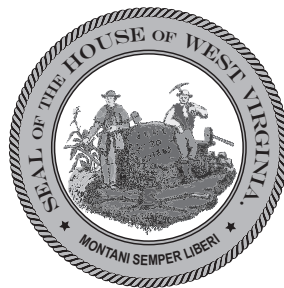


West Virginia Legislature

JOURNAL  
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Second Regular Session

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January 16, 2024  
SEVENTH DAY



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Tuesday, January 16, 2024

**SEVENTH DAY**

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Monday, January 15, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Fast, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

**H. B. 4302**, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4302** - "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, and child neglect resulting in bodily injury, serious bodily injury, and child abuse or child neglect creating risk of injury; providing that a prior conviction under this section subjects a person to increased penalties; and providing a definition for a prior conviction,"

**H. B. 4428**, Requiring candidates to live in the state or local election district for the office for which they are seeking,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4428** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-2b, relating to requiring all candidates for office to have their principal place of residence within the election districts for which they are seeking office; defining terms; setting forth facts which can be used to establish principal residence or domicile, and providing an exception,"

And,

**H. B. 4552**, To ensure party affiliation is consistent with candidate's voter registration,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4552** - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to requiring immediate verification of partisan election candidates' party affiliation,"

With the recommendation that the committee substitutes each do pass.

Delegate McGeehan, Vice-Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

**H. B. 4088**, Authorizing the Division of Labor to promulgate a legislative rule relating to minimum wage, maximum hours, and overtime compensation,

**H. B. 4089**, Authorizing the Division of Labor to promulgate a legislative rule relating to licensing of elevator mechanics, accessibility technicians, and limited technicians and registration of elevator mechanic apprentices,

**H. B. 4104**, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to motor vehicle titling,

**H. B. 4105**, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer licensing,

**H. B. 4106**, Authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to handicapped parking permits,

**H. B. 4110**, Authorizing the West Virginia Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct,

**H. B. 4111**, Authorizing the West Virginia Board of Acupuncture to promulgate a legislative rule relating to applications for licensure to practice acupuncture,

**H. B. 4118**, Authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to procedures, criteria, and curricula for examination and license of barbers, cosmetologists, nail technicians, aestheticians, and hair stylists,

**H. B. 4119**, Authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the application for waiver of initial licensure fees for certain individuals,

**H. B. 4120**, Authorizing the West Virginia Board of Barbers and Cosmetologists to promulgate a legislative rule relating to cosmetology apprenticeship,

**H. B. 4130**, Authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to general provisions,

**H. B. 4131**, Authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to schedule of fees,

**H. B. 4132**, Authorizing the West Virginia Massage Therapy Licensure Board to promulgate a legislative rule relating to establishment licensure,

**H. B. 4151**, Authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to the examination and licensing of professional surveyors in West Virginia,

**H. B. 4152**, Authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to disciplinary and complaint procedures for psychologists,

**H. B. 4153**, Authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to contested case hearing procedure,

**H. B. 4154**, Authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers, and salespersons and the conduct of brokerage business,

**H. B. 4155**, Authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to schedule of fees,

And,

**H. B. 4156**, Authorizing the West Virginia Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers, and instructors,

And reports the same back with the recommendation that they each do pass, but that they first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4088, H. B. 4089, H. B. 4104, H. B. 4105, H. B. 4106, H. B. 4110, H. B. 4111, H. B. 4118, H. B. 4119, H. B. 4120, H. B. 4130, H. B. 4131, H. B. 4132, H. B. 4151, H. B. 4152, H. B. 4153, H. B. 4154, H. B. 4155 and H. B. 4156) were each referred to the Committee on the Judiciary.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 164** - "A Bill to amend and reenact §61-3B-3, §61-3B-6, and §61-3B-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-3B-8, all relating generally to trespass; making double damages applicable to all violations of the article; authorizing sentencing court to assess cleanup expenses; and authorizing courts presiding in cases for misdemeanor violations of the article to defer entry of judgment and dismiss the charges if payment of ordered damages is made within six months after conviction"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Government Organization then Rules as follows:

**S. C. R. 10** - "Urging the West Virginia congressional delegation to support legislation that would authorize county governments to sell Federal Emergency Management Agency property that has been placed in their custody by the federal government."

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

**S. C. R. 16** – "Urging the United States Congress to enact much-needed reforms to federal permitting policies to accelerate deployment of new energy infrastructure."

### **Resolutions Introduced**

On motions for leave, Joint Resolutions were introduced and severally referred as follows:

#### **By Delegate McGeehan:**

**H. J. R. 13** – "Proposing an amendment to the Constitution of the State of West Virginia amending article X thereof by adding thereto a new section, designated section five-a, relating to taxes and fees; providing that bills imposing a tax or license fee and bills increasing the effective rate of any tax levied or fee imposed may not be enacted unless two thirds of the members of each house, present and voting, vote in the affirmative for passage; numbering and designating the proposed amendment; and providing a summarized statement of the purpose of the proposed amendment"; to the Committee on Finance then the Judiciary.

#### **By Delegates Horst and Kump:**

**H. J. R. 14** – "Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article VI thereof; amending section two, article XIV thereof; and amending said Constitution by adding a new article, designated article XV, all relating to the legislative powers held by the people of the state and the Legislature; the power of the registered voters and the power of the Legislature to propose amendments to this Constitution; and the reservation by and to the people and registered voters of this state the powers of initiative, referendum, and recall at all levels of government in this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

#### **By Delegate Foster:**

**H. J. R. 15** – "Proposing an amendment to the Constitution of the State of West Virginia, amending section four, article VII thereof, relating to preventing any individual from serving in the office of Secretary of State, Auditor, State Treasurer, Commissioner of Agriculture, or Attorney General for more than three consecutive terms; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

### **Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

#### **By Delegate Burkhammer:**

**H. B. 4761** - "A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to requiring the Division of Personnel to reduce the time of hiring process to

four weeks from the date an application for employment is closed"; to the Committee on Government Organization.

**By Delegate Burkhammer:**

**H. B. 4762** - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended; relating to prohibiting municipalities from collecting business and occupation taxes on projects that are funded by state or federal government programs"; to the Committee on Political Subdivisions then Finance.

**By Delegates Ellington, Toney and Statler:**

**H. B. 4763** - "A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing the Behavioral Health Workforce Education Initiative at the Higher Education Policy Commission; directing the Treasurer to place funds into the account; establishing the Behavioral Health Workforce Initiative; setting forth terms of the initiative; and creating definitions"; to the Committee on Education then Finance.

**By Delegate Burkhammer:**

**H. B. 4764** - "A Bill to amend and reenact §17A-6-14 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Motor Vehicles to allow the purchase of one trip special permits for a new motor vehicle dealer to be made and paid online"; to the Committee on Technology and Infrastructure.

**By Delegate Burkhammer:**

**H. B. 4765** - "A Bill to amend and reenact §5-30-2 of the Code of West Virginia, 1931, as amended, relating to exempting healthcare workers' addresses from being made public"; to the Committee on Government Organization.

**By Delegate Burkhammer:**

**H. B. 4766** - "A Bill to amend and reenact §17-4-5 of the Code of West Virginia, 1931, as amended, relating to requiring signage for road closures 30 days prior to the closure if the closure will last longer than 30 days and the detour is longer than one mile"; to the Committee on Technology and Infrastructure.

**By Delegates Ellington, Statler and Toney:**

**H. B. 4767** - "A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum annual salaries of teachers; providing an increase to all salaries to bring them into parity with salaries offered in surrounding states"; to the Committee on Education then Finance.

**By Delegates Ellington, Toney and Statler:**

**H. B. 4768** - "A Bill to amend and reenact §18C-3-5 of the Code of West Virginia, 1931, as amended, all relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; and requiring each medical student that participates in the program to practice in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians"; to the Committee on Education.

**By Delegates Ellington and Toney:**

**H. B. 4769** - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-1-1 of said code, all relating to public-school

counselors; adding exclusions for school counselors; and clarifying the definition and job duties of school counselors"; to the Committee on Education.

**By Delegates Hansen and Young:**

**H. B. 4770** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §24-2J-1, §24-2J-2, §24-2J-3, §24-2J-4, §24-2J-5, and §24-2J-6, all relating to establishing the West Virginia Energy Efficiency Jobs Creation Act; creating short title; establishing findings and purpose; defining terms; requiring electric utilities to develop and implement energy efficiency programs; establishing duties of the Public Service Commission; establishing certain requirements that the commission is to impose on electric utilities; providing requirements of electric utilities; requiring the commission to make reports to the Legislature; providing a self-direct option for an energy efficiency plan for eligible primary or secondary electric customers; establishing eligibility requirements; establishing duties of the commission; establishing requirements for self-directed energy efficiency plans; requiring electric providers to provide an annual report to the commission that includes certain information on the implementation of self-directed energy optimization plans; and requiring the commission to order certain participating customers that fail to meet the minimum energy efficiency goals of the self-directed plan to repay to the provider certain charges the customer avoided"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Hansen, Williams, Pushkin and Hamilton:**

**H. B. 4771** - "A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles"; to the Committee on Finance.

**By Delegates Gearheart, Linville, Householder, Ellington, Smith, E. Pritt, Kump, Hornby, Pinson, Toney and Campbell:**

**H. B. 4772** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-31, all relating to providing guidelines for the West Virginia Parkways Authority to cease tolls on the West Virginia Turnpike upon completion of all bond payments"; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Gearheart, Ellington, Ferrell, Smith, Maynor, E. Pritt, Heckert, Kump, Hornby, Riley and Adkins:**

**H. B. 4773** - "A Bill to amend and reenact §18-5-39 of the Code of West Virginia, 1931, as amended, relating to permitting students in eighth and ninth grade to attend summer school in order to raise their grades and establish academic eligibility to play sports in the fall"; to the Committee on Education.

**By Delegates Gearheart, Vance, Ferrell, Kump, E. Pritt, Adkins, Toney, Campbell, Heckert and Cooper:**

**H. B. 4774** - "A Bill to repeal §18-2-25e of the Code of West Virginia, 1931, as amended, relating to academic eligibility of transfer students"; to the Committee on Education.

**By Delegates Gearheart, Linville, Householder, Ellington, Smith, Kump, Hornby, Toney and Cooper:**

**H. B. 4775** - "A Bill to amend and reenact §17-16A-10, §17-16A-21, and §17-16A-25 of the Code of West Virginia, 1931, as amended, all relating to eliminating the authority of the West Virginia Parkways Authority to issue further parkway revenue, parkway revenue refunding, or special obligation bonds after July 1, 2024; and providing that subsequent to that date, no new bonds may be issued"; to the Committee on Technology and Infrastructure then Finance.



**By Delegates Gearheart, Ellington, Smith, Maynor, E. Pritt, Kump, Hornby, Riley, Toney, Heckert and Cooper:**

**H. B. 4776** - "A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to adding elementary schools into school disciplinary measures added during the 2023 Regular Session of the Legislature"; to the Committee on Education.

**By Delegates Holstein, Shamblin, E. Pritt, Cannon, Dittman, Hornby, Mazzocchi and Forsht:**

**H. B. 4777** - "A Bill to amend and reenact §18-5D-3 of the Code of West Virginia, 1931, as amended, relating to providing that county boards of education may allow staff members in public schools to eat lunch meals at no cost to the staff members, if there is sufficient food after every student has been fed"; to the Committee on Education.

**By Delegate Hornbuckle:**

**H. B. 4778** - "A Bill to amend and reenact §18-2-25 and §18-2-25a of the Code of West Virginia, 1931, as amended, all relating to creating the West Virginia Youth Sports Safety Commission granting jurisdiction to supervise youth sport league athletic training and safety to county boards of education and the West Virginia Youth Sports Safety Commission; requiring schools and youth sport leagues to implement certain safety measures during athletic events; requiring training of coaching staff in acclimatization, requiring authorizing fines; and requiring rulemaking"; to the Committee on Health and Human Resources then Education.

**By Delegates Hite, Chiarelli, Hillenbrand, Willis and Hornby:**

**H. B. 4779** - "A Bill to amend and reenact §7-20-6 of the Code of West Virginia, 1931, as amended; relating to removing the requirement for counties draft and adopt comprehensive zoning ordinances"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Criss and Barnhart:**

**H. B. 4780** – "A Bill to amend the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend said code by adding thereto two new sections designated §5F-2-1b and §5F-2-9; to amend and reenact to amend and reenact §31A-2-2, §31A-2-3, §31A-2-4, §31A-2-4a, §31A-2-4b, §31A-2-4c, §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 said code, all relating to reorganizing the Board of Banking and Financial Institutions, the Division of Financial Institutions, and the Lending and Credit Rate Board into independent divisions and boards of the executive branch beginning January 1, 2025; removing references to the former Department of Banking; designating the Board of Banking and Financial Institutions as the chief executive body under the reorganization structure; providing the Division of Financial Institutions and Lending and Credit Rate Board with oversight and supervision by the Board of Banking and Financial Institutions; requiring the Board of Banking and Financial Institutions to approve any policy decision, proposed budget, or personnel-related decision of the Division of Financial Institutions; exempting the Division of Financial Institutions from the classified service system; establishing a merit-based system for personnel administration for the Division of Financial Institutions; authorizing the commissioner to establish merit-based system; authorizing current employees to opt into classified-exempt system in writing; authorizing the commissioner as chairman of the Board of Banking and Financial Institutions to vote only in instances of a tie; requiring the Board of Banking and Financial Institutions to meet bi-monthly; increasing the experience qualifications of the commissioner and deputy commissioner; providing uniformity in code to references of National Multistate Licensing System and Registry; providing requirements for the commissioner's merit-based policy for employment positions; authorizing the commissioner to employ additional support staff; exempting rules promulgated by the Division of Financial Institutions from legislative approval and

providing approval by the Board of Banking and Financial Institutions; authorizing the commissioner's examination fund to become a revolving fund; and requiring the commissioner to return ten percent of total revenue collected by the commissioner to the General Revenue Fund of the State Treasury; to the Committee on Banking and Insurance then Government Organization.

**By Delegates Nestor, Martin, Westfall, Rohrbach, Akers, Shamblin, Jennings, Kump, Maynor, Vance and Brooks:**

**H. B. 4781** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-1, §49-12-2, and §49-12-3, all relating to restoring and upgrading the West Virginia Children's Home in Randolph County, repairing and maintaining all juvenile group homes in this state, requiring reports to the Legislature and Governor, establishing a funding plan"; to the Committee on Health and Human Resources then Finance.

**By Delegates Horst, Chiarelli, Summers, Householder, Kimble, Phillips, Hite, Maynor, Hardy, Howell and Espinosa:**

**H. B. 4782** - "A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to limitations upon municipalities' power to restrict the sale and storage of weapons and ammunition, and preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses, to be known as the Second Amendment Business Protection Act"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Summers, Tully, Worrell, Sheedy, Miller, Griffith and Shamblin:**

**H. B. 4783** - "A Bill to amend and reenact §30-8-3, §30-8-6 and §30-8-9 of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-8A-1 of said code; all relating to the practice of optometry; defining terms; removing obsolete areas of the code; updating contract provisions; and permitting a licensee to perform certain procedures trained by an approved by an accredited body"; to the Committee on Health and Human Resources.

**By Delegates Ward, Chiarelli, Mallow, Heckert, Criss, Coop-Gonzalez, Kump, Jennings, Sheedy, Willis and Foggin:**

**H. B. 4784** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-11e, all relating to establishing requirements for the commission to approve a siting certificate; defining terms; mandating a minimum setback of two miles for the siting of a wind turbine from a residence"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates E. Pritt and Kump:**

**H. B. 4785** - "A Bill to amend and reenact §17-22-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain advertising by adult entertainment and exotic entertainment venues on public billboards in West Virginia"; to the Committee on the Judiciary.

**By Delegates Westfall and Hott:**

**H. B. 4786** - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, and §33-63-6, all relating to the Delivery Network Company Insurance Act; providing for definitions; defining interaction with other laws; providing for insurance requirements; providing for disclosures to Delivery Network Drivers; providing for exclusions in motor vehicle liability insurance policies; and creating an effective date"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate E. Pritt:**

**H. B. 4787** - "A Bill to amend and reenact §11-15-4c and §11-22-2 of the Code of West Virginia, 1931, as amended, relating to fees collected and deposited into the Affordable Housing Fund"; to the Committee on Finance.

**By Delegates Smith, Thorne, Phillips, Hornby, Vance, Chiarelli, Bridges, Crouse, E. Pritt and Dean:**

**H. B. 4788** - "A Bill to amend and reenact §3-3-5 of the Code of West Virginia, 1931, as amended, relating to changing the date when mail in ballots are due"; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 4789** - "A Bill to amend the Code of West Virginia, 1931, as amended, by amending said code by adding thereto by adding a new section, designated §11-21-80, relating generally to prohibiting tax preparation software companies from charging a fee for electronically filing State tax returns"; to the Committee on the Judiciary.

**By Delegate Adkins:**

**H. B. 4790** - "A Bill to amend and reenact §15A-3-16 of the Code of West Virginia, 1931, as amended, relating to funds for operations of jails under the jurisdiction of the Commissioner of Division of Corrections; requiring the commissioner to prepare a report on the feasibility of splitting the per diem costs for incarcerating inmates among the municipalities, counties, and the state; and determining when certain of these costs are paid by the state, including that the state pay the per diem costs for incarcerating inmates for counties with outstanding balances"; to the Committee on Jails and Prisons then Finance.

**By Delegates Kump, Hite, E. Pritt, Hornby, Martin, C. Pritt, Kimble, Householder, Chiarelli, Street and Linville:**

**H. B. 4791** - "A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended, relating to removing the possibility of parole for those convicted of child abuse"; to the Committee on the Judiciary.

**By Delegates E. Pritt and Willis:**

**H. B. 4792** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-13, relating to creating an in-person training course for principals in public schools; informing teachers of due process rights; and providing for an Individualized Education Program format"; to the Committee on Education.

**By Delegates Smith, Hornby, Zatezalo, Riley, Hardy, Phillips, McGeehan, Chiarelli, Fehrenbacher, Bridges and Westfall:**

**H. B. 4793** - "A Bill to amend and reenact §60-6-10 of the Code of West Virginia, 1931, as amended, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption"; to the Committee on Government Organization.

**By Delegates Smith, Rohrbach, Hornbuckle, Winzenreid, Young, Hornby, McGeehan, Phillips, Dittman, Moore and Chiarelli:**

**H. B. 4794** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9v, relating to exempting infant and certain hygiene products from consumer sales taxation"; to the Committee on Finance.

**By Delegates Summers, Tully, Pushkin, Rohrbach, Sheedy and Griffith:**

**H. B. 4795** – "A Bill to amend and reenact §16-2D-9 and §16-2D-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-5Y-12; all relating to permitting an academic medical center to operate an opioid treatment facility"; to the Committee on Health and Human Resources.

**By Delegates Summers, Petitto, Rohrbach, Pushkin, Miller and Griffith:**

**H. B. 4796** - "A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-4-604 of said code, all relating to parental rights"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Summers, Petitto, Hamilton, Winzenreid, Pushkin, Sheedy, Miller, Rohrbach and Griffith:**

**H. B. 4797** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-111d, relating to reimbursement for child-care based upon enrollment"; to the Committee on Health and Human Resources.

**By Delegates Summers, Steele, Miller and Griffith:**

**H. B. 4798** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a section, designated §49-2-127b, relating to caretaker's rights"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

**By Delegate Burkhammer:**

**H. B. 4799** - "A Bill to amend and reenact §5B-2-21 of the Code of West Virginia, 1931, as amended, relating to the Certified Industrial Business Expansion Development Program; and removing the provision that electricity provided to high impact industrial business development districts be generated from renewable sources"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegate Worrell:**

**H. B. 4800** - "A Bill to amend and reenact §22-14-22 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Environmental Protection to assume all costs necessary to certify and permit a privately owned dam before the secretary may recover costs for repair or remediation"; to the Committee on the Judiciary then Finance.

**By Delegates Criss and Barnhart:**

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

**By Delegates Kump, Horst, Linville, Phillips, Ridenour, Householder, Mallow, Maynor, Foster, Marple and Heckert:**

**H. B. 4802** - "A Bill to a to amend and reenact §16-13A-9, of the Code of West Virginia, 1931, as amended, relating to prohibiting mandatory hook-ups and installation fees for new or expanding sewer systems"; to the Committee on Government Organization.

**By Delegates Kump, Ridenour, Householder, Mallow, Hite, Kimble, Maynor, Foster, Marple, Heckert and Foggin:**

**H. B. 4803** - "A Bill to amend and reenact §8-14-15 of the Code of West Virginia, 1931, as amended, relating to changing the process of appointing eligible law enforcement officers after competitive examinations"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

**By Delegates Kump, Ridenour, Petitto, Householder, Kimble, Marple, Thorne, Chiarelli, Heckert, Foggin and Zatezalo:**

**H. B. 4804** - "A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, all relating to authorizing retirement of correctional classified employees with full benefits under the West Virginia Deputy Sheriffs Retirement System which shall propose rules for legislative approval designed to implement the retirement of correctional officers"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Kump, Horst, C. Pritt, Ward, Ridenour, Hite, Petitto, Kimble, Marple, Thorne and Chiarelli:**

**H. B. 4805** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-1D-1, §3-1D-2, and §3-1D-3, all relating to creating a division of election crimes and security within the Secretary of State and to give the Secretary of State the authority to recommend prosecution to the appropriate jurisdiction"; to the Committee on the Judiciary.

**By Delegates Foggin, Rohrbach, Heckert, Kump, Chiarelli, Hornby, Coop-Gonzalez, Sheedy, Ward, Kimble and Longanacre:**

**H. B. 4806** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-18-1 and §18-18-2; all relating to prohibiting public school students' use of multiple occupancy restrooms or changing areas within schools for the gender that the students were not assigned to them at birth; defining terms associated with this code, establishing penalties for violating this article and granting rule-making authority to the State Board of Education"; to the Committee on Education then the Judiciary.

**By Delegates Hillenbrand, Crouse, Butler, Shamblin, Kirby, W. Hall, Sheedy, Cooper, Linville, Brooks and Foster:**

**H. B. 4807** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to establishing limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days (120 hours) to automatically credit the customer's account for the lack of service proportional to the number of days disrupted services providers relating to customer outages; requiring credits to accounts; Attorney General to enforce; and establishing civil penalties"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Hornby, Thorne, Willis, Ferrell, Dittman, Maynor, W. Clark, Hite, Heckert, Hillenbrand and Rohrbach:**

**H. B. 4808** - "A Bill to amend and reenact §18-7A-38 of the Code of West Virginia, 1931, as amended, relating to the number of days a retired teacher may accept employment; permitting employment beyond 140 days under specific conditions; and prohibiting reduction of benefits or requiring additional contributions for retirement benefits"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Hornby, Chiarelli, Willis, Pinson and Heckert:**

**H. B. 4809** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1B-1, §35-1B-2, §35-1B-3, §35-1B-4, §35-1B-5, and §35-1B-6, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing ministry from the state's insurance laws; providing definitions; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payer for any purposes"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Foster:**

**H. B. 4810** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1 and §18-34-2, all relating to creating the Education Tax Credit, against taxes actually owed, for qualifying expenses of parents or guardians of children in grade levels K through 12"; to the Committee on Education then Finance.

**By Delegate Young:**

**H. B. 4811** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-18F-1, §31-18F-2, and §31-18F-3, establishing the Small Business Investment Fund; creating the Small Business Financing Authority; defining terms; establishing requirements to obtain the grant; and listing exclusions"; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 4812** - "A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-32, all relating to setting a limit on the amount of fees that may be collected by third party vendors or contractors who collect business and occupation taxes on behalf of a city or municipality"; to the Committee on Finance.

**By Delegate Foster:**

**H. B. 4813** - "A Bill to amend and reenact §17B-3-6 of the Code of West Virginia, 1931, as amended, all relating to establishing a restricted license for licensees whose license has been suspended for certain violations and establishing a fee for the issuance of a restricted license"; to the Committee on Government Organization then Finance.

**By Delegates Ellington, Toney and Statler:**

**H. B. 4814** - "A Bill to amend and reenact §18B-1D-11 of the Code of West Virginia, 1931, as amended, relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals"; to the Committee on Education.

**By Delegate Holstein:**

**H. B. 4815** - "A Bill to amend and reenact §48-22-702 of the Code of West Virginia, 1931, as amended, relating to adoption records, providing a means for adoptees reaching 21 years of age to obtain an original birth certificate upon application and payment of fees"; to the Committee on the Judiciary.

**By Delegate Worrell:**

**H. B. 4816** - "A Bill to repeal §21-3C-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3D-1, §21-3D-2, §21-3D-3, and §21-3D-8 of said code; to amend said code by adding thereto five new sections, designated, §21-3D-4, §21-3D-5, §21-3D-6, §21-3D-7; and §21-3D-9; to amend and reenact §21-14-2, and §21-14-7 of said code; to amend and reenact

§21-16-2, §21-16-3, §21-16-5, and §21-16-8 of said code; to repeal §21-16-11 of said code; to amend and reenact §29-3B-2, §29-3B-3, §29-3B-4, §29-3B-6, and §29-3B-8 of said code; and to amend and reenact §29-3D-2, §29-3D-3, §29-3D-4, and §29-3D-7 of said code, all relating to licensure in this state; providing for local ordinances over state code precedence; modifying the national standard and national certification for crane operators; removing the legislative appropriation of the Crane Operators Certification Fund; modifying the definitions of a Journeyman and Master plumber; removing monetary penalties for performing plumbing work under certain conditions; providing for altered definitions of HVAC Technician; removing the requirement that an applicant for a HVAC technician license must provide documentation of up to 2,000 hours work, training, and experience; removing monetary penalties for improperly performing HVAC work under certain conditions; modifying eligibility for HVAC technician licensure; providing for altered definitions of Journeyman and Master electricians; removing exemptions for licensure under certain conditions; modifying time frames for electricians to renew a license without retesting; removing monetary penalties for performing electrical work under certain conditions; providing for definitions of fire protection workers; providing for an altered definition of Journeyman sprinkler fitter; modifying an exemption from licensure when meeting certain conditions; removing monetary penalties for certain fire protection work; and providing for other minor technical changes"; to the Committee on Government Organization.

**By Delegates Summers, Tully, Worrell, Petitto, Sheedy and Griffith:**

**H. B. 4817** - "A Bill to amend and reenact §30-7-5 and §30-7-15b of the Code of West Virginia, 1931, as amended, all relating to updating the practice of nursing"; to the Committee on Health and Human Resources.

**By Delegate Chiarelli:**

**H. B. 4818** - "A Bill to repeal §16-5Y-12 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5Y-14, all relating to removing the moratorium on medication-assisted facilities, and providing a cap on the number of medication-assisted facilities in West Virginia"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegate Dillon:**

**H. B. 4819** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-5, relating to requiring higher education institutions to accept the Classic Learning Test as an equivalent examination for admission and establishing a start date for this acceptance of this test for admissions purposes"; to the Committee on Education.

**By Delegate Dillon:**

**H. B. 4820** - "A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to providing that students at public schools of the state may not be charged for parking or for supplies required for their school classes"; to the Committee on Education.

**By Delegate Dillon:**

**H. B. 4821** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5F-7, relating to requiring certain standards for virtual students in West Virginia public schools"; to the Committee on Education.

**By Delegates Maynor, W. Clark, Willis, Hite, Riley, Ward, Hornby, Hardy, Criss, Householder and Rohrbach:**

**H. B. 4822** - "A Bill to amend and reenact §5B-2-19 of the Code of West Virginia, 1931, as amended, relating to modifying the monetary amount of grants issued under the Certified Sites

and Development Readiness Program under the Department of Economic Development"; to the Committee on Economic Development and Tourism then Finance.

**By Delegate Westfall:**

**H. B. 4823** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, §33-63-6, §33-63-7, §33-63-8, and §33-63-9, all relating to the creation of the 'West Virginia Public Adjuster Professional Standards Reform Act,' providing a title; creating application for licensure; detailing the public adjuster and insured contract requirements; creating an insured's rights; providing requirements for funds received or held by a public adjuster; creating fees and commissions for a public adjuster; providing for penalties; creating rules; and providing for an effective date"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Riley:**

**H. B. 4824** - "A Bill to amend and reenact §5B-2-21 and §24-1-2 of the Code of West Virginia, 1931, as amended, relating to including non-combustion and other fuel sources that are free of carbon dioxide of that use carbon dioxide sequestration in the Economic Development Act of 1985, and to exclude from the definition of 'public utility' any subsidiary of a public utility providing electric service within a Certified High Impact Industrial Business Development District"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Horst, Summers, Crouse, McGeehan, Kimble, Householder, Phillips, Hite, Hardy, W. Clark and Willis:**

**H. B. 4825** - "A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §20-7-4 of said code; and to amend said code by adding thereto two new sections, designated §62-1A-12 and §62-1A-13, all relating to warrantless entry of private lands; setting forth limitations of entry onto private lands; clarifying the process for law enforcement entry onto posted private lands; and clarifying the use of surveillance cameras on or near posted private lands searches and seizures on private lands; including the use of an unmanned aerial vehicle to enter or otherwise gather information from private land as a search requiring a search warrant or other recognized exception for searches and seizures in open fields; providing a definition; providing for abolishing the common law open fields doctrine; prohibiting surveillance cameras on private property; and providing exceptions"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Foster:**

**H. B. 4826** - "A Bill to repeal §8-13-6 of the Code of West Virginia, 1931, as amended, relating to the repeal of the municipal amusement tax"; to the Committee on Finance.

**Note:** The titles for H. B. 4218 and H. B. 4441 were incorrect in the Journal of January 10, 2024. The correct titles are listed below:

**By Delegate Pushkin:**

**H. B. 4218** – "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16A-5-11, all relating to the cultivation of medical cannabis; allowing patients and their caregivers to cultivate medical cannabis for patients' personal consumption"; to the Committee on Agriculture and Natural Resources then Health and Human Resources then the Judiciary.



**By Delegate Howell:**

**H. B. 4441** – "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-141, relating to exempting certain assets from collections by creditors"; to the Committee on the Judiciary.

**Special Calendar****Second Reading**

**H. B. 4274**, Renaming the Department of Health and Human Resources; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Health and Human Resources was reported by the Clerk.

Whereupon,

Delegate Summers asked and obtained unanimous consent that the amendment be withdrawn.

On motion of Delegate Summers, the bill was amended on page 102, section 11c, line 39, by striking the period and inserting the following, "may be obligated to provide medical assistance. A claim may be waived by the department, if the department determines, pursuant to applicable federal law and rules and regulations, that the claim will cause substantial hardship to the surviving dependents of the deceased."

And,

On page 106, section 19, line 20, by striking the words, "of the";

And,

On page 108, section 26, line 16, after the word, "Services" by inserting the word, "shall";

And,

On page 720, section 1, line 27, by striking, "Children and Families" and inserting in lieu thereof, "Social Services";

And,

On page 720, section 1, line 41, by striking, "of Children and Families" and inserting in lieu thereof, "for Social Services".

The bill was then ordered to engrossment and third reading.

**H. B. 4433**, Relating to exempting the acquisition and utilization of a mobile facility which performs mammography or low density computerized tomography; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

### First Reading

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

**Com. Sub. for H. B. 4190**, Relating to the establishment of an alert system for missing cognitively impaired persons,

And,

**H. B. 4252**, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

### Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 4120**: Delegate Espinosa;

**H. B. 4190**: Delegate Kump;

**H. B. 4195**: Delegate Riley;

**H. B. 4268**: Delegate Linville;

**H. B. 4286**: Delegate Foster;

**H. B. 4292**: Delegate Zatezalo;

**H. B. 4299**: Delegates W. Clark and E. Pritt;

**H. B. 4301**: Delegate Brooks;

**H. B. 4341**: Delegates Crouse and Heckert;

**H. B. 4368**: Delegate Young;

**H. B. 4401**: Delegate Jeffries;

**H. B. 4428**: Delegate Kimble;

**H. B. 4437**: Delegate Riley;

**H. B. 4438**: Delegate Young;

**H. B. 4453**: Delegate Adkins;

**H. B. 4455**: Delegate Petitto and Thomas;

**H. B. 4456**: Delegate Foggin;

**H. B. 4457:** Delegate Petitto;  
**H. B. 4496:** Delegate Chiarelli;  
**H. B. 4552:** Delegates Heckert, Hillenbrand and Kimble;  
**H. B. 4611:** Delegate E. Pritt;  
**H. B. 4640:** Delegate W. Clark;  
**H. B. 4685:** Delegate Young;  
**H. B. 4714:** Delegate Heckert;  
**H. B. 4715:** Delegate Heckert;  
**H. B. 4716:** Delegate Heckert;  
**H. B. 4738:** Delegate Young;  
**H. B. 4741:** Delegates Foggin and Heckert;  
**H. B. 4758:** Delegate Ridenour;  
**H. B. 4767:** Delegate Brooks;  
**H. B. 4768:** Delegate Brooks;  
**H. B. 4769:** Delegate Brooks;  
**H. B. 4775:** Delegate Brooks;  
**H. B. 4785:** Delegate Brooks;  
**H. B. 4795:** Delegate Brooks;  
**H. B. 4796:** Delegate Brooks;  
**H. B. 4797:** Delegate Brooks;  
**H. J. R. 11:** Delegate Kump;  
**H. J. R. 12:** Delegate Horst;  
And,  
**H. J. R. 14:** Delegate Kump.

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be removed as a cosponsor of the following:

**H. B. 4268:** Delegate Fast;

**H. B. 4286:** Delegate Fast;

**H. B. 4427:** Delegate Fast;

And,

**H. B. 4428:** Delegate Fast.

At 11:21 a.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, January 17, 2024.

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**HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470**

**SPECIAL CALENDAR**

**Wednesday, January 17, 2024**

**8th Day**

**11:00 A.M.**

**THIRD READING**

- H. B. 4274 - Renaming the Department of Health and Human Resources
- H. B. 4433 - Relating to exempting the acquisition and utilization of a mobile facility which performs mammography or low density computerized tomography.

**SECOND READING**

- Com. Sub. for H. B. 4190 - Relating to the establishment of an alert system for missing cognitively impaired persons
- H. B. 4252 - Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act

**FIRST READING**

- Com. Sub. for H. B. 4302 - Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse
- Com. Sub. for H. B. 4428 - Requiring candidates to live in the state or local election district for the office for which they are seeking.
- Com. Sub. for H. B. 4552 - To ensure party affiliation is consistent with candidate's voter registration

**HOUSE CALENDAR**

**Wednesday, January 17, 2024**

**8th Day**

**11:00 A.M.**

(No Bills)

# WEST VIRGINIA HOUSE OF DELEGATES

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TUESDAY, JANUARY 16, 2024

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HOUSE CONVENES AT 11:00 A.M.

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COMMITTEE ON  
AGRICULTURE AND NATURAL RESOURCES  
9:00 A.M.  
FINANCE COMMITTEE ROOM

COMMITTEE ON  
PREVENTION AND TREATMENT OF SUBSTANCE ABUSE  
9:00 A.M.  
EAST WING COMMITTEE ROOM

SELECT COMMITTEE ON  
ARTIFICIAL INTELLIGENCE  
10:00 A.M.  
EDUCATION COMMITTEE ROOM

COMMITTEE ON  
FINANCE  
1:00 P.M.  
FINANCE COMMITTEE ROOM

COMMITTEE ON  
JUDICIARY  
1:00 P.M.  
JUDICIARY COMMITTEE ROOM

COMMITTEE ON  
EDUCATION  
2:00 P.M.  
EDUCATION COMMITTEE ROOM

COMMITTEE ON GOVERNMENT ORGANIZATION  
3:00 P.M.  
EAST WING COMMITTEE ROOM

HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470