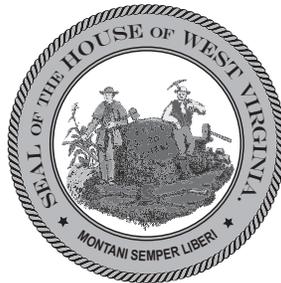


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Sixth Legislature  
Second Regular Session

Held at Charleston  
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January 29, 2024  
TWENTIETH DAY



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Monday, January 29, 2024

**TWENTIETH 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 Saturday, January 27, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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

Your Committee on the Judiciary has had under consideration:

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4801** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §12-1-1b, and to amend and reenact §12-1-5; §12-1B-5; and §12-1B-7 of said code; all relating generally to the banking authority of the State Treasurer's Office; setting forth prohibited clauses in State Treasurer contracts consistent with general restrictions on other state contracts; providing that the State Treasurer may implement the West Virginia Security for Public Deposits Program; and requiring announcement of the West Virginia Security for Public Deposits Program commencement date on the State Treasurer's website,"

And,

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4837** - "A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46-3-118 of said code, as amended, all relating to modifying the duties of banks to retain records; limiting bank liability for the routine destruction of documents; providing uniformity between the statute of limitations for actions to enforce the obligation of a note and a banks duty to retain and produce records on such notes; providing uniformity between statute of limitations and presumption of abandonment under §36-8-2; providing a presumption of payment by the bank on any demand, savings, or time deposit, where the property qualifies as abandoned property under §36-8-2 of this code or where there is evidence of escheatment to the state; and modifying banks record production of notes presumed abandoned with record of escheatment to the state,"

With the recommendation that the committee substitutes each do pass.

### **Messages from the Executive and Other Communications**

The Clerk announced that H. B. 4274 was presented to the Governor on January 26, 2024.

A communication from His Excellency, the Governor, advised that on January 26, 2024, he approved **H. B. 4274**.

### **Messages from the Senate**

A message from the Senate, by

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

**S. B. 156** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages to be considered confidential; prohibiting a governmental entity that requires a private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to a state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be considered a public record; defining "governmental entity"; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record"; 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. 280** - "A Bill to amend and reenact §18-5-46 of the Code of West Virginia, 1931, as amended, relating to allowing a public school classroom teacher to discuss scientific theories of how the universe and/or life came to exist"; 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, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 318** - "A Bill to amend and reenact §48-22-502 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-4-117, all relating generally to adoption proceedings; requiring certain information to be included in the adoption petition; and requiring Department of Human Services to provide

certificate in certain circumstances where parental rights have been terminated"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

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

**S. B. 426** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-31-1, §17-31-2, §17-31-3, §17-31-4, §17-31-5, and §17-31-6, all relating to enacting the West Virginia Recreational Trails Development Act; providing definitions; requiring the Department of Transportation to prioritize design and construction of recreational trails in the state; assigning duties to the department for development, maintenance, and funding; establishing reporting requirements; and setting an effective 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

**Com. Sub. for S. B. 429** - "A Bill to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to farm use vehicle tag placement and letter size"; which was referred to the Committee on Technology and Infrastructure.

### Resolutions Introduced

Resolutions were introduced as follows:

**By Delegates Akers, Adkins, Anderson, Barnhart, Bridges, Burkhammer, Campbell, Cannon, Chiarelli, T Clark, W. Clark, Cooper, Criss, Crouse, Dean, DeVault, Ellington, Fehrenbacher, Ferrell, Fluharty, Foggin, Gearheart, Griffith, W. Hall, Hamilton, Hansen, Heckert, Holstein, Hornbuckle, Horst, Hott, Householder, Howell, Jeffries, Jennings, Kelly, Kimble, Linville, Mallow, Marple, Martin, Maynor, Mazzocchi, Miller, Moore, Nestor, Phillips, Pinson, C. Pritt, E. Pritt, Pushkin, Riley, Rohrbach, Ross, Shamblyn, Sheedy, Stephens, Street, Summers, Tully, Vance, Warner, Westfall, Williams, Willis, Winzenreid, Worrell, Young, Hanshaw (Mr. Speaker), Garcia, Forsht, Lewis and Toney:**  
**H. R. 7** -"Supporting the Preservation of the Charleston, West Virginia, Processing and Distribution Center."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the resolution (H. R. 7) to a committee was dispensed with, and it was taken up for immediate consideration.

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. 49**), and there were— yeas 88, nays 3, absent and not voting 8, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Foster and Hite.

Absent and Not Voting: Barnhart, Garcia, Hardy, Kump, Pinson, Ross, Street and Zatezalo.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution adopted.

The following resolutions were introduced and severally referred as follows:

**By Delegates Pushkin, Hansen, Young, Hornbuckle, Fluharty and Lewis:**

**H. R. 5** - "To urge and request West Virginia Medicaid to authorize coverage through the West Virginia Medicaid program for portable oxygen concentrators, when medically necessary"; to the Committee on Health and Human Resources then Rules.

**By Delegates E. Pritt, Adkins, Akers, Anderson, Barnhart, Bridges, Brooks, Butler, Campbell, Cannon, Chiarelli, T Clark, W. Clark, Cooper, Crouse, Dean, DeVault, Dillon, Dittman, Ellington, Fehrenbacher, Fluharty, Foggin, Garcia, Griffith, W. Hall, Hamilton, Hardy, Heckert, Hillenbrand, Holstein, Horst, Hott, Howell, Jeffries, Jennings, Kelly, Kimble, Kirby, Lewis, Longanacre, Lucas, Mallow, Marple, Maynor, Mazzocchi, McGeehan, Miller, Moore, Nestor, Petitto, Phillips, C. Pritt, Pushkin, Riley, Rohrbach, Ross, Rowe, Sheedy, Stephens, Street, Summers, Thorne, Tully, Vance, Ward, Warner, Westfall, Williams, Winzenreid, Young, Zatezalo and Hanshaw (Mr. Speaker):**

**H. R. 6** - "Affirming support for the preservation of West Virginia's historic buildings, coal camp buildings, and coal heritage sites in Thurmond, West Virginia and across the state."; to the Committee on Rules.

**By Delegates Mazzocchi, Holstein, Bridges, W. Hall, Dittman, Adkins and Ridenour:**

**H. C. R. 50** – "Requesting the Division of Highways name Bridge Number: 23-044/04-000.02 () (23A188), (37.71090, -81.98702) locally known as SARAH ANN BOX BEAM, carrying CR 44/04 over ISLAND CREEK in Logan County the "Jack A. Hatfield Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

**By Delegate Barnhart:**

**H. C. R. 51** — Requesting the Division of Highways name bridge number 43-017/00-000.06(43A054), locally known as Racy Bridge, carrying County Route 017 over North Fork Hughes River in Ritchie County, the 'U. S. Army Colonel Merlin C. Kerns Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

**By Delegates Howell, Hillenbrand, W. Clark, Adkins, Mallow, Campbell, Kelly, DeVault, Jeffries, Thorne and Willis:**

**H. C. R. 52** – "Declaring December 14 as "Frosty the Snowman Day"; to the Committee on Rules.

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

**By Delegates Riley, Vance and Smith:**

**H. J. R. 25** - "Proposing an amendment to the Constitution of the State of West Virginia amending section three, article VI thereof; relating to limiting consecutive elections to the same office to 12 years; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

And,

**By Delegates Riley, Vance and Smith:**

**H. J. R. 26** - " Proposing an amendment to the Constitution of the State of West Virginia amending section four, article VII thereof, relating to clarifying that the elected executive department officers may not hold any other offices during their terms; clarifying the number of terms one may serve as Governor; limiting a person to only three consecutive terms as Secretary of State, State Auditor, State Treasurer, Attorney General, or Commissioner of Agriculture; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

**Bills Introduced**

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

**By Delegates Statler, Mallow, Sheedy, Ellington, Toney and Jennings:**

**H. B. 5255** - "A Bill to amend and reenact §16-4C-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-4C-26; and to amend said code by adding thereto a new article, designated §33-63-1, all relating to emergency medical services; providing that an emergency medical services agency may triage and transport a patient to an alternate destination in certain circumstances; providing that insurance coverage of emergency medical services include triage, treat and transport to an alternative destination or to treat in place"; to the Committee on Fire Departments and Emergency Medical Services then the Judiciary.

**By Delegate Crouse:**

**H. B. 5256** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §49-2-102a, relating to child care staffing ratios at child care facilities for child care providers"; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegate Riley:**

**H. B. 5257** - "A Bill to amend and reenact §50-1-8, §50-1-9, and §50-1-9a of the Code of West Virginia, 1931, as amended; and to amend and reenact §51-2A-6 of said code, all relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff"; to the Committee on Government Organization.

**By Delegate Griffith:**

**H. B. 5258** - "A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of the Department of Health and Human Resources to implement a state-wide nutrition incentive program that encourages citizens who receive Supplemental Nutrition Assistance Program (SNAP) benefits to consume fresh, healthy, and locally grown food from eligible food items purchased at local farmers markets and participating grocers: and providing for an equal SNAP credit for the use of additional farmer market purchases up to \$40 a month"; to the Committee on Finance.

**By Delegates Nestor, Martin, Marple, Sheedy, Steele, Garcia, Kirby, Fluharty, C. Pritt and Akers:**

**H. B. 5259** - "A Bill to amend and reenact §17D-4-2 of the Code of West Virginia, 1931, as amended, relating to increasing required minimum insurance coverages as proof of financial responsibility"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Griffith:**

**H. B. 5260** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-5A-1, relating to requiring the purpose of a prescription to be clearly stated on the label"; to the Committee on Health and Human Resources.

**By Delegates Horst, Howell, Hardy, Phillips, McGeehan, Summers, Hite, Criss, Thorne, Maynor and Steele:**

**H. B. 5261** - "A Bill to amend and reenact §11-15-9u of the Code of West Virginia, 1931, as amended, relating to the definition of small arms for purposes of taxation; defining terms, and expanding definition of 'small arms' to include receiver or frame as part of the small arm"; to the Committee on the Judiciary.

**By Delegates Ellington, Statler, Toney, Mazzocchi, Hornby, W. Clark, Thorne, Foggin, Smith and Jennings:**

**H. B. 5262** - "A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; to amend and reenact §18-20-1c of said code; to amend said code by adding thereto a new section, designated §18-20-12; to amend and reenact §18A-1-1 of said code; to amend said code by adding thereto a new article, designated §18A-2A-1, §18A-2A-2, §18A-2A-3, and §18A-2A-4; and to amend and reenact §18A-5-1 of said code; all relating generally to the creation of a Teachers Bill of Rights Educational Doctrine; defining the duties of counselors; defining data to be provided; defining the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded; providing for supplemental duty calendar provisions; prohibiting sanctions in certain instances; providing resources, including liability insurance, for classroom teachers; providing for teacher quality assistance; and clarifying the process for the removal of students"; to the Committee on Education.

**By Delegates Gearheart, C. Pritt, Anderson, Griffith, Kump, Marple and Williams:**

**H. B. 5263** - "A Bill to amend and reenact §5-10D-12 of the Code of West Virginia, 1931, as amended, all relating to the Consolidated Public Retirement Board; and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Statler:**

**H. B. 5264** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, and §7-28-3; and to amend and reenact §11-10-11c of said code, all relating generally to the authorization and administration of optional county sales and use taxes and admission or amusement taxes; setting forth legislative intent; providing counties with authority to select the option of implementing a county sales and use tax or an admission or amusement tax; defining terms; clarifying that a county sales and use tax and an admission or amusement tax does not apply to incorporated areas of the county; requiring counties selecting the option of imposing a county sales and use tax or an admission or amusement tax to use the services of the Tax Commissioner to administer the tax; and setting forth administrative procedures for the collection and administration of such taxes"; to the Committee on Political Subdivisions then Finance.

**By Delegate C. Pritt:**

**H. B. 5265** - "A Bill to amend and reenact §6-9A-3 of the Code of West Virginia, 1931, as amended, relating to publication of notice of a public meeting and meeting agenda at least three days prior to the date of the meeting by governing bodies of county and local government entities"; to the Committee on Government Organization.

**By Delegate Summers:**

**H. B. 5266** - "A Bill to amend and reenact §61-6-25 of the Code of West Virginia, 1931, as amended, relating to prohibiting evidence of accusations of committing false allegations of child abuse in Family Court proceedings unless an individual has been convicted of that crime"; to the Committee on the Judiciary.

**By Delegates Gearheart, C. Pritt, Anderson, Griffith, Kump, Marple and Williams:**

**H. B. 5267** - "A Bill to amend and reenact §7-14D-13, §7-14D-18, §7-14D-19, and §7-14D-24a of the Code of West Virginia, 1931, as amended, all relating to the Deputy Sheriff Retirement System; clarifying payment upon death of member with less than 10 years of contributory service; clarifying surviving spouse benefits when member dies from duty or non-duty related cause; and clarifying age calculation for a member who elected early retirement who then returned to work"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Anderson, Zatezalo, Sheedy, Street, Stephens, Heckert and Barnhart:**

**H. B. 5268** - "A Bill to amend and reenact §22-6A-4, §22-6A-5 and §22-6A-6 of the Code of West Virginia, 1931, as amended, all relating to the enhanced recovery of oil and natural gas in horizontal wells; providing definitions; providing certain methods of enhanced recovery to be part of horizontal drilling and horizontal wells; incorporating provisions related to the permitting of wells for certain purposes; and providing the authority of the secretary over enhanced recovery of oil and natural gas"; to the Committee on Energy and Manufacturing.

**By Delegates Gearheart, C. Pritt, Anderson, Griffith, Kump, Marple and Williams:**

**H. B. 5269** - "A Bill to amend and reenact §8-22A-16, §8-22A-20, and §8-22A-21 of the Code of West Virginia, 1931, as amended, all relating to the Municipal Police Officers and Firefighters Retirement System; clarifying payment upon death of member with less than 10 years of contributing service; deleting obsolete provision; and clarifying surviving spouse benefits when member dies from duty or non-duty related cause"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Gearheart, C. Pritt, Anderson, Griffith, Kump, Marple and Williams:**

**H. B. 5270** - "A Bill to amend and reenact §20-18-8, §20-18-20, §20-18-25, and §20-18-26 of the Code of West Virginia, 1931, as amended, all relating to the Natural Resources Police Officers Retirement System; permitting the employer contribution to be set by the board; clarifying payment upon death of member with less than 10 years of contributing service; and clarifying surviving spouse benefits when the member dies from duty related or non-duty related cause"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Linville:**

**H. B. 5271** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to creating a Privacy of Social Care Information Act; providing a statement of legislative intent; setting forth definitions; clarifying applicability; providing for use of data; and describing article's relation to other privacy laws"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate W. Clark:**

**H. B. 5272** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §49A-1-101, §49A-1-102, §49A-1-103, §49A-1-104, and §49A-1-105, related to the creation of standards for the protection of children online; definitions; the liability of publishers and distributors of material harmful to minors; rule-making authority; and severability"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Gearheart, C. Pritt, Anderson, Griffith, Kump, Marple and Williams:**

**H. B. 5273** - "A Bill to amend and reenact §16-5V-18, §16-5V-23, §16-5V-24 and §16-5V-35 of the Code of West Virginia, 1931, as amended, all relating to the Emergency Medical Services Retirement System; clarifying payment upon death of member with less than 10 years of contributory service; clarifying surviving spouse benefits when member dies from duty or non-duty related cause; and clarifying age calculation for a member who elected early retirement who then returned to work"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Vance, Crouse, Martin, Adkins, Dean, Worrell, Brooks, Kimble, Warner, Kirby and Toney:**

**H. B. 5274** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3E-1, §16-3E-2, §16-3E-3, and §16-3E-4, all relating to requiring information to be provided orally to all patients in order for the patient to give informed consent knowing all potential outcomes for all medical tests, prescriptions, and treatments; providing a short title; defining terms; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations"; to the Committee on Health and Human Resources.

**By Delegate Longanacre:**

**H. B. 5275** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-16-10, relating to requiring political subdivisions to document funds spent on behalf of certain noncitizen immigrants; requiring that political subdivisions make quarterly declarations detailing funds spent on behalf of certain noncitizen immigrants; requiring county commissions and city councils to include on their expense reports expenditures made on behalf of certain noncitizen immigrants; providing that any county or city found to be noncompliant with this section shall be in violation of this state's sanctuary-city laws"; to the Committee on Political Subdivisions then Government Organization.

**By Delegate Jennings:**

**H. B. 5276** - "A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21A-6-10 of said code, all relating to the amount of unemployment taxes and benefits; removing definitions; modifying the calculation of the taxable wage base; and modifying methodology for calculating the maximum benefit rate"; to the Committee on Finance.

**By Delegate Holstein:**

**H. B. 5277** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18-2-9b, all relating to requiring all students enrolled in grades nine through twelve (9-12) to be provided with adoption awareness material upon request"; to the Committee on Education.

**By Delegate McGeehan:**

**H. B. 5278** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §18-2-9b, all relating to requiring all students enrolled in grades nine through twelve (9-12) to be provided with adoption awareness material upon request"; to the Committee on the Judiciary.

**By Delegates Ross and Garcia:**

**H. B. 5279** - "A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, relating to accessible county records; and requiring counties to provide establish a link to public records that each county in the state may access"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegates Hott, Hardy, Householder, Thorne, Espinosa, Hornby, Dittman, Hite, Pinson, Ward and W. Hall:**

**H. B. 5280** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4, §11-13NN-5, §11-13NN-6, and §11-13NN-7, all relating to creating the West Virginia Short Line Railroad Modernization Act; definitions; tax credit allowed and credit limitations; and review and accountability"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Kirby:**

**H. B. 5281** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7C-1, relating to the creation of a Persons with Disabilities Registry; and providing for a public records exemption"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Holstein:**

**H. B. 5282** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1-52, relating to prohibiting ranked choice voting in West Virginia"; to the Committee on the Judiciary.

**By Delegates Holstein, Martin, C. Pritt and Horst:**

**H. B. 5283** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-1-21a, relating to the prohibition of certain foreign ownership of land in this state"; to the Committee on Agriculture and Natural Resources then the Judiciary.

**By Delegate Worrell:**

**H. B. 5284** - "A Bill to amend and reenact §16-2D-2 and §16-2D-8 of the Code of West Virginia, 1931, as amended, relating to removing personal care from the Certificate of Need definitions and requirements"; to the Committee on Health and Human Resources.

**By Delegates Worrell, Toney and Dean:**

**H. B. 5285** - "A Bill to amend and reenact §21A-1A-28 of the Code of West Virginia, 1931, as amended, relating to removing a proviso for the unemployment compensation 'threshold wage'"; to the Committee on Finance.

**By Delegates Worrell and Dean:**

**H. B. 5286** - "A Bill to amend and reenact §16-2D-8 of the Code of West Virginia, 1931, as amended, relating to eliminating the ability to sub-contract in the certificate of need process"; to the Committee on Health and Human Resources.

**By Delegates Cannon, Linville, Riley, Maynor, W. Hall, Chiarelli, Hillenbrand, Steele, Campbell, Garcia and Miller:**

**H. B. 5287** - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §17C-1-71; and to amend and reenact §17C-14-9a of said code; all relating to traffic safety; creating a definition for the phrase maintenance vehicle; and listing additional categories of vehicles for which motorists shall slow down and, if possible, move over"; to the Committee on Technology and Infrastructure.

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

**H. B. 5288** - "A Bill to amend and reenact §3-5-1 of the Code of West Virginia, 1931, as amended, relating to establishing the date for the primary election for the office of the President of United States"; to the Committee on the Judiciary.

**By Delegates Hornby, Ellington, Chiarelli, Fehrenbacher, Linville, Hite, Criss, Riley, Worrell, Thorne and Willis:**

**H. B. 5289** - "A Bill to amend said code by adding thereto a new article, designated §21A-12-1, relating to establishing a partnership between Workforce West Virginia through its Division of Workforce Development and the West Virginia Board of Education for the implementation of the Plasma Games teaching program in high schools and technical schools in the state, provide for funding this partnership, and establishing an implementation plan and reporting"; to the Committee on Education then Finance.

**By Delegates Holstein and Forsht:**

**H. B. 5290** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-28-4, relating to the creation of Holocaust Education Week in West Virginia"; to the Committee on Education.

**By Delegate Holstein:**

**H. B. 5291** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1 and §46A-9-2, all relating to requiring all retail businesses with a physical location in this state to accept cash for charges up to \$100, and providing for enforcement by the Attorney General, private causes of action"; to the Committee on Economic Development and Tourism then the Judiciary.

**By Delegate Crouse:**

**H. B. 5292** - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to expanding learning pod and microschool freedoms while giving students not attending public schools equal access to interscholastic and extracurricular activities"; to the Committee on Education.

**By Delegates Crouse, Mazzocchi, Dittman, Tully, Petitto, Young, Moore, Winzenreid, Warner and Hamilton:**

**H. B. 5293** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to establishing a pilot program to develop a childcare program where the state, employer, and employee, contribute one-third of the total cost each"; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegates W. Clark, Espinosa, Howell, Hardy, Horst, Dittman, Miller, Householder, Hite, Crouse and Hornby:**

**H. B. 5294** - "A Bill to amend and reenact §60-1-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3b of said code; to amend and reenact §60-8-2, §60-8-6c, §60-8-8, and §60-8-32a of said code; and to amend and reenact §60-8A-5 of said code, as amended, all relating to revising and updating the code regulating farm wineries in West Virginia to allow the state's farm winery industry to be more competitive with farm wineries in adjacent states"; to the Committee on Economic Development and Tourism then Government Organization.

**By Delegates W. Clark, Willis, Marple, Young, Shamblin, Hornby, Hite, W. Hall, Maynor, E. Pritt and Lucas:**

**H. B. 5295** - "A Bill to amend and reenact §8-12-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-2a, §60-7-8a, and §60-7-8g of said code; all relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders, including but not limited to a special S2 licensed and properly insured

private fair and festival"; to the Committee on Economic Development and Tourism then Government Organization.

**By Delegates Howell, W. Clark and Campbell:**

**H. B. 5296** - "A Bill to amend §11-21-12 of the Code of West Virginia, 1931, as amended, to exempt wage income earned from overtime for a period of three years"; to the Committee on Finance.

**By Delegates Foster, Brooks, Butler, Dillon, Martin, Kirby, Summers, Tully, Householder, Jeffries and Kimble:**

**H. B. 5297** - "A Bill to amend and reenact §30-3-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-17 of said code, both relating to removing pubertal modulation and hormonal therapy from prohibited practices"; to the Committee on Health and Human Resources.

**By Delegates Espinosa and W. Clark:**

**H. B. 5298** - "A Bill to amend and reenact §3-5-4 of the Code of West Virginia, 1931, as amended, relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election"; to the Committee on the Judiciary.

**By Delegates Campbell, Jeffries, C. Pritt, Pinson, Vance, Stephens, DeVault, Jennings, Longanacre, Griffith and Lucas:**

**H. B. 5299** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times; providing an exception; defining terms; and establishing an effective date"; to the Committee on Government Organization.

**By Delegate E. Pritt:**

**H. B. 5300** - "A Bill to amend and reenact §18-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Education to implement a two year county pilot program to change the school week from five days to four days"; to the Committee on Education.

**By Delegates E. Pritt, Moore, Hornbuckle, Chiarelli, Williams, Campbell, Ward, Tully, Rohrbach, Young and Hamilton:**

**H. B. 5301** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-52, relating to providing free feminine hygiene products to female students in public schools"; to the Committee on Finance.

**By Delegates Coop-Gonzalez, Ridenour, Foggin, Ross, Brooks, Chiarelli, Burkhammer, Foster and Vance:**

**H. B. 5302** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-33-9, relating to requiring public elementary schools and secondary schools to display in a conspicuous place in each classroom of the school a durable poster or framed copy of the Ten Commandments that meets certain requirements, listing requirements for the posters or framed and uses for surplus posters"; to the Committee on Education then the Judiciary.

**By Delegate Forsht:**

**H. B. 5303** - "A Bill to amend and reenact §16-2D-2 and §16-2D-10 of the Code of West Virginia, 1931, as amended, all relating to the certificate of need process; defining neighborhood hospital; and exempting activities related to neighborhood hospitals, ambulatory health care facilities, and ambulatory surgical facility from the certificate of need process"; to the Committee on Health and Human Resources.

**By Delegates Hornby, Fehrenbacher, Cannon, W. Clark, Young, Chiarelli, Holstein, Hornbuckle, Lewis, Thorne and Hite:**

**H. B. 5304** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13NN-1, §11-13NN-2, §11-13NN-3, §11-13NN-4 and §11-13NN-5, all relating to creating the Small Business Payroll Tax Credit, a three-year program establishing a tax credit for defined payroll taxes paid on up to 10,400 employee hours at a statutorily designated wage rate for businesses with 15 or fewer employees; allowing business growth to up to 25 employees but capping the credit at 10,400 employee hours and eliminating the credit for businesses of 26 employees or greater; establishing a start date and end date; listing the amounts of credits which may be claimed in each year of the program; and requiring the Department of Economic Development to track the progress of this program and present a report"; to the Committee on Economic Development and Tourism then Finance.

**By Delegate Linville:**

**H. B. 5305** - "A Bill to amend and reenact §61-11-22a of the Code of West Virginia, 1931, as amended, relating to impaired driving not eligible for deferred adjudication under this code section"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegate Winzenreid:**

**H. B. 5306** - "A Bill to amend and reenact §61-5-4 of the Code of West Virginia, 1931, as amended, relating to including jurors and witnesses to the list of people it is illegal to bribe"; to the Committee on the Judiciary.

**By Delegates Steele and Hanshaw (Mr. Speaker):**

**H. B. 5307** - "A Bill to amend and reenact §61-3-13 of the code of West Virginia Code, 1931, as amended, relating to the criminal offenses of larceny; reforming the monetary amounts constituting petit larceny and grand larceny; modifying the criminal penalties upon conviction of the offense of grand larceny by eliminating the alternative sentencing of one year and increasing the maximum fine, and creating a new criminal offense of aggravated grand larceny and establishing criminal penalties upon conviction thereof"; to the Committee on the Judiciary.

**By Delegates Steele, Kirby, Foggin, Akers, Garcia, Hanshaw (Mr. Speaker), Phillips, McGeehan, Summers, Ellington and C. Pritt:**

**H. B. 5308** - "A Bill to repeal §61-3-36 of the Code of West Virginia, 1931, as amended, relating to the anchoring or beaching of shanty boats on lands of another"; to the Committee on the Judiciary.

**By Delegate Dillon:**

**H. B. 5309** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-24, relating to creating the Legislative Transparency Act governing legislative procedure"; to the Committee on Government Organization then the Judiciary.

**By Delegates Linville, Howell, Tully, Cannon, Summers, Rohrbach, Hanshaw (Mr. Speaker), Hornbuckle, Riley and Mazzocchi:**

**H. B. 5310** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-63-1, relating to the creation of the Remote Patient Outcome Improvement Act; providing for definitions; providing for a short title; creating definitions; and providing for utilization"; to the Committee on Technology and Infrastructure then Health and Human Resources.

**By Delegates Howell, W. Clark, Linville, Campbell, Riley, DeVault and Hillenbrand:**

**H. B. 5311** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1B-9, relating to setting the tax rate for property located in West Virginia that is owned by another state"; to the Committee on the Judiciary then Finance.

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

**H. B. 5312** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22o; and to amend said code by adding thereto a new section, designated §18-7A-26z, all relating to providing a 15% cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries"; to the Committee on Pensions and Retirement then Finance.

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

**H. B. 5313** - "A Bill to amend and reenact §17C-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring that a three-second pause be added to all traffic-control lights and devices"; to the Committee on Technology and Infrastructure.

**By Delegates Steele, Kirby, Foggin, Akers, Garcia, Fluharty, Hanshaw (Mr. Speaker), McGeehan, Ellington and C. Pritt:**

**H. B. 5314** - "A Bill to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to punishment upon conviction of third offense shoplifting; eliminating the mandatory sentence of one year of confinement in the penitentiary upon conviction of third offense shoplifting"; to the Committee on the Judiciary.

**By Delegates Steele, Phillips, McGeehan, Horst, Martin, Brooks, Foster, Crouse, Ward, Dean and Maynor:**

**H. B. 5315** - "A Bill to repeal §61-7-9 of the West Virginia Code, 1931, as amended, relating to the possession of machine guns"; to the Committee on the Judiciary.

**By Delegates Steele, Dean, Kirby, McGeehan, Phillips, C. Pritt, Chiarelli, Holstein, Worrell, Foggin and Heckert:**

**H. B. 5316** - "A Bill to amend and reenact §55-7B-4 of the Code of West Virginia, 1931, as amended, related to limiting the applicability of this article to certain practices by medical care providers"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Linville:**

**H. B. 5317** - "A Bill to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, revising the statute to make it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations and adding a definition for the term 'Commercial motor vehicle'; to the Committee on Technology and Infrastructure.

**By Delegates Kelly, Hott, Ward, Kump, Fehrenbacher, Mallow, Hornby, Phillips, Jeffries, Pinson and Kirby:**

**H. B. 5318** - "A Bill to amend and reenact §30-29-13 of the Code of West Virginia, 1931, as amended, relating to municipal chief executive requirements; and clarifying that persons elected as municipal police chiefs shall be certified law-enforcement officers"; to the Committee on the Judiciary.

**By Delegates Kelly, Hott, Ward, Kump, Fehrenbacher, Mallow, Holstein, Pinson, Shamblin, Kirby and Westfall:**

**H. B. 5319** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-17b, all relating to creating the offense of exposing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel to opioids; creating the offense of exposing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel to opioids causing death; creating the offense of exposing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel to opioids causing bodily injury; requiring proof of a violation of this code; establishing criminal penalties; requiring proof of exposure; and providing definitions"; to the Committee on the Judiciary.

**By Delegates Kirby, Foster, Longanacre, Brooks, Ridenour, E. Pritt, Dillon and Chiarelli:**

**H. B. 5320** - "A Bill to amend and reenact §31-15-23a of the Code of West Virginia, 1931, as amended, relating to economic development loans"; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Howell, W. Clark, Moore and Dittman:**

**H. B. 5321** - "A Bill to amend and re-enact §22-15A-30 of the Code of West Virginia, 1931, as amended; all relating to requiring local governments to provide matching funds for grants from the Reclamation of Abandoned and Dilapidated Properties Program unless demonstrated to be fiscally unable; and requiring that fines assessed by local governments related to abandoned and dilapidated property be committed to the matching of Reclamation of Abandoned and Dilapidated Properties Program grants or to the demolition of condemned properties"; to the Committee on Government Organization then Finance.

**By Delegates Howell, Thorne, Moore and Dittman:**

**H. B. 5322** - "A Bill to amend the code of West Virginia, 1931, as amended by adding thereto a new section, designated §7-1-17, and to amend said code by adding thereto a new section, designated §8-12-28, all relating to creating the 'Local Meat Processing Development Act' restricting county and municipality ordinances that are more stringent than state or federal requirements and regulation of meat processing businesses"; to the Committee on Agriculture and Natural Resources then Government Organization.

**By Delegates Howell, Linville, Cannon, W. Clark, Ferrell, Moore and Dittman:**

**H. B. 5323** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-4a, relating to prohibiting inaccurate signage; and providing for penalties"; to the Committee on Technology and Infrastructure.

**By Delegates Hite, Fehrenbacher, Ferrell, Horst, DeVault and Hornby:**

**H. B. 5324** - "A Bill to amend and reenact §29-6-23 of the Code of West Virginia, 1931, as amended, relating to create in the state Treasury a special revolving fund to be known and designated as the 'Division of Personnel Recruitment and Retention fund' consisting of reappropriated funds from 'Personal Services' to offer tuition reimbursement to new positions for professional personnel"; to the Committee on Finance.

**By Delegate Dillon:**

**H. B. 5325** - "A Bill to amend and reenact §18-5-15b of the Code of West Virginia, 1931, as amended, relating to the pledge of allegiance to the flag of the United States in schools and adding the flag of West Virginia to the instructional day pledge"; to the Committee on Education then the Judiciary.

**By Delegates Lucas, Kump, Kelly, Westfall, Phillips, Shamblin, Garcia, Hillenbrand, Toney, Campbell and Dean:**

**H. B. 5326** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-38B-1, §30-38B-2, §30-38B-3, §30-38B-4, §30-38B-5, §30-38B-6, §30-38B-7, and §30-38B-8, all relating to providing for the prohibition of real estate service agreements that are unfair to an owner of residential real estate; prohibiting the recording of such agreements so that the public records will not be clouded by them; and providing for remedies; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 5327** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4, §5-11C-5, §5-11C-6, and §5-11C-7, all relating to creating the Housing Opportunities Made Equal Act"; to the Committee on Government Organization.

**By Delegates Hamilton, Young, Hornbuckle, Fluharty, Griffith, Hansen, Garcia, Lewis, Pushkin, Rowe and Williams:**

**H. B. 5328** - "A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; defining terms; requiring the Bureau for Medical Services to file a state plan amendment; defining services subject to state plan amendment; and providing an effective date"; to the Committee on Health and Human Resources then Finance.

**By Delegates Hornbuckle, Fluharty, Griffith, Hansen, Garcia, Hamilton, Lewis, Pushkin, Rowe, Young and Williams:**

**H. B. 5329** - "A Bill to amend and reenact §18-31-2 of the Code of West Virginia, 1931, as amended, relating to limiting the use of state funding under the Hope Scholarship Program for out-of-state private schools and providers"; to the Committee on Education then Finance.

**By Delegates Tully, Shamblin, Toney, Rohrbach, E. Pritt, Ferrell, Dean, T Clark, Stephens and Linville:**

**H. B. 5330** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-815, all relating to requiring the Department of Human Services to notify the county school superintendent and the local board of education president of the public school system where a child attends of any pending child protective service investigations; exempting children enrolled in private schools, parochial schools, or homeschool; requiring the outcome of the investigation to be sent; providing for documentation; and providing requirements for notification"; to the Committee on Education then the Judiciary.

**By Delegates Foster, Summers, Dillon, Brooks, Cannon, Barnhart, E. Pritt, Longanacre, Ridenour, Kimble and Mazzocchi:**

**H. B. 5331** - "A Bill to amend and reenact §20-7-12b of the Code of West Virginia, 1931, as amended, relating to boat safety; and requirement of valid driver's license instead of certificate of boating safety education"; to the Committee on Technology and Infrastructure.

**By Delegate Toney:**

**H. B. 5332** - "A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to exempting persons previously commissioned as a notary public from the requirement that notary publics have a high school diploma or its equivalent in order to be recommissioned as a notary public"; to the Committee on the Judiciary.

**By Delegate Young:**

**H. B. 5333** - "A Bill amend the Code of West Virginia, 1931, as amended, and by adding thereto a new article, designated §37-6B-1, §37-6B-2, and §37-6B-3 all relating to the providing tenants the right to contact emergency services; to terminate a lease where there is fear of violence, and a residential tenant's right to privacy"; to the Committee on the Judiciary.

**By Delegate Dillon:**

**H. B. 5334** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80, relating to providing a personal income tax credit for homestead water wells"; to the Committee on Agriculture and Natural Resources then Finance.

**By Delegates Kirby, Dean, Bridges, Ross, Foggin, Steele, Butler, Brooks, Maynor, Ridenour and Dillon:**

**H. B. 5335** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunization and when a child is exempt"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Dillon:**

**H. B. 5336** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4d, relating to providing for school related immunization notifications"; to the Committee on Education then the Judiciary.

**By Delegates Kelly, Hott, Ward, Kump, Fehrenbacher, Mallow, Pinson, Shamblin, Kirby and Westfall:**

**H. B. 5337** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-3-19, and to repeal §31-20-26 of said code, all relating to establishing the legislative oversight committee of the Division of Corrections and Rehabilitation; clarifying that the legislative oversight committee shall be charged with the immediate and ongoing oversight of the Division of Corrections and Rehabilitation's juvenile detention facilities and adult correctional facilities; and providing for executive sessions of the committee in certain circumstances"; to the Committee on the Judiciary.

**By Delegates Linville, Cannon, Young, W. Clark, Butler, Ward, Hillenbrand, Brooks, Adkins, Hanshaw (Mr. Speaker) and Chiarelli:**

**H. B. 5338** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-8H-1, §31A-8H-2, §31A-8H-3, §31A-8H-4, and §31A-8H-5; and by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, §46A-6O-9, §46A-6O-10, §46A-6O-11, §46A-6O-12 and §46A-6O-13, all relating to the Consumer Data Protection Act; inserting establishing

a framework for controlling and processing personal data in the state; creating definitions; limiting application to all persons that conduct business in the state and either control or process personal data of at least 100,000 consumers or derive over 50 percent of gross revenue from the sale of personal data and control or process personal data of at least 25,000 consumers; providing exemptions; delineating responsibilities and privacy protection standards for data controllers and processors; clarifying standards do not apply to state or local governmental entities; providing exceptions for certain types of data and information governed by federal law; providing that consumers have rights to access, correct, delete, obtain a copy of personal data, and to opt out of the processing of personal data for the purposes of targeted advertising; providing that the Attorney General has exclusive authority to enforce violations of the law; providing for assistance of the Attorney General in obtaining relief; establishing the Consumer Privacy Fund is created to support this effort; and providing for construction and an effective date"; to the Committee on Technology and Infrastructure then Finance.

### Special Calendar

#### Third Reading

**S. B. 462**, Updating definitions of certain terms used in Personal Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 50**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 462) passed.

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

On this question, the yeas and nays were taken (**Roll No. 51**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 462) takes effect from its passage.

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

**S. B. 483**, Amending Corporation Net Income Tax Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 52**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 483) passed.

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

On this question, the yeas and nays were taken (**Roll No. 53**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (S. B. 483) takes effect from its passage.

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

**H. B. 4697**, Add protections for WV residents who reside out of state for certain time periods from non-renewal of licenses and 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. 54**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4697) 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. 4764**, Provide one trip temporary vehicle permits to be purchased and printed online; 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. 55**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4764) 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. 4766**, Require Division of Highways to place signage up 30 days prior to road closure; 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. 56**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4766) 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. 4783**, Relating to the practice of optometry; 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. 57**), and there were—yeas 91, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Anderson and Jennings.

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4783) passed.

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

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

*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. 4908**, Relating to permitting the state agencies to contract with the West Virginia public health Institute; 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. 58**), and there were—yeas 92, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Pushkin.

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4908) passed.

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

On this question, the yeas and nays were taken (**Roll No. 59**), and there were—yeas 93, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, Garcia, Hardy, Pinson, Ross and Street.

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. 4908) 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. 4017**, To modify certain election laws, early voting laws, and absentee voting laws; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page 5, section 10, line 92, by deleting all of subsection (m) in its entirety and inserting in lieu thereof the following:

“(m) Any person who intentionally coerces or offers payment in exchange for a person to register to vote is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or both fined and confined.”

On page 12, section 32, line 5, immediately following the word “for”, by striking “an unlawful completed registration application from any one person” and inserting in lieu thereof “a person to register to vote”.

And,

On page 12, section 32, line 15, immediately following the word “for”, by striking “an unlawful completed registration application from any one person” and inserting in lieu thereof “a person to register to vote”.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4350**, Relating to appointment of candidates after filing period; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 4434**, Relating to restrictions on use or sale of motor vehicles based on power source; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Linville and Howell, the bill was amended by deleting everything after the enacting clause and inserting in lieu thereof the following:

### **ARTICLE 14. PROHIBITED GOVERNMENTAL ACTIONS REGARDING SALE AND USE OF MOTOR VEHICLES BASED ON POWER SOURCE.**

#### **§17-14-1. Definition.**

‘Motor vehicle’ means a self-propelled device designed to transport persons or property from one place to another, and includes, for purposes of this article, farm tractors and implements as defined in §17A-1-1(g) & (q).

**§17-14-2. Prohibitions based on energy source.**

a) No state agency, nor any political subdivision of this state, may restrict the use or sale of motor vehicles based on the energy source used to power the motor vehicle, including use for propulsion or use for powering other functions of the motor vehicle.

(b) This subsection does not affect any policy established by a state agency, nor by any political subdivision of this state, related to the purchase of motor vehicles for the use of the state agency or political subdivision.

The bill was then ordered to engrossment and third reading.

**H. B. 4855**, Require Division of Purchasing to write contracts in an unbiased manner; on second 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. 4860**, Providing that a general education teacher may not be responsible for accommodation logs; on second reading, coming up in regular order, was read a second time.

On motion of Delegate E. Pritt, the bill was amended on page two, line forty-one, by inserting the word "daily" before "accommodation."

And,

On page two, line forty-one after "accommodation logs.", by inserting the following sentence after the period: "The general education teacher shall only be responsible for acknowledging, at the end of each grading period, that each accommodation as required by the IEP has been met."

The bill was then ordered to engrossment and third reading.

**H. B. 4957**, Relating generally to lobbying rules; on second 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. 4976**, Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee on Government Organization, and adopted, on page 1, by striking the article heading and inserting in lieu thereof a new article heading, to read as follows:

**"ARTICLE 13. OFFICE OF THE INSPECTOR GENERAL."**

And,

On page 3, section 15A-13-1, line 73, after the word "posted" by inserting the words "in any physical office space, when applicable and".

The bill was then ordered to engrossment and third reading.

### **First Reading**

**Com. Sub. for H. B. 4376**, Relating to surgical smoke evacuation; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4776**, Relating to adding elementary schools into school disciplinary measures; 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. 4817**, Relating to updating the practice of nursing; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4830**, To address the professional development of teachers; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4832**, Relating to state superintendent's reports regarding the finances of school districts; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4838**, Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information; 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 Barnhart, Garcia, Hardy, Pinson, Ross and Street.

### **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. 4223**: Delegate Chiarelli;

**H. B. 4313**: Delegates Crouse and Dillon;

**H. B. 4763**: Delegates Griffith, Hamilton and Hornby;

**H. B. 4767**: Delegates W. Clark, Dittman, Hornby, Lucas, E. Pritt and Willis;

**H. B. 4832**: Delegate Kimble;

**H. B. 4867**: Delegate Fast;

And,

**H. B. 5211:** Delegate Kump.

At 11:58 a.m., the House of Delegates adjourned until 11:00 a.m., Tuesday, January 30, 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**

**Tuesday, January 30, 2024**

**21st Day**

**11:00 A.M.**

### **THIRD READING**

- Com. Sub. for H. B. 4017 - To modify certain election laws, early voting laws, and absentee voting laws
- Com. Sub. for H. B. 4350 - Relating to appointment of candidates after filing period
- H. B. 4434 - Relating to restrictions on use or sale of motor vehicles based on power source
- H. B. 4860 - Providing that a general education teacher may not be responsible for accommodation logs
- H. B. 4976 - Providing the contact information of the Inspector General on the agencies and boards websites of the executive departments

### **SECOND READING**

- Com. Sub. for H. B. 4376 - Relating to surgical smoke evacuation
- H. B. 4776 - Relating to adding elementary schools into school disciplinary measures
- H. B. 4817 - Relating to updating the practice of nursing
- Com. Sub. for H. B. 4830 - To address the professional development of teachers.
- H. B. 4832 - Relating to state superintendent's reports regarding the finances of school districts
- H. B. 4838 - Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information
- H. B. 4855 - Require Division of Purchasing to write contracts in an unbiased manner
- H. B. 4957 - Relating generally to lobbying rules

## **FIRST 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
- Com. Sub. for H. B. 4801 - Relating generally to the banking authority of the State Treasurer's Office
- Com. Sub. for H. B. 4837 - Clarifying the duty of banks to retain and procure records

## **HOUSE CALENDAR**

**Monday, January 29, 2024**

**20th 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**

- 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. 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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**TUESDAY, JANUARY 30, 2024**

**HOUSE CONVENES AT 11:00 A.M.**

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

**COMMITTEE ON PENSION AND RETIREMENT  
9:00 A.M. – FINANCE COMMITTEE ROOM**

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

**COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM  
3:00 P.M. -JUDICIARY COMMITTEE ROOM**

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