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January 24, 2024  
FIFTEENTH DAY



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Wednesday, January 24, 2024

**FIFTEENTH 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 Tuesday, January 23, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4908**, Relating to permitting the state agencies to contract with the West Virginia public health Institute,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for 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 exempting certain contracts from purchasing; permitting the state agencies to contract with a West Virginia public health institute; permitting the state agencies to contract with West Virginia University; permitting the state agencies to contract with West Virginia School of Osteopathic Medicine; permitting the state agencies to contract with Marshall University; and removing outdated provisions from the code,"

With the recommendation that the committee substitute do pass.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4408**, To allow the development of a specialized intermediate care facility for individuals with intellectual and developmental disabilities,

And,

**H. B. 4975**, Relating to the creation of a child welfare information technology systems,

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. 4408 and H. B. 4975) were each referred to the Committee on Finance.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4320**, Relating to access for minor children's medical records,

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. 4320) was referred to the Committee on the Judiciary.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 4783**, Relating to the practice of optometry,

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

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4807**, To require telecommunications providers that fail to provide subscribed customers service for five (5) or more days (120 hours) to automatically credit the customer's account for the lack of service proportional to the number of days disrupted services,

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. 4807) was referred to the Committee on the Judiciary.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4697**, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration,

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

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4195**, Relating to reporting requirements under the Grant Transparency and Accountability Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4195** - "A Bill to amend and reenact §12-4-14, of the Code of West Virginia, 1931, as amended; all relating to Grant Transparency and Accountability Act; clarifying reporting requirements for matching portions of federal grants; providing that a grantee who, by their action or inaction, causes Federal funds to be returned shall hold the state harmless, and shall make commensurate reimbursement to the state; providing that a political subdivision of this state, which has received infrastructure grant money to fund a project, shall reimburse the infrastructure fund if the project is thereafter sold, granted, convey, or otherwise alienated; and updating internal citations,"

With the recommendation that the committee substitute do pass, but that it first be referred to the Committee on Finance.

The bill (Com. Sub. for H. B. 4195) was referred to the Committee on Finance.

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

Your Committee on Energy and Manufacturing has had under consideration:

**H. B. 4027**, Authorizing Department of Environmental Protection to promulgate a rule relating to alternative emission limitations during startup and shutdown operations,

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. 4027) was referred to the Committee on the Judiciary.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4764**, Provide one trip temporary vehicle permits to be purchased and printed online,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4764** - "A Bill to amend and reenact §17A-7-2 of the Code of West Virginia, 1931, as amended, relating to requiring the Commissioner of the Division of Motor Vehicles to allow the purchase of special one trip or one-way permits to be made and paid for online, and deleting obsolete language,"

With the recommendation that the committee substitute do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4766**, Require Division of Highways to place signage up 30 days prior to road closure,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4766** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated as §17-4-5a, relating to requiring Division of Highways post signage for planned road closures 30 days prior to the closure, if the closure will last longer than 30 days and the detour is longer than one mile; and providing exceptions,"

With the recommendation that the committee substitute do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 4703**, Relating to vehicles exempt from payment of registration fees for certain veterans,

And,

**H. B. 4722**, Create a credit against the severance tax to encourage private companies to make infrastructure improvements to highways, roads and bridges in this state,

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. 4703 and H. B. 4722) 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. 4776**, Relating to adding elementary schools into school disciplinary measures,

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. B. 4372**, To increase the 35 year limit on interval pay raises for teachers to 40 years,

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 Finance.

The bill (H. B. 4372) was referred to the Committee on Finance.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4753**, Requiring health insurance policies and medicaid to cover biomarker testing,

**H. B. 4786**, Delivery Network Company (DNC) Insurance Model Act,

And,

**H. B. 4823**, Public Adjuster Professional Standards Reform Act,

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 the Judiciary.

In accordance with the former direction of the Speaker, the bills (H. B. 4753, H. B. 4786 and H. B. 4823) were each referred to the Committee on the Judiciary.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 4720**, Tuition and fee exemptions for service-connected Disabled Veterans and their dependents,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4720) was referred to the Committee on Finance.

Delegate Cooper, Chair of the Committee on Veterans' Affairs and Homeland Security, submitted the following report, which was received:

Your Committee on Veterans' Affairs and Homeland Security has had under consideration:

**H. B. 4726**, Creating a liaison program with the federal Department of Veterans Affairs Transition Assistance Program,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4726) was referred to the Committee on Government Organization.

Delegate Barnhart, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4801**, Relating generally to the banking authority of the State Treasurer's Office,

And,

**H. B. 4837**, Clarifying the duty of banks to retain and procure records,

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. 4801 and H. B. 4837) were each referred to the Committee on the Judiciary.

Delegate Westfall, Chair of the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration:

**H. B. 4809**, Health Care Sharing Ministries Freedom to Share Act,

And reports the same back with the recommendation that it do pass, 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. 4809) was referred to the Committee on the Judiciary.

Delegate Martin, Chair of the Committee on Political Subdivisions, submitted the following report, which was received:

Your Committee on Political Subdivisions has had under consideration:

**H. B. 4602**, Repeal municipal license and tax when state license required,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4602) was referred to the Committee on Government Organization.

### **Messages from the Senate**

A message from the Senate, by

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

**Com. Sub. for S. B. 17** - "A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating to generally to authorizing certain agencies of the Department of Health to promulgate legislative rules; authorizing the rules as filed and as modified

by the Legislative Rule-Making Review Committee; authorizing the Department of Health to promulgate a legislative rule relating to public water systems operators; authorizing the Department of Health to promulgate a legislative rule relating to wastewater systems and operators; authorizing the Department of Health to promulgate a legislative rule relating to behavioral health centers licensure; authorizing the Department of Health to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health to promulgate a legislative rule relating to assisted living residences; authorizing the Department of Health to promulgate a legislative rule relating to cross-connection control and backflow prevention; authorizing the Department of Health to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health to promulgate a legislative rule relating to fees for services; authorizing the Department of Health to promulgate a legislative rule relating to medical examiner requirements for postmortem inquiries; authorizing the Department of Health to promulgate a legislative rule relating to newborn screening system; authorizing the Department of Health to promulgate a legislative rule relating to distribution of funds from Emergency Medical Services Salary Enhancement Fund; authorizing the Department of Health to promulgate a legislative rule relating to West Virginia Clearance for Access, registry and employment screening; authorizing the Department of Health to promulgate a legislative rule relating to cooperative agreement approval and compliance; authorizing the Department of Health to promulgate a legislative rule relating to certificate of need; authorizing the Department of Health to promulgate a legislative rule relating to chronic pain management clinic licensure; and authorizing the Department of Health to promulgate a legislative rule relating to medication-assisted treatment and office-based, medication-assisted treatment"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 31** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-5A-1 and §64-5A-2, all relating generally to authorizing certain agencies of the Department of Human Services to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Department of Human Services to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Human Services to promulgate a legislative rule relating to procedure to contest the substantiation of child abuse or neglect; and authorizing the Family Protection Services Board to promulgate a legislative rule relating to domestic violence program licensure standards"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**Com. Sub. for S. B. 152** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-34-1, relating to the display of the official motto of the United States in public elementary and secondary schools and in institutions of higher education"; which was referred to the Committee on Education then the Judiciary.

A message from the Senate, by

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

**Com. Sub. for S. B. 217** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4, relating to providing the state and its political subdivisions with ability and process by which to negotiate lower price for construction work when all bids received exceed the maximum budgeted amount; establishing ability to make negotiated award to lowest responsive and responsible bidder when there are multiple bidders; and setting sunset date"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**S. B. 240** - "A Bill to amend and reenact §59-1-14 of the Code of West Virginia, 1931, as amended, relating to fees charged by sheriffs"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

**Com. Sub. for S. B. 269** - "A Bill to amend and reenact §47-19-3 of the Code of West Virginia, 1931, as amended; and to repeal §60A-4-403a of said code, relating to excluding test strips from the definition of drug paraphernalia; and specifying that possession, sale, or purchase of drug test strips is not prohibited."

At the respective requests of Delegate Householder, and by unanimous consent, the bill was taken up for immediate consideration and reference to a committee was dispensed with.

The bill (Com. Sub. for S. B. 269) was read a first time and ordered to second reading.

A message from the Senate, by

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

**Com. Sub. for S. B. 293** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to creating the Glucagon for Schools Act; defining terms; allowing prescription for undesignated glucagon in the name of a school district or school; allowing school to maintain a supply of undesignated glucagon; allowing trained school personnel to administer undesignated glucagon if the student's prescribed glucagon is not available on site or has expired; prohibiting licensed health professional with prescribing authority and pharmacist from being held responsible for harm due to the administration of undesignated glucagon in certain instances; declaring school personnel, the school district or school of employment, members of the governing school board, and the chief administrator are not liable in any criminal action or for civil damages as a result of administering undesignated glucagon in certain instances; requiring a school to call local emergency assistance and notify certain others as soon as practicable after the administration of undesignated glucagon; stating that each school should have an easily accessible glucometer on site; allowing all school personnel in schools that have students with diabetes to receive certain training; allowing designated school personnel to be trained to perform tasks necessary to assist a student with diabetes in accordance with his or her diabetes medical management plan; allowing school district to coordinate staff training; allowing school nurses, where available, or certain health care providers to provide technical assistance, consultation, or both to school personnel; and requiring an information sheet to be provided to any school employee who transports a

student for school-sponsored activities"; which was referred to the Committee on Health and Human Resources.

A message from the Senate, by

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

**S. B. 438** - "A Bill to amend and reenact §5-30-2 of the Code of West Virginia, 1931, as amended, relating to requirements for rosters of individuals who have obtained professional, occupational, and trade licenses, registrations, and certificates made available to public; establishing exception for certain authorizing entities; and removing geographical information from rosters"; which was referred to the Committee on Government Organization.

### **Bills Introduced**

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

**By Delegate W. Hall:**

**H. B. 5057** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to defining a nominal fee for providing a referral to an insurance company or producer"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Martin:**

**H. B. 5058** - "A Bill to amend and reenact §8-12-4 of the Code of West Virginia, 1931, as amended, relating to providing a process by which a city may hold an election to recall an ordinance"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate Martin:**

**H. B. 5059** - "A Bill to amend and reenact §18A-4-8 of the Code of West Virginia, 1931, as amended, relating to defining a work day and a one-half work day for school service personnel and removing a provision relating to employment of licensed practical nurses"; to the Committee on Education.

**By Delegate Longanacre:**

**H. B. 5060** - "A Bill to amend and reenact §3-5-6 of the Code of West Virginia, 1931, as amended, relating to establishing partisan elections for county board of education members"; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 5061** - "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, and §27-18-6, all relating to establishing the behavioral health reform and innovation council; declaring the title of the act; creating the council; describing the scope of the council; detailing the composition of the council; requiring meetings and setting certain rules for the meetings; stating powers and duties of the council; and defining subcommittees of the council"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Burkhammer, Pinson, Heckert, Hornby, Riley and W. Hall:**

**H. B. 5062** - "A Bill to amend and reenact §49-4-601 of the Code of West Virginia, 1931, as amended, relating to procedures in cases of child neglect or abuse; allowing a guardian ad litem to request the appointment of a court appointed special advocate; to the Committee on Senior, Children, and Family Issues then Judiciary.

**By Delegates Burkhammer, Pinson, Heckert, Hornby, Riley and W. Hall:**

**H. B. 5063** – “A Bill to amend and reenact §49-4-111 of the Code of West Virginia, 1931, as amended, relating to modifying the time to terminate a foster care arrangement”; to the Committee on Senior, Children, and Family Issues then Judiciary.

**By Delegate Ferrell:**

**H. B. 5064** - “A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended, relating to obtaining titles to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company; and removing the requirement that the loan value of the motor vehicle be less than \$9500 to allow the automobile dealer, licensed automobile auction, motor vehicle repair facility or towing company to obtain a certificate of title and registration for the abandoned motor vehicle or junked vehicle”; to the Committee on Technology and Infrastructure.

**By Delegates Steele, Hanshaw (Mr. Speaker), Criss, Kelly, Rohrbach, Summers, Kirby, Nestor, Sheedy, Cannon and Maynor:**

**H. B. 5065** - “A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended; to amend and reenact §44-10-14 of said code; and to amend and reenact §49-4-601 of said code; all relating to continuing education requirements and compensation of Guardians Ad Litem”; to the Committee on the Judiciary then Finance.

**By Delegate Burkhammer:**

**H. B. 5066** - “A Bill to amend and reenact §17C-11-8 of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of electric bicycles or ‘e-bikes’ for hunting wildlife in this state”; to the Committee on Agriculture and Natural Resources then Government Organization.

**Motions**

Delegate Chiarelli asked and obtained unanimous consent to be added as a cosponsor of H. B. 4795.

Delegate Bridges asked and obtained unanimous consent to be removed as a cosponsor of H. B. 5023.

**Special Calendar****Unfinished Business**

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk and adopted:

**S. C. R. 16**, Urging US Congress enact reforms to federal permitting policies to accelerate deployment of new energy infrastructure.

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

The yeas and nays having been ordered, they were taken (**Roll No. 22**), and there were— yeas 93, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Griffith, Hamilton, Hansen and Young.

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (S. C. R. 16) adopted.

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

**S. C. R. 17**, Reaffirming support of WV Legislature for State of Israel and Jewish people.

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

The yeas and nays having been ordered, they were taken (**Roll No. 23**), 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: Chiarelli, Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the resolution (S. C. R. 17) adopted.

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

### Third Reading

**H. B. 4026**, Authorizing the Department of Administration to promulgate a legislative rule relating to state owned vehicles; 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. 24**), 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: Chiarelli, Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4026) passed.

**Com. Sub. for H. B. 4620**, Removing the expiration date from the food handler card; 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. 25**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4620) passed.

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

**Com. Sub. for H. B. 4620** – “A Bill to amend and reenact §16-2-16 of the Code of West Virginia, 1931, as amended, relating to food handler permit; removing the expiration date of a food handler permit; requiring local health departments to adopt the minimum guidelines adopted by the bureau; permitting continuing education and providing a volunteer exemption.”

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

On this question, the yeas and nays were taken (**Roll No. 26**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dillon and Westfall.

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. 4620) takes effect from its passage.

*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. 4666**, Relating to establishing criminal penalties for human trafficking; 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. 27**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4666) 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. 4683**, Requiring parents or guardians to participate in programs for juveniles in an out-of-home placement; 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. 28**), and there were—yeas 93, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Hite, Kump, Pushkin and Vance.

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4683) passed.

On motion of Delegate Fast, the title of the bill was amended to read 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; and to amend said code by adding thereto a new section, designated §49-4-712a, all relating to requiring parents, guardians, or custodians to participate in programs for juveniles in an out-of-home placement unless there is a finding by the court that said participation is not in the best interest of the juvenile; requiring appointment of legal counsel for any parent, guardian, or custodian that is ordered to participate in services or treatment proscribed by this section; 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 or that participation would place an undue hardship upon any parent, guardian, or custodian.”

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

There being no objection heard, the House returned to consideration of **H. B. 4026**.

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

On this question, the yeas and nays were taken (**Roll No. 29**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dillon and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4026) takes effect from its passage.

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

**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 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. 30**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4768) passed.

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

**H. B. 4769**, Clarifying appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor; 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. 31**), and there were—yeas 94, nays 3, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Foster, Gearheart and Vance.

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4769) passed.

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

**H. B. 4793**, Relating to moonshine; 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. 32**), and there were—yeas 49, nays 48, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Adkins, Anderson, Barnhart, Brooks, Burkhammer, Butler, Campbell, Cannon, T. Clark, Cooper, Coop-Gonzalez, DeVault, Ellington, Fast, Ferrell, Foster, Griffith, Hall, Holstein, Horst, Howell, Jeffries, Jennings, Kelly, Kirby, Kump, Longanacre, Lucas, Mallow, Martin, Mazzocchi, Miller, Moore, Petitto, Pinson, Ridenour, Rohrbach, Ross, Rowe, Statler, Stephens, Street, Toney, Vance, Ward, Warner, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4793) 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. 4874**, Relating to fatality and mortality review team; 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. 33**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dillon and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4874) passed.

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

On this question, the yeas and nays were taken (**Roll No. 34**), and there were—yeas 97, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dillon and Westfall.

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. 4874) takes effect from its passage.

*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. 4595**, Relating to the Legislative Oversight Commission on Health and Human Resources Accountability; 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. 4627**, Relating to DNA data maintained for law enforcement purposes; 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. 4756**, Creating a state Alzheimer's plan task force; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Hall, the bill was amended on page 5, section 8, line 105 by striking subsection (j) in its entirety and inserting in lieu thereof the following:

"(j) No later than 24 months, the council shall submit a State Alzheimer's Plan to the Joint Committee on Health and to the Governor. The Alzheimer's Disease and Other Dementia Advisory Council terminates on July 31, 2026."

The bill was then ordered to engrossment and third reading.

### First Reading

**Com. Sub. for H. B. 4205**, Relating to changing the process of election litigation; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4315**, Providing DMV with certain medical information related to mental or physical disabilities as it relates to the ability of a person to drive safely; 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. 4759**, Relating to E-Verify, the federal employment authorization program; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4777**, Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed; 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.

**H. B. 4814**, Relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4860**, Providing that a general education teacher may not be responsible for accommodation logs; 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.

### **Leaves of Absence**

At the request of Delegate Householder, and by unanimous consent, leaves of absence for the day were granted Delegates Dillon and Westfall.

### **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. 4167**: Delegate Holstein;

**H. B. 4214**: Delegate Heckert;

**H. B. 4223**: Delegate Holstein;

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

**H. B. 4250**: Delegate Holstein;

**H. B. 4299**: Delegates Ellington, Foggin, Hornby, Kimble, Mazzocchi, Ridenour, and Thorne;

**H. B. 4309**: Delegate Holstein;

**H. B. 4312**: Delegate Pinson;

**H. B. 4315**: Delegate Kirby;

**H. B. 4318**: Delegate Holstein;

**H. B. 4336**: Delegate Holstein;

**H. B. 4402**: Delegate Holstein;

**H. B. 4403**: Delegate Dean;

**H. B. 4421**: Delegate Dillon;

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

- H. B. 4456:** Delegate Dean;
- H. B. 4457:** Delegate Dean;
- H. B. 4496:** Delegate Holstein;
- H. B. 4519:** Delegate Holstein;
- H. B. 4600:** Delegate Holstein;
- H. B. 4654:** Delegate Dillon;
- H. B. 4696:** Delegates Adkins, Maynor, Steele and Young;
- H. B. 4720:** Delegates Heckert, Hillenbrand, Kirby and Pushkin;
- H. B. 4726:** Delegates Heckert and Hillenbrand;
- H. B. 4753:** Delegates Barnhart and Riley;
- H. B. 4754:** Delegates Horst and Thorne;
- H. B. 4758:** Delegate Kimble;
- H. B. 4759:** Delegate Horst;
- H. B. 4780:** Delegate Westfall;
- H. B. 4801:** Delegates Hott and Westfall;
- H. B. 4837:** Delegates Hott, Riley and Westfall;
- H. B. 4851:** Delegates Hornby, Smith, Thorne, Ridenour and Foggin;
- H. B. 4876:** Delegate Foggin;
- H. B. 4883:** Delegate Howell;
- H. B. 4963:** Delegate Young;
- H. B. 4964:** Delegate Brooks;
- H. B. 4975:** Delegates Heckert and Tully;
- H. B. 4977:** Delegate Young;
- And,
- H. C. R. 45:** Delegate Riley.

At 12:39 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, January 25, 2024.

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

## **SPECIAL CALENDAR**

**Thursday, January 25, 2024**

**16th Day**

**11:00 A.M.**

### **THIRD READING**

- 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. 4756 - Creating a state Alzheimer's plan task force

### **SECOND READING**

- Com. Sub. for S. B. 269 - Excluding test strips from definition of drug paraphernalia
- Com. Sub. for H. B. 4205 - Relating to changing the process of election litigation
- Com. Sub. for H. B. 4759 - Relating to E-Verify, the federal employment authorization program
- H. B. 4814 - Relating to extending the reporting and sunset dates of the State Advisory Council on Postsecondary Attainment Goals

### **FIRST READING**

- Com. Sub. for H. B. 4315 - Providing DMV with certain medical information related to mental or physical disabilities as it relates to the ability of a person to drive safely
- H. B. 4697 - Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and registration
- Com. Sub. for H. B. 4764 - Provide one trip temporary vehicle permits to be purchased and printed online
- Com. Sub. for H. B. 4766 - Require Division of Highways to place signage up 30 days prior to road closure
- H. B. 4776 - Relating to adding elementary schools into school disciplinary measures
- H. B. 4777 - Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed

- H. B. 4783 - Relating to the practice of optometry
- H. B. 4860 - Providing that a general education teacher may not be responsible for accommodation logs
- Com. Sub. for H. B. 4908 - Relating to permitting the state agencies to contract with the West Virginia public health Institute

## **HOUSE CALENDAR**

**Thursday, January 25, 2024**

**16th Day**

**11:00 A.M.**

### **SECOND READING**

- H. B. 4795 - Relating to permitting an academic medical center to operate an opioid treatment facility.
- 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



# WEST VIRGINIA HOUSE OF DELEGATES

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THURSDAY, JANUARY 25, 2024

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HOUSE CONVENES AT 11:00 A.M.

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

COMMITTEE ON SENIOR, CHILDREN AND FAMILY ISSUES  
9:15 A.M. – EAST WING COMMITTEE ROOM

COMMITTEE ON FIRE DEPARTMENTS AND EMERGENCY MEDICAL  
SERVICES.  
9:15 A.M. - EDUCATION COMMITTEE ROOM

COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM  
1:00 P.M. – JUDICIARY COMMITTEE ROOM

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

COMMITTEE ON TECHNOLOGY AND INFRASTRUCTURE  
3:00 P.M. - EDUCATION COMMITTEE ROOM





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