, Class B, Class G, Class H, Class T, Class V, Class X, and all-terrain vehicles and utility terrain vehicles as defined in §20-15-2 of this code.

(~~78~~) "Person" means and includes an individual, a trust, estate, partnership, pass through entity, association, company, or corporation.

(~~89~~) "Personal property" shall have the same meaning as in §11-5-1 *et seq.* of this code: *Provided:* That, for the purposes of this article, the term "personal property" shall not include a working interest in any oil, natural gas, or natural gas liquid producing property or any property of a public service company.

(~~910~~) "Personal property taxes paid" means the aggregate of regular levies, excess levies, and bond levies extended against personal property that are paid during the calendar year and determined after any application of any discount for early payment of taxes. "Personal property taxes paid" does not include any untimely ad valorem property tax paid, or any payment of delinquent ad valorem property tax, or payment of "back tax" ad valorem property taxes, or any penalty or interest for late payment of property taxes.

(~~1011~~) "Public service company" means a corporation or other business entity which delivers services considered essential to the public interest that are regulated by the applicable federal or state regulatory body, including, but not limited to, businesses furnishing electricity, natural gas, telecommunications, and water, and those transporting personal property or passengers, including, but not limited to, airlines, railroads, trucking, and bus companies, and which are centrally assessed by the state for property tax purposes.

(~~44~~12) "Real property taxes paid" means the aggregate of regular levies, excess levies, and bond levies that are paid during the calendar year and determined after any application of any discount for early payment of taxes. "Real property taxes paid" does not include any untimely ad valorem property tax paid, or any payment of delinquent ad valorem property tax, or payment of "back tax" ad valorem property taxes, or any penalty or interest for late payment of property taxes.

§11-13MM-4. Disabled veteran and eligible widowed spouse of a disabled veteran real property tax credit.

(a) *Credit allowed.* — ~~Disabled veterans~~ A disabled veteran taxpayer or eligible widowed spouse may receive a tax credit against the tax imposed under §11-21-1 *et seq.* of this code in the amount of West Virginia ad valorem property tax timely paid on his or her homestead during the personal income taxable year.

(b) *Amount of credit.* — Any ~~homeowner taxpayer~~ taxpayer meeting the definition of a disabled veteran taxpayer or eligible widowed spouse under this article shall be allowed a refundable credit against the taxes imposed by §11-21-1 *et seq.* of this code equal to the amount of West Virginia ad valorem real property taxes timely paid a county sheriff on a homestead which is used or occupied exclusively for residential purposes, as those terms are defined in §11-6B-2, during the personal income taxable year: *Provided*, That in no case shall any credit be allowed under this article for any untimely real property tax paid, or any payment of delinquent real property tax, or payment of "back tax" real property taxes.

(c) *Application of credit against personal income tax.* — The amount of credit allowed under this section shall be taken against the personal income tax liability, imposed by article §11-21-1 *et seq.* of this code, of the ~~eligible taxpayer~~ disabled veteran taxpayer or eligible widowed spouse.

(d) *Refundable portion of annual credit allowance.* — If the annual tax credit allowed under this article exceeds the amount of personal income tax subject to offset under this article in any taxable year, the ~~eligible taxpayer~~ disabled veteran taxpayer or

eligible widowed spouse may claim, for that taxable year, the excess amount as a refundable tax credit.

(e) *Termination of tax credit.* — Any tax credit approved in accordance with the provisions of this section shall terminate immediately when any of the following events occur:

(1) The death of the ~~owner of the property~~ disabled veteran taxpayer for which the tax credit was authorized; Provided, That an eligible widowed spouse may continue to receive the tax credit until his or her death or remarriage;

(2) The sale of the property for which the tax credit was approved; or

(3) A determination by the assessor that the property for which the tax credit was approved no longer qualifies for the tax credit in accordance with the provisions of this section.

(f) *Forms and instructions.* — The Tax Commissioner shall prescribe and supply all necessary instructions and forms for administration of this section.

The bill (Eng. Com. Sub. for H. B. 2121), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

On page 2, section 1, after line 3, by adding the following:

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,.

The following amendments to the bill (Eng. Com. Sub. for H. B. 2267), from the Committee on Finance, were next reported by the Clerk and considered simultaneously:

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 14, paragraph 2.31.10, after the words "(iv) canned or packaged food valued at least" by deleting "\$100" and inserting in lieu thereof "\$50".

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 34, subparagraph 3.4.7.c by striking out "2.22.5" and inserting in lieu thereof "2.25.5".

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 40, subsection 4.8, after the words "cleared of all members and guests" by inserting the words "one hour and".

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;".

At the request of Senator Barrett, as chair of the Committee on Finance, and by unanimous consent, the Finance committee amendment to the bill (Eng. Com. Sub. for H. B. 2267) was withdrawn.

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 second reading calendar, following consideration of Engrossed Committee Substitute for House Bill 2595, already placed in that position.

Eng. House Bill 2344, Relating generally to traffic safety.

Having been read a second time on yesterday, Wednesday, April 9, 2025, and now coming up in regular order with the Transportation and Infrastructure committee amendment (*shown in the Senate Journal of that day, pages 1780 and 1781*) pending, was reported by the Clerk.

The question being on the adoption of the Transportation and Infrastructure committee amendment to the bill, the same was put and prevailed.

The bill (Eng. H. B. 2344), as amended, was then ordered to third reading.

Eng. Com. Sub. for Com. Sub. for House Bill 2349, To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2351, Relating to compensation for panel attorneys.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Health and Human Resources committee amendments pending and the right for further amendments to be considered on that reading.

Eng. House Bill 2358, Relating to postmortem examinations.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

On page 1, section 10, line 9, by striking out "request" and inserting the word "decedent".

The bill (Eng. H. B. 2358), as amended, was then ordered to third reading.

Eng. House Bill 2511, Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 20. CHARITABLE BINGO.

§47-20-2. Definitions.

For purposes of this article, unless specified otherwise:

(a) "Bingo" means the game wherein participants pay consideration for the use of one or more paper or virtual cards

bearing several rows of numbers in which no two cards played in any one game contain the same sequence or pattern. When the game commences, numbers are selected by chance, one by one, and announced. The players cover or mark those numbers announced as they appear on the card or cards which they are using. The player who first announces that he or she has covered a predetermined sequence or pattern which had been preannounced for that game is, upon verification that he or she has covered the predetermined sequence or pattern, declared the winner of that game. Bingo, as authorized by this article, may be operated and played virtually over the Internet using an online bingo software system or web application.

(b) "Bingo occasion" or "occasion" means a single gathering or session at which a series of one or more successive bingo games is conducted by a single licensee.

(c) "Charitable or public service activity or endeavor" means any bona fide activity or endeavor which directly benefits a number of people by:

(1) Assisting them to establish themselves in life as contributing members of society through education or religion;

(2) Relieving them from disease, distress, suffering, constraint, or the effects of poverty;

(3) Increasing their comprehension of, and devotion to, the principles upon which this nation was founded and to the principles of good citizenship;

(4) Making them aware of, or educating them about, issues of public concern so long as the activity or endeavor is not aimed at influencing legislation or supporting or participating in the campaign of any candidate for public office;

(5) By lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people;

(6) Providing or supporting nonprofit community activities for youth, senior citizens, or the disabled; or

(7) Providing or supporting nonprofit cultural or artistic activities.

(d) "Charitable or public service organization" means a bona fide, not-for-profit, tax-exempt, benevolent, educational, philanthropic, humane, patriotic, civic, religious, fraternal, or eleemosynary incorporated or unincorporated association or organization; or a volunteer fire department, rescue unit, or other similar volunteer community service organization or association; but does not include any nonprofit association or organization, whether incorporated or not, which is organized primarily for the purposes of influencing legislation or supporting or promoting the campaign of any candidate for public office.

An organization or association is tax-exempt if it is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), 501(c)(19), or 501(d) of the Internal Revenue Code.

(e) "Commissioner" means the State Tax Commissioner.

(f) "Concession" means any stand, booth, cart, counter, or other facility, whether stationary or movable, where beverages, both alcoholic and nonalcoholic, food, snacks, cigarettes or other tobacco products, newspapers, souvenirs, or any other items are sold to patrons by an individual operating the facility. Notwithstanding anything contained in §60-7-12(a)(2) of this code to the contrary, "concession" includes beverages which are regulated by, and are subject to, the provisions of chapter 60 of this code: *Provided*, That in no case may the sale or the consumption of alcoholic beverages or nonintoxicating beer be permitted in any area where bingo is conducted: *Provided however*, That the sale or the consumption of alcoholic beverages or nonintoxicating beer may be permitted in an area where bingo is conducted on the premises of a fraternal society or veteran's organization that is:

(1) A fraternal beneficiary society that is exempt from federal income tax under section 501(c)(8) of the Internal Revenue Code of 1986, as amended;

(2) A domestic fraternal society that is exempt from federal income tax under section 501(c)(10) of the Internal Revenue Code of 1986, as amended;

(3) A veterans' organization that is exempt from federal income tax under section 501(c)(19) of the Internal Revenue Code of 1986, as amended; or

(4) A volunteer fire department, as defined in §11-13JJ-2 of this code.

(g) "Conduct" means to direct the actual playing of a bingo game by activities including, but not limited to, handing out bingo cards, collecting fees, drawing the numbers, announcing the numbers, posting the numbers, verifying winners, and awarding prizes.

(h) "Expend net proceeds for charitable or public service purposes" means to devote the net proceeds of a bingo occasion or occasions to a qualified recipient organization or as otherwise provided by this article and approved by the commissioner pursuant to §47-20-15 of this code.

(i) "Gross proceeds" means all moneys collected or received from the conduct of bingo at all bingo occasions held by a licensee during a license period; this term ~~shall not be considered to~~ does not include any moneys collected or received from the sale of concessions at bingo occasions.

(j) "Joint bingo occasion" means a single gathering or session at which a series of one or more successive bingo games is conducted by two or more licensees.

(k) "Licensee" means any organization or association granted an annual, limited occasion, or state fair bingo license pursuant to the provisions of this article.

(l) "Net proceeds" means all moneys collected or received from all the conduct of bingo at bingo occasions held by a licensee during a license period after payment of expenses authorized by §47-20-10, §47-20-13, §47-20-15, and §47-20-22 of this code; this term ~~shall not be considered to~~ does not include moneys collected or received from the sale of concessions at bingo occasions.

(m) "Person" means any individual, association, society, incorporated or unincorporated organization, firm, partnership, or other nongovernmental entity or institution.

(n) "Patron" means any individual who attends a bingo occasion other than an individual who is participating in the conduct of the occasion or in the operation of any concession, whether or not the individual is charged an entrance fee or plays any bingo games.

(o) "Qualified recipient organization" means any bona fide, not-for-profit, tax-exempt, as defined in subdivision (d) of this subsection, incorporated or unincorporated association or organization which is organized and functions exclusively to directly benefit a number of people as provided in paragraphs (1) through (7), inclusive, subdivision (c) of this subsection. "Qualified recipient organization" includes, without limitation, any licensee which is organized and functions exclusively as provided in this subdivision.

(p) "Venue" means the location in which bingo occasions are held.

The bill (Eng. H. B. 2511), as amended, was then ordered to third reading.

Eng. House Bill 2575, Relating to the establishment of a full-time Dementia Services Director position.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page 1, section 9, by striking out all of subdivision (3) and inserting in lieu thereof a new subdivision (3), to read as follows:

(3) Evaluate all applicable state government services and make recommendations to increase efficiency and improve the quality of care in residential and home and community-based settings;

And,

On page 1, section 9, by striking out all of subdivision (5) and inserting in lieu thereof a new subdivision (5), to read as follows:

(5) Evaluate information and resources affecting West Virginians living with dementia and their caregivers, including:

The bill (Eng. H. B. 2575), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2634, To double the criminal penalty for anyone found guilty of sexual assault on a minor.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-5. Sexual assault in the third degree.

(a) A person is guilty of sexual assault in the third degree when:

(1) The person engages in sexual intercourse or sexual intrusion with another person who is mentally defective or mentally incapacitated; or

(2) The person, ~~being is~~ 16 years old or more and engages in sexual intercourse or sexual intrusion with another person who is less than 16 years old and who is at least four years younger than the defendant.

(b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than ~~one year~~ two years nor more than ~~five~~ 10 years, or fined not more than ~~\$10,000~~ \$20,000 and imprisoned in a state correctional facility not less than ~~one year~~ two years nor more than ~~five~~ 10 years.

§61-8B-9. Sexual abuse in the third degree.

(a) A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent, when ~~such~~ the lack of consent is due to the victim's incapacity to consent by reason of being less than 16 years old.

(b) In any prosecution under this section it is a defense that:

(1) The defendant was less than 16 years old; or

(2) The defendant was less than four years older than the victim.

(c) Any person who violates the provisions of this section ~~shall be is~~ guilty of a ~~misdemeanor~~ felony, and, upon conviction thereof, shall be ~~confined~~ imprisoned in ~~the county jail~~ a state correctional facility not ~~more~~ less than ~~ninety days~~ one year nor more than ~~three years~~, or fined not more than ~~\$500~~ \$1,000 and ~~confined~~ imprisoned in ~~the county jail~~ a state correctional facility not ~~more~~ less than ~~ninety days~~ one year nor more than ~~three years~~.

ARTICLE 8D. CHILD ABUSE.

§61-8D-5. Sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian or person in a position of trust allowing sexual abuse to be inflicted upon a child; failing to report sexual assault or abuse upon a child; displaying of sex organs by a parent, guardian, or custodian; penalties.

(a) In addition to any other offenses set forth in this code, the Legislature hereby declares a separate and distinct offense under this subsection, as follows: If any parent, guardian, or custodian of or other person in a position of trust in relation to a child under his or her care, custody, or control, ~~shall engage~~ engages in or attempt to engage in sexual exploitation of, or in sexual intercourse, sexual intrusion or sexual contact with, a child under his or her care, custody or control, notwithstanding the fact that the child may have willingly participated in such conduct, or the fact that the child may have consented to ~~such~~ the conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct, then such parent, guardian, custodian, or person in a position of trust shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility not less than ~~ten~~ 20 nor more than ~~twenty~~ 40 years, or fined not less than ~~\$500~~ \$1,000 nor more than ~~\$5,000~~ \$10,000 and imprisoned in a correctional facility not less than ~~ten~~ 20 years nor more than ~~twenty~~ 40 years.

(b) Any parent, guardian, custodian, or other person in a position of trust in relation to the child who knowingly procures, authorizes, or induces or attempts to procure, authorize, or induce another person to engage in or attempt to engage in sexual exploitation of, or sexual intercourse, sexual intrusion or sexual contact with, a child under the care, custody or control of such parent, guardian, custodian or person in a position of trust when such child is less than 16 years of age, notwithstanding the fact that the child may have willingly participated in such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct, such parent, guardian, custodian or person in a position of trust shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in a

correctional facility not less than ~~five~~ 10 years nor more than ~~fifteen~~ 30 years, or fined not less than ~~\$1,000~~ \$2,000 nor more than ~~\$10,000~~ \$20,000 and imprisoned in a correctional facility not less than ~~five~~ 10 years nor more than ~~fifteen~~ 30 years.

(c) Any parent, guardian, custodian or other person in a position of trust in relation to the child who knowingly procures, authorizes, or induces another person to engage in or attempt to engage in sexual exploitation of, or sexual intercourse, sexual intrusion or sexual contact with, a child under the care, custody or control of such parent, guardian, custodian or person in a position of trust when such child is 16 years of age or older, notwithstanding the fact that the child may have consented to such conduct or the fact that the child may have suffered no apparent physical injury or mental or emotional injury as a result of such conduct, then such parent, guardian, custodian or person in a position of trust shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility not less than ~~one year~~ two years nor more than ~~five~~ 10 years.

(d) The provisions of this section shall not apply to a custodian or person in a position of trust whose age exceeds the age of the child by less than four years.

§61-8D-6. Sending, distributing, exhibiting, possessing, displaying or transporting material by a parent, guardian, or custodian, or person in a position of trust, depicting a child engaged in sexually explicit conduct; penalty.

Any parent, guardian, or custodian, or person in a position of trust who, with knowledge, sends or causes to be sent, or distributes, exhibits, possesses, displays, or transports, any material visually portraying a child under his or her care, custody, or control engaged in any sexually explicit conduct, is guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not more than ~~two~~ four years, and fined not less than ~~\$400~~ \$800 nor more than ~~\$4,000~~ \$8,000.

On motion of Senator Weld, the following amendments to the Judiciary committee amendment to the bill (Eng. Com. Sub. for H.

B. 2634) were reported by the Clerk, considered simultaneously, and adopted:

On page 2, section 5, line 17, after the word "age" by inserting the following words "or any age if the child is a disabled child, as defined in §61-8F-2 of this code";

And,

On page 3, section 5, line 26, after the word "induces" by inserting the words "or attempts to procure, authorize, or induce";

And,

On page 3, section 5, line 30, by striking out the words "consented to" and inserting in lieu thereof, the words "willingly participated in";

And,

On page 3, section 5, by striking out the entirety of subsection (d).

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 2634), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2695, Raleigh and Mason Counties Economic Opportunity Development Districts.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Economic Development committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2718, Relating to creating a State Advisory Council on Establishing a Military College.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Eng. House Bill 2802, Relating to in-service training credits for law-enforcement officers.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2836, Relating to wild animal rehabilitation permits.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2961, To amend the law concerning ownership and possession of real property.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 3A. PREVENTING FOREIGN ADVERSARIES
FROM OWNING REAL ESTATE IN WEST VIRGINIA.**

§37-3A-1. Ownership of real estate in West Virginia.

Except as otherwise provided in this article, any resident alien or citizen may acquire, hold, and transfer real estate in this state by

deed, will, or other instrument, including in fee simple or any lesser estate.

§37-3A-2. Definitions.

As used in this article:

"Control" means the power, direct or indirect, whether or not exercised, to determine, direct, or decide important matters affecting an entity, including but not limited to through ownership of at least 20 percent of the total outstanding voting interest, board representation, the ability to appoint or remove board members, proxy voting rights, special shares, contractual arrangements, legal obligations, or other formal or informal mechanisms to act in concert.

"Controlling interest" means an ownership interest of 50 percent or more in the aggregate.

"Owned or operated in whole or in part" means:

(A) For a publicly traded company, the person or entity has the ability to control the company, access any material nonpublic technical information in the possession of the company, or exercise any other rights or involvement in substantive decision-making beyond those of a retail investor holding an equivalent ownership share;

(B) For a privately held company, the person or entity possesses any ownership interest.

"People's Republic of China" means all provinces and autonomous regions of the People's Republic of China, including the Hong Kong Special Administrative Region and the Macao Special Administrative Region, but does not include Taiwan.

"Prohibited foreign party" means:

(A) A citizen or resident of the People's Republic of China who is not a resident alien or citizen of the United States;

(B) The government of the People's Republic of China or any of its political subdivisions;

(C) Any party other than an individual or government:

(i) Created or organized under the laws of any state or foreign country; and

(ii) In which a significant interest or substantial control is held directly or indirectly by:

(I) A person described in paragraph (A) of this subdivision;

(II) A government described in paragraph (B) of this subdivision;

(III) Any combination of the above; or

(IV) An agent, trustee, fiduciary, or other entity acting on behalf of any of the foregoing;

(D) Any foreign government, entity, or individual identified by a majority of the Governor, Treasurer, Agriculture Commissioner, Auditor, Attorney General, and Secretary of State, in consultation with the Secretary of Homeland Security, as hostile to the interests of the United States or the State of West Virginia: *Provided, That in the event of a tie, the Governor's vote shall serve as the tie-breaking vote.*

"Prohibited foreign-party-controlled business" means a corporation, company, association, firm, partnership, joint-stock company, trust, estate, or other legal entity in which a controlling interest is owned or operated, in whole or in part, by a prohibited foreign party.

§37-3A-3. Prohibition on Ownership by Prohibited Foreign Parties.

(a) A prohibited foreign-party-controlled business may not acquire or own, directly or indirectly, any interest in any real estate in this state, including mineral rights.

(b) A person may not hold any interest in real estate as an agent, trustee, or fiduciary on behalf of a prohibited foreign-party-controlled business.

(c) Any interest in any real estate that is held on the effective date of this article shall be divested within six months of the effective date of this article.

§37-3A-4. Enforcement; Judicial Sale.

(a) A prohibited foreign-party-controlled business that acquires real estate in violation of this article shall divest that interest within six months of acquisition.

(b) If the business fails to divest, the Attorney General shall file a civil action in the circuit court of the county where the real estate is located.

(c) Upon a circuit court finding by a preponderance of the evidence that a violation of the provisions of this article have occurred, the circuit court shall order the real estate to be sold through judicial sale under terms and conditions that are to be set by the circuit court.

(d) Proceeds of the sale shall first be distributed to lienholders according to priority, excluding liens that remain on the real estate under the terms of the sale, and any remaining funds shall be remitted to the prohibited foreign party. Lienholders may credit bid at the sale.

(e) If there are no liens against the property, then the full proceeds shall be remitted to the prohibited foreign party.

(f) The Attorney General shall promptly file in the office of the county clerk where the real estate is located the following:

(1) A notice of the pending action in the county in which the real estate is located upon commencement of the civil action filed pursuant to this article; and

(2) Once all appellate rights have been exhausted by the parties, the circuit court's final order that directs the sale of the real estate.

§37-3A-5. Good-Faith Protections.

(a) Title to real estate is not rendered invalid or subject to divestiture solely due to a prior violation of this article by a previous owner.

(b) A person who is not subject to the prohibitions contained in this article is not required to investigate whether another person or entity is subject to the prohibitions contained in this article.

The bill (Eng. Com. Sub. for H. B. 2961), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2963, To ensure that the survivor of a merger, reorganization, purchase, or assumption of liabilities of a bank chartered by West Virginia is insured by the Federal Deposit Insurance Corporation.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3014, Relating generally to liability of hospital police.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3016, Photo voter ID.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.**§3-1-34. Voting procedures generally; identification; assistance to voters; voting records; penalties.**

(a) A person desiring to vote in an election shall, upon entering the election room, clearly state his or her name and residence to one of the poll clerks who shall thereupon announce the ~~same~~ person's name and residence in a clear and distinct tone of voice. ~~For elections occurring on or after January 1, 2018, the~~ The person desiring to vote shall present to one of the poll clerks a valid identifying document meeting the requirements of ~~subdivisions (1) or (2) of this subsection~~ §3-1-34(a)(1) or §3-1-34(a)(2) of this code, and the poll clerk shall inspect and confirm that the name on the valid identifying document conforms to the name in the individual's voter registration record and that, if the valid identifying document contains a photograph, the image displayed is truly an image of the person presenting the document. If that person is found to be duly registered as a voter at that precinct, he or she shall sign his or her name in the designated location provided at the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk affixing the voter's mark shall be indicated immediately under the affixation. ~~No~~ A ballot may not be given to the person until he or she signs his or her name on the designated location or his or her signature is affixed thereon.

(1) A document ~~shall be deemed to be~~ is a valid identifying document if it:

(A) Has been issued either by the State of West Virginia, ~~or one of its subsidiaries~~ political subdivisions or instrumentalities, or by the United States Government; ~~and~~

(B) Contains the name of the person desiring to vote; and

(C) Contains a photograph of the person desiring to vote: Provided, That a driver's license or identification card issued in accordance with §17B-2-1(f)(4) of this code that does not contain

a photograph of the person desiring to vote is a valid identifying document.

(2) Notwithstanding the provisions of ~~subdivision (1) of this subsection §3-1-34(a)(1) of this code~~, the following documents, if they contain the voter's name, shall be considered valid identifying documents, and a person desiring to vote may produce any of the following:

(A) A valid West Virginia driver's license or valid West Virginia identification card issued by the West Virginia Division of Motor Vehicles, including a driver's license or identification card issued in accordance with §17B-2-1(f)(4) of this code.

(B) A valid driver's license issued by a state other than the State of West Virginia;

(C) A valid United States passport or passport card;

(D) A valid employee identification card with a photograph of the eligible voter issued by any branch, department, agency, or entity of the United States Government or of the State of West Virginia, or by any county, municipality, board, authority, or other political subdivision of West Virginia;

(E) A valid student identification card with a photograph of the eligible voter issued by an institution of higher education in West Virginia, or a valid high school identification card issued by a West Virginia high school;

(F) A valid military identification card issued by the United States with a photograph of the person desiring to vote; or

~~(G) A valid concealed carry (pistol/revolver) permit issued by the sheriff of the county with a photograph of the person desiring to vote;~~

~~(H) A valid Medicare card or Social Security card;~~

~~(I) A valid birth certificate;~~

~~(J)~~ (G) A valid voter registration card that includes the voter's photograph issued by a county clerk in the State of West Virginia or the Secretary of State. The county clerk or the Secretary of State may not charge or collect a fee for the application or issuance of a voter registration card that includes the voter's photograph.

~~(K) A valid hunting or fishing license issued by the State of West Virginia;~~

~~(L) A valid identification card issued to the voter by the West Virginia Supplemental Nutrition Assistance (SNAP) program;~~

~~(M) A valid identification card issued to the voter by the West Virginia Temporary Assistance for Needy Families (TANF) program;~~

~~(N) A valid identification card issued to the voter by West Virginia Medicaid;~~

~~(O) A valid bank card or valid debit card;~~

~~(P) A valid utility bill issued within six months of the date of the election;~~

~~(Q) A valid bank statement issued within six months of the date of the election; or~~

~~(R) A valid health insurance card issued to the voter.~~

(3) Any expired document identified in §3-1-34(a)(2) of this code is a valid identifying document if presented by a registered voter 65 years of age or older: *Provided*, That the identifying document was not expired on the registered voter's 65th birthday.

~~(3)~~ (4) In lieu of providing a valid identifying document, as required by this section, a registered voter may be accompanied at the polling place by an adult known to the registered voter for at least six months. That adult may sign an affidavit on a form provided to clerks and poll workers by the Secretary of State, which states under oath or affirmation that the adult has known the registered voter for at least six months, and that in fact the

registered voter is the same person who is present for the purpose of voting. For the affidavit to be considered valid, the adult shall present a valid identifying document with his or her name, address, and photograph.

(4) ~~(5)~~ A poll worker may allow a voter, whom the poll worker has known for at least six months, to vote without presenting a valid identifying document.

~~(5)~~ (6) If the person desiring to vote is unable to furnish a valid identifying document, or if the poll clerk determines that the proof of identification presented by the voter does not qualify as a valid identifying document, the person desiring to vote shall be permitted to cast a provisional ballot after executing an affidavit affirming his or her identity pursuant to ~~paragraph (B) of this subdivision~~ §3-1-34(a)(6)(B) of this code.

(A) The provisional ballot ~~is entitled to~~ may be counted once the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.

(B) The affidavit to be used for voting shall be substantially in the following form:

"State of West Virginia

County of.....

I do solemnly swear (or affirm) that my name is; that I reside at.....; and that I am the person listed in the precinct register under this name and at this address.

I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution.

.....

Signature of voter

Subscribed and affirmed before me this..... day of, 20....

.....

Name of Election Official

.....

Signature of Election Official".

~~(6)~~ (7) A voter who votes in person at a precinct polling place that is located in a building which is part of a state licensed care facility where the voter is a resident is not required to provide proof of identification as a condition before voting in an election.

~~(7)~~ (8) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid identifying document and has executed a voter identity affidavit.

~~(8)~~ (9) If a voter participating in the Address Confidentiality Program established by §48-28A-103 of this code, executes a voter identity affidavit, the program participant's residential or mailing address is subject to the confidentiality provisions of §48-28A-108 of this code and shall be used only for those statutory and administrative purposes authorized by this section.

~~(9)~~ (10) ~~Prior to the primary and general elections to be held in calendar year 2018,~~ The Secretary of State shall educate voters about the requirement to present a valid identifying document and develop a program to help ensure that all eligible voters are able to obtain a valid identifying document.

(b) The clerk of the county commission ~~is authorized~~ may, upon verification that the precinct at which a handicapped person is registered to vote is not handicap accessible, ~~to~~ transfer that person's registration to the nearest polling place in the county which is handicap accessible. A request by a handicapped person for a transfer of registration must be received by the county clerk

no later than 30 days prior to the date of the election. A handicapped person who has not made a request for a transfer of registration at least 30 days prior to the date of the election may vote a provisional ballot at a handicap accessible polling place in the county of his or her registration. If during the canvass the county commission determines that the person had been registered in a precinct that is not handicap accessible, the voted ballot, if otherwise valid, shall be counted. The handicapped person may vote in the precinct to which the registration was transferred only as long as the disability exists or the precinct from which the handicapped person was transferred remains inaccessible to the handicapped. To ensure confidentiality of the transferred ballot, the county clerk processing the ballot shall provide the voter with an unmarked envelope and an outer envelope designated "provisional ballot/handicapped voter". After validation of the ballot at the canvass, the outer envelope shall be destroyed and the handicapped voter's ballot shall be placed with other approved provisional ballots prior to removal of the ballot from the unmarked envelope.

(c) When the voter's signature is properly marked and the voter has presented a valid identifying document, the two poll clerks shall sign their names in the places indicated on the back of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another official ballot, signed by the clerks on the reverse side. The voter shall ~~thereupon~~ then retire alone to the booth or compartment prepared within the election room for voting purposes and there prepare his or her ballot. In voting for candidates in general and special elections, the voter shall comply with the rules and procedures prescribed in §3-6-5 of this code.

(d) ~~It is the duty of a~~ A poll clerk shall, in the presence of the other poll clerk, ~~to~~ indicate by a check mark, or by other means, inserted in the appropriate place on the registration record of each voter the fact that the voter voted in the election. In primary

elections the clerk shall also insert on the registration record of each voter a distinguishing initial or initials of the political party for whose candidates the voter voted. If a person is challenged at the polls, the challenge shall be indicated by the poll clerks on the registration record, together with the name of the challenger. The subsequent removal of the challenge shall be recorded on the registration record by the clerk of the county commission.

(e) (1) ~~No~~ A voter may not receive any assistance in voting unless, by reason of blindness, disability, advanced age, or inability to read and write, that voter is unable to vote without assistance. Any voter ~~so~~ qualified to receive assistance in voting may:

(A) Declare his or her choice of candidates to an Election Commissioner of each political party who, in the presence of the voter and in the presence of each other, shall prepare the ballot for voting in the manner provided in this section and, on request, shall read to the voter the names of the candidates selected on the ballot;

(B) Require the Election Commissioners to indicate to him or her the relative position of the names of the candidates on the ballot. ~~the~~ The voter shall then retire to one of the booths or compartments to prepare his or her ballot in the manner provided in this section;

(C) Be assisted by any person of the voter's choice, other than the voter's present or former employer or agent of that employer, the officer or agent of a labor union of which the voter is a past or present member or a candidate on the ballot or an official write-in candidate; or

(D) If he or she is handicapped, vote from an automobile outside the polling place or precinct by the absentee balloting method provided in §3-3-5(e) of this code in the presence of an Election Commissioner of each political party if all of the following conditions are met:

(i) The polling place is not handicap accessible; and

(ii) ~~No voters are~~ Voters are not voting or waiting to vote inside the polling place.

(2) The voted ballot shall then be returned to the precinct officials and secured in a sealed envelope to be returned to the clerk of the county commission with all other election materials. The ballot shall then be tabulated using the appropriate method provided in §3-1-8 of this code as it relates to the specific voting system in use.

(3) A voter who requests assistance in voting but who is believed not to be qualified for assistance under the provisions of this section shall ~~nevertheless~~ be permitted to vote a provisional ballot with the assistance of any person ~~herein~~ authorized in this section to render assistance.

(4) One or more of the Election Commissioners or poll clerks in the precinct may challenge the ballot on the ground that the voter received assistance in voting ~~if~~ if when in his, her or their opinion the person who received assistance in voting is not so illiterate, blind, disabled or of such advanced age as to have been unable to vote without assistance. The Election Commissioner or poll clerk or commissioners or poll clerks making the challenge shall enter the challenge and the reason for such challenge on the form and in the manner prescribed or authorized by §3-3-1 *et seq.* of this code.

(5) An Election Commissioner or other person who assists a voter in voting:

(A) May not in any manner request or seek to persuade or induce the voter to vote a particular ticket or for a particular candidate or for or against any public question and ~~must~~ shall not keep or make any memorandum or entry of anything occurring within the voting booth or compartment and ~~must~~ shall not, directly or indirectly, reveal to any person the name of a candidate voted for by the voter, which ticket he or she had voted, ~~or~~ how he or she had voted on any public question, or anything occurring within the voting booth, compartment, or voting machine booth except when required by law to give testimony as to the matter in a judicial proceeding; and

(B) Shall sign a written oath or affirmation before assisting the voter on a form prescribed by the Secretary of State stating that he

or she will not override the actual preference of the voter being assisted, attempt to influence the voter's choice, or mislead the voter into voting for someone other than the candidate of voter's choice. The person assisting the voter shall also swear or affirm that he or she believes that the voter is voting free of intimidation or manipulation. ~~Ne~~ There is no requirement that a person providing assistance to a voter is required to sign an oath or affirmation where the reason for requesting assistance is the voter's inability to vote without assistance because of blindness as defined in §5-15-3 of this code and the inability to vote without assistance because of blindness is certified in writing by a physician of the voter's choice and is on file in the office of the clerk of the county commission.

(6) In accordance with instructions issued by the Secretary of State, the clerk of the county commission shall provide a form entitled "list of assisted voters", on a form as prescribed by the Secretary of State. The commissioners shall enter the name of each voter receiving assistance in voting the ballot, together with the poll slip number of that voter and the signature of the person or the commissioner from each party who assisted the voter. If no voter has been assisted in voting, the commissioners shall make and subscribe to an oath of that fact on the list.

(f) After preparing the ballot, the voter shall fold the ballot so that the face is not exposed and the names of the poll clerks on it are seen. The voter shall announce his or her name and present his or her ballot to one of the commissioners who shall hand the ~~same~~ ballot to another commissioner, of a different political party, who shall deposit it in the ballot box if the ballot is the official one and properly signed. The Commissioner of Election may inspect every ballot before it is deposited in the ballot box to ascertain whether it is single, but without unfolding or unrolling it so as to disclose its content. When the voter has voted, he or she shall retire immediately from the election room and beyond the ~~sixty-foot~~ 60-foot limit and not return except by permission of the commissioners.

(g) Following the election, the oaths or affirmations required by this section from those assisting voters, together with the "list

of assisted voters", shall be returned by the Election Commissioners to the clerk of the county commission along with the election supplies, records, and returns. The clerk of the county commission shall make the oaths, affirmations, and list available for public inspection and preserve them for a period of 22 months or until disposition is authorized or directed by the Secretary of State or court of record. The clerk may use these records to update the voter registration records in accordance with §3-2-18(d) of this code.

(h) Any person making an oath or affirmation required under the provisions of this section who knowingly swears falsely or any person who counsels, advises, aids, or abets another in the commission of false swearing under this section, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

(i) Any Election Commissioner or poll clerk who authorizes or provides unchallenged assistance to a voter when the voter is known to the Election Commissioner or poll clerk not to require assistance in voting, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for a period of not less than one year nor more than five years, or both fined and imprisoned.

The bill (Eng. Com. Sub. for H. B. 3016), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3111, To provide pay increases to members of the judiciary.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10a. Salary of justices.

The salary of each of the justices of the Supreme Court of Appeals shall be \$95,000 per year: *Provided*, That beginning July 1, 2005, the salary of each of the justices of the Supreme Court shall be \$121,000: *Provided, however*, That beginning July 1, 2011, the annual salary of a justice of the Supreme Court shall be \$136,000: *Provided further*, That beginning July 1, 2021, the annual salary of a justice of the Supreme Court of Appeals shall be \$142,800, and beginning July 1, 2022, the annual salary of a justice of the Supreme Court of Appeals shall be \$149,600: *Provided further*, That beginning July 1, 2025, the annual salary of a justice of the Supreme Court of Appeals shall be \$154,600: And provided further, That beginning July 1, 2026, the annual salary of a justice of the Supreme Court of Appeals shall be \$159,600.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-13. Salaries of judges of circuit courts.

The salaries of the judges of the various circuit courts shall be paid solely out of the State Treasury. No county, county commission, board of commissioners, or other political subdivision shall supplement or add to such salaries.

The annual salary of all circuit judges shall be \$90,000 per year: *Provided*, That beginning July 1, 2005, the annual salary of all circuit judges shall be \$116,000 per year: *Provided, however*, That beginning July 1, 2011, the annual salary of a circuit court judge shall be \$126,000: *Provided further*, That beginning July 1, 2021, the annual salary of a circuit judge shall be \$132,300, and beginning July 1, 2022, the annual salary of a circuit court judge shall be \$138,600: *Provided further*, That beginning July 1, 2025, the annual salary of a circuit judge shall be \$143,600: And provided further, That beginning July 1, 2026, the annual salary of a circuit judge shall be \$148,600.

ARTICLE 2A. FAMILY COURTS.**§51-2A-6. Compensation and expenses of family court judges and their staffs.**

(a) A family court judge ~~is entitled to~~ may receive as compensation for his or her services an annual salary of \$62,500: *Provided*, That beginning July 1, 2005, a family court judge ~~is entitled to~~ may receive as compensation for his or her services an annual salary of \$82,500: *Provided, however*, That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: *Provided further*, That beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950: *Provided further*, That beginning July 1, 2025, the annual salary of a family court judge shall be \$113,950: And provided further, That beginning July 1, 2026, the annual salary of a family court judge shall be \$118,950.

(b) The secretary-clerk of the family court judge is appointed by the family court judge and serves at his or her will and pleasure. The secretary-clerk of the family court shall be paid at least twice per month by the state. The annual salary of all secretary-clerks of the family court ~~is~~ \$42,576. Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be \$44,876. Family court secretary-clerks may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.

(c) The family court judge may employ not more than one family case coordinator who serves at his or her will and pleasure: *Provided*, That the Supreme Court of Appeals may authorize additional family case coordinators if the workload of a circuit's family court requires extra staff support. The annual salary of the family case coordinator of the family court judge shall be established by the Administrative Director of the Supreme Court of Appeals but may not exceed \$54,576. Beginning July 1, 2023, the annual salary of a family court case coordinator shall not exceed \$56,876. Family court case coordinators may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an

across-the-board increase enacted after July 1, 2023. If more than one family case coordinator is approved by the Supreme Court of Appeals, then the chief family court judge of that circuit shall appoint, supervise, and assign job duties for any additional family case coordinator as needed for that circuit.

(d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a bailiff is available when a family court judge determines the same is necessary for the orderly and efficient conduct of the business of the family court.

(e) Disbursement of salaries for family court judges and members of their staffs are made by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of Appeals.

(f) Family court judges and members of their staffs ~~staff~~ are allowed their actual and necessary expenses incurred in the performance of their duties. The expenses and compensation will be determined and paid by the Director of the Administrative Office of the Supreme Court of Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of Appeals.

(g) The Supreme Court of Appeals ~~is authorized to~~ may create additional classifications of support staff that it deems necessary to adequately and efficiently staff the family courts of this state, including, but not limited to, receptionists, assistant case coordinators, and assistant secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and assign job duties for these positions pursuant to its own employment rules, policies, and procedures. The annual salary of additional support staff authorized by this section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the state on the same basis established for secretary-clerks as provided in this section.

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 (b) 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 or after July 1, 2013, and each year thereafter, 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 the responsibility of the courts to pay, deposit, or transfer the calculated contribution into the plan shall be placed on a contribution holiday until such time that the actual overfunded nature of the pension fund has fallen below a rate of 150 percent.*

(d) 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) 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.

(f) 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) 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) 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.

§51-9-6. Eligibility for and payment of benefits.

(a) Except as otherwise provided in sections five, six-d, twelve and thirteen of this article, and subject to the provisions of subsection (e) of this section, any person who is now serving, or who shall hereafter serve, as a judge of any court of record of this state and shall have served as such judge for a period of not less than sixteen full years and shall have reached the age of sixty-five years, or who has served as judge of such court or of that court and other courts of record of the state for a period of sixteen full years or more (whether continuously or not and whether said service be entirely before or after this article became effective, or partly before and partly after said date, and whether or not said judge shall be in office on the date he or she shall become eligible to benefits hereunder) and shall have reached the age of sixty-five years, or who is now serving, or who shall hereafter serve, as a judge of any court of record of this state and shall have served as such judge for a period of not less than twenty-four full years, regardless of age, shall, upon a determination and certification of his or her eligibility as provided in section nine hereof, be paid from the fund annual retirement benefits, so long as he or she shall live, in an amount equal to seventy-five percent of the annual salary of the office from which he or she has retired based upon such salary of such office and as such salary may be changed from time to time during the period of his or her retirement and the amount of his or her retirement benefits shall be based upon and be equal to seventy-five percent of the highest annual salary of such office for any one calendar year during the period of his or her retirement and shall be payable in monthly installments: *Provided*, That such retirement benefits shall be paid only after such judge has resigned as such or, for any reason other than his or her impeachment, his or her service

as such has ended: *Provided, however,* That every such person seeking to retire and to receive the annual retirement benefits provided by this subsection must have served a minimum of twelve years as a sitting judge of any such court of record: *Provided further,* That every individual who is appointed or elected for the first time as judge of a court of record of this state after July 1, 2005, who subsequently seeks to retire and to receive the annual retirement benefits provided by this subsection must have served a minimum of fourteen years as a sitting judge of any court of record: *Provided further,* That any Justice of the West Virginia Supreme Court of Appeals, Intermediate Court of Appeals Judge, Circuit Court Judge, or Family Court Judge in this state appointed or elected for the first time after July 1, 2005, shall be eligible for payment of benefits under this subsection.

(b) Notwithstanding any other provisions of this article with the exception of sections twelve-a and twelve-b, any person who is now serving or who shall hereafter serve as a judge of any court of record of this state and who shall have accumulated sixteen years or more of credited service, at least twelve years of which is as a sitting judge of a court of record, and who has attained the age of sixty-two years or more but less than the age of sixty-five years, may elect to retire from his or her office and to receive the pension to which he or she would otherwise be entitled to receive at age sixty-five, but with an actuarial reduction of pension benefit to be established as a reduced annuity receivable throughout retirement: *Provided,* That every individual who is appointed or elected for the first time as judge of a court of record of this state after July 1, 2005, who subsequently seeks to retire and to receive the annual retirement benefits provided by this subsection must have served a minimum of fourteen years as a sitting judge of any court of record. The reduced percentage (less than seventy-five percent) actuarially computed, determined and established at time of retirement in respect of this reduced pension benefit shall also continue and be applicable to any subsequent new annual salary set for the office from which such judge has retired and as such salary may be changed from time to time during the period of his or her retirement.

(c) In determining eligibility for the benefits provided by this section, active full-time duty (including leaves and furloughs) in the Armed Forces of the United States shall be eligible for qualification as credited military service for the purposes of this article by any judge with twelve or more years actual service as a sitting judge of a court of record, such awardable military service to not exceed five years: *Provided*, That in determining eligibility for the benefits provided by this section for every individual who is appointed or elected for the first time as judge of a court of record of this state after July 1, 2005, active full-time duty (including leaves and furloughs) in the Armed Forces of the United States qualifies as credited service for the purposes of this article for any judge with fourteen or more years actual service as a sitting judge of a court of record of this state, the awardable military service not to exceed five years.

(d) If a judge of a court of record who is presently sitting as such on the effective date of the amendments to this section enacted by the Legislature at its regular session held in the year 1987 and who has served for a period of not less than twelve full years and has made payments into the Judges' Retirement Fund as provided in this article for each month during which he or she served as judge, following the effective date of this section, any portion of time which he or she had served as prosecuting attorney in any county in this state shall qualify as years of service, if such judge shall pay those sums required to be paid pursuant to the provisions of section four of this article: *Provided*, That any term of office as prosecuting attorney, or part thereof, commencing after December 31, 1988, shall not hereafter in any way qualify as eligible years of service under this retirement system. For purposes of this article, eligible service as a "prosecuting attorney" or as a "prosecutor" does not include any service as an assistant prosecuting attorney. The amendment to this subsection during the third extraordinary session in the year 2005 is not for the purpose of changing existing law but is intended to clarify the intent of the Legislature as to existing law regarding eligibility for benefits for service as a prosecuting attorney since its initial enactment and this clarification shall be applied retrospectively to the effective date of this section and any predecessor acts in which service as a

prosecuting attorney was initially determined by statute to qualify as eligible years of service under the retirement system provided by this article.

(e) Any retirement benefit accruing under the provisions of this section shall not be paid if otherwise barred under the provisions of article ten-a, chapter five of this code.

(f) Notwithstanding any other provisions of this article, forfeitures under the system shall not be applied to increase the benefits any member would otherwise receive under the system.

§51-9-6a. Eligibility benefits; service and retirement of judges over ~~sixty-five~~ 65 years of age.

(a) Any judge of a court of record of this state who shall have served for a period of not less than eight full years after attaining the age of ~~sixty-five~~ 65 years and who shall have made payments into the Judges' Retirement Fund as provided in this article for each month during which he or she served as such judge following the effective date of this section, shall be subject to all the applicable terms and provisions of this article, not inconsistent with the provisions hereof, and shall receive retirement benefits in an amount equal to seventy-five percent of the annual salary of the office from which he or she has retired based upon such salary of such office as such salary may be changed from time to time during the period of his or her retirement and the amount of his or her retirement benefits shall be based upon and be equal to seventy-five percent of the highest annual salary of such office for any one calendar year during the period of his or her retirement and shall be payable in monthly installments. If such judge shall become incapacitated to perform his or her said duties before the expiration of his or her said term and after serving for six years thereof, and upon the acceptance of his or her resignation as in this article provided, he or she shall be paid the annual retirement benefits as herein provided so long as he or she shall live. The provisions of this section shall prevail over any language to the contrary in this article contained, except those provisions of sections twelve-a and twelve-b of this article: *Provided*, That no individual who is appointed or elected for the first time as judge of a court of record

of this state after July 1, 2005, is eligible for retirement under this subsection.

(b) Any individual who is appointed or elected for the first time as a family court judge, a judge of a court of record, judge of the Intermediate Court of Appeals, or as a justice of the Supreme Court of Appeals of West Virginia, of this State after July 1, 2005, who having attained the age of 65 years, and who shall have served as a sitting judge of said court or courts for a period of not less than 12 full years, and who shall have made payments into the Judges' Retirement Fund as provided in this article for each month during which he or she served as a judge or justice, shall be eligible to receive the pension to which he or she would otherwise have been entitled to receive as if at 16 years of credited service, but with an actuarial reduction of pension benefit to be established as a reduced annuity receivable throughout retirement, and shall be paid as an annual retirement benefit as herein provided so long as he or she shall live.

§51-9-6b. Annuities for surviving spouses and surviving dependent children of judges; automatic escalation and increase of annuity benefit; proration designation by judge permitted.

(a) There shall be paid, from the fund created or continued by section two of this article, or from such funds as may be appropriated by the Legislature for such purpose, an annuity to the surviving spouse of a judge, if such judge at the time of his or her death is eligible for the retirement benefits provided by any of the provisions of this article, or who has, at death, actually served five years or more as a sitting judge of any court of record of this state, exclusive of any other service credit to which such judge may otherwise be entitled, and who dies either while in office or after resignation or retirement from office pursuant to the provisions of this article. Said annuity shall amount to ~~forty~~ 50 percent of the annual salary of the office which said judge held at his or her death or from which he or she resigned or retired. In the event said salary is increased or decreased while an annuitant is receiving the benefits hereunder, his or her annuity shall amount to ~~forty~~ 50 percent of the new salary. ~~Provided, That with respect to any~~

~~individual who is appointed or elected for the first time as judge of a court of record of this state after July 1, 2005, any annuity to the surviving spouse of the judge shall be an amount equal to forty 50 percent of the judge's final average salary: *Provided, however, That the annuitant is not entitled to an increase in benefits by virtue of any increase in the salaries of the offices of circuit court judge or Justice of the Supreme Court of Appeals.*~~ The annuity granted hereunder shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month for which the annuity shall have accrued. Such annuity shall commence on the first day of the month in which said judge dies and shall, subject to the provisions of subsection (b) of this section, terminate upon the death of the annuitant or shall terminate upon the remarriage of the annuitant.

(b) If there be no surviving spouse at the time of death of a judge who dies after serving five years or more as a sitting judge of any court of record and such judge leaves surviving him or her any dependent child or children, such dependent child or children shall receive an amount equal to twenty percent of the annual salary of the office which said judge held at the time of his or her death: *Provided, That the total of all such annuities payable to each such child shall not exceed in the aggregate an amount equal to forty percent of such salary. Such annuity shall continue as to each such child until: (i) He or she or she attains the age of eighteen years; or (ii) attains the age of twenty-three years so long as such child remains a full-time student. The Auditor shall by legislative rule establish the criteria for determining a person's status as a full-time student within the meaning and intent of this subsection. In the event there are surviving any such judge three or more dependent children, then each such child's annuity shall be proratably reduced in order that the aggregate annuity received by all such dependent children does not exceed forty percent of such salary and the amount to be so received by any such child shall continue throughout the entire period during which each such child is eligible to receive such annuity. The provisions of this subsection shall also apply to those circumstances and situations wherein a surviving spouse of a deceased judge shall die while receiving benefits pursuant to subsection (a) of this section and who shall*

leave surviving dependent children of such deceased judge who would be entitled to benefits under this subsection as if they had succeeded to such annuity benefits upon the death of such judge in the first instance. In the event the salary of judges is increased or decreased while an annuitant is receiving benefits pursuant to this subsection, the annuities payable shall be likewise increased or decreased proportionately to reflect such change in salary. ~~Provided, however, That with respect to any individual who is appointed or elected for the first time as judge of a court of record of this state after July 1, 2005, any annuity to any children of the judge shall be calculated with respect to the judge's final average salary: Provided further, That the child is not entitled to an increase in benefits by virtue of any increase in the salaries of the offices of circuit court judge or Justice of the Supreme Court of Appeals.~~ The annuities granted hereunder shall accrue monthly and shall be due and payable in monthly installments on the same day as surviving spouses' benefits are required to be paid. Such annuities shall commence on the first day of the month in which any such dependent child becomes eligible for benefits hereunder and shall terminate on the last day of the month during which such eligibility ceases.

§51-9-6c. Limitations on benefit increases.

[Repealed]

§51-9-6d. Adjusted annual retirement benefit calculations.

[Repealed]

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, 2025, the annual salary of a Judge of the Intermediate Court of Appeals shall be \$147,500; And provided further, That beginning July 1, 2026 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.

Following discussion,

The question being on the adoption of the Finance committee amendment to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 3111), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3125, To remove restrictions from teachers receiving permanent teaching licenses.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3174, Requiring municipalities take actions when potential customers apply for water and sewer service.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Rucker, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.

PART V. GRANTS, LOANS, ADVANCES AND AGREEMENTS; CUMULATIVE AUTHORITY.

§8-19-17. Grants, loans, advances and agreements.

(a) As an alternative to, or in conjunction with, the issuance of revenue bonds authorized by this article, any municipality or county commission is hereby empowered and authorized to accept loans or grants and procure loans or temporary advances evidenced by notes or other negotiable instruments issued in the manner, and subject to the privileges and limitations, set forth with respect to bonds authorized to be issued under the provisions of this article, or otherwise enter into agreement, including, but not limited to, agreements of indemnity, assurance or guarantee with respect to, and for the purpose of financing part or all of, the cost of acquisition, construction, establishment, extension or equipment of waterworks or electric power systems and the construction of additions, betterments and improvements to existing waterworks systems or to existing electric power systems, and for the other purposes herein authorized, from or with any authorized agency of the state or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual, which loans or temporary advances, including the interest thereon, or the municipality's or county's financial obligations contained in such other agreements, which need not bear interest, may be repaid out of the proceeds of bonds authorized to be issued under the provisions of this article, the revenues of or proceeds from the said waterworks system or electric power system or grants to the municipality or county commission from any agency of the state or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual or

from any combination of such sources of payment, and may be secured in the manner provided in §8-19-8, §8-19-9, and §8-19-16 of this article to secure bonds issued under the provisions of this article, but shall not otherwise be subject to the requirements of §8-19-11 and §8-19-12 of this article, and to enter into the necessary contracts and agreements to carry out the purposes hereof with any agency of the state, the United States of America or any federal or public agency or department of the United States, or with any private agency, corporation or individual.

In no event shall any such loan or temporary advance or agreement be a general obligation of the municipality or county and such loans or temporary advances or agreements, including the interest thereon, shall be paid solely from the sources specified in this section.

(b) When potential customers apply for water or sewer service from the municipality, the municipality must determine the cost of the extension and the customer cost responsibility for the cost of the extension (customer share) in accordance with rules of the Public Service Commission. Once the cost and customer share are determined, if those potential customers wish to continue, and they, or any person or entity desiring to do so, provide an up-front customer contribution for the customer share of the extension costs, then the municipality shall extend service pursuant to the rules of the Public Service Commission. If, before continuing with the extension, the potential customers request that the municipality make application for grant funds to finance the total costs of the extension, then the potential customers, or any person or entity desiring to do so, must provide funds to cover the cost of the application, and, once provided, the municipality shall then apply through the West Virginia Infrastructure and Jobs Development Council for any available funding.

(c) Notwithstanding any other provisions of this code to the contrary, if a grant or grants are awarded that cover the total costs for a project to extend service to unserved potential customers, the municipality is required to extend service to said potential customers after the potential customers have paid any required fees, including their required contributions. Grant funds shall be

used to reimburse the potential customers or any other person or entity who were contributors for any front contributions, including, but not limited to, the cost of the application, in accordance with the rules of the Public Service Commission, including the rule that reimbursements will not exceed the original amount of the customer contribution.

ARTICLE 20. COMBINED SYSTEMS.

§8-20-16. Grants, loans and advances.

(a) Any municipality is hereby empowered and authorized to accept loans or grants and procure loans or temporary advances evidenced by notes or other negotiable instruments issued in the manner, and subject to the privileges and limitations, set forth with respect to bonds authorized to be issued under the provisions of this article, for the purpose of paying part or all of the cost of acquisition, construction, establishment, extension, or equipment of combined systems and the construction of additions, betterments, and improvements thereto, and for the other purposes herein authorized, from any authorized agency of the state or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual, which loans or temporary advances, including the interest thereon, may be repaid out of the proceeds of bonds authorized to be issued under the provisions of this article, the revenues of the said combined system or grants to the municipality from any agency of the state or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual or from any combination of such sources of payment, and to enter into the necessary contracts and agreements to carry out the purposes hereof with any agency of the state, the United States of America or any federal or public agency or department of the United States, or with any private agency, corporation or individual. Any other provisions of this article notwithstanding, interest on any loans or temporary advances may be paid from the proceeds thereof until the maturity of the notes or other negotiable instrument.

In no event shall any loan or temporary advance be a general obligation of the municipality and the loans or temporary advances, including the interest thereon, shall be paid solely from the sources specified in this section.

(b) When potential customers apply for water or sewer service from the municipality, the municipality must determine the cost of the extension and the customer cost responsibility for the cost of the extension (customer share) in accordance with rules of the Public Service Commission. Once the cost and customer share are determined, if those potential customers wish to continue, and they, or any person or entity desiring to do so, provide an up-front customer contribution for the customer share of the extension costs, then the municipality shall extend service pursuant to the rules of the Public Service Commission. If, before continuing with the extension, the potential customers request that the municipality make application for grant funds to finance the total costs of the extension, then the potential customers, or any person or entity desiring to do so, must provide funds to cover the cost of the application, and, once provided, the municipality shall then apply through the West Virginia Infrastructure and Jobs Development Council for any available funding.

(c) Notwithstanding any other provisions of this code to the contrary, if a grant or grants are awarded that cover the total costs for a project to extend service to unserved potential customers, the municipality is required to extend service to said potential customers after the potential customers have paid any required fees, including their required contributions. Grant funds shall be used to reimburse the potential customers or any other person or entity who were contributors for any front contributions, including, but not limited to, the cost of the application, in accordance with the rules of the Public Service Commission, including the rule that reimbursements will not exceed the original amount of the customer contribution.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-4. Proposal of rules by the secretary.

(a) The secretary may propose legislative rules in accordance with the provisions of §29A-3-1 *et seq.* of this code that include:

(1) Land usage endangering the public health: *Provided*, That no rules may be promulgated or enforced restricting the subdivision or development of any parcel of land within which the individual tracts, lots, or parcels exceed two acres each in total surface area and which individual tracts, lots, or parcels have an average frontage of not less than 150 feet even though the total surface area of the tract, lot, or parcel equals or exceeds two acres in total surface area, and which tracts are sold, leased, or utilized only as single-family dwelling units. Notwithstanding the provisions of this subsection, nothing in this section may be construed to abate the authority of the department to:

(A) Restrict the subdivision or development of a tract for any more intense or higher density occupancy than a single-family dwelling unit;

(B) Propose or enforce rules applicable to single-family dwelling units for single-family dwelling unit sanitary sewerage disposal systems; or

(C) Restrict any subdivision or development which might endanger the public health, the sanitary condition of streams, or sources of water supply.

(2) The sanitary condition of all institutions and schools, whether public or private, public conveyances, dairies, slaughterhouses, workshops, factories, labor camps, all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption and places where trades or industries are conducted;

(3) Occupational and industrial health hazards, the sanitary conditions of streams, sources of water supply, sewerage facilities, and plumbing systems and the qualifications of personnel connected with any of those facilities, without regard to whether the supplies or systems are publicly or privately owned; and the

design of all water systems, plumbing systems, sewerage systems, sewage treatment plants, excreta disposal methods, and swimming pools in this state, whether publicly or privately owned.

(A) The secretary may not promulgate rules that require a public water supply system or business to have backflow prevention assemblies inspected more frequently than once in three years for a low-hazard system, which is defined as a hazard that could cause aesthetic problems or have a detrimental secondary effect on the quality of the public potable water supply. A high-hazard system, which is defined as a hazard that is conducive to the introduction of waterborne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and that presents an unreasonable risk to health, shall be inspected annually.

(B) When a person applies to a political subdivision for any business activity that qualifies the person as a large-quantity user, as that term is defined in §22-26-2 of this code, the Public Service Commission shall review the activity and determine what impact the activity will have on the existing users, and may make recommendations to the political subdivision based on the determination.

(4) Safe drinking water, including:

(A) The maximum contaminant levels to which all public water systems must conform in order to prevent adverse effects on the health of individuals and, if appropriate, treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer. The rule shall contain provisions to protect and prevent contamination of wellheads and well fields used by public water supplies so that contaminants do not reach a level that would adversely affect the health of the consumer;

(B) The minimum requirements for: sampling and testing; system operation; public notification by a public water system on being granted a variance or exemption, or upon failure to comply with specific requirements of this section and rules promulgated

under this section; record keeping; laboratory certification; as well as procedures and conditions for granting variances and exemptions to public water systems from state public water systems rules; and

(C) The requirements covering the production and distribution of bottled drinking water and may establish requirements governing the taste, odor, appearance, and other consumer acceptability parameters of drinking water;

(5) Food and drug standards, including cleanliness, proscription of additives, proscription of sale, and other requirements in accordance with §16-7-1 *et seq.* of this code as are necessary to protect the health of the citizens of this state;

(6) The training and examination requirements for emergency medical service attendants and emergency medical care technician-paramedics; the designation of the health care facilities, health care services, and the industries and occupations in the state that must have emergency medical service attendants and emergency medical care technician-paramedics employed, and the availability, communications and equipment requirements with respect to emergency medical service attendants and to emergency medical care technician-paramedics. Any regulation of emergency medical service attendants and emergency medical care technician-paramedics may not exceed the provisions of §16-4C-1 *et seq.* of this code;

(7) The health and sanitary conditions of establishments commonly referred to as bed and breakfast inns. For purposes of this article, "bed and breakfast inn" means an establishment providing sleeping accommodations and, at a minimum, a breakfast for a fee. The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer rooms to install a restaurant-style or commercial food service facility. The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of more than six rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast inn or those rooms

numbering above six are used on an aggregate of two weeks or less per year;

(8) Fees for services provided by the Bureau for Public Health including, but not limited to, laboratory service fees, environmental health service fees, health facility fees, and permit fees;

(9) The collection of data on health status, the health system, and the costs of health care;

(10) The distribution of state aid to local health departments and basic public health services funds in accordance with:

(A) Base allocation amount for each county;

(B) Establishment and administration of an emergency fund of no more than two percent of the total annual funds of which unused amounts are to be distributed back to local boards of health at the end of each fiscal year;

(C) A calculation of funds utilized for state support of local health departments;

(D) Distribution of remaining funds on a per capita weighted population approach which factors coefficients for poverty, health status, population density, and health department interventions for each county and a coefficient which encourages counties to merge in the provision of public health services; and

(E) The provisions of this subdivision are in effect until the performance standard funding formula is created and established by legislative rule.

(b) The secretary shall not review any repair or modernization of equipment at a public pool facility as long as such activity does not change the scope of the facility or its current use and such activity does not exceed \$25,000 in planned cost.

§16-1-9a. Regulation of public water systems.

(a) The ~~commissioner~~ secretary shall regulate public water systems as prescribed in this section.

(b) The ~~commissioner~~ secretary shall establish by legislative rule, in accordance with §29A-3-1 *et seq.* of this code:

(1) The maximum contaminant levels to which all public water systems shall conform in order to prevent adverse effects on the health of individuals;

(2) Treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer;

(3) Provisions to protect and prevent contamination of wellheads and well fields used by public water supplies so that contaminants do not reach a level that would adversely affect the health of the consumer;

(4) Minimum requirements for:

(A) Sampling and testing;

(B) System operation;

(C) Public notification by a public water system on being granted a variance or exemption or upon failure to comply with specific requirements of this section and regulations promulgated under this section;

(D) Recordkeeping;

(E) Laboratory certification; and

(F) Procedures and conditions for granting variances and exemptions to public water systems from state public water systems' regulations;

(5) Requirements covering the production and distribution of bottled drinking water;

(6) Requirements governing the taste, odor, appearance, and other consumer acceptability parameters of drinking water;

(7) Any requirements for a water supply system the commissioner determines is necessary to be equipped with a backflow prevention assembly, all maintenance activities must be documented and provided to the commissioner upon request: Provided, That the secretary may not require inspection more frequently than once in three years for a low-hazard system, which is defined as a hazard that could cause aesthetic problems or have a detrimental secondary effect on the quality of the public potable water supply: Provided, however, That a high-hazard system, which is defined as a hazard that is conducive to the introduction of waterborne disease organisms, or harmful chemical, physical, or radioactive substances into a public water system, and that presents an unreasonable risk to health, shall be inspected annually; ~~and Secretary~~

(8) Any other requirement the ~~commissioner~~ secretary finds necessary to effectuate the provisions of this article.

(c) The ~~commissioner~~ secretary, or his or her authorized representative or designee, may enter any part of a public water system, whether or not the system is in violation of a legal requirement, for the purpose of inspecting, sampling, or testing and shall be furnished records or information reasonably required for a complete inspection.

(d) The ~~commissioner~~ secretary, or his or her authorized representative or designee, may conduct an evaluation necessary to assure the public water system meets federal safe drinking water requirements. The public water system shall provide a written response to the commissioner within 30 days of receipt of the evaluation by the public water system, addressing corrective actions to be taken as a result of the evaluation.

(e)(1) Any individual or entity who violates any provision of this article, or any of the rules or orders issued pursuant to this article, is liable for a civil penalty not less than \$1,000 nor more than \$5,000. Each day's violation shall constitute a separate offense.

(2) For a willful violation of a provision of this article, or of any of the rules or orders issued under this article, an individual or entity shall be subject to a civil penalty of not more than \$10,000 and each day's violation shall be grounds for a separate penalty.

(3) Civil penalties are payable to the ~~commissioner~~ secretary. All moneys collected under this section shall be deposited into a restricted account known as the Safe Drinking Water Fund. All moneys deposited into the fund shall be used by the ~~commissioner~~ secretary to provide technical assistance to public water systems.

(f) The ~~commissioner~~ secretary, or his or her authorized representative or designee, may also seek injunctive relief in the circuit court of the county in which all or part of the public water system is located for threatened or continuing violations.

(g) By July 1, 2020, a public water system supplying water to the public within the state shall immediately, but in no instance later than six hours, report the occurrence and the lifting of each advisory to local departments of health and to local office of emergency management 911 answering point.

(h) By January 1, 2022, a public water system shall make available to interested customers boiled water advisories promptly through a text or a voice alert mass notification system.

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-22a. Grants, loans and advances.

(a) Any municipality is authorized and empowered to accept loans or grants and procure loans or temporary advances evidenced by notes or other negotiable instruments issued in the manner, and subject to the privileges and limitations, set forth with respect to bonds authorized to be issued under the provisions of this article, for the purpose of paying part or all of the cost of acquisition or construction of said sewage works and the construction of betterments and improvements thereto, and for the other purposes herein authorized, from any authorized agency of the state or from the United States of America or any federal or public agency or

department of the United States or any private agency, corporation or individual, which loans or temporary advances, including the interest thereon, may be repaid out of the proceeds of bonds authorized to be issued under the provisions of this article, the revenues of the said sewage works or grants to the municipality from any agency of the state or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual or from any combination of such sources of payment, and to enter into the necessary contracts and agreements to carry out the purposes hereof with any agency of the state, the United States of America or any federal or public agency or department of the United States, or with any private agency, corporation or individual. Any other provisions of this article to the contrary notwithstanding, interest on any such loans or temporary advances may be paid from the proceeds thereof until the maturity of such notes or other negotiable instrument.

In no event shall any such loan or temporary advance be a general obligation of the municipality and such loans or temporary advances, including the interest thereon, shall be paid solely from the sources specified in this section.

(b) When potential customers apply for water or sewer service from the municipality, the municipality must determine the cost of the extension and the customer cost responsibility for the cost of the extension (customer share) in accordance with rules of the Public Service Commission. Once the cost and customer share are determined, if those potential customers wish to continue, and they, or any person or entity desiring to do so, provide an up-front customer contribution for the customer share of the extension costs, then the municipality shall extend service pursuant to the rules of the Public Service Commission. If, before continuing with the extension, the potential customers request that the municipality make application for grant funds to finance the total costs of the extension, then the potential customers, or any person or entity desiring to do so, must provide funds to cover the cost of the application, and, once provided, the municipality shall then apply

through the West Virginia Infrastructure and Jobs Development Council for any available funding.

(c) Notwithstanding any other provisions of this code to the contrary, if a grant or grants are awarded that cover the total costs for a project to extend service to unserved potential customers, the municipality is required to extend service to said potential customers after the potential customers have paid any required fees, including their required contributions. Grant funds shall be used to reimburse the potential customers or any other person or entity who were contributors for any front contributions, including, but not limited to, the cost of the application, in accordance with the rules of the Public Service Commission, including the rule that reimbursements will not exceed the original amount of the customer contribution.

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-24. Acceptance of loans, grants or temporary advances.

(a) Any public service district created pursuant to the provisions of this article is authorized and empowered to accept loans or grants and procure loans or temporary advances evidenced by notes or other negotiable instruments issued in the manner, and subject to the privileges and limitations, set forth with respect to bonds authorized to be issued under the provisions of this article, for the purpose of paying part or all of the cost of construction or acquisition of water systems, sewage systems, stormwater systems or stormwater management systems or gas facilities, or all of these, and the other purposes herein authorized, from any authorized agency or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual, which loans or temporary advances, including the interest thereon, may be repaid out of the proceeds of the bonds authorized to be issued under the provisions of this article, the revenues of the said water system, sewage system, stormwater system or associated stormwater management system or gas facilities, or grants to the public service district from any authorized agency or from the United States of America or any

federal or public agency or department of the United States or from any private agency, corporation or individual or from any combination of such sources of payment, and to enter into the necessary contracts and agreements to carry out the purposes hereof with any authorized agency or the United States of America or any federal or public agency or department of the United States, or with any private agency, corporation or individual. Any other provisions of this article to the contrary notwithstanding, interest on any such loans or temporary advances may be paid from the proceeds thereof until the maturity of such notes or other negotiable instrument.

(b) When potential customers apply for water or sewer service from the public service district, the public service district must determine the cost of the extension and the customer cost responsibility for the cost of the extension (customer share) in accordance with rules of the Public Service Commission. Once the cost and customer share are determined, if those potential customers wish to continue, and they, or any person or entity desiring to do so, provide an up-front customer contribution for the customer share of the extension costs, then the public service district shall extend service pursuant to the rules of the Public Service Commission. If, before continuing with the extension, the potential customers request that the public service district make application for grant funds to finance the total costs of the extension, then the potential customers, or any person or entity desiring to do so, must provide funds to cover the cost of the application, and, once provided, the public service district shall then apply through the West Virginia Infrastructure and Jobs Development Council for any available funding.

(c) Notwithstanding any other provisions of this code to the contrary, if a grant or grants are awarded that cover the total costs for a project to extend service to unserved potential customers, the public service district is required to extend service to said potential customers after the potential customers have paid any required fees, including their required contributions. Grant funds shall be used to reimburse the potential customers or any other person or entity who were contributors for any front contributions, including,

but not limited to, the cost of the application, in accordance with the rules of the Public Service Commission, including the rule that reimbursements will not exceed the original amount of the customer contribution.

CHAPTER 22. ENVIRONMENTAL RESOURCES.

ARTICLE 26. WATER RESOURCES PROTECTION ACT.

§22-26-8. State Water Resources Management Plan; powers and duty of secretary.

(a) The secretary shall oversee the development of a State Water Resources Management Plan to be completed no later than November 30, 2013. The plan shall be reviewed and revised as needed after its initial adoption. The plan shall be developed with the cooperation and involvement of local and state agencies with regulatory, research or other functions relating to water resources including, but not limited to, those agencies and institutions of higher education set forth in section three of this article and a representative of large-quantity users. The State Water Resources Management Plan shall be developed utilizing the information obtained pursuant to said section and any other relevant information available to the secretary.

(b) The secretary shall develop definitions for use in the State Water Resources Management Plan for terms that are defined differently by various state and federal governmental entities as well as other terms necessary for implementation of this article.

(c) The secretary shall continue to develop and obtain the following:

(1) An inventory of the surface water resources of each region of this state, including an identification of the boundaries of significant watersheds and an estimate of the safe yield of sources for consumptive and nonconsumptive uses during periods of normal conditions and drought.

(2) A listing of each consumptive or nonconsumptive withdrawal by a large-quantity user, including the amount of water

used, location of the water resources, the nature of the use, location of each intake and discharge point by longitude and latitude where available and, if the use involves more than one watershed or basin, the watersheds or basins involved and the amount transferred.

(3) A plan for the development of the infrastructure necessary to identify the groundwater resources of each region of this state, including an identification of aquifers and groundwater basins and an assessment of their safe yield, prime recharge areas, recharge capacity, consumptive limits and relationship to stream base flows.

(4) After consulting with the appropriate state and federal agencies, assess and project the existing and future nonconsumptive use needs of the water resources required to serve areas with important or unique natural, scenic, environmental or recreational values of national, regional, local or statewide significance, including national and state parks; designated wild, scenic and recreational rivers; national and state wildlife refuges; and the habitats of federal and state endangered or threatened species.

(5) Assessment and projection of existing and future consumptive use demands.

(6) Identification of potential problems with water availability or conflicts among water uses and users including, but not limited to, the following:

(A) A discussion of any area of concern regarding historical or current conditions that indicate a low-flow condition or where a drought or flood has occurred or is likely to occur that threatens the beneficial use of the surface water or groundwater in the area; and

(B) Current or potential in-stream or off-stream uses that contribute to or are likely to exacerbate natural low-flow conditions to the detriment of the water resources.

(7) Establish criteria for designation of critical water planning areas comprising any significant hydrologic unit where existing or future demands exceed or threaten to exceed the safe yield of available water resources.

(8) An assessment of the current and future capabilities of public water supply agencies and private water supply companies to provide an adequate quantity and quality of water to their service areas.

(9) An assessment of floodplain and stormwater management problems.

(10) Efforts to improve data collection, reporting and water monitoring where prior reports have found deficiencies.

(11) A process for identifying projects and practices that are being, or have been, implemented by water users that reduce the amount of consumptive use, improve efficiency in water use, provide for reuse and recycling of water, increase the supply or storage of water or preserve or increase groundwater recharge and a recommended process for providing appropriate positive recognition of those projects or practices in actions, programs, policies, projects or management activities.

(12) An assessment of both structural and nonstructural alternatives to address identified water availability problems, adverse impacts on water uses or conflicts between water users, including potential actions to develop additional or alternative supplies, conservation measures and management techniques.

(13) A review and evaluation of statutes, rules, policies and institutional arrangements for the development, conservation, distribution and emergency management of water resources.

(14) A review and evaluation of water resources management alternatives and recommended programs, policies, institutional arrangements, projects and other provisions to meet the water resources needs of each region and of this state.

(15) Proposed methods of implementing various recommended actions, programs, policies, projects or management activities.

(d) The State Water Resources Management Plan shall consider:

(1) The interconnections and relationships between groundwater and surface water as components of a single hydrologic resource.

(2) Regional or watershed water resources needs, objectives and priorities.

(3) Federal, state and interstate water resource policies, plans, objectives and priorities, including those identified in statutes, rules, regulations, compacts, interstate agreements or comprehensive plans adopted by federal and state agencies and compact basin commissions.

(4) The needs and priorities reflected in comprehensive plans and zoning ordinances adopted by a county or municipal government.

(5) The water quantity and quality necessary to support reasonable and beneficial uses.

(6) A balancing and encouragement of multiple uses of water resources, recognizing that all water resources of this state are capable of serving multiple uses and human needs, including multiple uses of water resources for reasonable and beneficial uses.

(7) The distinctions between short-term and long-term conditions, impacts, needs and solutions to ensure appropriate and cost-effective responses to water resources issues.

(8) Application of the principle of equal and uniform treatment of all water users that are similarly situated without regard to established political boundaries.

(e) Each November, the secretary shall report to the Joint Legislative Oversight Commission on State Water Resources on the implementation of the State Water Resources Management Plan.

(f) The State Water Resources Management Plan is adopted. Persons identified as large-quantity users prior to the effective date of this subsection shall report actual monthly water withdrawals,

or monthly water withdrawals by a method approved by the secretary, for the previous calendar year by March 31 of each succeeding year. Persons identified as large-quantity users on or after the effective date of this subsection shall submit their initial annual report no later than March 31, 2016, and subsequent annual reports by March 31 of each year thereafter.

(g) Any commercial entity that withdraws groundwater in a quantity that would qualify it as a large-quantity user, as that term is defined in §22-26-2 of this code, in an area that lies primarily in karst terrain, as that term is defined in §22-6A-4 of this code, and that bottles that water for resale, directly or indirectly, shall submit to the secretary quarterly a report of the groundwater based on remote groundwater monitoring wells, which shall be installed in conjunction with the United States Geological Survey prior to any withdrawal of water and which shall be made remotely monitorable by the department, to show that the large quantity user's operations are not having a negative effect on already-existing users and uses of groundwater in that area. If at any time the quarterly reports or remote monitoring show that the large-quantity user's operations are negatively affecting already-existing users and uses of groundwater in that area, the secretary is authorized to restrict the volume of groundwater that may be withdrawn by the large quantity user's operations to an amount that remediates the negative effect on already-existing users and uses.

(h) The provisions of subsection (g) of this section do not apply to any existing commercial entities that bottle water for resale, directly or indirectly, nor to any expansion of their current operations.

At the request of Senator Martin, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 3174) was advanced to third reading with the Finance committee amendment pending and the right reserved to consider other amendments to the bill on that reading.

Eng. Com. Sub. for House Bill 3181, Allow all law enforcement officers to purchase gun upon retirement.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-15. Purchase of service handgun by law-enforcement officers separating honorably.

(a) Every chief executive, law-enforcement officer, or law-enforcement official in the state who separates from his or her employing agency or ends his or her elected term of office shall be given the opportunity to purchase his or her issued service handgun at cost. The employing agency may sell the service handgun to the chief executive, law-enforcement officer, or law-enforcement official, only upon determining that the chief executive, law-enforcement officer, or law-enforcement official is separating honorably and is not the subject of any pending disciplinary complaints, investigations, or actions by the employing agency or the subcommittee.

(b) Notwithstanding the provisions of subsection (a) of this section, the employing agency may not sell a service handgun to any chief executive, law-enforcement officer, or law-enforcement official whom the employing agency:

(1) Knows is prohibited from possessing a firearm by state or federal law;

(2) Reasonably believes to be mentally incapacitated; or

(3) Reasonably believes would constitute a danger to any person or the community.

(c) This section does not supersede, limit, or amend any specific provision of this code authorizing the award of a firearm to a law-enforcement officer of this state.

(d) For purposes of this section, "handgun" means a pistol or revolver as those terms are defined in §61-7-2 of this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-3. Carrying a deadly weapon without provisional license or other authorization by persons under ~~twenty-one~~ 18 years of age; penalties.

(a) Any person under ~~twenty-one~~ 18 years of age and not otherwise prohibited from possessing firearms under section seven of this article who carries a concealed deadly weapon, without a state license or other lawful authorization established under the provisions of this code, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 and may be imprisoned in jail for not more than 12 months for the first offense; but upon conviction of a second or subsequent offense, he or she is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than five years and fined not less than \$1,000 nor more than \$5,000.

(b) The prosecuting attorney in all cases shall ascertain whether or not the charge made by the grand jury is a first offense or is a second or subsequent offense and, if it is a second or subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court of such second or subsequent offense and may not be permitted to use discretion in introducing evidence to prove the same on the trial.

§61-7-6. ~~Exceptions as to prohibitions against carrying concealed handguns for persons at least eighteen years of age and fewer than twenty-one years of age; exemptions~~ Exemptions from licensing fees.

~~(a) The provisions in section three of this article do not apply to any person at least eighteen years of age and fewer than twenty-one years of age who is:~~

~~(1) Carrying a deadly weapon upon his or her own premises;~~

~~(2) Carrying a firearm, unloaded, from the place of purchase to his or her home, residence or place of business or to a place of repair and back to his or her home, residence or place of business; or~~

~~(3) Possessing a firearm while hunting in a lawful manner or while traveling from his or her home, residence or place of business to a hunting site and returning to his or her home, residence or place of business;~~

~~(4) A member of a properly organized target shooting club authorized by law to obtain firearms by purchase or requisition from this state or from the United States for the purpose of target practice from carrying any pistol, as defined in this article, unloaded, from his or her home, residence or place of business to a place of target practice and from any place of target practice back to his or her home, residence or place of business, for using any such weapon at a place of target practice in training and improving his or her skill in the use of the weapons;~~

~~(5) A law enforcement officer or law enforcement official or chief executive as defined in section one, article twenty nine, chapter thirty of this code;~~

~~(6) An employee of the West Virginia Division of Corrections duly appointed pursuant to section eleven c, article one, chapter twenty five of this code while the employee is on duty;~~

~~(7) A member of the United States armed forces, reserve or National Guard;~~

~~(8) A resident of another state who holds a valid permit or license to possess or carry a handgun issued by a state or a political subdivision subject to the provisions and limitations set forth in section six a of this article;~~

~~(9) A federal law enforcement officer or federal police officer authorized to carry a weapon in the performance of the officer's duty; and~~

~~(10) A parole officer appointed pursuant to section fourteen, article twelve, chapter sixty-two of this code in the performance of his or her duties.~~

(b) The following judicial officers and prosecutors and staff are exempt from paying any application fees or licensure fees required under this article. However, they shall make application and satisfy all licensure and handgun safety and training requirements to obtain a license as set forth in section four of this article:

(1) Any justice of the Supreme Court of Appeals of West Virginia;

(2) Any circuit judge;

(3) Any retired justice or retired circuit judge designated senior status by the Supreme Court of Appeals of West Virginia;

(4) Any family court judge;

(5) Any magistrate;

(6) Any prosecuting attorney;

(7) Any assistant prosecuting attorney; or

(8) Any duly appointed investigator employed by a prosecuting attorney.

§61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over ~~twenty-one~~ 18 years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in §61-7-2 of this code, who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is habitually addicted to alcohol;

(3) Is an unlawful user of or habitually addicted to any controlled substance;

(4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of §27-1-1 *et seq.* of this code or in similar law of another jurisdiction: *Provided*, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession: *Provided, however*, That the mental hygiene commissioner or circuit judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

(A) Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

(B) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of §61-2-28 of this code or the provisions of §61-2-9(b) or §61-2-9(c) of this code or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000 or confined in the county jail for not less than 90 days nor more than one year, or both.

(b) Notwithstanding the provisions of subsection (a) of this section, any person:

(1) Who has been convicted in this state or any other jurisdiction of a felony crime of violence against the person of another or of a felony sexual offense; or

(2) Who has been convicted in this state or any other jurisdiction of a felony controlled substance offense involving a Schedule I controlled substance other than marijuana, a Schedule II or a Schedule III controlled substance as such are defined in §60A-2-204, §60A-2-205, and §60A-2-206 of this code and who possesses a firearm as such is defined in section two of this article shall be guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than five years or fined not more than \$5,000, or both. The provisions of subsection (f) of this section shall not apply to persons convicted

of offenses referred to in this subsection or to persons convicted of a violation of this subsection.

(c) Any person may carry a concealed deadly weapon without a license therefor who is:

(1) At least ~~twenty-one~~ 18 years of age;

(2) A United States citizen or legal resident thereof;

(3) Not prohibited from possessing a firearm under the provisions of this section; and

(4) Not prohibited from possessing a firearm under the provisions of 18 U. S. C. § 922(g) or (n).

(d) As a separate and additional offense to the offense provided for in subsection (a) of this section, and in addition to any other offenses outlined in this code, and except as provided by subsection (e) of this section, any person prohibited by subsection (a) of this section from possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than three years or fined not more than \$5,000, or both.

(e) As a separate and additional offense to the offense described in subsection (b) of this section, and in addition to any other offenses outlined in this code, any person prohibited by subsection (b) of this section from possessing a firearm who carries a concealed firearm is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not more than 10 years or fined not more than \$10,000, or both.

(f) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: *Provided*,

That a person prohibited from possessing a firearm by the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to possess a firearm in accordance with the provisions of §61-7A-5 of this code.

(g) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

The bill (Eng. Com. Sub. for H. B. 3181), as amended, was then ordered to third reading.

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.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3263, Relating to providing notification of utility service disruption to its' customers.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.

§24-2-22. Service outage communication plans.

(a) Each utility shall have an outage communication plan in place to notify customers of any planned and any unexpected

disruption of utility services. Such outage communication plan shall, at a minimum, include a methodology for advance notification to all affected customers for planned service disruptions, methods of communication, and notification content requirements concerning the outage, including an estimate of the duration and end of the outage.

(b) Each utility shall file its outage communication plan with the commission.

The bill (Eng. H. B. 3263), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3297, Establishing the Washington Center for Civics, Culture, and Statesmanship at West Virginia University.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Finance committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 3336, Well Plugging methods.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 3338, Allow child witness testify remotely in situations deemed traumatic by judge.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3344, Relating to the establishment of a grant program to fund the United States Food and Drug Administration's drug development trials with ibogaine.

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:

On page 1, section 1, line 1, by striking out the words "Secretary of Health" and inserting in their place "Secretary of the Department of Human Services".

The bill (Eng. H. B. 3344), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 3411, Relating to commissions; removing the legislative members; and eliminating expired commissions.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 7. LEGISLATIVE BUILDING COMMISSION.

§4-7-1. Definitions.

[Repealed.]

§4-7-2. Legislative building commission created; its composition; appointment of members; vacancies; election of officers; compensation and expenses of members.

[Repealed.]

§4-7-3. Powers and duties of commission generally.

[Repealed.]

§4-7-4. Commission granted power of eminent domain.

[Repealed.]

§4-7-5. Funds and expenditures of commission.

[Repealed.]

§4-7-6. Deposit and disbursement of funds of commission; security for deposits; audits.

[Repealed.]

§4-7-7. Contracts for construction of state legislative building, etc.; to be secured by bond; competitive bids required for contracts exceeding \$2,000; procedure.

[Repealed.]

§4-7-8. Management and control of state legislative building.

[Repealed.]

§4-7-9. Article not authority to create state debt.

[Repealed.]

§4-7-10. This article, article six, chapter five, and the state Constitution are only restrictions on construction, etc., of building.

[Repealed.]

§4-7-11. Severability.

[Repealed.]

ARTICLE 10. PERFORMANCE REVIEW ACT.**§4-10-3. Definitions.**

As used in this article, unless the context clearly indicates a different meaning:

(a) "Agency" or "state agency" means a state governmental entity, including any bureau, department, division, commission, agency, committee, office, board, authority, subdivision, program,

council, advisory body, cabinet, panel, system, task force, fund, compact, institution, survey, position, coalition or other entity in the state of West Virginia.

(b) "Agency review" means a review performed on an agency at the direction of the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee pursuant to the provisions of this article.

(c) "Committee" means the Joint Standing Committee on Government ~~Operations~~. Organization.

(d) "Compliance review" means a review for compliance with recommendations contained in a previous agency review or regulatory board review conducted pursuant to the provisions of this article and may include further inquiry of other issues as directed by the President, the Speaker, the committee, ~~the joint standing committee~~, or the Joint Committee on Government and Finance.

(e) "Department" means the departments created within the executive branch, headed by a secretary appointed by the Governor, as authorized by the Code of West Virginia.

(f) "Department presentation" means a presentation by a department pursuant to the provisions of this article made at the direction of the President of the Senate or the Speaker of the House of Delegates.

(g) "Division" means the Performance Evaluation and Research Division, the Post Audit Division, or any division of the Legislative Auditor's Office.

(h) ~~"Joint standing committee" means the Joint Standing Committee on Government Organization.~~

(i) "Privatize" means a contract to procure the services of a private vendor to provide a service that is similar to, or in lieu of, a service provided by a state agency.

(j) "Regulatory Board" means a board that regulates professions and occupations, created under the provisions of chapter 30 of this code.

(k) "Regulatory Board Review" means a review performed on a regulatory board pursuant to the provisions of this article.

§4-10-4. Joint Committee on Government Operations.

[Repealed.]

§4-10-5. Powers and duties of the committee. ~~and joint standing committee.~~

(a) To carry out the duties set forth in this article, the committee, ~~or the joint standing committee,~~ any authorized employee of the committee, ~~the joint standing committee,~~ the Legislative Auditor or any employee of the division working at the direction of the committee ~~or the joint standing committee,~~ shall have access, including copying, to all records of every state agency in West Virginia.

(b) When furnishing information, agencies shall provide the information in the format in which it is requested, if the request is specific as to a preferred format.

(c) The committee ~~or the joint standing committee~~ may hold public hearings in furtherance of the purposes of this article, at such times and places within the state as desired. A member of the committee ~~or the joint standing committee~~ may administer oaths to persons testifying at such hearings or meetings.

(d) The committee ~~or the joint standing committee~~ may issue a subpoena, with the signature of either cochair of the committee ~~or the joint standing committee~~ and served in the manner provided by law, to summon and compel the attendance of witnesses and their examination under oath and the production of all books, papers, documents and records necessary or convenient to be examined and used by the committee ~~or joint standing committee~~ in the performance of its duties.

(e) If any witness subpoenaed to appear at any hearing or meeting refuses or fails to appear or to answer questions put to him or her, or refuses or fails to produce books, papers, documents or records within his or her control when the same are demanded, the committee ~~or the joint standing committee~~, in its discretion, may enforce obedience to its subpoena by attachment, fine or imprisonment, as provided in article one of this chapter, or may report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and the court shall compel obedience to the subpoena as though it had been issued by the court.

(f) Witnesses subpoenaed to attend hearings or meetings pursuant to the provisions of this article, except officers or employees of the state, shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury.

(g) The committee ~~or the joint standing committee~~, subject to the approval of the Joint Committee on Government and Finance, may employ such persons as it considers necessary to carry out the duties and responsibilities under this article and may contract for outside expertise in conducting reviews.

(h) The committee ~~or the joint standing committee~~ may collect, and the agency or regulatory board shall promptly pay, the costs associated with conducting the reviews performed under this article, upon presentation of a statement for the costs incurred. All money received by the committee ~~or the joint standing committee~~ from this source shall be expended only for the purpose of covering the costs associated with such services, unless otherwise directed by the Legislature.

§4-10-6. Department presentation; timing and scope.

(a) At the direction of the President of the Senate or the Speaker of the House of Delegates, and upon notification from the division, a department shall prepare and make a presentation to the ~~joint standing committee and the~~ committee. The purpose of the presentation is to inform the Legislature as to the programs, activities, and financial situation of the department and to update

and amend any information previously presented to the ~~joint standing committee or~~ committee pursuant to this section. The presentation shall include:

(1) A departmental chart designating each agency under the purview of the department;

(2) An analysis of the department's internal performance measures and self-assessment systems; and

(3) For each agency under the purview of the department, the following:

(A) The mission, goals, and functions of the agency;

(B) The statutory or other legal authority under which the agency operates;

(C) The number of employees of the agency for the immediate past 10 years;

(D) The budget for the agency for the immediate past 10 years;

(E) Any potential or actual loss of revenue due to operations, changes in law, or any other reason;

(F) The extent to which the agency has operated in the public interest;

(G) The extent to which the agency has complied with state personnel practices, including affirmative action requirements;

(H) The extent to which the agency has encouraged public participation in the making of its rules and decisions and has encouraged interested persons to report to it on the impact of its rules and decisions on the effectiveness, economy, and availability of services that it has provided;

(I) The efficiency with which public inquiries or complaints regarding the activities of the agency have been processed and resolved;

(J) The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency to better serve the interests of the public and to comply with the factors enumerated in this subsection; and

(K) A recommendation as to whether the agency should be continued, consolidated, or terminated.

§4-10-7. Agency review.

(a) The division shall conduct agency reviews of one or more state agencies each year. An agency review shall be conducted of each state agency at least once every 15 years. An agency review may be conducted more frequently than once in 15 years and may be conducted in the discretion, and at the direction, of the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(b) The agency review may include, but is not limited to:

(1) An identification and description of the agency under review;

(2) The number of employees of the agency for the immediate past 10 years;

(3) The budget for the agency for the immediate past 10 years;

(4) Whether the agency is effectively and efficiently carrying out its statutory duties or exercising its legal authority;

(5) Whether the activities of the agency duplicate or overlap with those of other agencies and, if so, how these activities could be consolidated;

(6) A cost-benefit analysis, as described in subsection (d) of this section, on state services that are privatized or contemplated to be privatized;

(7) An assessment of the utilization of information technology systems within the agency, including interagency and intra-agency communications;

(8) An analysis of any issues raised by any presentation by the department under whose purview the agency falls made pursuant to the provisions of this article;

(9) An analysis of any other issues as the committee, ~~the joint standing committee~~, the President of the Senate, or the Speaker of the House of Delegates may direct; and

(10) A recommendation as to whether the agency under review should be continued, consolidated, or terminated.

(c) An agency may be subject to a compliance review pursuant to the provisions of this article.

(d) A cost-benefit analysis authorized by this section may include:

(1) The tangible benefits of privatizing the service;

(2) Any legal impediments that may limit or prevent privatization of the service;

(3) The availability of multiple qualified and competitive private vendors; and

(4) A cost comparison, including total fixed and variable, direct and indirect, costs of the current governmental operation and the private vendor contract.

§4-10-9. Regulatory board review.

(a) The division shall conduct regulatory board reviews on each regulatory board to ascertain if there is a need for the continuation, consolidation, or termination of the regulatory board as one of its duties.

(b) A regulatory board review shall be performed on each regulatory board at least once every 12 years. A regulatory board may be subject to a compliance review pursuant to the provisions of this article.

(c) When a new regulatory board is created, a date for a regulatory board review shall be included in the act that creates the board, within 12 years of the effective date of the act.

(d) The regulatory board review may include:

(1) Whether the board complies with the policies and provisions of chapter 30 of this code and other applicable laws and rules;

(2) Whether the board follows a disciplinary procedure which observes due process rights and protects the public interest;

(3) Whether the basis or facts that necessitated the initial licensing or regulation of a profession or occupation have changed, or other conditions have arisen that would warrant increased or decreased regulation;

(4) Whether the composition of the board adequately represents the public interest and whether the board encourages public participation in its decisions rather than participation only by the industry and individuals it regulates;

(5) Whether statutory changes are necessary to improve board operations to enhance the public interest;

(6) An analysis of any other issues the committee, ~~the joint standing committee,~~ the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(7) A recommendation as to whether the regulatory board under review should be continued, consolidated, or terminated.

§4-10-11. Compliance review.

(a) After an agency review or a regulatory board review, if the committee ~~or the joint standing committee~~ finds that an agency or a regulatory board needs further review, then the committee ~~or the joint standing committee~~ may request a compliance review.

(b) If the committee ~~or the joint standing committee~~ requests a compliance review for an agency or a regulatory board, then it must state, in writing, the specific reasons for the compliance review and its expected completion date.

§4-10-13. Disposition of agency or regulatory board assets, equipment and records after termination.

(a) On or before June 30 of the wind-up year, the terminated agency or regulatory board shall file a written statement with the Secretary of the Department of Administration and the division describing the disposition of its funds, assets, equipment and records.

(b) The division shall review the statement of the terminated agency or regulatory board and report the results of its review to the committee. ~~and the joint standing committee.~~

(c) Any unexpended funds of the terminated agency or regulatory board shall revert to the fund from which they were appropriated or, if that fund is abolished, to the General Revenue Fund.

(d) All remaining assets and equipment of a terminated agency or regulatory board shall be transferred to the secretary of the department of which it was a part or to the state agency for surplus property in the Department of Administration.

(e) The records of a terminated agency or regulatory board shall be deposited with the Department of Administration.

ARTICLE 13. WEST VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION AND FUND.

§4-13-1. Findings; West Virginia Sesquicentennial of the American Civil War Commission established; purpose.

[Repealed.]

§4-13-2. Membership; terms; filling vacancies; election of chair and vice chair.

[Repealed.]

§4-13-3. Expense reimbursement.

[Repealed.]

§4-13-4. Quorum; meetings.

[Repealed.]

§4-13-5. Advisory council.

[Repealed.]

§4-13-6. Powers; duties; limitation on duration of contracts.

[Repealed.]

§4-13-7. Termination of the commission.

[Repealed.]

**ARTICLE 14. LEGISLATIVE OVERSIGHT COMMISSION
ON DEPARTMENT OF TRANSPORTATION
ACCOUNTABILITY.**

§4-14-1. Findings, purpose and intent.

(a) The Legislature ~~hereby finds and declares~~ that:

(1) Investment in infrastructure is crucial to the well-being of West Virginians and West Virginia businesses;

(2) The state must spend funds wisely on infrastructure in order to get the best return on investment and must make long-term plans for investment;

(3) The federal government is an unpredictable and unreliable partner in providing consistent funding for infrastructure investment;

(4) The Legislature directed a Division of Highways performance and efficiency audit in 2015; and

(5) In order to maintain proper oversight to ensure that sufficient transportation planning is made, funds are spent wisely and efficiently, and the Department of Transportation is functioning appropriately, it shall report to the Legislative Oversight Commission on Department of Transportation Accountability. ~~is hereby created.~~

(b) It is the intent of the Legislature that all actions taken pursuant to the provisions of this article by the Legislature and the Department of Transportation serve the following core set of principles:

(1) That all Department of Transportation infrastructure investments be coordinated to maximize efficiencies and minimize cost thereby addressing the needs of the citizens more effectively;

(2) That communication be facilitated among the various agencies within the Department of Transportation and between the department and the Legislature;

(3) That policy changes, not made by legislative rule, be discussed with the commission for purposes of coordinating those policies with stated goals;

(4) That programs or policies implemented in accordance with federal mandates be communicated to the commission;

(5) That in developing and implementing programs with private or federal grant moneys, the various agencies communicate their efforts to the commission to ensure and facilitate future state funding; and

(6) That any Department of Transportation agencies exempted from rule-making review by federal or state statutes advise the commission of program changes which may affect infrastructure investment in West Virginia.

§4-14-2. Definitions.

As used in this article:

(1) "Agency" means each agency, authority, board, committee, commission or division of the Department of Transportation;

(2) "Commission" means the Legislative Oversight Commission on Transportation Accountability; ~~as created in section three of this article;~~ and

(3) "Department" means the Department of Transportation.

§4-14-3. Creation of a Legislative Oversight Commission on Department of Transportation Accountability.

(a) There is hereby created a joint commission of the Legislature known as the Legislative Oversight Commission on Department of Transportation Accountability. The commission shall be composed of an equal number of senators and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates. ~~seven members of the Senate appointed by the President of the Senate and seven members of the House of Delegates appointed by the Speaker of the House of Delegates. No more than four of the seven members appointed by the President of the Senate and the Speaker of the House of Delegates, respectively, may be members of the same political party. In addition, the President of the Senate and Speaker of the House of Delegates shall be *ex officio* nonvoting members of the commission. The co-chairs of the commission shall be the chair of the Senate Transportation and Infrastructure Committee and the chair of the House Roads and Transportation Committee. At least one of the Senate appointees and at least one of the House of Delegates appointees shall be a member of the committee on finance of the Senate and House of Delegates, respectively. The members shall serve until their successors shall have been appointed as heretofore provided.~~

(b) Members of the commission shall receive such compensation and expenses as provided in article two-a, chapter four of this code, subject to the approval by the Joint Committee on Government and Finance. ~~Such expenses and all other expenses~~

~~including those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory and other personnel shall be paid from an appropriation to be made expressly for the Legislative Oversight Commission on Department of Transportation Accountability: *Provided*, That if no such appropriation be made, such expenses shall be paid from the appropriation under Fund No. 0175 for Joint Expenses created pursuant to the provisions of said chapter: *Provided, however*, That no expense of any kind payable under the account for joint expenses shall be incurred unless first approved by the Joint Committee on Government and Finance.~~

~~(c) The commission shall meet at any time both during sessions of the Legislature and in the interim or as often as may be necessary.~~

~~(d) The President of the Senate and Speaker of the House of Delegates shall assign such staff as may be deemed necessary to aid the commission in carrying out the provisions of this article.~~

ARTICLE 15. JOINT LEGISLATIVE COMMITTEE ON FLOODING.

§4-15-1. Establishing a Joint Legislative Committee on Flooding.

[Repealed.]

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 24. WEST VIRGINIA FOREST MANAGEMENT REVIEW COMMISSION.

§5-24-3. Commission continued; composition; appointment of members.

The West Virginia Forest Management Review Commission ~~heretofore created~~ is hereby continued for the purposes set forth in this article. This commission shall be comprised of an equal

number of senators and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates, and five members from the West Virginia Senate, a cochairman and four members to be appointed by the Senate president, and five members of the House of Delegates, a cochairman and four members to be appointed by the speaker; four members to be representatives from the commercial forest industry in the state, and three members of the public-at-large. The ~~seven nonlegislative~~ members shall be appointed by the Governor, with the advice and consent of the Senate. ~~Two members shall be appointed to serve a term of two years; three members shall be appointed to serve a term of four years; and two members shall be appointed to serve a term of six years.~~ The successor of each such appointed member shall be appointed for an overlapping term of six years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed only to the remainder of such term. Each board member shall serve until the appointment of his or her successor.

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.

§5B-2B-2. Definitions.

As used in this article, the following terms have the following meanings, unless the context clearly indicates otherwise:

"Board" means the West Virginia Workforce Development Board.

"Commission" or "Legislative Oversight Commission" means the Legislative Oversight Commission on Workforce Investment for Economic Development. ~~created pursuant to section seven of this article.~~

"Local area" means a local workforce investment area.

"Local board" means a local workforce development board.

"Team" means the workforce investment interagency collaborative team.

"WIOA" means the Workforce Innovation and Opportunity Act, 29 U. S. C. §3101, *et seq.*

§5B-2B-4a. Report to Legislature.

[Repealed.]

§5B-2B-7. Legislative oversight commission on workforce investment for economic development.

[Repealed.]

ARTICLE 3. WEST VIRGINIA ECONOMIC DEVELOPMENT STRATEGY: A VISION SHARED.

§5B-3-2. ~~Creation of the~~ The Joint Commission on Economic Development.

(a) The joint commission on economic development is hereby continued. The commission shall be comprised of an equal number of senators and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates, established. The ~~commission shall be composed of not more than twenty four members as follows:~~

~~(1) The chairs of the Senate and House of Delegates finance committees;~~

~~(2) The chairs of the Senate and House of Delegates judiciary committees;~~

~~(3) The chairs of the Senate and House of Delegates education committees;~~

~~(4) Not more than nine additional members of the Senate appointed by the President of the Senate, with at least one member representing health; and~~

~~(5) Not more than nine additional members of the House of Delegates appointed by the Speaker of the House of Delegates, with at least one member representing health.~~

~~(b) Any vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to perform the duties of the commission.~~

(e) The commission may explore how West Virginia can:

(1) Invest in systems that build workforce skills and promote lifelong learning to ensure a competitive workforce;

(2) Enhance the infrastructure, communications and transportation needed to support the knowledge-based industries and electronic commerce;

(3) Reorganize government to deliver services more efficiently, using technology, privatization and partnerships with the private sector;

(4) Align state tax systems to meet the demands of the twenty-first century economy;

(5) Develop more uniform regulatory and tax systems to reduce complexity, eliminate market distortions and better protect consumers;

(6) Support entrepreneurs by streamlining business regulations, providing timely decisions and assisting firms in their search for venture capital;

(7) Promote university policies that encourage research and development and build intellectual infrastructure;

(8) Address quality-of-life concerns to attract new businesses and workers; and

(9) Accomplish the goals set forth in this article and any other goal related to economic development or workforce investment that the commission considers important.

~~(d)~~(b) The commission may propose legislation necessary to accomplish its goals.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.

§12-6D-4. Steering Committee created; powers and authority.

[Repealed.]

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 9C. WEST VIRGINIA SENTENCING COMMISSION.

§15-9C-1. Legislative findings.

[Repealed.]

§15-9C-2. Creation of Sentencing Commission; purpose; composition.

[Repealed.]

§15-9C-3. Powers and duties of the commission.

[Repealed.]

§15-9C-4. Objectives of the commission.

[Repealed.]

§15-9C-5. Recommendations to Legislature.

[Repealed.]

§15-9C-6. Sunset.

[Repealed.]

CHAPTER 16. PUBLIC HEALTH.**ARTICLE 29E. LEGISLATIVE OVERSIGHT
COMMISSION ON HEALTH AND HUMAN
RESOURCES ACCOUNTABILITY.****§16-29E-4. Creation of a Legislative Oversight commission on
health and human resources accountability.**

[Repealed.]

CHAPTER 17. ROADS AND HIGHWAYS.**ARTICLE 2B. TOLL ROAD STUDY COMMISSION.****§17-2B-1. Legislative findings and purposes.**

[Repealed.]

**§17-2B-2. Toll road study commission created; composition;
appointment of members; chairman.**

[Repealed.]

**§17-2B-3. Compensation and expenses of commission
members; expenses of commission.**

[Repealed.]

§17-2B-4. Powers and duties of the commission.

[Repealed.]

§17-2B-5. Meetings of the commission; quorum.

[Repealed.]

§17-2B-6. Interpretation of article; termination of commission.

[Repealed.]

CHAPTER 18B. HIGHER EDUCATION.**ARTICLE 14. MISCELLANEOUS.****§18B-14-1. Select committee on outcomes-based funding models in higher education.**

[Repealed.]

§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.

[Repealed.]

CHAPTER 21. LABOR**ARTICLE 5E. EQUAL PAY FOR EQUAL WORK FOR STATE EMPLOYEES.****§21-5E-1. Legislative findings and purpose.**

[Repealed.]

§21-5E-2. Definitions.

[Repealed.]

§21-5E-3. Discrimination between sexes in payment of wages for work of comparable character prohibited.

[Repealed.]

§21-5E-4. Employee's right of action against employer.

[Repealed.]

§21-5E-5. Establishment of the Equal Pay Commission; appointment of members.

[Repealed.]

§21-5E-6. Commission's duties; promulgation of rules.

[Repealed.]

CHAPTER 22. ENVIRONMENTAL RESOURCES.**ARTICLE 26. WATER RESOURCES PROTECTION ACT.****§22-26-5. Joint Legislative Oversight Commission on State Water Resources.**

[Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**ARTICLE 1B. COMMISSION ON INTERSTATE COOPERATION.****§29-1B-1. Senate committee on interstate cooperation.**

[Repealed.]

§29-1B-2. House committee on interstate cooperation.

[Repealed.]

§29-1B-3. West Virginia commission on interstate cooperation.

[Repealed.]

§29-1B-4. Terms of Senate and House committees.

[Repealed.]

§29-1B-5. Function of commission.

[Repealed.]

§29-1B-6. Commission may establish delegations and committees.

[Repealed.]

§29-1B-7. Names of committees and commission.

[Repealed.]

**CHAPTER 29A. STATE ADMINISTRATIVE
PROCEDURES ACT.****ARTICLE 3A. HIGHER EDUCATION RULE MAKING.****§29A-3A-11. Creation of a legislative oversight commission on
education accountability.**

(a) There is hereby created a joint commission of the Legislature known as the Legislative Oversight Commission on Education Accountability to review all legislative rules of the agency and other rules as the commission deems appropriate. The commission shall be composed of an equal number of senator and delegates, as appointed by the President of the Senate and the Speaker of the House of Delegates. ~~six members of the Senate appointed by the President of the Senate and six members of the House of Delegates appointed by the Speaker of the House of Delegates. No more than five of the six members appointed by the President of the Senate and the Speaker of the House of Delegates, respectively, may be members of the same political party. In addition, the President of the Senate and the Speaker of the House of Delegates shall be ex officio nonvoting members of the commission and shall designate the co-chairs. At least one of the Senate members and one of the House members shall be members of the committee on education of the Senate and House, respectively, and at least one of the Senate members and at least one of the House members shall be a member of the committee on finance of the Senate and House, respectively. The members shall serve until their successors have been appointed as heretofore provided. Members of the commission shall receive compensation and expenses as provided in §4-2A-1 *et seq.* of this code, subject to approval of the Joint Committee on Government and Finance. Those expenses and all other expenses, including those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory, and other personnel shall be paid from an appropriation to be made expressly for the Legislative Oversight~~

~~Commission on Education Accountability, but if no such appropriation is made, the expenses shall be paid from the appropriation under "Account No. 103 for Joint Expenses", but no expense of any kind whatever payable under the account for joint expenses shall be incurred unless first approved by the Joint Committee on Government and Finance. The commission shall meet at any time, both during sessions of the Legislature and in the interim.~~

(b) The commission may adopt rules of procedure as it considers necessary for the submission, presentation, and consideration of rules.

CHAPTER 31. CORPORATIONS.

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.

§31-20-26. Legislative oversight committee.

[Repealed.]

The bill (Eng. Com. Sub. for H. B. 3411), as amended, was then ordered to third reading.

Eng. House Bill 3412, Relating to exemptions from disclosure of certain records; and exempting the legislative branch if it adopts its own rules.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 1. PUBLIC RECORDS.

§29B-1-1. Declaration of policy.

Pursuant to the fundamental philosophy of the American Constitutional form of representative government which holds to the principle that government is the servant of the people, and not the master of them, it is hereby declared to be the public policy of the State of West Virginia that all persons are, unless otherwise expressly provided by law, entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government they have created. To that end, the provisions of this article ~~shall be liberally construed with the view of carrying~~ carry out the above declaration of public policy.

§29B-1-2. Definitions.

As used in this article:

(1) "Custodian" means the elected or appointed official charged with administering a public body.

(2) "Law-enforcement officer" ~~shall have~~ has the same definition as this term is defined in W.Va. Code §30-29-1 of this code. *Provided, That* For purposes of this article, "law-enforcement officer" shall additionally include those individuals defined as "chief executive" in ~~W.Va. Code §30-29-1 of this code and~~ "campus police officer" in §18B-4-5 of this code.

(3) "Person" includes any natural person, corporation, partnership, firm, or association.

"Private, personal information" includes any:

(1) Personal financial data and banking information;

(2) Personal telephone number, including, but not limited to, home and mobile phone numbers;

(3) Personal email address;

(4) Personal identification number, including, but not limited to, Social Security number and driver's license number;

(5) Date of birth;

(6) Residential address;

(7) Marital status and former legal name;

(8) Calendar, journal, note, and diary entry containing any personal thought or opinion;

(9) Personal electronic device, including all data contained in the device and cloud storage; and

(10) Personnel, medical and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(4) "Public body" means every executive state officer, agency, department, including the executive, legislative, and judicial departments, ~~division, bureau, board and commission~~ divisions, bureaus, boards, and commissions; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority.

(5) "Public record" includes any writing containing information prepared or received by a public body, ~~the content or context of which~~ judged either by content or context, relates to the conduct of the public's business. Public record does not include private, personal information.

(6) "Writing" includes any books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics.

(7) "Publicly-administered utility enterprise" includes electric power generation, transmission, and distribution systems; water

supply and distribution systems; wastewater, including stormwater collection, treatment, and disposal systems of all types; public transportation systems; solid waste collection and disposal systems and facilities; or other public entity providing utility services, excluding airports, which are owned or administered by a governmental entity.

§29B-1-3. Inspection and copying of public record; requests of Freedom of Information Act requests registry.

(a) Every person has a right to inspect or copy any public record of a public body in this state, except as otherwise expressly provided by §29B-1-4 of this code.

(b) A request to inspect or copy any public record of a public body shall be made directly to the custodian of such public record.

(c) The custodian of any public records, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his or her office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his or her duties. If the records requested exist in magnetic, electronic, or computer form, the custodian of the records shall make copies available on magnetic or electronic media, if so requested.

(d) All requests for information must state with reasonable specificity the information sought. The custodian, upon demand for records made under this statute, shall as soon as is practicable but within a maximum of ~~five~~ 14 days, not including Saturdays, Sundays, or legal holidays:

(1) Furnish copies of the requested information;

(2) Advise the person making the request of the time and place at which he or she may inspect and copy the materials; or

(3) Deny the request stating in writing the reasons for such denial. A denial shall indicate that the responsibility of the custodian of any public records or public body to produce the requested records or documents is at an end, and shall afford the person requesting them the opportunity to institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

(e) The public body may establish fees reasonably calculated to reimburse it for its actual cost in making reproductions of records. A public body may ~~not~~ charge a reasonable search or retrieval fee ~~or otherwise seek reimbursement~~ based on a man-hour basis as part of costs associated with making reproduction of records.

(f) The Secretary of State shall maintain an electronic data base of notices of requests as required by §29B-1-3a of this code. The database shall be made available to the public via the Internet and shall list each freedom of information request received and the outcome of the request. The Secretary of State shall provide on the website a form for use by a public body to report the results of the freedom of information request, providing the nature of the request and the public body's response thereto, whether the request was granted, and if not, the exemption asserted under §29B-1-4 of this code to deny the request.

§29B-1-3a. Reports to Secretary of State by public bodies.

(a) ~~Beginning January 1, 2016~~ Each public body that ~~is in receipt of~~ receives a freedom of information request in accordance with the provisions of §29B-1-3 of this article shall provide information to the Secretary of State relating to, at a minimum, the nature of the request, the nature of the public body's response, the time-frame that was necessary to comply in full with the request, and the amount of ~~reimbursement~~ charged to the requester for the freedom of information request. ~~Provided, That~~ The public body ~~shall~~ may not provide to the Secretary of State the public records that were the subject of the FOIA request.

(b) Pursuant to §29A-3-1 *et seq.* of this code, the Secretary of State shall propose rules and emergency rules for legislative approval relating to the creation and maintenance of a publicly accessible database available on the Secretary of State's website; the establishment of forms and procedures for submission of information to the Secretary of State by the public body; and for other procedures and policies consistent with this section.

§29B-1-4. Exemptions.

~~(a) There is a presumption of public accessibility to all public records, subject only to~~ The following categories of information ~~which~~ are specifically exempt from disclosure under this article:

(1) Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors;

(2) ~~Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure of the information would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in this particular instance: *Provided, That this article does not preclude an individual from inspecting or copying his or her own personal, medical, or similar file*~~ subject to attorney-client privilege, attorney communications for the purpose of providing legal assistance and decision making, and attorney work product, including, but not limited to, notes, journals, research, correspondence, reports, or memoranda to the extent that each contains an attorney's thoughts, opinions, theories, conclusions, or advisory or deliberative material;

(3) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination;

(4)(A) Records of law-enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law-enforcement agencies which are maintained for internal use in matters relating to law enforcement; and

(B) Records identifying motor vehicles used, and the agencies using them, for undercover investigation activities conducted by state law-enforcement agencies or other agencies that are authorized by this code to use undercover or unmarked vehicles;

(5) Information specifically exempted from disclosure by statute;

(6) Records, archives, documents, or manuscripts describing the location of undeveloped historic, prehistoric, archaeological, paleontological, and battlefield sites or constituting gifts to any public body upon which the donor has attached restrictions on usage or the handling of which could irreparably damage the record, archive, document, or manuscript;

(7) Information contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions, except those reports which are by law required to be published in newspapers;

(8) Internal information or memoranda; ~~or~~ letters received or prepared by any public body; deliberative or preliminary information; or records that are prepared for internal advisory or decision-making purposes that would not be disclosed in the normal course of business in their current form or stage of a process to individuals in another office, section, department, or unit of similar nature within the same public body;

(9) Records assembled, prepared, or maintained to prevent, mitigate, or respond to terrorist acts or the threat of terrorist acts,

the public disclosure of which threaten the public safety or the public health;

(10) Those portions of records containing specific or unique vulnerability assessments, or specific or unique response plans, data, databases, and inventories of goods or materials collected or assembled to respond to terrorist acts; and communication codes or deployment plans of law-enforcement or emergency response personnel;

(11) Specific intelligence information and specific investigative records dealing with terrorist acts, or the threat of a terrorist act, shared by and between federal and international law-enforcement agencies, state and local law-enforcement, and other agencies within the Department of Homeland Security;

(12) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism;

(13) Computing, telecommunications, and network security records, passwords, security codes, or programs; ~~used to respond to or plan against acts of terrorism which may be the subject of a terrorist act~~

(14) Security or disaster recovery plans, risk assessments, tests, or the results of those tests;

(15) Architectural or infrastructure designs, maps, or other records that show the location or layout of the facilities where computing, telecommunications, or network infrastructure used to plan against or respond to terrorism are located or planned to be located;

(16) Codes for facility security systems; or codes for secure applications for facilities referred to in subdivision (15) of this subsection;

(17) Specific engineering plans and descriptions of existing public utility plants and equipment;

(18) Customer proprietary network information of other telecommunications carriers, equipment manufacturers, and individual customers, consistent with 47 U.S.C. § 222;

(19) Records of the Division of Corrections, Regional Jail and Correctional Facility Authority, and the Division of Juvenile Services relating to design of corrections, jail, and detention facilities owned or operated by the agency, and the policy directives and operational procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be used by an inmate or resident to escape a facility, or to cause injury to another inmate, resident, or to facility personnel;

(20) Information related to applications under §61-7-4 of this code, including applications, supporting documents, permits, renewals, or any other information that would identify an applicant for or holder of a concealed weapon permit: *Provided*, That information in the aggregate that does not identify any permit holder other than by county or municipality is not exempted: *Provided, however*, That information or other records exempted under this subdivision may be disclosed to a law-enforcement agency or officer:

(A) ~~(i)~~ To determine the validity of a permit;

(B) ~~(ii)~~ To assist in a criminal investigation or prosecution; or

(C) ~~(iii)~~ For other lawful law-enforcement purposes;

(21) Personal information of law-enforcement officers maintained by the public body in the ordinary course of the employer-employee relationship. As used in this paragraph, "personal information" means a law-enforcement officer's Social Security number, health information, home address, personal address, personal telephone numbers, and personal email addresses and those of his or her spouse, parents, and children as well as the

names of the law-enforcement officer's spouse, parents, and children;

(22) Information provided by a person when he or she elects to remain anonymous after winning a draw game prize, pursuant to §29-22-15a of this code; ~~and~~

(23) Individually identifiable customer information created or maintained by a city or county or other public entity providing utility services in connection with the ownership or operation of a publicly-administered utility enterprise, including, but not limited to, customer names, addresses, and billing and usage records. Nothing contained herein is intended to limit public disclosure by a city or county of billing information:

(A) That the city or county determines will be useful or necessary to assist bond counsel, bond underwriters, underwriters' counsel, rating agencies, or investors or potential investors in making informed decisions regarding bonds or other obligations incurred, or to be incurred, with respect to the publicly-administered utility enterprise;

(B) That is necessary to assist the city, county, state, or public enterprise to maintain the integrity and quality of services it provides; or

(C) That is necessary to assist law enforcement, public safety, fire protection, rescue, emergency management, or judicial officers in the performance of their duties;

(24) Information related to security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data, or software; and

(25) Emergency or security information or procedures for any building or facility which, if disclosed, would jeopardize security of the building, facility, or individuals inside.

(b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the term "terrorist act" means an act

that is likely to result in serious bodily injury or damage to property or the environment and is intended to:

- (1) Intimidate or coerce the civilian population;
- (2) Influence the policy of a branch or level of government by intimidation or coercion;
- (3) Affect the conduct of a branch or level of government by intimidation or coercion; or
- (4) Retaliate against a branch or level of government for a policy or conduct of the government.

(c) The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section do not make subject to the provisions of this chapter any evidence of an immediate threat to public health or safety unrelated to a terrorist act or the threat of a terrorist act which comes to the attention of a public entity in the course of conducting a vulnerability assessment response or similar activity.

§29B-1-5. Enforcement.

(1) Any person denied the right to inspect the public record of a public body may institute proceedings for injunctive or declaratory relief in the circuit court in the county where the public record is kept.

(2) In any suit filed under subsection ~~one~~ (1) of this section, the court has jurisdiction to enjoin the custodian or public body from withholding records and to order the production of any records improperly withheld from the person seeking disclosure. The court shall determine the matter de novo. ~~and the burden is on the public body to sustain its action~~ The court, on its own motion, may view the documents in controversy in camera before reaching a decision. Any custodian of any public records of the public body found to be in noncompliance with the order of the court to produce the documents or disclose the information sought, may be punished as being in contempt of court.

(3) Except as to causes the court considers of greater importance, proceedings arising under subsection ~~one~~ (1) of this section shall be assigned for hearing and trial at the earliest practicable date.

§29B-1-7. Attorney fees and costs.

Any person who is denied access to public records requested pursuant to this article and who successfully brings a suit filed pursuant to §29B-1-5 of this code ~~shall~~ may be entitled to recover his or her attorney fees and court costs from the public body that denied him or her access to the records.

The bill (Eng. H. B. 3412), as amended, was then ordered to third reading.

Eng. House Bill 3424, Removing language regarding short term loans being provided to released inmates for costs related to reentry into the community.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 3492, Relating to municipal economic opportunity development districts.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Martin, and by unanimous consent, the bill was advanced to third reading with the unreported Economic Development committee amendment pending and the right for further amendments to be considered on that reading.

Eng. House Bill 3517, Relating generally to fiscal emergencies of local governments.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Finance, was reported by the Clerk and adopted:

By striking out 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 section eleven of this article 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 section five 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 section nine of this article 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 section eight of this article.

(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 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 section three of this article to present financial records in an auditable condition.

(2) Complete any recommendations imposed by the State Auditor or designee pursuant to section seven of this article.

(3) Provide a financial recovery plan in accordance with section seven of this article.

(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 section eleven of this article.

(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 section eleven of this article.

§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-12. 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 dissolved 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 section one of this article 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 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.

The bill (Eng. H. B. 3517), as amended, was then ordered to third reading.

On motion of Senator Martin, at 6:29 p.m., the Senate recessed for 45 minutes.

The Senate reconvened at 8:21 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 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 485, Exempting West Virginia Secretary of State from competitive bidding process.

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 2, section 1, line 41, by striking the period and inserting in lieu thereof a colon and the following words "*Provided*, That when any purchase or procurement has been made pursuant to this subdivision, the Secretary of State shall submit all bids, quotes, requested specifications, and contracts related to the purchase or procurement, as well as any subsequent change orders and amendments and addenda to contracts related to the purchase or procurement, to the director to be posted and publicly accessible on the division's website: *Provided, however*, That the Secretary of State is not required to submit to the director any document or portion of a document that would be exempt from disclosure if the

document or portion of a document were requested pursuant to §29B-1-1 *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 Senate Bill 485—A Bill to amend and reenact §5A-3-1 of the Code of West Virginia, 1931, as amended, relating to the Purchasing Division; exempting the Secretary of State from the competitive bidding process for specific purchases of securing, facilitating, or supporting critical election infrastructure; requiring the Secretary of State to provide certain documents related to exempt purchases to the Director of the Purchasing Division for posting on the division's website; providing an exception to the requirement to provide certain documents to the director.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 485, 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, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woodrum, and Smith (Mr. President)—31.

The nays were: None.

Absent: Boley, Jeffries, and Woelfel—3.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 485) passed with its House of Delegates amended title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 496, Removing reflexology and other energy-based work from definition of "massage therapy".

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 by striking everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 37. MASSAGE THERAPISTS.

§30-37-2. Definitions.

(a) "Board" means the West Virginia Massage Therapy Licensure Board.

(b) "Massage therapist" means a person licensed to practice the health care service of massage therapy under this article who practices or administers massage therapy to a client of either gender for compensation. No person licensed by the massage therapy licensure board may be referred to as a primary care provider nor be permitted to use such designation.

(c) "Massage therapy" means a health care service which is a scientific and skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone, circulation, promoting health and physical well-being. Massage therapy includes massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical

applications or other therapies which involve manipulation of the muscle and connective tissue of the body, for the purpose of enhancing health, reducing stress, improving circulation, aiding muscle relaxation, increasing range of motion, or relieving neuromuscular pain. Massage therapy does not include diagnosis or service which requires a license to practice medicine or surgery, osteopathic medicine, chiropractic, or podiatry, and does not include service performed by nurses, occupational therapists, ~~or~~ physical therapists, or reflexologists who act under their own professional license, certificate, or registration, or energy work practitioners (including reiki, qigong, and sound healing).

(d) "Massage establishment" means a place of business wherein massage therapy is practiced, with a physical site or premise, including mobile sites, licensed as required by this article, in which licensed massage therapists are employees or contractors practicing massage therapy on clients.

(e) "Sole practitioner" means a licensed massage therapist who is licensed pursuant to this article, who is not an employee or contractor of the sole practitioner or an establishment, and who provides massage therapy to clients at a specific location including, but not limited to, a rental space, home office space, offsite, or onsite space.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Senate Bill 496, 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, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 496) 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 565, Relating generally to practice of optometry.

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 9, section 4, line 1, by striking section 4 in its entirety and inserting a new section 4 to read as follows:

"§30-8B-4. Certification requirements.

To be certified the licensee shall:

(1) Complete the required application form designed by the board; and

(2) Submit proof of attendance and satisfactory completion of education and training, including, but not limited to, a training requirement that at least a minimum of 5 posterior capsulotomy, 4 peripheral iridotomy and 5 selective laser trabeculoplasty procedures be supervised for each individual person proposing certification. A licensee shall successfully demonstrate clinical proficiency to perform the procedure or procedures on a living human eye to the proctor's satisfaction. The procedures shall be proctored by an optometrist or ophthalmologist that already meets

the above criteria and submitted to the board for review and any additional requirements as established by the board in §30-8B-5 of this code.

(3) A licensee may apply for certification for each approved procedure separately and may receive certification individually for each procedure based upon the above criteria applied individually for each approved procedure.";

On page 11, section 6, line 13, after subsection (e) by inserting the following:

"(f) A certificate holder shall report any adverse outcomes related to surgical procedures performed under this article to the Board within ten business days. Such reports shall include the relevant patient records necessary to evaluate the incident, in accordance with applicable privacy laws.";

On page 11, section 7, line 10, by inserting the following:

"(c) A licensee may not perform a procedure on a pediatric patient. A licensee shall refer a pediatric patient to an ophthalmologist.";

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 565—A Bill to amend and reenact §30-8-3, §30-8-6, §30-8-9, and §30-8A-1 of the Code of West Virginia, 1931, as amended; to amend the code by adding a new section, designated §30-8-23; and to amend the code by adding a new article, designated §30-8B-1, §30-8B-2, §30-8B-3, §30-8B-4, §30-8B-5, §30-8B-6, §30-8B-7, and §30-8B-8, relating to the practice of optometry; defining terms; updating rulemaking authority; modifying scope of practice; permitting the performance of certain procedures when trained; permitting the board to regulate the use of lasers by optometrists; setting forth laser certification requirements; establishing the minimum training; providing

treatment guidelines; prohibiting certain practices; and providing for exemption from specified review requirements.

On motion of Senator Martin, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 565, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Bartlett, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Queen, Roberts, Rose, Rucker, Taylor, Thorne, Willis, and Smith (Mr. President)—24.

The nays were: Barrett, Oliverio, Phillips, Stuart, Takubo, Tarr, Weld, and Woodrum—8.

Absent: Boley and Woelfel—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. 565) 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 736, Relating to publication of registered lobbyist information.

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, section 6B-3-3, line 9, after the word "printable" by inserting the following text:

"and electronically searchable".

On motion of Senator Martin, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 736, 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, Queen, Roberts, Rose, Rucker, Stuart, Tarr, Taylor, Thorne, Weld, Willis, and Smith (Mr. President)—28.

The nays were: Oliverio, Phillips, Takubo, and Woodrum—4.

Absent: Boley and Woelfel—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. 736) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

The Senate again proceeded to the ninth order of business.

The end of today's second reading calendar having been reached, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 2576, NIL Protection Act.

On third reading, coming up in deferred order, was read a third time.

At the request of Senator Tarr, unanimous consent was granted to offer an amendment to the bill on third reading.

Thereupon, on motion of Senator Tarr, the following amendment to the bill was reported by the Clerk:

On page 5, section 5, lines 8 through 13, by striking out all of subsection (c).

The question being on the adoption of Senator Tarr's amendment to the bill, and on this question, Senator Tarr demanded the yeas and nays.

The roll being taken, the yeas were: Bartlett, Charnock, Clements, Deeds, Fuller, Grady, Helton, Jeffries, Morris, Phillips, Queen, Takubo, Tarr, Weld, and Woodrum—15.

The nays were: Azinger, Chapman, Garcia, Hamilton, Hart, Martin, Maynard, Oliverio, Roberts, Rose, Rucker, Stuart, Taylor, Thorne, Willis, and Smith (Mr. President)—16.

Absent: Barrett, Boley, and Woelfel—3.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Tarr's amendment to the bill rejected.

Engrossed Committee Substitute for House Bill 2576 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, Woodrum, and Smith (Mr. President)—31.

The nays were: Tarr—1.

Absent: Boley and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2576) 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, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Woelfel—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. 2576) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Action as to Engrossed Committee Substitute for House Bill 2576 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2595, Non Profit Athletics Act.

On third reading, coming up in deferred 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, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Woelfel—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2595) 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, Woodrum, and Smith (Mr. President)—32.

The nays were: None.

Absent: Boley and Woelfel—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. 2595) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate.

Action as to Engrossed Committee Substitute for House Bill 2595 having been concluded, the Senate proceeded to the consideration of

Eng. Com. Sub. for House Bill 2267, Authorizing Department of Revenue to Promulgate Legislative Rules.

Having been read a second time and amended by the Committee on the Judiciary in earlier proceedings today, and now coming up in deferred order, was again reported by the Clerk.

On motion of Senator Barrett, the following amendment to the bill was reported by the Clerk and adopted:

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 40, subsection 4.8, after the words "cleared of all members and guests" by inserting the words "one hour and".

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;".

The bill (Eng. Com. Sub. for H. B. 2267), as amended, was then ordered to third reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Chapman.

Thereafter, at the request of Senator Rose, and by unanimous consent, the remarks by Senator Chapman were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

The following communications were reported by the Clerk:



**HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM M-212
1900 KANAWHA BLVD., EAST
CHARLESTON, WV 25305-0470
PHONE (304) 340-3200

April 9, 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. 2042, Relating to allowing guardian ad litem to request the appointment of a court appointed special advocate.

Com. Sub. for H. B. 2157, Provide one trip temporary vehicle permits to be purchased and printed online.

Com. Sub. for H. B. 2172, Relating to adding an athletic trainer to the Board of Physical Therapy.

H. B. 2217, Relating to penalties for conspiracy to commit murder.

Com. Sub. for H. B. 2233, Authorizing the Department of Environmental Protection to promulgate legislative rules.

Com. Sub. for H. B. 2331, Relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules.

H. B. 2360, Clarifying the victims of crimes against law-enforcement officers.

Com. Sub. for H. B. 2399, Relating to the taxation of managed timber.

H. B. 2709, Permitting a voter with a change of address to vote in his or her new precinct without having to cast a provisional ballot.

H. B. 3030, Administration of the West Virginia Water Pollution Control Act.

H. B. 3089, Mandate the use of WV DMV electronic lien and title system for certain entities and persons.

H. B. 3313, Providing more opportunities for high school students in community colleges.

H.B. 3347, Supplemental Appropriation Administration Diamond Bldg.

H. B. 3358, Supplemental Appropriation FBGR DHHR

H. B. 3363, Supplemental Appropriation Public Defender

H. B. 3365, Supplemental Appropriation HLTH Birth to Three

H. B. 3366, Supplemental Appropriation FEDA HLTH OIG

H. B. 3367, Supplemental Appropriation SAPR DNR

H. B. 3368, Supplemental Appropriation Administration Lease Rental Payment

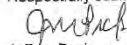
H. B. 3370, Supplemental Appropriation FEDA HMSV Summer EBT

And,

H. B. 3372, Supplemental Appropriation FEDA Veterans

These bills are presented to you on this day, April 9, 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 10 2025
Time 8:18am

The Senate of West Virginia
Charleston

LEE CASSIS
CLERK OF THE SENATE



STATE CAPITOL, ROOM M-211
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305-0800
304-357-7800

April 10, 2025

The Honorable Patrick Morrissey, II
Governor, State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Governor Morrissey,

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. 500, Transferring audits of volunteer fire departments to Legislative Auditor;

S. B. 615, Eliminating accelerated tax payment requirements;

Com. Sub. for S. B. 715, Relating to personally identifiable information of member, retirant, beneficiary, or alternate payee of retirement system;

And,

S. B. 716, Relating to failure to pay required contributions and interest payments for certain retirees who transfer between retirement systems.

These bills are presented to you on this day, April 10, 2025.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lee Cassis".

Lee Cassis
Clerk of the Senate

C: The Honorable Jeffrey Pack
Clerk of the House of Delegates

On motion of Senator Martin, at 8:45 p.m., the Senate adjourned until tomorrow, Friday, April 11, 2025, at 11 a.m.

FRIDAY, APRIL 11, 2025

The Senate met at 11:20 a.m.

(Senator Smith, Mr. President, in the Chair.)

Prayer was offered by the Honorable Mark R. Maynard, a senator from the sixth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Brian Helton, a senator from the ninth district.

Pending the reading of the Journal of Thursday, April 10, 2025,

At the request of Senator Clements, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 734, Repealing section creating A. James Manchin Rehabilitation Environmental Action Plan.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 738, Terminating Employee Suggestion Award Board.

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 746, Allowing State Board of Education to delegate its Medicaid provider status to public charter 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 844, Exempting non-native quail and partridge from game farm requirement if owned for agricultural purposes.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

Eng. Senate Bill 876, Terminating certain requirements for Tax Commissioner to submit reports, publish information, and provide notice.

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. Com. Sub. for House Bill 2002, Establishing One Stop Shop Permitting Process.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. Com. Sub. for Com. Sub. for House Bill 2003, Prohibiting Cell phones in class.

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 2165, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

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 July 1, 2025, of

Eng. Com. Sub. for House Bill 2499, Training course for principals in public schools; informing teachers of their rights and protections; IEP format.

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 2752, Relating to motorcycle safety.

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 2773, Higher Ed Rules.

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 2866, Relating to fees and charges for municipality provided fire services.

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 2867, Relating to Small Estates.

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 2889, To permit a fairness hearing exemption to the registration requirements of the Uniform Securities Act.

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 3024, Guaranteed course transfer bill.

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 3080, Military Spouse hiring preference.

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 3156, Create exemption for Legislature for reporting requirements in Shared Services Section.

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 3389, Exclude the Department of Tourism as a Governmental agency.

Executive Communications

Senator Smith (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:



Patrick Morrisey
Office of the Governor

April 10, 2025

Senate Executive Message No. 5
Regular Session 2025

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

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.

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000

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.

Sincerely,


Patrick Morrissey
Governor

PM: SW, MF

cc: Clerk of the Senate
Senate Confirmations Chair

Which communication was received and referred to the Committee on Confirmations.

On motion of Senator Boley, consideration of the nominations immediately hereinbefore reported was made a special order of business for 11:30 a.m. on Saturday, April 12, 2025.

The Senate proceeded to the seventh order of business.

Senate Resolution 49, Recognizing May 8, 2025, as World Red Cross Day and Red Crescent 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 House Bill 2014, Certified Microgrid Program.

On third reading, coming up in regular order, with the unreported Economic Development committee amendment pending, and with the right having been granted on yesterday, Thursday, April 10, 2025, for further amendments to be received on third reading, was reported by the Clerk.

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 second reading calendar.

Eng. Com. Sub. for House Bill 2054, Relating to liability of vendors in private farmers markets.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Charnock, Clements, Fuller, Garcia, Hamilton, Helton, Jeffries,

Morris, Oliverio, Phillips, Queen, Rucker, Stuart, Takubo, Tarr, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—22.

The nays were: Azinger, Bartlett, Chapman, Deeds, Grady, Hart, Martin, Maynard, Roberts, Rose, Taylor, and Thorne—12.

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. 2054) 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 2054—A Bill to amend and reenact §60-4-3a, §60-7-2, §60-7-3, §60-7-8c, §60-7-8d, §60-7-8e, §60-7-8g, §60-8-2, and §60-8-32a of the Code of West Virginia, 1931, as amended, amending liquor sampling requirements; revising definitions; addressing and making minor corrections in the Alcohol Beverage Control Administration ("ABCA") code sections correcting mistakes relating to a \$100 requirement for canned or packaged food; removing the requirement that a private farmers market or private food court with two or more unrelated vendors applying for a license must certify that all vendors have agreed to liability responsibility therein and removing the requirement that a private farmers market or private food court provide a written copy of the agreement between all vendors acknowledging that each vendor is jointly and severally liable for any violations; authorizing the use of self-pour automated systems for nonintoxicating beer, cider, and wine by the drink on licensee premises; removing the requirement that a joint and several liability agreement be executed between the multiple vendors at a multi-vender fair or festival; regulating private clubs sale and service of alcoholic and non-intoxicating beverages; providing limitations on sealed craft cocktail or wine growlers sold to persons who have dined in an establishment, or a patron who is in vehicle while picking up food or a meal and ordered a sealed craft cocktail or wine growler; clarifying and expanding the types of licensed entities authorized to participate in a duly permitted private outdoor

designated area ("PODA"); defining terms; exempting certain licensees from certain fees; authorizing consumer activity within a PODA; authorizing a new S4N license for qualified nonprofits; authorizing S1, S2, and S3 licensees to participate in a private outdoor designated area on the premises of a participating Class S4 permit holder upon written invitation of the Class S4 permit holder; correcting mistaken listed percentage for fortified wine; all generally relating to the licensing, sale and service of alcoholic liquor, nonintoxicating beer or nonintoxicating craft beer, wine, cider, craft and cocktails as beverages or sealed containers, and where same may be sold and served.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2066, Creating a crime for the destruction of first responder equipment.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—33.

The nays were: Roberts—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2066) passed with its title.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2121, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2121) passed.

The following amendment to the title of the bill, from the Committee on Military, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2121—A Bill to amend and reenact §11-13MM-2 and §11-13MM-4 of the Code of West Virginia, 1931, as amended, relating to providing for a real property tax credit for eligible widowed spouses of disabled veteran taxpayers.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for House Bill 2164, To allow for public and private schools in West Virginia to employ security personnel.

On third reading, coming up in regular order, was reported by the Clerk.

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.

Eng. Com. Sub. for House Bill 2267, 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: Barrett, Bartlett, Boley, Charnock, Clements, Deeds, Fuller, Garcia, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Rucker, Takubo, Tarr, Weld, Woelfel, Woodrum, and Smith (Mr. President)—22.

The nays were: Azinger, Chapman, Grady, Hart, Martin, Maynard, Roberts, Rose, Stuart, Taylor, Thorne, and Willis—12.

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. 2267) passed with its title.

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Barrett, 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)—33.

The nays were: Bartlett—1.

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. 2267) takes effect from passage.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2344, Relating generally to traffic safety.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2344) passed.

The following amendment to the title of the bill, from the Committee on Transportation and Infrastructure, was reported by the Clerk and adopted:

Eng. House Bill 2344—A Bill to amend and reenact §17C-14-9a of the Code of West Virginia, 1931, as amended, relating to requiring drivers take certain actions when approaching stationary vehicles that display a warning signal; providing for fine, confinement, and suspension of driving privileges.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for House Bill 2349, To offer long-acting reversible contraception to patients receiving methadone and suboxone at the treatment facility for the methadone and suboxone.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Martin, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2351, Relating to compensation for panel attorneys.

On third reading, coming up in regular order, with the unreported Health and Human Resources committee amendments pending, and with the right having been granted on yesterday, Thursday, April 10, 2025, for further amendments to be received on third reading, was read a third time.

The following amendments to the bill, from the Committee on Health and Human Resources, were reported by the Clerk, considered simultaneously, and adopted:

On page 3, section 13a, line 65, by striking out "§29-21-6(h)" and inserting in lieu thereof "§29-21-6(i)";

And,

On page 6, section 13a, line 131, by striking out "§12-8-11" and inserting in lieu thereof "§12-3-11".

Engrossed Committee Substitute for House Bill 2351, as just amended, was then put upon its passage.

Senator Garcia requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he serves as a court-appointed attorney.

The Chair replied that any impact on Senator Garcia would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart,

Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2351) passed with its title.

Senator Martin moved that the bill take effect July 1, 2025.

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. 2351) takes effect July 1, 2025.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2358, Relating to postmortem examinations.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Hart, Helton, Jeffries, Martin, Maynard, Morris, Oliverio, Phillips, Queen, Roberts, Rose, Rucker, Stuart, Takubo, Tarr, Taylor, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2358) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2358—A Bill to amend and reenact §61-12-10 of the Code of West Virginia, 1931, as amended, relating to postmortem examinations; establishing time periods for conducting autopsy; and setting time period for providing report of autopsy to certain individuals.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for House Bill 2451, To facilitate the creation of home-based businesses.

On third reading, coming up in regular order, was 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, following consideration of Engrossed Committee Substitute for Committee Substitute for House Bill 2164, already placed in that position.

Eng. House Bill 2511, Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Barrett, Boley, Chapman, Charnock, Clements, Fuller, Garcia, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Rucker, Stuart, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, and Woodrum—23.

The nays were: Azinger, Bartlett, Deeds, Grady, Hart, Martin, Maynard, Roberts, Rose, Taylor, and Smith (Mr. President)—11.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2511) passed.

On motion of Senator Stuart, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. House Bill 2511—A Bill to amend and reenact §47-20-2 of the Code of West Virginia, 1931 as amended; relating to charitable bingo and alcohol or nonintoxicating beer sales and consumption while such bingo is taking place; adding an exemption for the consumption or sale of alcohol or nonintoxicating beer at bingo games conducted on the premises of a fraternal beneficiary society, domestic fraternal society, veteran's organization, or volunteer fire department.

Ordered, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

At the request of Senator Martin, and by unanimous consent, the Senate returned to the consideration of

Eng. Com. Sub. for House Bill 2054, Relating to liability of vendors in private farmers markets.

Passed by the Senate in earlier proceedings today,

The bill still being in the possession of the Senate,

Senator Martin moved that the bill take effect from passage.

On this question, the yeas were: Barrett, Bartlett, Boley, Chapman, Charnock, Clements, Deeds, Fuller, Garcia, Grady, Hamilton, Helton, Jeffries, Morris, Oliverio, Phillips, Queen, Rucker, Stuart, Takubo, Tarr, Thorne, Weld, Willis, Woelfel, Woodrum, and Smith (Mr. President)—27.

