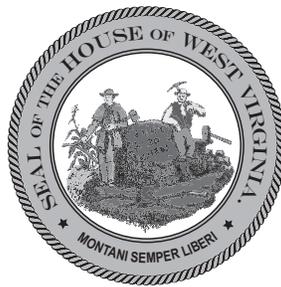


West Virginia Legislature

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January 22, 2024
THIRTEENTH DAY

Monday, January 22, 2024

THIRTEENTH 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 Friday, January 19, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

Delegate Rohrbach, Chair of the Committee on Prevention and Treatment of Substance Abuse submitted the following report, which was received on Friday and consideration delayed until today:

Your Committee on Prevention and Treatment of Substance Abuse has had under consideration:

H. B. 4429, Relating to excluding test strips from the definition of drug paraphernalia,

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.

In the absence of objection, reference of the bill (H. B. 4429) to the Committee on the Judiciary was abrogated.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

H. B. 4274, Renaming the Department of Health and Human Resources.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page 90, by removing the provisions of §9-5-5 in its entirety;

On page 90, by removing the provisions of §9-5-8b in its entirety;

On page 111, line 16, by striking the words "health and";

On page 145, by striking the provisions of §12-3-10e, and inserting a new §12-3-10e to read as follows:

“§12-3-10e. Purchasing Card Advisory Committee created; purpose; membership; expenses.

There is created a Purchasing Card Advisory Committee to enhance the development and implementation of the purchasing card program. The committee shall solicit input from state agencies and make recommendations to improve the performance of the Purchasing Card Program. The committee consists of fourteen members to be appointed as follows:

(1) The Auditor shall serve as chairperson of the committee and shall appoint four members from the state College System of West Virginia and the University System of West Virginia, one member from the Department of ~~Health and Human Resources Services~~ one member from the Division of Highways and two additional members at large from any state agency;

(2) The Secretary of the Department of Administration shall appoint one member from the Information Services and Communications Division, one member from the Financial Accounting and Reporting Section and one member from the Purchasing Division;

(3) The Secretary of the Department of Revenue shall appoint one member from the Department of Revenue; and

(4) The State Treasurer shall appoint one member from that office. Committee members shall be appointed for a term of one year, commencing on July 1, 1998. Committee members shall receive reimbursement for expenses actually incurred in the performance of their duties on the committee.;

On page 175, line 8, striking the word, “division” and inserting the word, “department”;

On page 198, line 14, by striking the period and inserting the words, “of their general plan of operation of such programs.”;

On page 316, by removing the provisions §17-2C-4 in its entirety;

On page 490, by striking out all of §29-34-3 in its entirety;

On page 491, by striking out all of §29-35-3 in its entirety;

On page 531, by striking §33-59-1 in its entirety and inserting a new §33-59-1 to read as follows:

§ 33-59-1. Cost sharing in prescription insulin drugs.

(a) Findings. —

(1) It is estimated that over 240,000 West Virginians are diagnosed and living with type 1 or type 2 diabetes and another 65,000 are undiagnosed;

(2) Every West Virginian with type 1 diabetes and many with type 2 diabetes rely on daily doses of insulin to survive;

(3) The annual medical cost related to diabetes in West Virginia is estimated at \$2.5 billion annually;

(4) Persons diagnosed with diabetes will incur medical costs approximately 2.3 times higher than persons without diabetes;

(5) The cost of insulin has increased astronomically, especially the cost of insurance copayments, which can exceed \$600 per month. Similar increases in the cost of diabetic equipment and supplies, and insurance premiums have resulted in out-of-pocket costs for many West Virginia diabetics in excess of \$1,000 per month;

(6) National reports indicate as many as one in four type 1 diabetics underuse, or ration, insulin due to these increased costs. Rationing insulin has resulted in nerve damage, diabetic comas, amputation, kidney damage, and even death; and

(7) It is important to enact policies to reduce the costs for West Virginians with diabetes to obtain life-saving and life-sustaining insulin.

(b) As used in this section:

‘Cost-sharing payment’ means the total amount a covered person is required to pay at the point of sale in order to receive a prescription drug that is covered under the covered person’s health plan.

‘Covered person’ means a policyholder, subscriber, participant, or other individual covered by a health plan.

‘Device’ means a blood glucose test strip, glucometer, continuous glucose monitor (CGM), lancet, lancing device, or insulin syringe used to cure, diagnose, mitigate, prevent, or treat diabetes or low blood sugar, but does not include insulin pumps;

‘Health plan’ means any health benefit plan, as defined in §33-16-1a(h) of this code, that provides coverage for a prescription insulin drug.

‘Pharmacy benefits manager’ means an entity that engages in the administration or management of prescription drug benefits provided by an insurer for the benefit of its covered persons.

“Prescription insulin drug” means a prescription drug that contains insulin and is used to treat diabetes.

(c) Each health plan shall cover at least one type of insulin in all the following categories:

(1) Rapid-acting;

(2) Short-acting;

(3) Intermediate-acting;

(4) Long-acting;

(5) Pre-mixed insulin products;

(6) Pre-mixed insulin/GLP-1 RA products; and

(7) Concentrated human regular insulin.

(d) Notwithstanding the provisions of §33-1-1 *et seq.* of this code, an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code which issues or renews a health insurance policy on or after January 1, 2023, shall provide coverage for prescription insulin drugs and equipment pursuant to this section.

(e) Cost sharing for a 30-day supply of a covered prescription insulin drug may not exceed \$35 in aggregate, including situations where the covered person is prescribed more than one insulin drug, per 30-day supply, regardless of the amount or type of insulin needed to fill such covered person's prescription. Cost sharing for a 30-day supply of covered device(s) may not exceed \$100 in aggregate, including situations where the covered person is prescribed more than one device, per 30-day supply. Each cost-share maximum is covered regardless of the person's deductible, copayment, coinsurance or any other cost-sharing requirement.

(f) Nothing in this section prevents an insurer from reducing a covered person's cost sharing to an amount less than the amount specified in subsection (e) of this section.

(g) No contract between an insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code or its pharmacy benefits manager and a pharmacy or its contracting agent may contain a provision: (i) Authorizing the insurer's pharmacy benefits manager or the pharmacy to charge; (ii) requiring the pharmacy to collect; or (iii) requiring a covered person to make a cost-sharing payment for a covered prescription insulin drug in an amount that exceeds the amount of the cost-sharing payment for the covered prescription insulin drug established by the insurer pursuant to subsection (e) of this section.

(h) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code shall provide coverage for the following equipment and supplies for the treatment and/or management of diabetes for both insulin-dependent and non-insulin-dependent persons with diabetes and those with gestational diabetes: Blood glucose monitors, monitor supplies, insulin, injection aids, syringes, insulin infusion devices, pharmacological agents for controlling blood sugar, and orthotics.

(i) An insurer subject to §33-15-1 *et seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.*, and §33-25A-1 *et seq.* of this code shall include coverage for diabetes self-management education to ensure that persons with diabetes are educated as to the proper self-management and treatment of their diabetes, including information on proper diets.

(j) All health care plans must offer an appeals process for persons who are not able to take one or more of the offered prescription insulin drugs noted in subsection (c) of this section. The appeals process shall be provided to covered persons in writing and afford covered persons and their health care providers a meaningful opportunity to participate with covered persons health care providers.

(k) Diabetes self-management education shall be provided by a health care practitioner who has been appropriately trained. The Secretary of the Department of Health and Human Resources shall promulgate legislative rules to implement training requirements and procedures necessary to fulfill provisions of this subsection: *Provided*, That any rules promulgated by the secretary shall be done after consultation with the Coalition for Diabetes Management, as established in §16-5Z-1 *et seq.* of this code.

(l) A pharmacy benefits manager, a health plan, or any other third party that reimburses a pharmacy for drugs or services shall not reimburse a pharmacy at a lower rate and may not assess any fee, charge-back, or adjustment upon a pharmacy on the basis that a covered person's costs sharing is being impacted.

(m) A prescription is not required to obtain a blood testing kit for ketones.";

On page 596, line 39, by striking paragraph (C) in its entirety and moving it to line 30 after paragraph (B);

On page 597, by striking §49-2-111a in its entirety and inserting a new §49-2-111a to read as follows:

§ 49-2-111a. Performance based contracting for child placing agencies.

(a) For purposes of this section:

(1) "Child" means:

(A) A person of less than 18 years of age; or

(B) A person 18 to 21 years of age who is eligible to receive the extended foster care services.

(2) "Child-placing agency" means an agency licensed by the department to place a child in a foster care home.

(3) "Department" means the Department of ~~Health and Human Resources~~ Services.

(4) 'Evidence-based' means a program or practice that is cost-effective and includes at least two randomized or statistically controlled evaluations that have demonstrated improved outcomes for its intended population.

(5) 'Performance-based contracting' means structuring all aspects of the service contract around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes and linking payment for services to contractor performance.

(6) 'Promising practice' means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(7) 'Research-based' means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(b) No later than July 1, 2021, the department shall enter into performance-based contracts with child placing agencies.

(c) The department shall actively consult with other state agencies and other entities with expertise in performance-based contracting with child placing agencies to develop the requirements of the performance-based contract.

(d) The performance-based contract shall be developed and implemented in a manner that complies with applicable provisions of this code. Contracts for child placing agencies are exempt from §5A-3-1 of this code.

(e) The resulting contracts shall include, but are not limited to, the following:

(1) Adequate capacity to meet the anticipated service needs in the contracted service area of the child placing agency;

(2) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(3) Child placing agency data reporting, including data on performance and service outcomes, including, but not limited to:

(A) Safety outcomes;

(B) Permanency outcomes;

(C) Well-being outcomes;

(D) Incentives earned;

(E) Placement of older children;

(F) Placement of children with special needs; and

(G) Recruitment and retention of foster parents; and

(4) A hold harmless period to determine a baseline for evaluation.

(f) Performance-based payment methodologies must be used in child placing agency contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the first year of implementation of performance-based contracting, the department may transfer financial risk for the provision of services to the child placing agency only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the child placing agency will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the child placing agency shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

(g) The department shall actively monitor the child placing agency's compliance with the terms of contracts executed under this section.

(h) The use of performance-based contracts under this section shall be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further

maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(i) The department shall pay child placing agencies contracted to provide adoption services to foster families a minimum of \$1,000 per child for each adoption finalized.

(j) The rate of payment to foster parents and child placing agencies shall be reviewed by the department, at a minimum of every two years, to determine whether the level of foster care payments facilitates or hinders the efficient placement of foster children with West Virginia families. The department shall remit payments to foster parents on the same week each month to facilitate foster parents' ability to budget and appropriately expend payments for the benefit of the children in their custody.

(k) The department shall report the performance of the child placing agency to the Legislative Oversight Commission on Health and Human Resources Accountability by December 31, annually.";

On page 609, line 76, by striking the words "Department of Health and Human Resources" and inserting in lieu thereof, "Department of Human Services";

On page 673, line 3, by striking the word, "division" and inserting the word, "Department";

And,

On page 675, by striking §49-8-1 in its entirety and inserting a new §49-8-1 to read as follows:

§ 49-8-1. Legislative findings; statement of legislative purpose.

(a) In certain circumstances where a parent, or legal custodian of a child is temporarily unable to care for the child due to a crisis or other circumstances, a less intrusive the Legislature finds that alternative to guardianship or the Department of ~~Health and Human Resources~~ Services taking custody of the child should be available. In such circumstances, a parent, or legal custodian may benefit from the assistance of charitable organizations in their community that assist families by providing safe, temporary care for children and support for families during difficult times.

(b) Accordingly, the Legislature finds that a parent, or legal guardian shall have the right to provide for the temporary care of their child with the assistance of qualified charitable organizations as outlined in this code.

And,

By amending the title of the bill to read as follows;

H. B. 4274 – "A Bill to the amend and reenact §4-10-8 of the Code of West Virginia, 1931, to amend and reenact §5-1E-1 and §5-1E-2 of said code; to repeal §5-5-4 of said code; to amend and reenact §5-6-4 of said code; to amend and reenact §5-10C-3 of said code; to amended and reenact §5-14-3 and §5-14-5 of said code; to amend and reenact §5-16-2 and §5-16-18 of said code; to amend and reenact §5-16B-1, §5-16B-2, §5-16B-4 and §5-16B-10 of said code; to amend and reenact §5-26-1 of said code; to amend and reenact §5-29-2 of said code; to amend and reenact §5A-1A-2 of said code; to repeal §5A-2-34 of said code; to amend and reenact §5A-3-1a and §5A-3-3b of said code; to amend and reenact §5B-2-15, to amend and reenact §5F-1-2; to

amend and reenact §6-7-2a of said code; to amend and reenact §7-1-3a of said code; to amend and reenact §7-4-4 of said code; to amend and reenact §7-10-2, to amend and reenact §8-19-21 of said code; to amend and reenact §8A-1-2 of said code; to amend and reenact §9-1-2 of said code; to amend and reenact §9-2-6a, and §9-2-10 of said code; to repeal §9-2-9 of said code; to amend and reenact §9-3-4, §9-3-5 and §9-3-6 of said code; to amend and reenact §9-4A-2, §9-4A-2a, §9-4A-2b and §9-4A-4 of said code; to amend and reenact §9-4B-1 and §9-4B-4 of said code; to amend and reenact §9-4C-1, §9-4C-7 and §9-4C-8 of said code; to amend and reenact §9-4D-2 and §9-4D-9 of said code; to amend and reenact §9-5-9, §9-5-11, §9-5-11a, §9-5-11b, §9-5-11c, §9-5-12a, §9-5-15, §9-5-16a, §9-5-19, §9-5-26, §9-5-27, §9-5-29 and §9-5-30 of said code; to repeal §9-5-25 of said code; to amend and reenact §9-6-1, §9-6-2, §9-6-9, §9-6-11 and §9-6-16 of said code; to amend and reenact §9-7-1, §9-7-2, §9-7-3, §9-7-4, §9-7-5, §9-7-6, §9-7-6a and §9-7-8 of said code; to amend and reenact §9-8-1 of said code; to amend and reenact §9-9-3, §9-9-16 and §9-9-21 of said code; to amend and reenact §9-10-1, §9-10-2 and §9-10-3 of said code; to repeal §9-10-6 of said code; to amend and reenact §11-10-5u of said code; to amend and reenact §11-13l-3 of said code; to amend and reenact §11-27-3 and §11-27-30 of said code; to amend and reenact §11B-2-15 of said code; to amend and reenact §12-3-10e of said code; to amend and reenact §12-3A-4 and §12-3A-5 of said code; to amend and reenact §15-1E-76b of said code; to amend and reenact §15-1I-2 of said code; to amend and reenact §15-2-55 of said code; to amend and reenact §15-2C-1, §15-2C-2, §15-2C-4 and §15-2C-7 of said code; to amend and reenact §15-3D-3 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §15-13-2 and §15-13-5 of said code; to amend and reenact §15-14-5, §15-14-7 and §15-14-9 of said code; to amend and reenact §15A-4-11 and §15A-4-12 of said code; to amend and reenact §16-1-2 and §16-1-20 of said code; to amend and reenact §16-1A-1, §16-1A-2, §16-1A-3 and §16-1A-4 of said code; to amend and reenact §16-1C-1 and §16-1C-4 of said code; to amend and reenact §16-2-2 of said code; to amend and reenact §16-2B-1, §16-2B-2 and §16-2B-3 of said code; to amend and reenact §16-2D-2 and §16-2D-11 of said code; to amend and reenact §16-2H-2 of said code; to amend and reenact §16-3C-1 of said code; to amend and reenact §16-3D-2 of said code; to amend and reenact §16-4-1 of said code; to amend and reenact §16-4C-3, §16-4C-4 and §16-4C-24 of said code; to amend and reenact §16-4D-2 of said code; to amend and reenact §16-4E-2, §16-4E-4 and §16-4E-6 of said code; to amend and reenact §16-4F-1 and §16-4F-5 of said code; to amend and reenact §16-5-1 and §16-5-3 of said code; to amend and reenact §16-5A-5 of said code; to amend and reenact §16-5K-2, §16-5K-3, §16-5K-4 and §16-5K-6 of said code; to amend and reenact §16-5L-5, §16-5L-10, §16-5L-14 and §16-5L-15 of said code; to amend and reenact §16-5P-7 of said code; to amend and reenact §16-5Q-2 and §16-5Q-4 of said code; to amend and reenact §16-5R-3 and §16-5R-4 of said code; to amend and reenact §16-5S-5 of said code; to amend and reenact §16-5T-2 and §16-5T-5 of said code; to amend and reenact §16-5CC-1 and §16-5CC-2 of said code; to amend and reenact §16-7-3 and §16-7-8 of said code; to amend and reenact §16-8-2 of said code; to amend and reenact §16-9A-7 of said code; to amend and reenact §16-22A-3 and §16-22A-4 of said code; to amend and reenact §16-22B-2 of said code; to amend and reenact §16-29B-2, §16-29B-3, §16-29B-5, §16-29B-12 and §16-29B-25 of said code; to amend and reenact §16-29D-3, §16-29D-7 and §16-29D-8 of said code; to amend and reenact §16-29G-1a, and §16-29G-2 of said code; to amend and reenact §16-30-8 and §16-30-25 of said code; to amend and reenact §16-30C-13 of said code; to amend and reenact §16-32-2 of said code; to amend and reenact §16-33-2 of said code; to amend and reenact §16-34-2, §16-34-3, §16-34-5, §16-34-6, §16-34-9 and §16-34-13 of said code; to amend and reenact §16-37-2 and §16-37-4 of said code; to amend and reenact §16-38-3 of said code; to amend and reenact §16-42-1 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-48-5 and §16-48-6 of said code; to amend and reenact §16-50-1, to amend and reenact §16-53-1, §16-53-2 and §16-53-3 of said code; to amend and reenact §16-57-3 and §16-57-4 of said code; to amend and reenact §16-59-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-4-3 of said code; to amend and

reenact §16A-15-6 of said code; to amend and reenact §17-4A-3 of said code; to amend and reenact §17-28-10 of said code; to amend and reenact §17C-15-26 of said code; to amend and reenact §18-2-5b, §18-2-9 and §18-2-13h of said code; to amend and reenact §18-2K-2 of said code; to amend and reenact §18-5-15c of said code; to amend and reenact §18-5-42 and §18-5-44 of said code; to amend and reenact §18-5D-4 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-10K-1 of said code; to amend and reenact §18-10M-6 of said code; to amend and reenact §18-20-11 of said code; to amend and reenact §18-21-1, §18-21-2, §18-21-3 and §18-21-4 of said code; to amend and reenact §18A-2-8 of said code; to amend and reenact §18A-4-17 of said code; to amend and reenact §18B-10-7b of said code; to amend and reenact §18B-16-3 of said code; to amend and reenact §18C-3-1 of said code; to amend and reenact §19-1-7 of said code; to amend and reenact §19-11E-1 and §19-11E-17 of said code; to amend and reenact §19-12A-1a, §19-12A-2, §19-12A-5 and §19-12A-6 of said code; to amend and reenact §19-29-1 and §19-29-3 of said code; to amend and reenact §19-30-2 of said code; to amend and reenact §19-34-5 of said code; to amend and reenact §20-5J-2, §20-5J-3 and §20-5J-5 of said code; to amend and reenact §20-5K-2, §20-5K-3 of said code; to amend and reenact §21A-6-16 and §21A-6-17 of said code; to amend and reenact §22-5-9 of said code; to amend and reenact §22-15A-10 of said code; to amend and reenact §22-18-6 and §22-18-7 of said code; to amend and reenact §22-30-21 of said code; to amend and reenact §22C-3-4 of said code; to amend and reenact §24-2A-5 of said code; to amend and reenact §24-2C-4 of said code; to amend and reenact §27-1-7 of said code; to amend and reenact §27-1A-4, §27-1A-6 and §27-1A-12 of said code; to amend and reenact §27-2-1 of said code; to amend and reenact §27-2A-1 of said code; to amend and reenact §27-5-1, §27-5-1b, §27-5-2, §27-5-4, §27-5-9 and §27-5-11 of said code; to amend and reenact §27-6A-1 and §27-6A-12 of said code; to amend and reenact §29-12-5 of said code; to amend and reenact §29-15-1, §29-15-5 and §29-15-6 of said code; to amend and reenact §29-20-1, §29-20-2, §29-20-3, §29-20-4 and §29-20-6 of said code; to amend and reenact §29-22A-19 of said code; to amend and reenact §29-30-8, §29-30-9 and §29-30-11 of said code; to amend and reenact §29-31-2 of said code; to amend and reenact §30-3-7 of said code; to amend and reenact §30-4-3 of said code; to amend and reenact §30-7B-4 of said code; to amend and reenact §30-30-16 and §30-30-30 of said code; to amend and reenact §31-15A-7 of said code; to amend and reenact §31A-2A-4 of said code; to amend and reenact §33-15B-3 of said code; to amend and reenact §33-25A-7b, §33-25A-9, §33-25A-17, §33-25A-18, §33-25A-27 and §33-25A-36 of said code; to amend and reenact §33-25B-6 of said code; to amend and reenact §33-25D-18, §33-25D-20 and §33-25D-29 of said code; to amend and reenact §33-46-18 of said code; to amend and reenact §33-54-2 of said code; to amend and reenact §33-55-1 of said code; to amend and reenact §33-56-1 of said code; to amend and reenact §33-59-1 of said code; to amend and reenact §44-16-3 of said code; to amend and reenact §44A-1-8, §44A-1-9 and §44A-1-15 of said code; to amend and reenact §44A-2-2 of said code; to amend and reenact §44A-3-11 of said code; to amend and reenact §46A-6L-102 of said code; to amend and reenact §48-1-104, §48-1-206 and §48-1-236 of said code; to amend and reenact §48-2-701 and §48-2-702 of said code; to amend and reenact §48-9-209 of said code; to amend and reenact §48-11-105 of said code; to amend and reenact §48-14-102, §48-14-407, §48-14-413 and §48-14-414 of said code; to amend and reenact §48-17-101 and §48-17-102 of said code; to amend and reenact §48-18-101, §48-18-118 and §48-18-126 of said code; to amend and reenact §48-19-103 of said code; to amend and reenact §48-22-104 of said code; to amend and reenact §48-23-301 of said code; to amend and reenact §48-26-206, §48-26-301, §48-26-401, §48-26-402, §48-26-501, §48-26-502 and §48-26-801 of said code; to amend and reenact §48-27-206 of said code; to amend and reenact §49-1-104, §49-1-106, §49-1-202, §49-1-206 and §49-1-208 of said code; to amend and reenact §49-2-106, §49-2-110a, §49-2-111a, §49-2-125, §49-2-301, §49-2-302, §49-2-303, §49-2-401, §49-2-502, §49-2-503, §49-2-504, §49-2-604, §49-2-605, §49-2-701, §49-2-708, §49-2-802, §49-2-803, §49-2-804, §49-2-813, §49-2-814, §49-2-901, §49-2-903, §49-2-906, §49-2-913, §49-2-1001, §49-2-1002, §49-2-1003, §49-2-1004, §49-2-1005 and §49-2-1006 of said

code; to amend and reenact §49-4-104, §49-4-108, §49-4-112, §49-4-114, §49-4-202, §49-4-203, §49-4-401, §49-4-402, §49-4-403, §49-4-408, §49-4-501, §49-4-704, §49-4-705, §49-4-706, §49-4-711, §49-4-726, §49-4-801 and §49-4-803 of said code; to amend and reenact §49-5-101 and §49-5-106 of said code; to amend and reenact §49-6-103, §49-6-105, §49-6-110, §49-6-113 and §49-6-116 of said code; to amend and reenact §49-7-102, §49-7-201, §49-7-202 and §49-7-204 of said code; to amend and reenact §49-8-1 of said code; to amend and reenact §51-2A-21 of said code; to amend and reenact §53-8-17 of said code; to amend and reenact §55-7B-9c of said code; to amend and reenact §55-19-3 of said code; to amend and reenact §60A-9-5 and §60A-9-8 of said code; to amend and reenact §60A-11-1, §60A-11-2 and §60A-11-3 of said code; to amend and reenact §61-2-14a, §61-2-14h and §61-2-29b of said code; to amend and reenact §61-7A-3 and §61-7A-4 of said code; to amend and reenact §61-8D-3 and §61-8D-4 of said code; to amend and reenact §61-11-26a of said code; to amend and reenact §61-11A-6 of said code; to amend and reenact §61-12-12 of said code; to amend and reenact §61-14-7 of said code; to amend and reenact §62-1D-2 of said code; to amend and reenact §62-12-2 of said code; to amend and reenact §62-15B-1; all relating to renaming the Department of Health and Human Resources.”

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 12**), and there were--yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Nestor, Petitto and Riley.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4274) passed.

Delegate Householder moved that the bill take effect from its passage.

On this question, the yeas and nays were taken (**Roll No. 13**), and there were--yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Nestor, Petitto and Riley.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4274) takes effect from its passage.

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

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Warner, Chiarelli, Statler, Hansen, Hamilton, Jennings and Street:

H. C. R. 43 – “Requesting the Joint Committee on Government and Finance study the potential of Cheat Lake as a state park and the potential economic and social impacts if this area is turned into a park or left for future development”; to the Committee on Agriculture and Natural Resources then Rules.

By Delegates Thorne, Horst, Hillenbrand, Street, Howell, Chiarelli, Willis, Hite and Hornby:

H. C. R. 46 – “Requesting the Division of Highways name bridge number 14-016/00.00609(14A078), locally known as Capon Lake Bridge, carrying County Route 16/Capon Springs Road over Cacapon River in Hampshire County, the ‘Jacob “Jack” Taylor Rudolph, Sr. Memorial Bridge’; to the Committee on Technology and Infrastructure then Rules.

Bill Introduced

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

By Delegate Kimble:

H. B. 4742 - “A Bill to amend and reenact §61-8B-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §61-8C-2 of said code; and to amend and reenact §61-14-2 of said code, all relating to dangerous crimes against children; and ensuring that stronger criminal penalties are associated with crimes against children”; to the Committee on the Judiciary.

By Delegate Kimble:

H. B. 4743 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1 and §16-67-2, all relating to creating a patient's right to refuse medical treatment from a resident or student when a licensed physician is available and to require medical professionals to obtain consent for a resident to treat a patient in advance of the appointment or procedure”; to the Committee on Health and Human Resources.

By Delegates Nestor, Kump, Shamblin, Winzenreid, Heckert, McGeehan, Butler, Warner, Mazzocchi, Street and Campbell:

H. B. 4950 - “A Bill to amend and reenact §33-6-10 of the Code of West Virginia, 1931, as amended, relating to requiring insurers to notify policyholders of specific amendments or changes that are made to the policy”; to the Committee on Banking and Insurance then the Judiciary.

By Delegates W. Clark, E. Pritt, Kump, Ferrell, Foggin and Willis:

H. B. 4951 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §29-36-1, all relating to the Interstate Compact for School Psychologists; stating purpose; definitions; providing for state participation in compact; providing for discipline; establishment of school psychologist interstate licensure compact commission; facilitating information exchange; providing effective date, withdrawal, and amendments”; to the Committee on Education.

By Delegate Foster:

H. B. 4952 - “A Bill to amend and reenact §11A-3-55 of the Code of West Virginia, 1931, as amended, relating to providing 60 days to persons who are served notice by purchaser of tax lien to redeem subject property”; to the Committee on the Judiciary.

By Delegate Young:

H. B. 4953 - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, and §16-67-3, all relating to requiring informed consent for pelvic, rectal, and prostate examinations, providing definitions, and listing an effective date”; to the Committee on Health and Human Resources.

By Delegate Longanacre:

H. B. 4954 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-7, relating to limiting the amount of money provided to individuals who do not attempt to obtain an education or seek employment or open a business within two years of first receiving benefits; listing exceptions"; to the Committee on Workforce Development then Finance.

By Delegate Longanacre:

H. B. 4955 - "A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-4, §3-5-13, and §3-5-13a of said code; to amend said code by adding thereto a new section, designated §3-5-5; to amend and reenact §6-5-1 of said code; and to amend and reenact §18-4-1 of said code, all relating generally to the nonpartisan election of county superintendents of schools; providing general provisions for such election; specifying the arrangement of the ballot to include such officers; providing for the placement of such persons on a primary election ballot; prescribing the manner of election of such persons; providing for the form and content of ballots; providing for the order of offices and candidates on ballots; specifying the term of office for county superintendents of schools; clarifying and enumerating relevant points concerning the election of county superintendents of schools; providing for the filling of vacancies in such office by temporary appointment; and providing for elections to fill such vacancies"; to the Committee on Education then the Judiciary.

By Delegate Rohrbach:

H. B. 4956 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-63-1, all related to requiring health benefit plan coverage; creating the Oral Health and Cancer Rights Act; requiring coverage for medically necessary dental procedures that result from cancer treatment; explaining scope of procedures covered as a result of certain cancer treatments; requiring use of specific billing identifier; and setting an effective date"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Smith and Fehrenbacher:

H. B. 4957 - "A Bill to amend and reenact §6B-2-2 of the Code of West Virginia, 1931, as amended, and to amend and reenact §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-3a, and §6B-3-5 of said code, all relating to the Ethics Commission's rulemaking requirements; modifying the definition of lobbying; removing ability of commission to promulgate rule regarding registration of persons exempt from the Act; removing requirement that lobbyist photograph specifications be established by rule; removing requirement that Commission establish fee for lobbyist training by rule; and establishing that sponsors of grassroots lobbying campaigns report certain information on expenditures over \$5,000"; to the Committee on Government Organization.

By Delegate Holstein:

H. B. 4958 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-2D-1, relating to establishing the American Campuses Act; prohibiting foreign missions of Foreign Countries of Risk to state higher education institutions; prohibiting involvement with any Foreign Government-Sponsored Talent Recruitment Program of a Foreign Country of Risk; and setting forth reporting requirements for state institutions of higher education"; to the Committee on Education.

By Delegate Holstein:

H. B. 4959 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5B-15, relating to requiring school performance reports for middles

school and high schools in this state to be provided to the Legislature, providing information to be included in the report, including college admission test preparation, three-year trends in the school, discipline policies, staff qualifications, and how to calculate dropout rates, requiring publication on the State Board of Education's website"; to the Committee on Education.

By Delegates Holstein and Mazzocchi:

H. B. 4960 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-8a, relating to adding requirements for a career exploration course to grades seven and eight educational instruction"; to the Committee on Education.

By Delegates Holstein, Rohrbach, Fehrenbacher, Pushkin and Chiarelli:

H. B. 4961 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, relating to the creation of an incentive for employers to hire persons who are pursuing a formal program of recovery from substance abuse issues; allowing an employer to claim a tax credit for employing eligible individuals, with limits based upon the employer's total number of employees overall; and providing for an effective date"; to the Committee on Prevention and Treatment of Substance Abuse then Finance.

By Delegate Holstein:

H. B. 4962 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1; to amend said code by adding thereto a new article, designated §8-40-1; and to amend said code by adding thereto a new section, designated §16-15-26, all relating to hotel and motel housing vouchers; prohibiting city or town from requiring hotel or motel participation in housing voucher programs; prohibiting county from requiring hotel or motel participation in housing voucher programs; and prohibiting a housing authority from requiring hotel or motel participation in housing voucher programs"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Holstein and Linville:

H. B. 4963 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new article, designated §61-3D-1, §61-3D-2, §61-3D-3, and §61-3D-4 all relating to prohibiting the use of deep fake technology to influence an election; providing for definitions; explaining manner of violation; providing for a penalty; and allowing injunctive relief"; to the Committee on Technology and Infrastructure then the Judiciary.

By Delegate Steele:

H. B. 4964 - "A Bill to amend and reenact §20-5-18 of the Code of West Virginia, 1931, as amended, relating to providing discounts for West Virginia residents and Division of Corrections and Rehabilitation employees for campground and golf fees"; to the Committee on Economic Development and Tourism then Finance.

By Delegate Steele:

H. B. 4965 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-5-2c, related to mandating restitution to children of victims of negligent homicide or driving under the influence causing death"; to the Committee on the Judiciary.

By Delegates Summers, Anderson, Zatezalo, Barnhart, Cooper, Heckert, Riley, Fehrenbacher, Street and Foggin:

H. B. 4966 - "A Bill to amend and reenact §22-6-24 of the Code of West Virginia, 1931, as amended, relating to allowing for the plugging of oil and gas wells using subsurface monuments to reduce the burden on surface owner property"; to the Committee on Energy and Manufacturing.

By Delegates Anderson, Zatezalo, Heckert, Riley, Fehrenbacher, Street, Barnhart, Criss, Horst and Warner:

H. B. 4967 - "A Bill to amend and reenact §22-22-1, §22-22-2, §22-22-3, §22-22-4, §22-22-5, §22-22-6, §22-22-7, §22-22-8, §22-22-9, §22-22-10, §22-22-11, §22-22-12, §22-22-13, §22-22-14, §22-22-15, §22-22-16, of the Code of West Virginia, 1931, as amended, to repeal §22-22-17 of said code, and amend and reenact §22-22-18 and §22-22-20, all relating to the administration of the Voluntary Remediation and Redevelopment Act to provide new liability protections for persons and companies who wish to purchase and redevelop former industrial properties"; to the Committee on Energy and Manufacturing then the Judiciary.

By Delegates Anderson, Zatezalo, Riley, Fehrenbacher, Criss, Horst and Warner:

H. B. 4968 - "A Bill to repeal §16-27-1, §16-27-2, §16-27-3, and §16-27-4 of the Code of West Virginia, 1931, as amended; to repeal §16-34-1, §16-34-2, §16-34-3, §16-34-4, §16-34-5, §16-34-6, §16-34-7, §16-34-8, §16-34-9, §16-34-10, §16-34-11, §16-34-12, §16-34-13, and §16-34-14 of said code; to amend and reenact §16-1-7 of said code; to amend and reenact §18-9E-3 of said code; to amend said code by adding thereto a new article, designated §22-35-1, §22-35-2, §22-35-3, §22-35-4, §22-35-5, §22-35-6, §22-35-7, §22-35-8, §22-35-9, §22-35-10, §22-35-11, §22-35-12, §22-35-13, §22-35-14, §22-35-15, §22-35-16, §22-35-17, §22-35-18, §22-35-19, §22-35-20, and §22-35-21; to amend said code by adding thereto a new article, designated §22-37-1, §22-37-2, §22-37-3, §22-37-4, §22-37-5, §22-37-6, §22-37-7, §22-37-8, §22-37-9, §22-37-10, §22-37-11, §22-37-12, §22-37-13 and §22-37-14; and to amend and reenact §29-1H-3 and §29-1H-5 of said code, all relating to making West Virginia an agreement state with the United States Nuclear Regulatory Commission and transferring authority and responsibility for sources of radiation from other state agencies to the Department of Environmental Protection; establishing a comprehensive regulatory system for the control of sources of radiation for the protection of the public and the environment; creating the Radiation Control Act; providing for declaration of policy and purpose; providing for certain definitions; providing for exemptions; creating the Radiation Advisory Board; providing for the Board's composition, authorities, duties, and for the compensation of members; providing that the Department of Environmental Protection is be designated as the state radiation control agency; providing for the Department's duties, authorities, and requirements for consistency with federal law and regulations; providing for comprehensive programs and procedures to control radiation through general and specific licensing of radioactive materials and equipment; establishing rule making authority under the Department concerning radiation control; establishing licensing and registration requirements and procedures; establishing fee schedules, funding sources, and forms; transferring existing rules, licenses, policies, agreements, grants, and funding to the Department from other agencies; establishing procedures and requirements regarding radioactive materials and sureties; providing for a comprehensive program to regulate Radon, and its screening, testing, and mitigation; providing for the regulation of X-ray machines, and providing for reports, fees, and qualifications of inspectors; creating the Radiation Site Closure and Reclamation Fund with requirements and funding sources; creating the Radiation Licensure and Inspection Fund with requirements and funding sources; allowing for impounding sources of ionizing radiation; providing authority for the Governor and the Department to enter into agreements with the federal government, other states, or interstate agencies; defining effects on local ordinances; providing for administrative procedure and judicial review; defining enforcement procedures regarding violations of law; establishing civil penalties; establishing felonies with criminal penalties; providing for the licensure of radon mitigators, testers, contractors, and laboratories; providing for legislative findings; requiring radon licenses and providing requirements and exemptions; providing for record keeping, rulemaking, and confidentiality; transferring a special revenue fund and other funds to the Department; providing for suspension or revocation of licenses for programs concerning radon and other radioactive materials; continuing an existing misdemeanor with criminal penalties; and providing

that the Secretary of the Department of Environmental Protection shall assume responsibilities under the Appalachian States Low-Level Radioactive Waste Compact"; to the Committee on Energy and Manufacturing.

By Delegates Holstein, Chiarelli, Mazzocchi, Barnhart and Forsht:

H. B. 4969 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-52-1, relating to withholding a high school diploma from a student who causes at least \$1,000 in damage due to destruction of property or defacement of school grounds"; to the Committee on Education then the Judiciary.

By Delegates Cooper, Heckert and Shamblin:

H. B. 4970 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §8-12-5h, relating to municipal corporations; and the jurisdiction and limitations on municipalities to retain revenue received from minor traffic violations; and providing definitions"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Criss, Anderson, Cooper, Heckert, Fehrenbacher, Street, Young, Hansen and Horst:

H. B. 4971 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-6M-1, §11-6M-2, §11-6M-3, §11-6M-4, and §11-6M-5, all relating to limiting property tax on critical materials manufacturing; and providing an effective date"; to the Committee on Finance.

By Delegates Hott, Westfall, Petitto, Jeffries, W. Hall, Kelly, Householder, Hardy, Street, Hornby and Hite:

H. B. 4972 - "A Bill to amend and reenact §15-2A-21 of the Code of West Virginia, 1931, as amended, relating to the West Virginia State Police Retirement System; retirement credited service; sick leave; and providing the option to use accrued annual or sick leave for additional credited service or to fund health insurance"; to the Committee on Pensions and Retirement then Finance.

By Delegates Hott, Westfall, Petitto, Fehrenbacher, Jeffries, W. Hall, Hite and Burkhammer:

H. B. 4973 - "A Bill to amend and reenact §23-4-2a of the Code of West Virginia, 1931, as amended, relating to reducing the maximum amount recoverable as compensatory damages for noneconomic loss in workers' compensation death and disability benefits"; to the Committee on the Judiciary.

By Delegates Hott, Hite, Petitto, Jeffries, Kelly, W. Hall, Fehrenbacher, Householder, Hardy, Hornby and Burkhammer:

H. B. 4974 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-39-1 and 19-39-2, all relating to the creation of the Save Our Farmland and Protect Our National Security Act"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Burkhammer and Pinson:

H. B. 4975 - "A Bill to amend and reenact §49-2-111c of the Code of West Virginia, 1931, as amended, relating to the creation of a child welfare information technology systems; requiring the Bureau of Social Services to implement of a child welfare information technology system; providing access to the system; setting forth the requirements of the system"; to the Committee on Health and Human Resources then Finance.

By Delegate Jennings:

H. B. 4976 - "A Bill to amend and reenact §15A-13-1 of the Code of West Virginia, 1931, as amended, relating to providing the contact information of the Inspector General on the agencies and boards websites of the executive departments"; to the Committee on Government Organization.

By Delegates Holstein and Forsht:

H. B. 4977 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, relating to requiring that public restrooms provide diaper changing stations in both male and female restrooms if these stations are provided at all"; to the Committee on Government Organization.

By Delegates Summers and Tully:

H. B. 4978 - "A Bill to amend and reenact §5-14-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-5A-4 of said code; to amend and reenact §16-1-5, §16-1-6, §16-1-7, §16-1-8, §16-1-9, §16-1-9a, §16-1-9c, §16-1-15, and §16-1-17 of said code; to amend and reenact §16-2-2, §16-2-5, §16-2-11, §16-2-12, and §16-2-13 of said code; to amend and reenact §16-3-4 and §16-3-5 of said code; to amend and reenact §16-3C-2 and §16-3C-8 of said code; to amend and reenact §16-3D-2, §16-3D-3, §16-3D-4, §16-3D-7, and §16-3D-9 of said code; to amend and reenact §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-8, §16-4C-8a, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-20, §16-4C-21, §16-4C-23, and §16-4C-24 of said code; to amend and reenact §16-4E-2 of said code; to amend and reenact §16-5-5, §16-5-11, and §16-5-22 of said code; to amend and reenact §16-5M-3 of said code; to amend and reenact §16-5U-3 of said code; to amend and reenact §16-9-2 and §16-9-3 of said code; to amend and reenact §16-9G-1 of said code; to amend and reenact §16-22-2 and §16-22-3 of said code; to amend and reenact §16-32-11 of said code; to amend and reenact §16-38-5 of said code; to amend and reenact §16-40-2, §16-40-4, §16-40-5, §16-40-6, §16-40-7, and §16-40-8 of said code; to amend and reenact §16-41-3 of said code; to amend and reenact §16-44-2 of said code; to amend and reenact §16-56-4 of said code; to amend and reenact §16A-11-1 and §16A-11-2 of said code; to amend and reenact §22B-2-1 of said code; to amend and reenact §22C-1-4 of said code; to amend and reenact §61-12-3 of said code; and to amend and reenact §61-12A-1 of said code, all relating to clarifying the authority of appointed officials; clarifying the powers, duties, and responsibilities of the Secretary of the Department of Health, clarifying the powers, duties, and responsibilities the Commissioner of the Bureau for Public Health, and clarifying the powers, duties, and responsibilities the state health officer"; to the Committee on Health and Human Resources.

By Delegate Young:

H. B. 4979 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-24, relating to providing insurance coverage for GLP-1 class medications with a valid script"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegate Worrell:

H. B. 4980 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-8-17, relating to choice of law provisions in franchise agreements; declaring agreement voidable if it provides the agreement to be interpreted pursuant to the law of any other state; and establishing effective date of amendments"; to the Committee on the Judiciary.

By Delegate Martin:

H. B. 4981 - "A Bill to amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating to permitting the carrying of concealed weapons on the campus of a state institution of higher education"; to the Committee on Education then the Judiciary.

By Delegate Young:

H. B. 4982 - "A Bill to amend and reenact §61-8B-1, §61-8B-3, and §61-8B-5 of the Code of West Virginia, 1931, as amended, all relating to removing marriage from the definitions listed for crimes of sexual offenses"; to the Committee on the Judiciary.

By Delegates Hardy, Toney, W. Clark, E. Pritt, Campbell, Jennings, Horst, Statler and Rohrbach:

H. B. 4983 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §16-9G-3, relating to creating the Tobacco Cessation Initiative Program Special Revenue Account; and directing a fixed portion of money to fund the account from the Legislature"; to the Committee on Health and Human Resources then Finance.

By Delegates Summers, Tully, Miller and Rohrbach:

H. B. 4984 - "A Bill to repeal §11-13I-1, §11-13I-2, and §11-13I-3 of the Code of West Virginia, 1931, all relating to repealing tax credit for employing certain former employees of the Colin Anderson Center"; to the Committee on Finance.

By Delegates Householder, Barnhart, Westfall, Hardy, Linville, Fehrenbacher, Mazzocchi, Criss, Hornbuckle and Kump:

H. B. 4985 - "A Bill to amend and reenact §32-4-407a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §32-7-701, §32-7-702, §32-7-703, §32-7-704, §32-7-705, §32-7-706, §32-7-707, §32-7-708, §32-7-709, §32-7-710, and §32-7-711, all relating generally to authorizing victim restitution and creating a restitution assistance fund for victims of securities violations; providing a short title; providing definitions; creating the Securities Restitution Assistance Fund; authorizing the awarding of restitution in an administrative assessment; providing for the manner and procedures for applications for restitution assistance; providing the manner and procedures for the payment of restitution assistance awards; detailing the situations in which restitution is prohibited; providing for subrogation; providing for a lien on recovery and refunds of excessive restitution amounts; providing for the suspension of claims; exempting the restitution awards from attachment or intercept; authorizing the Auditor to promulgate rules regarding the restitution program; and providing an effective date"; to the Committee on the Judiciary then Finance.

By Delegates Rohrbach, Warner, Statler, Ellington, Toney, Foggin, Mazzocchi, Longanacre, Ferrell, Jennings and Hornby:

H. B. 4986 - "A Bill to the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-19e, relating to providing computer science and cybersecurity instruction for adult learners"; to the Committee on Education.

By Delegate Dillon:

H. B. 4987 - "A Bill to amend and reenact §5-16-13 of the Code of West Virginia, 1931, as amended, relating to the conversion of accrued annual and sick leave to a cash payout for the unused sick days in the Teachers Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Vance, Toney, Rohrbach, Heckert, Cooper, Dean, Bridges and Hite:

H. B. 4988 - "A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to making classroom sizes equal so that aides can be best utilized and one-on-one time with teachers and students can be maximized without losing the use of an aide"; to the Committee on Education then Finance.

By Delegate Vance:

H. B. 4989 - "A Bill to amend and reenact §11-21-32 of the Code of West Virginia, 1931, as amended, relating to imposing a 1.5% tax on the income of nonresidents"; to the Committee on Finance.

By Delegates Vance, Gearheart, Kimble, DeVault, Stephens, Dean and Adkins:

H. B. 4990 - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing the WVSSAC to pull the coaching credentials of any coach found guilty of illegal recruiting student athletes"; to the Committee on Education then the Judiciary.

By Delegates Barnhart, Anderson, Kelly, Stephens and Sheedy:

H. B. 4991 - "A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to allowing counties to save excess funds"; to the Committee on Political Subdivisions then Finance.

By Delegates Brooks, Ross, E. Pritt, Jennings and DeVault:

H. B. 4992 - "A Bill to amend and reenact §20-2-22a of the Code of West Virginia, 1931, as amended, all relating to eliminating the restriction on baiting bears"; to the Committee on Agriculture and Natural Resources then the Judiciary.

By Delegates Westfall and Shamblin:

H. B. 4993 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-11-12, relating to establishing response requirements for all fire departments; stating purpose; requiring fire commission establish predetermined assignments for response to emergency; prohibiting fire departments from dismissing fire departments to request one outside of predetermined assignments; and authorizing rulemaking"; to the Committee on Fire Departments and Emergency Medical Services then Government Organization.

By Delegates Ridenour, Kirby, Mallow, Ward, Phillips, Steele, Foster, Kimble, Hillenbrand, Householder and Gearheart:

H. B. 4994 - "A Bill to amend and reenact §61-6-24 of the Code of West Virginia, 1931, as amended, relating to clarifying definitions of terroristic acts and groups, creates mandatory sentencing, and requires the Attorney General to identify terroristic groups and requires restitution to be paid to victims of terrorism"; to the Committee on the Judiciary.

By Delegates Kump and Horst:

H. B. 4995 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-6, relating to providing that the proclamation of the convening of the Legislature by the governor be issued not less than five days prior to the convening of the Legislature; requiring the governor to provide not less than five day's prior notice to all state legislators when calling a special session of the Legislature"; to the Committee on Government Organization.

By Delegates Ridenour, Kirby, C. Pritt, Ward, Phillips, Steele, Foster, Kimble, Hillenbrand, Gearheart and Mallow:

H. B. 4996 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-1-10A, relating to government procurement of electric vehicles; prohibiting government contracts procuring electric vehicles that may have been made in whole or in part through forced labor; setting remedies and penalties for manufacturers; and providing an effective date"; to the Committee on Government Organization then the Judiciary.

By Delegates Rohrbach, Willis, Stephens, Sheedy, Barnhart, E. Pritt, Chiarelli, Maynor, Cannon, Shamblin and W. Hall:

H. B. 4997 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-24 ; to amend said code by adding thereto a new section, designated §33-16-20; to amend said code by adding thereto a new section, designated §33-24-15; and to amend said code by adding thereto a new section designated §33-25-23 and to amend said code by adding thereto a new section designated §33-25A-37, all relating to requiring habilitative speech therapy as a treatment for stuttering insurance coverage"; to the Committee on Banking and Insurance then Finance.

By Delegates Kirby, Nestor, Brooks, Hornbuckle and E. Pritt:

H. B. 4998 - "A Bill to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to modifying the penalties for third offense conviction of shoplifting"; to the Committee on the Judiciary.

By Delegates Kirby, Steele, Brooks, Young and C. Pritt:

H. B. 4999 - "A Bill to amend and reenact §57-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding the exception to spousal testimonial privilege to include cases of offenses committed against the grandchildren of either spouse"; to the Committee on the Judiciary.

By Delegates Brooks and Foster:

H. B. 5000 - "A Bill to the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2-141, relating to restricting when credit card companies can send new cards and stopping credit card companies from invalidating a card due to lack of use prior to the expiration date of the card"; to the Committee on Banking and Insurance then Government Organization.

By Delegates Kirby, Dean, E. Pritt and Hansen:

H. B. 5001 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-32-1 §5-32-2, §5-32-3, §5-32-4, §5-32-5, §5-32-6, §5-32-7, §5-32-8, and §5-32-9, all relating to the creation the State Employee Paid Leave Act ('SEPLA'); and relating to providing 12 weeks of paid family leave for state employees under qualified circumstances"; to the Committee on Government Organization then Finance.

By Delegates Holstein, Mazzocchi, Chiarelli, Rohrbach and Worrell:

H. B. 5002 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, relating to requiring that public rest areas provide diaper changing stations in both male and female restrooms"; to the Committee on Government Organization.

Special Calendar**Third Reading**

Com. Sub. for H. B. 4302, Modifying the criminal penalties imposed on a parent, guardian or custodian for child abuse; on third reading, coming up in regular order, was read a third time.

Delegate Ellington requested to be excused from voting under the provisions of House Rule 49.

The Speaker replied that the Delegate was a member of a class of persons possibly to be affected by the passage of the bill and did not excuse the Member from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 14**), and there were--yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Nestor, Petitto and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4302) passed.

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

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; 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. 15**), and there were--yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Nestor, Petitto and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4428) passed.

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

Com. Sub. for H. B. 4552, To ensure party affiliation is consistent with candidate's voter registration; 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. 16**), and there were--yeas 96, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Nestor, Petitto and Riley.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4552) passed.

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

Second Reading

Com. Sub. for H. B. 4431, Permitting the cremation of unidentified remains; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

H. B. 4432, Relating to midlevel practitioners; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Health and Human Resources, on page 21, by removing section 15 from the bill in its entirety.

On the adoption of the amendment, the yeas and nays were demanded, which demand was sustained.

The yeas and nays having been ordered, they were taken (**Roll No. 17**), and there were-- yeas 31, nays 65, absent and not voting 3, with the yeas and the absent and not voting being as follows:

Yeas: Anderson, Cannon, Chiarelli, Cooper, Criss, Dillon, Ellington, Fehrenbacher, Ferrell, Fluharty, Foggin, Garcia, Griffith, Hamilton, Hansen, Hardy, Heckert, Hornbuckle, Hott, Householder, Jennings, Kelly, Lewis, Martin, Statler, Steele, Toney, Vance, Westfall, Zatezal and Hanshaw (Mr. Speaker).

Absent and Not Voting: Nestor, Petitto and Riley.

So, a majority of the members present not having voted in the affirmative, the amendment was rejected.

The bill was then ordered to engrossment and third reading.

H. B. 4594, Relating to extending managed care; 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. 4620, Removing the expiration date from the food handler card; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Jeffries, the bill was amended on page 1, section 16, line 5, following the word establishment by inserting the following:

“, provided, that this requirement does not apply to individuals that serve at a non-profit food preparation and/or distribution site twelve times or less in one calendar year if an individual with a food handlers card is present when the individual is volunteering”.

The bill was then ordered to engrossment and third reading.

First Reading

H. B. 4026, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4595, Relating to the Legislative Oversight Commission on Health and Human Resources Accountability; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4621, Relating to the Division of Correction and Rehabilitation posting mug shot photos for an arrest; on first reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4627, Relating to DNA data maintained for law enforcement purposes; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4666, Relating to establishing criminal penalties for human trafficking; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4683, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4756, Creating a state Alzheimer's plan task force; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4768, Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4769, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4793, Relating to moonshine; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4795, Relating to permitting an academic medical center to operate an opioid treatment facility; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4874, Relating to fatality and mortality review team; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4878, Updating the meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

Leaves of Absence

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Nestor, Petitto and Riley.

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. 4621: Delegate Kump;

H. B. 4627: Delegate Ridenour;

And,

H. B. 4756: Delegate Summers.

At 12:13 p.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 23, 2024.

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

SPECIAL CALENDAR

Tuesday, January 23, 2024

14th Day

11:00 A.M.

THIRD 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

SECOND 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. 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
- Com. Sub. for H. B. 4756 - Creating a state Alzheimer's plan task force
- H. B. 4768 - Relating to increasing the number of out-of-state medical students receiving in-state tuition rates who agree to practice for a specific time within West Virginia.
- 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. 4795 - Relating to permitting an academic medical center to operate an opioid treatment facility.
- Com. Sub. for H. B. 4874 - Relating to fatality and mortality review team
- 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

FIRST READING

H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia

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

HOUSE CALENDAR

Tuesday, January 23, 2024

14th Day

11:00 A.M.

WEST VIRGINIA HOUSE OF DELEGATES

TUESDAY, JANUARY 23, 2024

HOUSE CONVENES AT 11:00 A.M.

**COMMITTEE ON RULES
10:45 A.M. - BEHIND THE CHAMBER**

**COMMITTEE ON BANKING AND INSURANCE
9:00 A.M. - JUDICIARY COMMITTEE ROOM**

**COMMITTEE ON PENSIONS AND RETIREMENT
9:00 A.M. - FINANCE COMMITTEE ROOM**

**COMMITTEE ON VETERANS' AFFAIRS AND HOMELAND SECURITY
9:15 A.M. - EAST WING COMMITTEE ROOM**

**COMMITTEE ON POLITICAL SUBDIVISIONS
10:00 A.M. - EDUCATION COMMITTEE ROOM**

**COMMITTEE ON TECHNOLOGY AND INFRASTRUCTURE
1:00 P.M. - EDUCATION COMMITTEE ROOM**

**COMMITTEE ON ENERGY AND MANUFACTURING
1:00 P.M. - FINANCE COMMITTEE ROOM**

**COMMITTEE ON HEALTH AND HUMAN RESOURCES
3:00 P.M. - EAST WING COMMITTEE ROOM**

WEDNESDAY, JANUARY 24, 2024

**PUBLIC HEARING
COMMITTEE ON THE JUDICIARY
8:30 A.M. - HOUSE CHAMBER**

**H.B. 4654, REMOVING BONA FIDE SCHOOLS, PUBLIC LIBRARIES, AND
MUSEUMS FROM THE LIST OF EXEMPTIONS FROM CRIMINAL LIABILITY
RELATING TO DISTRIBUTION AND DISPLAY TO MINOR OF OBSCENE MATTER**

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