

West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



January 18, 2024

NINTH DAY

Thursday, January 18, 2024

NINTH 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, January 17, 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. 4595, Relating to the Legislative Oversight Commission on Health and Human Resources Accountability,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4595 - "A Bill to amend and reenact §16-29E-2, §16-29E-3, §16-29E-5 §16-29E-6 and §16-29E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections designated, §16-29E-8, §16-29E-9, §16-29E-10 and §16-29E-11, all relating to the Legislative Oversight Commission on Health and Human Resources Accountability; providing legislative intent; providing legislative finding; providing a purpose; defining terms; updating the powers of the commission; providing another option for subpoena compliance; permitting the commission to enter into executive sessions; exempting certain information from the Freedom of Information Act; requiring the development of performance measures; requiring the department to report; and updating information the commission is required to report,"

H. B. 4621, Relating to the Division of Correction and Rehabilitation posting mug shot photos for an arrest,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4621 - "A Bill to amend and reenact §62-1-5 of the Code of West Virginia, 1931, as amended, relating to criminal procedure; preliminary procedure; and when a booking photograph of an accused person may be made public or published by the West Virginia Division of Corrections and amends to provide that booking photographs are not public records and amends to provide that law enforcement agencies and the Division of Corrections and Rehabilitation shall not be held liable for release of booking photographs and amends to provide that a defendant is entitled to a copy of their booking photograph and amends to require "remove

for pay publications or websites" to remove a booking photograph and establishes civil liability for remove for pay publications or websites" when they do not remove,"

H. B. 4627, Relating to DNA data maintained for law enforcement purposes,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4627 - "A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9, and §15-2B-11 of the Code of West Virginia, 1931, as amended, all relating to DNA that is maintained for law-enforcement purposes in West Virginia; providing updates for the policy of maintaining DNA; requiring DNA testing of all persons convicted of felonies and certain misdemeanors; defining terms; updating definitions; adding language to further define and include qualified arrestees in the state DNA database; requiring testing of qualified arrestees on intake; specifying testing methods; authorizing emergency and requiring legislative rules; specifying expungement for qualified arrestees in certain circumstances; providing time frames for expungement; providing failure to expunge or reasonable delay in expungement will not invalidate an identification, warrant, probable cause to arrest or arrest based upon a database match; and making technical corrections,"

H. B. 4666, Relating to establishing criminal penalties for human trafficking,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4666 - "A Bill to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, and §61-14-8 of the Code of West Virginia, all relating to increasing criminal penalties for human trafficking; establishing limitations on parole; and providing immunity from criminal liability for juvenile victims,"

And,

H. B. 4683, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4683 - "A Bill to amend and reenact §49-4-712 of the Code of West Virginia, 1931, as amended requiring provisions in a valid court order to enforce certain compliance mandating that parents, guardians, or custodians participate in programs for juveniles in an out-of-home placement; and requiring parents, guardians, or custodians to participate in programs designed for out-of-home placement including family therapy sessions offered by the treatment provider unless there is a finding by the court that said participation is not in the best interest of the juvenile,"

With the recommendation that the committee substitutes each do pass.

Delegate Phillips, 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. 4289, To establish an auto-renewal licensing program that is eligible for discounts on licensing fees,

And,

H. B. 4696, Relating generally to the West Virginia State Athletic Commission,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4289 and H. B. 4696) were each referred to the Committee on Finance.

Delegate Kelly, Chair of the Committee on Jails and Prisons, submitted the following report, which was received:

Your Committee on Jails and Prisons has had under consideration:

H. B. 4063, Authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to law enforcement training and certification standards,

H. B. 4064, Authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence,

And,

H. B. 4065, Authorizing the Governor's Committee on Crime, Delinquency, and Correction to promulgate a legislative rule relating to sexual assault forensic examinations,

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. 4063, H. B. 4064 and H. B. 4065) were each referred to the Committee on the Judiciary.

Delegate Phillips, 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. 4026, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles,

And,

H. B. 4793, Relating to moonshine,

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

Delegate Phillips, 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. 4196, Relating to municipal home rule appeals,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4196) was referred to the Committee on the Judiciary.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

H. B. 4878, Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act,

And,

H. B. 4881, Relating to bringing terms not defined in that act into conformity with the meaning of those terms for federal income tax purposes,

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

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

Your Committee on Education has had under consideration:

H. B. 4202, Raising salaries for school service personnel,

H. B. 4763, Establishing the behavioral health workforce education initiative at the Higher Education Policy Commission,

And,

H. B. 4767, Relating to WV teaching salaries,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4202, H. B. 4763 and H. B. 4767) were each referred to the Committee on Finance.

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

Your Committee on Education has had under consideration:

H. B. 4769, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor,

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

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

Your Committee on Education has had under consideration:

H. C. R. 24, To create a study resolution to examine the school aid formula,

And reports the same back with the recommendation that it be adopted, but that it first be referred to the Committee on Rules.

In accordance with the former direction of the Speaker, the resolution (H. C. R. 24) was referred to the Committee on Rules.

Delegate Nestor, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4112, Authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to frozen desserts and imitation frozen desserts,

H. B. 4113, Authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to certified pesticide applicator,

H. B. 4114, Authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to licensing to pesticide businesses,

H. B. 4115, Authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to West Virginia molluscan shellfish,

H. B. 4116, Authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to select plant-based derivative products,

And,

H. B. 4117, Authorizing the West Virginia Department of Agriculture to promulgate a legislative rule relating to agritourism,

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. 4112, H. B. 4113, H. B. 4114, H. B. 4115, H. B. 4116 and H. B. 4117) were each referred to the Committee on the Judiciary.

Delegate Horst, Chair of the Committee on Agriculture and Natural Resources, submitted the following report, which was received:

Your Committee on Agriculture and Natural Resources has had under consideration:

H. B. 4098, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing and other outfitters and guides,

H. B. 4099, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters,

H. B. 4100, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses,

H. B. 4101, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to Cabwaylingo State Forest Trail System two-year pilot project permitting ATVs and ORVs,

And,

H. B. 4102, Authorizing the Division of Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping, and fishing licenses,

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. 4098, H. B. 4099, H. B. 4100, H. B. 4101 and H. B. 4102) were each referred to the Committee on the Judiciary.

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. 4759, Relating to E-Verify, the federal employment authorization program,

And reports the same back with the recommendation that it do pass, and with the recommendation that second reference to the Committee on the Judiciary be dispensed with.

Delegate Foster arose to a point of order regarding House Rule 80 and to object to dispensing with the second committee reference.

The Speaker replied that, if objection is heard, a rules suspension would be required, and ruled the point well taken.

Delegate Householder moved to dispense with the second reference to the Committee on the Judiciary.

On this motion, the yeas and nays were taken (**Roll No. 7**), and there were--yeas 56, nays 39, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Adkins, Akers, Brooks, Burkhammer, Butler, T. Clark, Coop-Gonzalez, Criss, DeVault, Dillon, Fluharty, Foggin, Foster, Garcia, Gearheart, Griffith, Hamilton, Hansen, Hardy, Heckert, Hillenbrand, Hornbuckle, Horst, Kirby, Kump, Lewis, Martin, Moore, Petitto, Pushkin, Ridenour, Ross, Sheedy, Steele, Street, Warner, Westfall, Williams and Young.

Absent and Not Voting: Cooper, E. Pritt, Rowe and Ward.

So, two thirds of the members present not having voted in the affirmative, the motion was rejected, and the bill was referred to the Committee on the Judiciary.

Bills Introduced

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

By Delegate Pinson:

H. B. 4884 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-1D-1, §16-1D-2, §16-1D-3, and §16-1D-4, all relating to creating a healthcare provider right to object to certain procedures act; definitions; treatments or patients that may be objected to; construction of article; right to file civil action for damages and injunctive relief; action by Attorney General"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Summers, Mallow, Phillips, Tully, Horst and Cooper:

H. B. 4885 - "A Bill to amend and reenact §17C-10-6 of the Code of West Virginia, 1931, as amended, relating to prohibiting a person from standing, laying, kneeling, or sitting in the roadway for the purpose of blocking traffic"; to the Committee on the Judiciary.

By Delegates Howell, Willis, Mallow, Jeffries, Kelly, W. Clark, Ferrell, E. Pritt, Householder, Toney and Phillips:

H. B. 4886 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6F-115, relating to providing legislative findings; imposing a civil penalty upon phone companies who allow telemarketing calls using a United States or West Virginia based phone numbers to go to individuals with no callback option; and providing for exceptions"; to the Committee on the Judiciary.

By Delegate Kump:

H. B. 4887 - "A Bill directing the County Commission of Berkeley County to hold a referendum election at the next general election to change the term of office for county commissioners from six years to four years"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Sheedy, Willis, Winzenreid, Stephens, Barnhart, Zatezalo, Kelly and Heckert:

H. B. 4888 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, relating to distribution of 10 percent of state revenues derived from sales tax, excise tax, severance tax, or generated by any other means be placed in General Revenue and returned to the County offices of the Division of Highways"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Sheedy, Hillenbrand, Griffith, Toney, Mallow, Kelly, Heckert and Street:

H. B. 4889 - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to creating penalties for parking in 'Purple Heart Wounded' and 'Veterans' spaces that are the same as the penalties for parking in Handicapped spaces"; to the Committee on the Judiciary.

By Delegates Sheedy, Cooper, Hillenbrand, Winzenreid, Toney, Mallow, Kelly, Heckert and Street:

H. B. 4890 - "A Bill to amend and reenact §17A-3-14b of the Code of West Virginia, 1931, as amended, relating to eliminating the \$10 application fee for special license plates issued to

honorably discharged members of the military"; to the Committee on Technology and Infrastructure then Finance.

By Delegates Smith, Kelly, Hornby, Fehrenbacher, Jeffries, Thorne, Foster and Rowe:

H. B. 4891 - "A Bill to repeal §19-1-4b of the Code of West Virginia, 1931, as amended, relating to the repeal of the authority of the Agriculture Commissioner to increase certain fees by rules or regulations"; to the Committee on Government Organization.

By Delegate Rohrbach:

H. B. 4892 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-8-6a, relating to the distribution of drugs to safety net providers and contract pharmacies; penalties; and preemption"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

By Delegate Hornbuckle:

H. B. 4893 - "A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, all relating to raising the state minimum salary for teachers to \$50,000"; to the Committee on Education then Finance.

By Delegate Steele:

H. B. 4894 - "A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to spousal privilege; and expanding the exceptions to spousal privilege to exclude therefrom cases in which the offense at issue was committed against any child rather than a child of one or both spouses"; to the Committee on the Judiciary.

By Delegates Steele and Worrell:

H. B. 4895 - "A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to speed limits generally, and establishing a speed limit in licensed child care zones"; to the Committee on Technology and Infrastructure.

By Delegate Ferrell:

H. B. 4896 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the authority of the West Virginia Secondary School Activities Commission; and providing that the transferring student is ineligible for interscholastic athletic events for a period of 365 days from the date of entry to the new school"; to the Committee on Education.

By Delegates Pinson, Burkhammer and Summers:

H. B. 4897 - "A Bill to amend and reenact §49-4-111 of the Code of West Virginia, 1931, as amended, relating to changing circumstances for when a child may be removed from a foster home"; to the Committee on Senior, Children, and Family Issues then the Judiciary.

By Delegates Pinson and Burkhammer:

H. B. 4898 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803 relating to adoptive or foster parents and prohibiting any government policy regarding sexual orientation or gender identity that conflicts with the parent's sincerely held religious or moral beliefs"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Pinson and Burkhammer:

H. B. 4899 - "A Bill to amend and reenact §18B-20-5 of the Code of West Virginia, 1931, as amended, relating to the freedom of association and nondiscrimination against students and student organizations on campus"; to the Committee on Education.

By Delegate Young:

H. B. 4900 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-18-1, §27-18-2, §27-18-3, §27-18-4, §27-18-5, §27-18-6, and §27-18-7, all relating to establishing the behavioral health crisis services system act; defining terms; designating a crisis hotline center; detailing requirements of the crisis hotline center; providing funding for mobile crisis teams and detailing responsibilities of mobile crisis teams; requiring funding for crisis receiving and stabilization services; establishing a trust fund for the purpose of creating and maintaining a statewide 9-8-8 suicide prevention and mental health crisis system; and establishing a fee to support the statewide 9-8-8 suicide prevention and mental health crisis system"; to the Committee on Health and Human Resources then Finance.

By Delegate Vance:

H. B. 4901 - "A Bill amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §11-21-12o, relating to exempting the first \$20,000 of income of resident individuals from personal income taxation"; to the Committee on Finance.

By Delegates E. Pritt, W. Clark, Chiarelli, Ross, Toney and Statler:

H. B. 4902 - "A Bill to amend and reenact §18A-2-2b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-4-5c of said code, relating to matching the salaries of Aide V (Special Education Aides) with that of Early Childhood Classroom Assistant Teachers and then increasing that amount by 5% for the Aide V position; increasing the pay of self-contained, special education teachers by 10%; defining a critical vacancy; and to require board staff who are certified in the subject area of a critical vacancy to go to the classroom and fill that position until someone is hired to do so"; to the Committee on Education then Finance.

By Delegates E. Pritt, W. Clark, Chiarelli, Ross, Hornby and Toney:

H. B. 4903 - "A Bill to amend and reenact §18A-2-2b of the Code of West Virginia, 1931, as amended, relating to critical vacancies in educational settings, defining a critical vacancy, and requiring board staff certified in the subject matters where there are vacancies to act as a substitute in that position until someone is hired to fill that position"; to the Committee on Education.

By Delegates Hansen and Young:

H. B. 4904 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1r, all relating to power generating plant sites; establishing findings; providing holder certificate of public convenience and necessity process to apply to redeploy site as a generating plant; providing considerations for the commission to consider in granting of application; and authorizing rulemaking"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Howell, W. Clark, Campbell, Willis, Thorne, E. Pritt, Dittman, Ferrell, Hornbuckle, Fehrenbacher and Hornby:

H. B. 4905 - "A Bill to amend and reenact §8A-7-3 of the Code of West Virginia, 1931, as amended, and to add thereto a new article, designated §11-13PP-1, §11-13PP-2, §11-13PP-3, §11-13PP-4, §11-13PP-5, §11-13PP-6, §11-13PP-7, §11-13PP-8, §11-13PP-9, §11-13PP-10, and §11-13PP-11, all relating to the Tourism and Commercial Opportunity Zone Tax and Tax Credit Act; providing for a short title; providing legislative findings and purpose; creating a new species and class of property directed by law; creating definitions; establishing the Tourism and Commercial Opportunity Zone tax and tax credit; providing for restrictions on investment; providing for a penalty; providing for disclosure of tax credits; providing for tax and tax credit

review and accountability; creating rulemaking authority; and providing an effective date"; to the Committee on Economic Development and Tourism then Finance.

By Delegates Hansen and Young:

H. B. 4906 - "A Bill to amend and reenact §22-6A-12 of the Code of West Virginia, 1931, as amended, relating to well location restrictions for natural gas wells; and providing that the limit of disturbance of a well site may not be closer to an occupied building than 2,500 feet"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegate Worrell:

H. B. 4907 - "A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to the elimination of mandatory state inspections of motor vehicles"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Summers:

H. B. 4908 - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, to amend and reenact §16-1-3 of said code; and to amend and reenact §26-1-3 of said, all relating to permitting the state agencies to contract with a West Virginia public health institute"; to the Committee on Health and Human Resources.

By Delegate Summers:

H. B. 4909 - "A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-2D-1 of said code; to repeal §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-16a, §16-2D-17, §16-2D-18, §16-2D-19 and §16-2D-20 of said code; to repeal §16-2N-3 of said code; to amend and reenact §16-5Y-3 of said code; to repeal §16-5Y-12 of said code; to repeal §16-29A-20 of said code; to repeal §16-29B-1, §16-29B-2, §16-29B-3, §16-29B-5, §16-29B-5a, §16-29B-8, §16-29B-12, §16-29B-13, §16-29B-14, §16-29B-15, §16-29B-24, §16-29B-25, §16-29B-26, §16-29B-28, §16-29B-30, §16-29B-31 of said code; to amend and reenact §33-15B-5 of said code; and to repeal §49-2-124 of said code; all relating to eliminating the certificate of need program for health services; prohibiting certain actions; fixing an effective date; deleting references to the certificate of need program throughout the code; and making technical corrections"; to the Committee on Health and Human Resources.

By Delegate Summers:

H. B. 4910 - "A Bill to amend and reenact §30-26-2 of the Code of West Virginia, 1931, as amended, relating to providing an exemption to be eligible for a hearing-aid fitting and dealing licensure"; to the Committee on Government Organization.

By Delegates Hornby and Summers:

H. B. 4911 - "A Bill to amend and reenact §19-1-7 of the Code of West Virginia, 1931, as amended, relating to the sale of raw milk"; to the Committee on Agriculture and Natural Resources then Health and Human Resources.

By Delegates W. Clark and Thorne:

H. B. 4912 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-22-1, §55-22-2, §55-22-3, §55-22-4, §55-22-5, §55-22-6, §55-22-7, §55-22-8, §55-22-9, §55-22-10, §55-22-11, §55-22-12, and §55-22-13, all relating generally to the Uniform Public Expression Protection Act"; to the Committee on the Judiciary.

By Delegates W. Clark, Thorne and Warner:

H. B. 4913 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, §31A-9-4, §31A-9-5, §31A-9-6, §31A-9-7, §31A-9-8, §31A-9-9, §31A-9-10, §31A-9-11, §31A-9-12, §31A-9-13, §31A-9-14, §31A-9-15 and §31A-9-16; all relating to the Uniform Special Deposits Act"; to the Committee on Banking and Insurance then the Judiciary.

By Delegate Young:

H. B. 4914 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, relating to establishing the food waste task force"; to the Committee on Health and Human Resources then Government Organization.

By Delegate Jeffries:

H. B. 4915 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-5-23, relating to authorizing Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the Division of Natural Resources; providing for activities to be performed by volunteer groups; requiring volunteer project agreements with the division; requiring certain requirements in agreements; establishing minimum requirements for volunteer organizations; establishing certain limitations on activities performed by volunteer groups; and providing for project coordination and removal and disposal of trash and other items"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates W. Clark and Warner:

H. B. 4916 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §36-3A-1, §36-3A-2, §36-3A-3, §36-3A-4, §36-3A-5, §36-3A-6, §36-3A-7, §36-3A-8 and §36-3A-9, all relating to creating the Uniform Unlawful Restriction in Land Records Act"; to the Committee on the Judiciary.

By Delegates Horst, Hardy, Phillips, Crouse, Hite, Mazzocchi, Howell, W. Clark, Kump, Bridges and Willis:

H. B. 4917 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33d, relating to establishing a 'pop-up' window that directs users to optional firearms safety classes offered by the NRA, the USCCA, or other equivalent organizations"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Horst, Thorne, Heckert, Phillips, Crouse, Hite, Maynor, Hardy, Mazzocchi, Howell and W. Clark:

H. B. 4918 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to codifying the USCCA to provide concealed carry classes in West Virginia"; to the Committee on the Judiciary.

By Delegate Riley:

H. B. 4919 - "A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to permitting a student to reapply for the Promise Scholarship on an annual basis if that student falls out of eligibility during the academic year in college"; to the Committee on Education then Finance.

By Delegates Horst, Longanacre, Smith, Phillips, McGeehan, Ferrell, Burkhammer, Hite, Hornby, Brooks and Barnhart:

H. B. 4920 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto new section, designated §61-3C-14d, relating to creating the West Virginia Anti-Swatting Act"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegates Sheedy, DeVault, E. Pritt, Willis, Foggin, Foster, Ferrell and Stephens:

H. B. 4921 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-22-1, relating to requiring West Virginia public institutions of higher learning to classify children of graduates from any West Virginia public college or university as an in-state student"; to the Committee on Education then Finance.

Special Calendar**Third Reading**

Com. Sub. for H. B. 4190, Relating to the establishment of an alert system for missing cognitively impaired persons; 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. 8**), and there were--yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, E. Pritt, Rowe and Ward.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4190) passed.

Delegate Householder moved that the bill take effect July 1, 2024.

On this question, the yeas and nays were taken (**Roll No. 9**), and there were--yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, E. Pritt, Rowe and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4190) takes effect July 1, 2024.

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

H. B. 4252, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act; 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. 10**), and there were--yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, E. Pritt, Rowe and Ward.

So, a majority of the members elected having voted in the affirmative, the Speaker declared the bill (H. B. 4252) passed.

Delegate Householder moved that the bill take effect July 1, 2024.

On this question, the yeas and nays were taken (**Roll No. 11**), and there were--yeas 95, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Cooper, E. Pritt, Rowe and Ward.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4252) takes effect July 1, 2024.

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

Second Reading

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

And,

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

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. 4431, Permitting the cremation of unidentified remains,

H. B. 4432, Relating to midlevel practitioners,

H. B. 4594, Relating to extending managed care,

And,

Com. Sub. for H. B. 4620, Eliminating the food handler examination and card.

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Cooper, E. Pritt, Rowe and Ward.

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. 4201: Delegate Young;

H. B. 4229: Delegate Young;

H. B. 4250: Delegate Young;
H. B. 4292: Delegate Warner;
H. B. 4330: Delegate Young;
H. B. 4423: Delegate Pushkin;
H. B. 4517: Delegate Tully;
H. B. 4537: Delegate Young;
H. B. 4565: Delegate Young;
H. B. 4621: Delegate Garcia;
H. B. 4656: Delegate Young;
H. B. 4666: Delegate Westfall;
H. B. 4698: Delegate Tully;
H. B. 4708: Delegate Tully;
H. B. 4756: Delegates Hall and Tully;
H. B. 4837: Delegate Espinosa;
H. B. 4851: Delegate Espinosa;
H. J. R. 14: Delegate Kump;
And,
H. J. R. 17: Delegate Kump.

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. 4804: Delegate Heckert.

At 11:41 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, January 19, 2024.

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

SPECIAL CALENDAR

Friday, January 19, 2024

10th Day

11:00 A.M.

THIRD 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

SECOND READING

- Com. Sub. for H. B. 4431 - Permitting the cremation of unidentified remains.
- H. B. 4432 - Relating to midlevel practitioners
- H. B. 4594 - Relating to extending managed care.
- Com. Sub. for H. B. 4620 - Removing the expiration date from the food handler card

FIRST READING

- H. B. 4026 - Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles
- Com. Sub. for H. B. 4595 - Relating to the Legislative Oversight Commission on Health and Human Resources Accountability
- Com. Sub. for H. B. 4621 - Relating to the Division of Correction and Rehabilitation posting mug shot photos for an arrest
- Com. Sub. for H. B. 4627 - Relating to DNA data maintained for law enforcement purposes
- Com. Sub. for H. B. 4666 - Relating to establishing criminal penalties for human trafficking
- Com. Sub. for H. B. 4683 - Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement

- H. B. 4769 - Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor.
- H. B. 4793 - Relating to moonshine
- H. B. 4878 - Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act
- H. B. 4881 - Relating to bringing terms not defined in that act into conformity with the meaning of those terms for federal income tax purposes

HOUSE CALENDAR

Friday, January 19, 2024

10th Day

11:00 A.M.

(No Bills)

WEST VIRGINIA HOUSE OF DELEGATES

FRIDAY, JANUARY 19, 2024

HOUSE CONVENES AT 11:00 A.M.

COMMITTEE ON
FINANCE
9:00 A.M.
FINANCE COMMITTEE ROOM

COMMITTEE ON
JUDICIARY
9:15 A.M.
JUDICIARY COMMITTEE ROOM

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