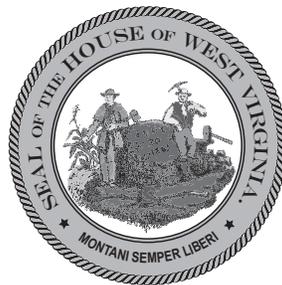


West Virginia Legislature

JOURNAL
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February 12, 2026
THIRTIETH DAY

Thursday, February 12, 2026

THIRTIETH 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 Wednesday, February 11, 2026, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Worrell, Chair of 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:

H. B. 4852, Relating to regulation of foods,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4852 - "A Bill to amend and reenact §16-7-2 and §16-7-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section designated, §16-7-12; relating to additives not permitted in foods; establishing civil penalties; and providing exemptions,"

With the recommendation that the committee substitute do pass.

Delegate Akers, 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. 4999, Relating to crimes against athletic officials,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4999 - "A Bill to amend and reenact §61-2-15a of the Code of West Virginia, 1931, as amended, relating to crimes against athletic officials; clarifying that victims include participants; establishing minimum fines; creating and clarifying definitions; authorizing a person convicted of the offenses to be banned from certain sports events; requiring written notice to the person banned; establishing that a violation of the ban is a form of trespass; creating certain exemptions for participating athletes; and creating criminal penalties,"

With the recommendation that the committee substitute do pass.

Delegate Akers, 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. 4106, Allowing constitutional carry for 18 to 20 year olds,

And,

H. B. 4452, To remove Mortmain restrictions on religious organizations,

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

Delegate Akers, 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. 4405, Expanding the reasons that an executive director may create, merge, or dissolve a public defender corporation,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4405) was referred to the Committee on Finance.

Delegate Statler, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 4573, Foster Youth Post-Secondary Transition Awareness Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4573 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding a new section, designated §18-5-55, relating to foster children; and authorizing the Department of Human Services to provide to the West Virginia Department of Education and county boards of education information regarding available post-secondary transition programs and services for students with current or former foster care experience,"

And,

H. B. 4592, Relating to college campus safety,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4592 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section designated §18B-4-5c, relating to allowing state institutions of higher education to create safety mapping; providing a format therefore; setting forth requirements for sharing data; requiring approval by certain entities; setting forth effective date; and providing that data does not constitute a public record,"

With the recommendation that the committee substitutes each do pass.

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

H. B. 4993, Relating to authorizing green flashing warning lights on Division of Highways vehicles, and other equipment at the discretion of the Commissioner of Highways.,

And reports back a committee substitute therefore, as follows:

Com. Sub. for H. B. 4993 - "A Bill amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to authorizing green flashing warning lights on Division of Highways vehicles, and other vehicles or equipment at the discretion of the Commissioner of Highways,"

With the recommendation that the committee substitute do pass.

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

H. B. 4464, Relating generally to Underground Facilities Damage prevention,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4464 - "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,"

And,

H. B. 4471, Approved sewage systems for rental property,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4471 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §37-6-30a, relating to landlord and tenant; and requiring approved sewage systems for all rental properties,"

With the recommendation that the committee substitutes each do pass.

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

H. B. 4426, Ensure State Road Construction Account funds are in addition to general highways funds provided to the DOT districts,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 4426) was referred to the Committee on Finance.

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

H. B. 4419, 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 reports the same back with the recommendation that it do pass.

Delegate Anderson, Chair of the Committee on Energy and Public Works, submitted the following report, which was received:

Your Committee on Energy and Public Works has had under consideration:

H. B. 4976, To add definitions for special plates of Class G Vehicles,

And,

H. B. 4983, Authorizing the Department of Commerce to promulgate a legislative rule relating to certification of a microgrid district or certification as a high impact data center,

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

Delegate Akers, 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. 5101, The Joanna Phillips Domestic Violence Prevention Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5101 - "A Bill to amend and reenact §61-2-9d, §61-2-28, and §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of "domestic violence"; creating and increasing penalties for certain acts; and altering bail requirements for domestic violence acts,"

With the recommendation that the committee substitute do pass.

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

Com. Sub. for S. B. 30 - "A Bill to amend and reenact §61-7-6, §61-7-7, and §61-7-8 of the Code of West Virginia, 1931, as amended; and to repeal §61-7-3, relating to recognizing the right of persons 18 to 20 years old to carry a concealed deadly weapon without first obtaining a license; repealing the crime of carrying a deadly weapon without a license for certain persons under 21 years of age; repealing the exceptions to prohibitions for persons 18 to 20 years old carrying concealed handguns; clarifying that certain persons 18 years of age or older have the right to carry concealed deadly weapons without first obtaining a license; clarifying that certain minors may lawfully possess or carry openly or concealed a firearm under certain circumstances; and providing for misdemeanor and criminal penalties applicable to a minor for conviction of unlawfully possessing or carrying openly or concealed a deadly weapon"; which was referred to the Committee on the Judiciary.

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. 404 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §9-2-6b, relating to the authority of the Secretary of the Department of Human Services to contract and collaborate with both secular and faith-based providers of child welfare services; and permitting parent or legal guardian to object to placement at faith-based service on religious expression grounds"; which was referred to the Committee on Health and Human Resources.

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

Com. Sub. for S. B. 473 - "A Bill to amend and reenact §61-3C-14a of the Code of West Virginia, 1931, as amended, relating to creating felony offense for using electronic communication devices to threaten crimes of violence; amending definitions; creating criminal offense for person using an electronic communication device to threaten a crime of violence in certain circumstances; describing burden of proof; prohibiting use of certain defense; and providing penalties"; which was referred to the Committee on the Judiciary.

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

Com. Sub. for S. B. 543 - "A Bill to amend and reenact §49-2-121 of the Code of West Virginia, 1931, as amended, relating to requiring the Bureau for Social Services to file legislative rule by certain date; specifying certain policies to be filed as legislative rule; requiring the filing of amendments as a legislative rule in certain circumstances; and clarifying causes of action, immunities, and privileges available in civil suits"; which was referred to the Committee on Health and Human Resources then the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

S. B. 604 - "A Bill to amend and reenact §16-5R-8 of the Code of West Virginia, 1931, as amended, relating to extending the Alzheimer's Disease and Other Dementia Advisory Council sunset date"; which was referred to the Committee on Health and Human Resources.

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

Com. Sub. for S. B. 633 - " A Bill to amend and reenact §5-28-1, §5-28-2, and §5-28-3 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §5-28-1a, relating to the West Virginia Commission on Holocaust Education; replacing current provisions pertaining to the commission with new provisions; establishing legislative findings and intent; modernizing commission membership in light of the passing of Holocaust survivors; addressing terms, vacancies, governance, quorum, transparency, compensation, and removal; strengthening safeguards for historical accuracy and mission integrity; authorizing limited commission-appointed voting members; authorizing non-voting advisory members, including students; and ensuring Holocaust education remains the central and primary purpose of the commission."; which was referred to the Committee on Education.

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. 645 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding five new sections, designated §33-15-24, §33-16-20, §33-24-46, §33-25-23, and §33-25A-37, relating to surprise billing of out-of-network ambulance services; clarifying what is considered full payment to an ambulance service, what the rate of payment is, and the most an ambulance service can be paid; prohibiting the billing of an insured for additional costs except for fees the insurer required the insured to pay; providing procedure for payment; providing exceptions when the insurer does not have to pay within 30 days; and requiring written notices for denied claims"; which was referred to the Committee on Health and Human Resources.

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

Com. Sub. for S. B. 694 - "A Bill to amend and reenact §18-4-1 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for a county superintendent of schools to reside in the county in which he or she serves or in a contiguous county; allowing the county board to require that the county superintendent reside within the county in which he or she serves; and allowing the county board to prohibit the county superintendent from working remotely and to establish exceptions to this prohibition"; which was referred to the Committee on Education.

Bills Introduced

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

At the request of Delegate McGeehan, and by unanimous consent, further reading of the bills was dispensed with and each bill was considered as formally introduced and referred to the appropriate committees as indicated on the Chamber Automation System.

By Delegates Hott, B Ward, Willis, Brooks, Flanigan, Martin, Mallow, Jennings, Dittman, Green and Hornbuckle:

H. B. 5457 - "A Bill to amend and reenact §15-2A-2 and §15-2A-6 of the Code of West Virginia, as amended, relating providing one-half service credit for periods of disability service to count toward retirement for State Troopers"; to the Committee on Finance.

By Delegates Rohrbach and Ellington:

H. B. 5458 - "A Bill to amend and reenact §30-1D-1, §30-3-4, §30-3-5, §30-3-6, §30-3-7, §30-3-8, §30-3-9, §30-3-10, of the Code of West Virginia, 1931, as amended; to amend the code by adding a new section, designated §30-3-10b, to amend said code adding a new article, designated §30-3H-1, §30-3H-2, §30-3H-3, §30-3H-4, §30-3H-5, §30-3H-6, §30-3H-7, §30-3H-8, §30-3H-9, §30-3H-10, §30-3H-11, and §30-3H-12; and to repeal §30-3-7a, §30-3-11, §30-3-11a, §30-3-11b, and §30-3-11c, relating to professionals to be licensed by the West Virginia Board of Medicine; requiring criminal background checks of any applicant for a license to engage in genetic counseling; defining terms; providing for board membership; providing that the board may call emergency meetings; authorizing the delegation of duties by the board; repealing certain provisions pertaining to radiologist assistants; providing for certain use of electronic signatures; providing for the creation of a complaint file that is separate from and in addition to a licensee's historical record; providing requirements for licensure to practice medicine and surgery; podiatry and administrative medicine; providing for certain special license types; repealing provisions relating to endorsement and temporary licensure\ repealing certain provisions relating to the practice of medicine and surgery in certain nursing homes; repealing certain provisions pertaining to administrative medicine licenses; creating a Genetic Counselors Practice Act; requiring criminal background checks of any applicant for a license to engage in genetic counseling; requiring persons to possess a valid license prior to practicing genetic counseling; providing licensure requirements for genetic counseling; stating the duties and powers of the board with regard to genetic counseling; providing for the practice of active candidate status and American Board of Genetic Counseling permittees; authorizing the board to promulgate rules for legislative approval; providing for the expiration, renewal, and reinstatement of licenses to practice genetic counseling; setting certain continuing education requirements; getting a genetic counselor's scope of practice; providing for disciplinary proceedings involving genetic counselors; authorizing the board or the Attorney General to seek certain injunctive relief; requiring certain reports from health care facilities; prohibiting any genetic counselor or active candidate status permittee to represent that he or she is a licensed physician; and providing that any person who violates that prohibition is guilty of a felony and, upon conviction, shall be imprisoned for not less than one nor more than two years, or be fined not more than \$2,000, or both find and imprisoned"; to the Committee on Government Organization.

By Delegates Rohrbach, Criss, Riley and Ellington:

H. B. 5459 - "A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to the health care provider tax on managed care organizations"; to the Committee on Finance.

By Delegates Gearheart, Lucas, Chiarelli, Hillenbrand, Sheedy, Brooks, Crouse, Butler, Heckert, G. Howell and B Ward:

H. B. 5460 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §11-27-1, §11-27-2, §11-27-3, §11-27-4, and §11-27-5, relating to establishing the Construction Cost Relief Act; providing for refund of certain construction materials; establishing a method for calculating rebate; providing that credit cannot be assigned to another; and established effective date"; to the Committee on Finance.

By Delegates Leavitt, Linville, Clark, D. Cannon, Funkhouser, Willis, Petitto, Green, Ferrell, Stephens and Maynor:

H. B. 5461 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §12-3B-1, §12-3B-2, §12-3B-3, §12-3B-4, §12-3B-5, §12-3B-6, §12-3B-7, and §12-3B-8, relating to creating the 'Financial Accountability Stable Token Act,' for financing and state payments; authorizing the use of qualifying stable tokens for payments to state vendors and contractors; establishing eligibility and reserve requirements; providing for administration and oversight by the State Treasurer; and providing for rulemaking and reporting; providing for severability"; to the Committee on the Judiciary.

By Delegates Hall and Jeffries:

H. B. 5462 - "A Bill to amend and reenact §33-30-6 of the Code of West Virginia, 1931, as amended, relating to mine subsidence insurance; and clarifying limitation on mine subsidence insurance coverage limits"; to the Committee on Finance.

By Delegates Hall and Jeffries:

H. B. 5463 - "A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to mandatory liability insurance coverage for county boards of education"; to the Committee on Finance.

By Delegates Funkhouser, McGeehan, Clark, Eldridge, Shamblin, Willis, Ridenour, Ellington, Bridges, Dean and Phillips:

H. B. 5464 - "A Bill to amend and reenact §19-23-3, §19-23-12c, §19-23-13b, §29-22A-10 and §29-22A-10b of the Code of West Virginia, 1931, as amended; relating to providing a definition for West Virginia Certified Thoroughbred horses, setting requirements and purse calculations for West Virginia Certified Thoroughbred horses to race in restricted races, provide eligibility requirements for West Virginia Accredited restricted races, increase the \$1 million cap on funding of restricted races by thoroughbred horse racetracks that did not participate in the West Virginia Development fund for a period of not more than four consecutive years prior to December 31, 1992, and providing an inflation adjustment to the net terminal income at a licensed racetrack deposited in the state Excess Lottery Revenue Fund and changes in the distribution of the net terminal income"; to the Committee on Finance.

By Delegate Dean:

H. B. 5465 - "A Bill to amend and reenact §30-2-1 of the Code of West Virginia, 1931, as amended, relating to admission to the practice of law; permitting persons with master's degrees, regardless of the course of study, to take an examination for admission to practice law in the courts of this state; and deleting obsolete language"; to the Committee on the Judiciary.

By Delegates Leavitt, Akers, Bell, Drennan, Moore, Crouse and Kimble:

H. B. 5466 - "A Bill to amend and reenact §48-26-203, §48-26-301, §48-26-401, §48-26-402, §48-26-403, §48-26-406, §48-26-701, and §61-11-22a, relating to domestic relations; renaming the intervention and prevention program; clarifying definitions; and updating the code with the renamed program"; to the Committee on Health and Human Resources.

By Delegates Dean, Lucas, Bridges, Eldridge, Willis and Vance:

H. B. 5467 - "A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the multiplier for the deputy sheriff retirement accrued benefit from two and a half percent to three percent"; to the Committee on Finance.

By Delegates Dean, Lucas, Bridges, Phillips, Eldridge, Willis and Vance:

H. B. 5468 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §7-14-17f, relating to allotting counties the sum of \$5,000 per deputy position in that county to be used exclusively for deputy pay raises"; to the Committee on Finance.

By Delegates Dean, Lucas, Bridges, Eldridge and Vance:

H. B. 5469 - "A Bill to amend and reenact §11A-1-17 of the Code of West Virginia, 1931, as amended, relating to allowing for a paid commission for sheriffs"; to the Committee on Finance.

By Delegates Rohrbach and Criss:

H. B. 5470 - "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"; to the Committee on Finance.

By Delegates Dean, Lewis, Hornby, J. Cannon, Holstein, Lucas, Bridges, Willis and Vance:

H. B. 5471 - "A Bill to amend and reenact §50-1-3, §51-1-10a, §51-2-13, §51-2A-6, §51-9-4, and §51-11-11 of the Code of West Virginia, 1931, as amended, relating to salaries and retirement benefits of judges; increasing annual salary of magistrates, justices of the Supreme Court of Appeals, circuit court judges, family court judges, and judges of the Intermediate Court of Appeals; and clarifying retirement contributions"; to the Committee on the Judiciary.

By Delegates Green, Dean, Ellington, Phillips, Brooks, Jeffries, Gearheart, Bridges and Leavitt:

H. B. 5472 - "A Bill to amend and reenact §5H-1-2, §17A-3-14g, §23-4-1f, §29-32-1, and §29-32-2 of the Code of West Virginia, 1931, as amended, related to extending benefits and recognition applicable to emergency responders to mine rescue personnel"; to the Committee on Energy and Public Works then Finance.

By Delegates Hornbuckle, Pushkin, Lewis, Hamilton, Garcia and Hansen:

H. B. 5473 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new section, designated §55-2-23, relating to providing a civil remedy when a federal officer or employee violates a constitutional right; providing legislative findings; defining a right of action; and providing limitations"; to the Committee on the Judiciary.

By Delegate Pritt:

H. B. 5474 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, and §11-28-6, relating to creating the 'Gateway to the Gorge Outdoor Recreation Industry Act' and a tax incentive to encourage the continued growth of the outdoor recreation economy in West Virginia; setting forth findings; defining terms, setting forth eligibility; creating the tax credit; establishing maximum allowable amount of tax credit; setting forth procedure to claim tax credit; authorizing the Tax Commission to promulgate rules; and setting effective date"; to the Committee on Government Organization then Finance.

By Delegates Bridges, Hornbuckle, Vance, B Ward, Pritt, Mazzocchi, Sheedy, Young, Fluharty, Hamilton and Lewis:

H. B. 5475 - "A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended; and to amend the code by adding a new section, designated §24-1-3a, relating to the Public Service Commission; eliminating appointment process for commission members; providing for expiration date of terms of appointed members; providing that commission members be elected to nonpartisan six-year terms from three created divisions; providing for staggered terms in initial election; providing for regular election procedures; and providing for appointments to fill vacancies"; to the Committee on the Judiciary.

By Delegates Flanigan, Martin, Butler, Pritt, Hott, Hite and Dean:

H. B. 5476 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §16-29-4, relating to amendment to health care records; providing an individual an opportunity to examine health care records; creating a private cause of action for unauthorized alteration of health care records; establishing a rebuttable presumption that the lack of an audit trail means health care records were improperly altered; and prohibiting a health care provider from retaliating against an employee that reports tampering with health care records"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Ridenour, Funkhouser, Butler, Hillenbrand, Phillips, B Ward and Holstein:

H. B. 5477 - "A Bill to amend the code of West Virginia, 1931, as amended, by adding thirteen new sections, designated §15-16-10, §15-16-11, §15-16-12, §15-16-13, §15-16-14, §15-16-15, §15-16-16, §15-16-17, §15-16-18, §15-16-19, §15-16-20, §15-16-21, and §15-16-22, relating to federal immigration enforcement; supplementing and expanding existing cooperation requirements; mandating participation by state-supported law enforcement agencies in the federal 287(g) program; requiring detention facilities of a specified operational capacity to seek and maintain the Jail Enforcement Model; authorizing use of the Warrant Service Officer Model only upon written federal denial; establishing minimum operational standards; providing for reporting and audits; authorizing enforcement by the Attorney General; requiring withholding of certain state funds for noncompliance; providing immunity; providing for rulemaking; and providing for severability and an effective date"; to the Committee on the Judiciary.

By Delegates Hornbuckle, Hanshaw (Mr. Speaker), Criss, Riley, Ellington, Statler, Hansen, Lewis, Hamilton, Fluharty and Garcia:

H. B. 5478 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-2A-11, relating to the creation of the 'Kindergarten Readiness Touchpad Pilot Program'; establishing a statewide pilot program to improve kindergarten readiness by providing preloaded early-learning touchpads to eligible preschool-aged children; assigning program administration; and requiring evaluation"; to the Committee on Education then Finance.

By Delegates Hornbuckle, Pushkin, Lewis, Hamilton, Garcia and Hansen:

H. B. 5479 - "A Bill to amend and reenact §15-16-9 of the Code of West Virginia, 1931, as amended, relating to prohibiting concealment of a law-enforcement officer's identity or authority, prohibiting the use of masks or face coverings, during warrantless, non-custodial investigatory stops that are not supported by probable cause"; to the Committee on the Judiciary.

By Delegates Hornbuckle, Hanshaw (Mr. Speaker), Riley, Criss, Hansen, Lewis, Hamilton, Fluharty, Rohrbach, Garcia and Williams:

H. B. 5480 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2P-1, §5B-2P-2, §5B-2P-3, §5B-2P-4, §5B-2P-5, §5B-2P-6, §5B-2P-7, §5B-2P-8, §5B-2P-9 and §5B-2P-10, relating to establishing the West

Virginia Youth Summer Employment and Career Readiness Program; providing legislative findings; defining terms; establishing the program; providing assistance to priority youth populations; directing coordination with other state and local governmental agencies; facilitating and recruiting private and public sector; providing for eligibility for participation in program; encouraging solicitation of private and public moneys and grants to fund the program; requiring annual reporting; granting rulemaking authority; and creating an special revenue account"; to the Committee on Finance.

By Delegates Amos and Burkhammer:

H. B. 5481 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §18-5D-3B, relating to requiring certain ingredients not be included in foods prepared in West Virginia school nutrition programs"; to the Committee on Education.

By Delegate Rohrbach:

H. B. 5482 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §33-64-1, §33-64-2, §33-64-3, and §33-64-4, relating to protecting patient access to clinician-administered medications; providing definitions; clarifying prohibited practices; creating penalties; and clarifying contracts"; to the Committee on Health and Human Resources.

By Delegate Rohrbach:

H. B. 5483 - "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"; to the Committee on Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 4412, Require certain websites to utilize age verification methods to prevent minors from accessing content; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 81**), and there were--yeas 94, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Ferrell, Kump, McCormick, D. Smith and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4412) passed.

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

H. B. 4725, Clarifying the disposition of animal subject to animal cruelty treatment. ; on third reading, coming up in regular order, which was reported by the Clerk, with amendment pending.

On motion of Delegate Akers, the amendment was adopted.

Delegates Akers and Young moved to amend the bill by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-19. Cruelty to animals; penalties; exclusions.

(a)(1) It is unlawful for any person to intentionally, knowingly or recklessly,

(A) Mistreat an animal in cruel manner;

(B) Abandon an animal;

(C) Withhold;

(i) Proper sustenance, including food or water;

(ii) Shelter that protects from the elements of weather; or

(iii) Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;

(D) Abandon an animal to die;

(E) Leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result;

(F) Ride an animal when it is physically unfit;

(G) Bait or harass an animal for the purpose of making it perform for a person's amusement;

(H) Cruelly chain or tether an animal; or

(I) Use, train or possess a domesticated animal for the purpose of seizing, detaining or mistreating any other domesticated animal.

(2) Any person in violation of subdivision (1) of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 nor more than \$2,000 or confined in jail not more than six months, or both.

(b)(1) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For the purposes of this subsection, "torture" means an action taken for the primary purpose of inflicting pain.

(2) A person who commits a sexual act with an animal is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For purposes of this subdivision, "sexual act with an animal" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other: *Provided*, That a sexual act with an animal may be proved without evidence of penetration.

(c) A person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting said animal's performance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$2,000.

(d) Any person convicted of a violation of this section forfeits his or her interest in any animal and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result. Upon dismissal of a charge alleging a violation of this section, the court may order the animal be returned to the owner or custodian upon such terms and conditions as the court deems necessary to protect the animal. If return of the animal is not practicable, the court may order the animal given to an appropriate place of custody, order the animal euthanized if the court decides that the best interests of the animal or that the public health and safety would be best served by euthanizing the animal based on the sworn testimony of a licensed veterinarian or animal control officer, or make any other disposition the court deems appropriate.

(e) For the purpose of this section, the term "controlled substance" has the same meaning ascribed to it by ~~subsection (d), section one hundred one, article one, chapter sixty a~~ §60A-1-101 of this code.

(f) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131, *et seq.*, and the regulations promulgated thereunder, as both statutes and regulations are in effect on the effective date of this section.

(g) Notwithstanding the provisions of subsection (a) of this section, any person convicted of a second or subsequent violation of subsection (a) is guilty of a misdemeanor and, shall be confined in jail for a period of not less than ninety days nor more than one year, fined not less than \$500 nor more than \$3,000, or both. The incarceration set forth in this subsection is mandatory unless the provisions of subsection (h) of this section are complied with.

(h)(1) Notwithstanding any provision of this code to the contrary, no person who has been convicted of a violation of the provisions of subsection (a) or (b) of this section may be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed the evaluation. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the evaluation.

(2) For any person convicted of a violation of subsection (a) or (b) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the program.

(i) In addition to any other penalty which can be imposed for a violation of this section, a court shall prohibit any person so convicted from possessing, owning or residing with any animal or type of animal for a period of five years to life in the discretion of the court following entry of a misdemeanor conviction and fifteen years to life in the discretion of the court following entry of a felony conviction. A violation under this subsection is a misdemeanor punishable by a fine not exceeding \$2,000 and forfeiture of the animal.”

An amendment offered by Delegate Young was reported by the Clerk.

Whereupon,

Delegate Young obtained unanimous consent to have the amendment withdrawn.

The bill was then read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 82**), and there were--yeas 93, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Foggin.

Absent and Not Voting: Ferrell, Kump, McCormick, D. Smith and Vance.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4725) passed.

On motion of Delegate Akers, the title of the bill was amended to read as follows:

H. B. 4725 -- “A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of committing a sexual act with an animal; creating definitions for the offense of committing a sexual act with an animal; clarifying the disposition of an animal following a dismissal of criminal charges; authorizing the court to make certain findings in ordering disposition based upon the protection of the animal; clarifying the length a time persons convicted of offenses may be subject to prohibitions on possessing animals; creating penalties; and creating civil and criminal penalties.”

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

H. B. 4801, Defining Permissible expenditures for municipalities and counties; on third reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day.

Second Reading

Com. Sub. for S. B. 1, Small Business Growth Act; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Criss, the amendment was adopted.

Delegates Criss, Akers and Riley move to amend the bill on page one, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

ARTICLE 12. WV FIRST SMALL BUSINESS GROWTH ACT.

§5B-12-1. Title.

The provisions of this article shall be known as, and may be cited as, the "WV First Small Business Growth Act".

§5B-12-2. Definitions.

(a) Any term used in this article has the meaning ascribed by this section unless a different meaning is clearly required by the context of its use or by definition in this article.

(b) For purposes of this article, the term:

"Affiliate" means an entity that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under the common control with another entity. An entity is controlled by another entity if the controlling entity holds, directly or indirectly, the majority of voting or ownership interest in the controlled entity or has control over day-to-day operations of the controlled entity by contract or by law.

"Applicable percentage" means zero percent for the first two credit allowance dates, and 15 percent for the next four credit allowance dates.

"Capital investment" means any equity investment in a growth fund by a growth investor which:

(A) Is acquired after the effective date of this article at its original issuance solely in exchange for cash;

(B) Has 100 percent of its cash purchase price used by the growth fund to make qualified investments in eligible businesses located in this state by the third anniversary of the initial credit allowance date; and

(C) Is designated by the growth fund as a capital investment under this article and is certified by the department under the provisions of §5B-12-3 of this code.

(D) This term shall include any capital investment that does not meet the criteria provided under paragraph (A) of this subdivision, if such investment was a capital investment in the hands of a prior holder.

"Credit allowance date" means the date on which the department certifies a growth fund's capital investment and each of the five anniversary dates of such date thereafter.

"Department" means the West Virginia Department of Commerce.

"Eligible business" means a business that, at the time of the initial qualified investment in the business has fewer than 250 employees and has its principal business operations in West Virginia: *Provided*, That any business which is classified as an eligible business at the time of the initial investment in such business by a growth fund shall remain classified as an eligible business and may receive follow-on investments from any growth fund, and such follow-on investments shall be qualified investments even though such business may not meet the definition of an eligible business at the time of such follow-on investment.

"Growth fund" means an entity certified by the department under the provisions of §5B-12-3 of this code and is a person who has developed a business plan to invest in business concerns in this state under this article and has successfully solicited one or more growth investors to make capital investments in the growth fund under this article in support of the plan.

"Growth investor" means any entity that makes a capital investment in a growth fund.

"Principal business operations" means the location where at least 60 percent of a business's employees work or the location where employees who are paid at least 60 percent of such business's payroll work. A business that has agreed to relocate employees using the proceeds of a qualified investment to establish its principal business operations in a new location shall be deemed to have its principal business operations in such new location if it satisfied the requirements of this subdivision no later than 180 days after receiving a qualified investment.

"Purchase price" means the amount paid to the growth fund that issues a capital investment which shall not exceed the amount of capital investment authority certified under the provisions of §5B-12-3 of this code.

"Qualified investment" means any investment in an eligible business or any loan to an eligible business with a stated maturity date of at least one year after the date of issuance, excluding revolving lines of credit and senior-secured debt unless the chief executive or similar officer of the eligible business certifies that the eligible business sought and was denied similar financing from a depository institution, by a growth fund: *Provided*, That with respect to any one eligible business, the maximum amount of investments made in such business by one or more growth funds, on a collective basis with all of the businesses' affiliates, with the proceeds of the capital investments, shall be the greater of 20 percent of the growth fund's capital investment authority or \$7.5 million, exclusive of investments made with repaid or redeemed investments or interest or profits realized thereon.

"Senior-secured debt" means any loan that is secured by a first mortgage on real estate with a loan-to-value ratio of less than 80 percent.

"State tax liability" means the tax imposed by §33-3-14, §33-3-14a, §33-3-16 or §33-3-17 of this code, or any other insurance premium or retaliatory tax imposed on an insurance company by the state: *Provided*, That if the tax liability imposed under these sections is eliminated or reduced, the term "state tax liability" shall also include any tax liability imposed by this state on an insurance company or other person that had premium tax liability under the laws of this state for the purpose of making up tax revenue lost by the state as a result of the elimination or reduction of the taxes imposed under said sections: *Provided, however*, That no provision of this article may be construed or operate to reduce distributions or allocations otherwise required to be made for purposes other than for deposit in the general revenue fund, if applicable, under §33-3-14, §33-

3-14a, §33-3-14d, §33-3-14e and §33-3-33 of this code. An insurance company claiming a credit against state premium tax or retaliatory tax shall not be required to pay any additional premium tax, retaliatory tax, fee, charge, or other penalty or tax imposed on an insurer as a result of applying for or claiming the credit authorized by this article. The credit may fully offset any retaliatory tax imposed by this state.

§5B-12-3. Program established; application.

(a) There is hereby created the WV First Small Business Growth Program, to be administered by the Department of Commerce.

(b) A growth fund that seeks to have an equity investment certified as a capital investment eligible for credits authorized under the provisions of this article shall apply to the department. The department shall begin accepting applications within 90 days of the effective date of this article. The application shall include:

(1) The amount of capital investment requested;

(2) A copy of the growth fund applicant's or an affiliate of the growth fund applicant's licenses as a rural business investment company under 7 U.S.C. § 2009cc or as a small business investment company under 15 U.S.C. § 681, and a certificate executed by an executive officer of the growth fund applicant attesting that such license remains in effect and has not been revoked;

(3) Evidence that, as of the date the application is submitted, the growth fund applicant or affiliates of the growth fund applicant have invested at least \$100 million in nonpublic companies located in counties within the United States with a population of less than 75,000 according to the 2020 Federal Decennial Census of the United States; such evidence may be in the form of a list containing the names of the companies, their location and the amounts invested by the growth fund applicant or affiliates of the applicant, provided that an officer of the growth fund applicant certifies such list;

(4) A business plan that includes a revenue-impact assessment projecting state and local tax revenue to be generated by the growth fund applicant's proposed qualified investments, prepared by a nationally recognized, third-party, independent economic forecasting firm using a dynamic economic forecasting model that analyzes the growth fund applicant's business plan over the 10 years following the date that the application is submitted to the department. Such plan shall include an estimate of the number of jobs created and jobs retained in this state as a result of the growth fund applicant's qualified investments; and

(5) A nonrefundable application fee of \$5,000 payable to the department.

(c) Within 30 days after the receipt of a completed application, the department shall grant or deny the application in full or in part. The department shall deny the application if:

(1) The growth fund applicant does not satisfy all the criteria provided by subsection (b) of this section;

(2) The revenue-impact assessment submitted with the application does not demonstrate that the growth fund applicant's business plan will result in a positive fiscal impact on the state over a 10-year period that exceeds the cumulative amount of credits that would be issued to the growth fund applicant if the application was approved; or

(3) The department has already approved the maximum amount of capital investment authority under §5B-12-4 of this code.

(d) If the department denies any part of the application, it shall inform the growth fund applicant of the grounds for such denial. If the growth fund applicant provides any additional information required by the department or otherwise completes its application within 15 days of the notice of denial, the application shall be considered complete as of the original date of submission. If the growth fund applicant fails to provide the information or fails to complete its application within the 15-day period, the application shall remain denied and must be resubmitted with a new submission date and a new application fee.

(e) Upon approval of an application, the department shall certify the proposed equity investment as a capital investment eligible for credits under this article, subject to limitations laid out in §5B-12-4 of this code. The department shall provide written notice of the certification to the growth fund applicant which shall include the amount of the growth fund applicant's capital investment authority and a schedule of credits by year and amount related to the capital investment authority. The department shall certify capital investments in the order that the application is received by the department. Applications received on the same day shall be deemed to have been received simultaneously. For applications that are complete and received on the same day, the department shall certify applications in proportionate percentages based upon the ratio of the amount of capital investment authority requested in all applications.

§5B-12-4. Certification.

(a) The department shall certify capital investment authority under the provisions of this article in amounts that would not authorize more than \$15 million in credits to be claimed against state tax liability in any calendar year, excluding any credit amounts carried forward as provided under §5B-12-5(a) of this code. Within 90 days of the growth fund applicant receiving notice of certification, the growth fund shall issue the capital investment authority to and receive cash in the amount of the certified amount from a growth investor. At least 10 percent of the growth fund's capital investment shall be composed of capital raised by the growth fund directly or indirectly from sources including directors, members, employees, officers, and affiliates of the growth fund, other than the amount invested by the allocatee claiming the credits in exchange for such allocation of credits. The growth fund shall provide the department with evidence of the receipt of the cash investment within 95 days of the growth fund applicant receiving notice of certification.

(b) If the growth fund does not receive the cash investment and issue the capital investment within such time period following receipt of the certificate notice, the certification shall lapse and the growth fund shall not issue the capital investment without reapplying to the department for certification. Lapsed certifications shall revert to the department and shall be reissued pro rata to any growth fund applicant whose capital investment allocations were reduced in accordance with the application process provided under §5B-12-3(e) of this code.

§5B-12-5. Tax credit established; recapture provisions.

(a) Upon making a capital investment in a growth fund, a growth investor shall have an earned and vested right to credits against such entity's state tax liability that may be utilized on each credit allowance date of such capital investment in an amount equal to the applicable percentage for such credit allowance date multiplied by the purchase price paid to the growth fund for the capital investment. The amount of the credit claimed by a growth investor or its allocatee shall not exceed the amount of such entity's state tax liability for the tax year for which the credit is claimed.

No credit may be claimed under this article against a growth investor's state tax liability for any investor's tax year that begins prior to calendar year 2029. Any amount of credit that a growth investor or its allocatee is prohibited from claiming in a tax year as a result of this section may be carried forward for use in any of the five subsequent tax years, but shall not be carried back to prior tax years. It is the intent of this article that a growth investor claiming a credit under this article is not required to pay any additional tax that may arise as a result of claiming such credit.

(b) No credit claimed under this section shall be refundable or saleable on the open market. Credits earned by or allocated to a partnership, limited liability company, or S corporation may be allocated to the partners, members, or shareholders of such entity for their use in accordance with the provisions of any agreement among such partners, members, or shareholders, and any such entity shall notify the department of the names of the entities that are eligible to utilize such credit. Such allocation shall not be considered a sale for the purpose of state law. An insurer allocated a credit in accordance with this section may transfer a credit under this section to an affiliate of the insurer that is subject to state tax liability if the insurer notifies the department of the transfer and includes with that notification a copy of the transfer documents.

(c) The department may recapture credits from a taxpayer that claimed a credit authorized under this section if:

(1) The growth fund does not invest 100 percent of its capital investment authority in qualified investments in this state within three years of the initial credit allowance date;

(2) The growth fund fails to maintain qualified investments equal to 100 percent of its capital investment authority from the third anniversary until the sixth anniversary of the credit allowance date. For the purposes of this subsection, a qualified investment is considered maintained even if the qualified investment was sold or repaid so long as the growth fund reinvests an amount equal to the capital returned or recovered or repaid by the growth fund from the original investment, exclusive of any profits realized, in other qualified investments in this state within 12 months of receipt of such capital. Amounts received periodically by a growth fund shall be treated as maintained in qualified investments if the amounts are reinvested in one or more qualified investments by the end of the following calendar year. A growth fund shall not be required to reinvest capital returned from qualified investments after the fifth anniversary of the credit allowance date, and such qualified investments shall be considered maintained by the growth fund through the sixth anniversary of the credit allowance date;

(3) Prior to the earlier of exiting the program in accordance with this article or 30 days after the sixth anniversary of the credit allowance date, the growth fund makes a distribution or payment that results in the growth fund having less than 100 percent of its capital investment authority invested in qualified investments in the state or held in cash or other marketable securities; or

(4) The growth fund violates the provisions of §5B-12-6 of this code, in which case the department may recapture an amount equal to the amount of the growth fund's capital investment authority found to be in violation of such provisions.

(d) Recaptured credits and related capital investment authority shall revert to the department and shall be reissued pro rata to growth fund applicants whose capital investment allocations were reduced in accordance with the application process provided under §5B-12-3(e) of this code.

(e) No recapture shall occur until the growth fund has been given notice of noncompliance and afforded six months from the date of such notice to cure the noncompliance.

(f) A growth fund, before making a qualified investment, may request from the department a written opinion as to whether the business in which it proposes to invest is an eligible business. The department, no later than 15 business days after the date of receipt of such request, shall notify the growth fund of its determination. If the department fails to notify the growth fund of its determination by the 20th business day, the business in which the growth fund proposes to invest shall be deemed an eligible business.

§5B-12-6. Investment prohibitions.

No eligible business that receives a qualified investment under the provisions of this article, or any affiliates of such eligible business, shall directly or indirectly:

(1) Own or have the right to acquire an ownership interest in a growth fund or member or affiliate of a growth fund including, but not limited to, a holder of a capital investment issued by a growth fund; or

(2) Loan to or invest in a growth fund or any member or affiliate of a growth fund including, but not limited to, a holder of capital investment issued by a growth fund, where the proceeds of such loan or investment are directly or indirectly used to fund or refinance the purchase of capital investments under this article.

§5B-12-7. Annual reporting.

(a) Growth funds shall submit a report to the department by June 30 of each calendar year during the compliance period. The report following the third anniversary of the initial credit allowance date shall provide documentation as to the investment of 100 percent of the purchase price of such capital investment in qualified investments. Unless previously reported pursuant to this subsection, such reports shall also include:

(1) The name and location of each eligible business receiving a qualified investment;

(2) Bank statements of such growth fund evidencing each qualified investment;

(3) A copy of the written opinion of the department, as provided in §5B-12-5(f) of this code, or evidence that such business was an eligible business at the time of such qualified investment, as applicable;

(4) The number of jobs created and jobs retained as a result of each qualified investment;

(5) The average salary of positions described in subdivision (4) of this subsection; and

(6) Such other information as required by the department.

(b) For all subsequent years, growth funds shall submit an annual report to the department by June 30 of each calendar year during the compliance period. The report shall include, but is not limited to, the following:

(1) The number of jobs created and jobs retained as a result of qualified investments;

(2) The average annual salary of positions described in subdivision (1) of this subsection; and

(3) Such other information as required by the department.

(c) On or following the sixth anniversary of the credit allowance date, a growth fund may apply to the department to exit the program and no longer be subject to the regulation hereunder. The department shall respond to the exit application within 15 days of receipt. In evaluating the exit application, the fact that no credits have been recaptured and that the growth fund has not received a notice of recapture that has not been cured pursuant to §5B-12-5(e) of this code shall be sufficient evidence to prove that the growth fund is eligible for exit. The department shall not unreasonably deny an exit application submitted under this section. If an exit application is denied, the notice shall include the reasons for the determination.”

The bill was ordered to engrossment and third reading

Com. Sub. for H. B. 4003, WV First Small Business Growth Act; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

Com. Sub. for H. B. 4098, To restore the right of a person to sit on a jury has been restored upon expungement of one's record; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4462, Prohibition on cell-cultured products; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

Com. Sub. for H. B. 4463, Relating to the Board of Sanitarians; on second reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate McGeehan, and by unanimous consent, the bill was postponed one day.

H. B. 4561, Clarifying the sheriff's authority to hire within their office.; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

H. B. 4602, Relating to requiring the Department of Human Services to establish a pilot program to contract for supplemental caseworker aide services for the Bureau for Social Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading,

And,

Com. Sub. for H. B. 4784, Extending the Qualified Opportunity Zones until July 1, 2032; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

At the request of Delegate McGeehan and by unanimous consent, the bill (Com. Sub. for H. B. 4784) was committed on the Committee on Finance.

First Reading

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

S. B. 208, Exempting certain military records from public release,

Com. Sub. for H. B. 4865, Providing for a program allowing election official trainees to be appointed as election officials,

H. B. 4881, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer,

Com. Sub. for H. B. 4996, Relating to bail in cases involving terroristic threats to schools or children,

H. B. 4997, Relating to residency restrictions for persons convicted of terroristic threats,

Com. Sub. for H. B. 5021, Relating to the limited circumstances in which a registered nurse may administer anesthetics,

And,

Com. Sub. for H. B. 5096, Relating to removing services from requiring a certificate of need.

Leaves of Absence

At the request of Delegate McGeehan, and by unanimous consent, leaves of absence for the day were granted Delegates Ferrell, Kump, McCormick, D. Smith and Vance.

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. 4521: Delegate Watt;

H. B. 5105: Delegate Funkhouser;

And,

H. B. 5419: Delegate Kimble.

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

H. B. 5053: Delegate Dittman.

At 12:40 p.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 13, 2026.

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

SPECIAL CALENDAR

Friday, February 13, 2026

31st Day

11:00 A.M.

THIRD READING

- Com. Sub. for S. B. 1 - Small Business Growth Act
- Com. Sub. for H. B. 4003 - WV First Small Business Growth Act
- Com. Sub. for H. B. 4098 - To restore the right of a person to sit on a jury has been restored upon expungement of one's record
- H. B. 4462 - Prohibition on cell-cultured products
- H. B. 4561 - Clarifying the sheriff's authority to hire within their office.
- H. B. 4602 - Relating to requiring the Department of Human Services to establish a pilot program to contract for supplemental caseworker aide services for the Bureau for Social Services
- H. B. 4801 - Defining Permissible expenditures for municipalities and counties

SECOND READING

- S. B. 208 - Exempting certain military records from public release
- Com. Sub. for H. B. 4463 - Relating to the Board of Sanitarians
- Com. Sub. for H. B. 4865 - Providing for a program allowing election official trainees to be appointed as election officials
- H. B. 4881 - Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer
- Com. Sub. for H. B. 4996 - Relating to bail in cases involving terroristic threats to schools or children
- H. B. 4997 - Relating to residency restrictions for persons convicted of terroristic threats
- Com. Sub. for H. B. 5021 - Relating to the limited circumstances in which a registered nurse may administer anesthetics.
- Com. Sub. for H. B. 5096 - Relating to removing services from requiring a certificate of need

FIRST READING

- H. B. 4106 - Allowing constitutional carry for 18 to 20 year olds
- H. B. 4419 - Requiring certain non-discretionary procedures be strictly complied with by the West Virginia Parkways Authority before tolls, rents, fees or charges may be increased
- H. B. 4452 - To remove Mortmain restrictions on religious organizations
- Com. Sub. for H. B. 4464 - Relating generally to Underground Facilities Damage prevention
- Com. Sub. for H. B. 4471 - Approved sewage systems for rental property
- Com. Sub. for H. B. 4573 - Foster Youth Post-Secondary Transition Awareness Act
- Com. Sub. for H. B. 4592 - Relating to college campus safety
- Com. Sub. for H. B. 4852 - Relating to regulation of foods
- H. B. 4976 - To add definitions for special plates of Class G Vehicles
- H. B. 4983 - Authorizing the Department of Commerce to promulgate a legislative rule relating to certification of a microgrid district or certification as a high impact data center
- Com. Sub. for H. B. 4993 - Relating to authorizing green flashing warning lights on Division of Highways vehicles, and other equipment at the discretion of the Commissioner of Highways.
- Com. Sub. for H. B. 4999 - Relating to crimes against athletic officials
- Com. Sub. for H. B. 5101 - The Joanna Phillips Domestic Violence Prevention Act

HOUSE CALENDAR

Friday, February 13, 2026

31st Day

11:00 A.M.

SECOND READING

Com. Sub. for H. B. 4477 - To give the Secretary of State authority to refer allegations of violations of election laws to West Virginia Prosecuting Attorneys Institute.

FIRST READING

Com. Sub. for S. B. 207 - Clarifying sheriff's compensation for collection of taxes

Com. Sub. for H. B. 4640 - Relating to drugs and adding a provision relating to the scheduling of crystalline polymorph psilocybin approved by the Food and Drug Administration

WEST VIRGINIA HOUSE OF DELEGATES

FRIDAY, FEBRUARY 13, 2026

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON RULES

10:45 A.M. – SPEAKERS CONFERENCE ROOM 218M

COMMITTEE ON FINANCE

9:00 A.M. – FINANCE COMMITTEE ROOM 460M

COMMITTEE ON JUDICIARY

9:00 A.M. – JUDICIARY COMMITTEE ROOM 410M

SUBCOMMITTEE ON COURTS

9:45 A.M. – JUDICIARY COMMITTEE ROOM 410M

SUBCOMMITTEE ON HOMELAND SECURITY

10:00 A.M. – JUDICIARY COMMITTEE ROOM 410M

SUBCOMMITTEE ON LEGAL SERVICES

10:15 A.M. – JUDICIARY COMMITTEE ROOM 410M

SUBCOMMITTEE ON LOCAL GOVERNMENTS

1:00 P.M. – EAST WING COMMITTEE ROOM 215E

SUBCOMMITTEE ON GOVERNMENT ADMINISTRATION

2:00 P.M. – EAST WING COMMITTEE ROOM 215E

SUBCOMMITTEE ON EDUCATIONAL CHOICE

1:00 P.M. – EDUCATION COMMITTEE ROOM 434M

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