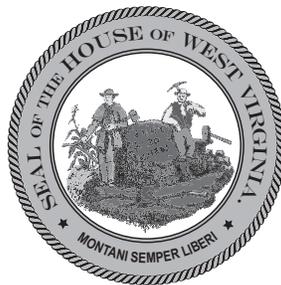


West Virginia Legislature

JOURNAL
of the
HOUSE of DELEGATES

Eighty-Sixth Legislature
Second Regular Session

Held at Charleston
Published by the Clerk of the House



January 31, 2024
TWENTY-SECOND DAY

Wednesday, January 31, 2024

TWENTY-SECOND 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 30, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Jeffries announced that H. B. 4855, on Second Reading, Special Calendar, and H. B. 5194, on First Reading, Special Calendar, had been transferred to the House Calendar; and Com. Sub. for H. B. 4315 and Com. Sub. for H. B. 4621, on First Reading, House Calendar, had been transferred to the Special Calendar.

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:

Com. Sub. for S. B. 300, Relating to organization of Office of Inspector General,

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

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. 4796, Relating to parental rights for those receiving healthcare treatment,

And,

H. B. 5254, Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals,

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. 4796 and H. B. 5254) were each 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:

Com. Sub. for S. B. 31, Authorizing Department of Human Services to promulgate legislative rules,

And reports the same back with the recommendation that it 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. 4983, To fund the Tobacco Use Cessation Initiative,

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.

In accordance with the former direction of the Speaker, the bill (H. B. 4983) was 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. 5021, Relating to cardiac response plans,

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 Education.

In accordance with the former direction of the Speaker, the bill (H. B. 5021) was referred to the Committee on Education.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

H. B. 5127, Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program",

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5127 - "A Bill to amend and reenact §18B-3D-6 of the Code of West Virginia, 1931, as amended, relating to including Potomac State College of West Virginia University as an eligible institution for permanent participation in the "Learn and Earn Program"; and removing reference to the program being a 'pilot' program,"

With the recommendation that the committee substitute do pass.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

H. B. 5170, Increasing the size of matching grants for local economic development from \$30,000 to \$50,000,

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.

In accordance with the former direction of the Speaker, the bill (H. B. 5170) was referred to the Committee on Finance.

Delegate Howell, Chair of the Committee on Economic Development and Tourism, submitted the following report, which was received:

Your Committee on Economic Development and Tourism has had under consideration:

H. B. 4905, Relating to the Tourism and Commercial Opportunity Zone Tax and Tax Credit Act,

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. 4905) 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. 5082, Exempt those with 20 years holding an insurance license from attaining additional CEUs,

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 Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 5082) was referred to the Committee on Government Organization.

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. 5057, To raise the threshold for nominal referral fees from \$25 to \$100,

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. 5057) was referred to the Committee on the Judiciary.

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. 4947, Creating the "First Time Home Buyer Savings Account Act",

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.

In accordance with the former direction of the Speaker, the bill (H. B. 4947) 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. 4933, Relating to Medicaid dental coverage,

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 Health and Human Resources.

In accordance with the former direction of the Speaker, the bill (H. B. 4933) was referred to the Committee on Health and Human Resources.

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. 5310, Remote Patient Outcome Improvement Act,

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

In the absence of objection, reference of the bill (H. B. 5310) to the Committee on Health and Human Resources was abrogated.

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. 5039, Relating to authorizing the West Virginia Division of Motor Vehicles to enforce administrative penalties for the civil offense of refusing a secondary chemical test,

And,

H. B. 5226, Child Social Media Protection Bill,

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. 5039 and H. B. 5226) were each 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. 5020, Relating to deferred adjudication and pre-trial diversions for first offense DUI cases,

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. 5020) 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. 5019, Relating to surrender and return of license not required for disqualifying or downgrading a driver's license,

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. 4845, To prohibit swatting,

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. 4845) 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. 4224, Relating to performance metrics for the West Virginia Division of Highways,

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. 4224) was referred to the Committee on Government Organization.

Delegate Jennings, 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. 4214, Relating to hiring new West Virginia State Police Officers,

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.

In accordance with the former direction of the Speaker, the bill (H. B. 4214) was referred to the Committee on Finance.

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. 4704, Creating Infrastructure Ready Jurisdictions,

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

In accordance with the former direction of the Speaker, the bill (H. B. 4704) was referred to the Committee on Technology and Infrastructure.

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. 4249, To clarify that municipal B and O taxes shall only apply to the owner of a contract, and not to subcontractors on a project,

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.

In accordance with the former direction of the Speaker, the bill (H. B. 4249) was referred to the Committee on Finance.

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. 4782, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses,

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. 4782) was referred to the Committee on the Judiciary.

Delegate Gearheart, Chair of the Committee on Pensions and Retirement, submitted the following report, which was received:

Your Committee on Pensions and Retirement has had under consideration:

H. B. 5263, Relating to the Consolidated Public Retirement Board and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer,

H. B. 5267, Relating to the Deputy Sheriff Retirement System,

H. B. 5269, Relating to the Municipal Police Officers and Firefighters Retirement System,

H. B. 5270, Relating to the Natural Resources Police Officers Retirement System,

And,

H. B. 5273, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service,

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

In accordance with the former direction of the Speaker, the bills (H. B. 5263, H. B. 5267, H. B. 5269, H. B. 5270 and H. B. 5273) were each 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. 4967, Relating to the administration of the Voluntary Remediation and Redevelopment Act to provide new liability protections for persons and companies who wish to purchase and redevelop former industrial properties,

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. 4967) was referred to the Committee on the Judiciary.

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. 5006, Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan,

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

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. 5018, To provide for oversight and authority governing community air monitoring programs,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5018 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-5-21, relating to providing for regulatory oversight and authority governing community air monitoring programs to ensure proper standards for data collection and evaluation through use of accurate scientific methods are used; providing definitions, including defining community air monitoring programs with exceptions; providing for circumstances when the Department of Environmental Protection may use the collected data and for what purposes; limiting the use of said data by the department and other persons; providing that the data may not be used directly for regulating pollutants under the clean air act; providing that the data may not be used to issue a fine, penalty, or notice of violation against the operator of a stationary source; providing that the data may not be used as evidence in an administrative, regulatory, judicial enforcement action, or third-party lawsuit or proceeding against the operator of a stationary source; and providing for rulemaking authority,"

And,

H. B. 5045, Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5045 - "A Bill to amend and reenact §22-11-4, §22-11-22, §22-11-22a, §22-11-24, and §22-11-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-11B-3 and §22-11B-12 of said code, all related to the administration of the West Virginia Water Pollution Control Act and Underground Carbon Dioxide Sequestration and Storage to provide assurances to the United States Environmental Protection Agency regarding the State of West Virginia's application for primary enforcement authority over underground carbon dioxide sequestration programs; to insert cross references between the Underground Carbon Sequestration and Storage statutes and the West Virginia Water Pollution Control Act to protect water resources; providing that before a Certificate of Completion can be issued all the requirements of a class 6 injection well permit must be met, including post injection site care and closure requirements; altering the minimum 10-year period between the end of injections and the issuance of the certificate to be either 50 years or another time period on a site-specific basis as determined by DEP rules; providing exceptions and limitations to what liability is transferred to the state and what remains with the permittee; providing that a permittee will be responsible for

certain contractual obligations and criminal liability; providing that a release of liability does not apply to owners or operators of a facility when liability arises from noncompliance with applicable laws, regulations, or permits prior to issuance of the Certificate of Completion; providing for liability when it is determined that fluid migration has occurred that causes or threatens underground sources of drinking water; providing that the secretary will implement the article in a manner consistent with the requirements of the federal Safe Drinking Water Act; providing for the exercise of the state's authority to restrain people from endangering or damaging public health or the environment,"

With the recommendation that the committee substitutes each do pass.

Messages from the Senate

A message from the Senate, by

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

S. B. 189 - "A Bill to amend and reenact §18-3-6 of the Code of West Virginia, 1931, as amended, relating to requiring county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules; and providing exceptions to substantial deference requirement"; which was referred to the Committee on Education.

A message from the Senate, by

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

Com. Sub. for S. B. 451 - "A Bill to amend and reenact §7-4-6 of the Code of West Virginia, 1931, as amended, relating to training of newly appointed or elected prosecuting attorneys; and directing the Prosecuting Attorneys Institute to conduct the training for all newly appointed and newly elected prosecuting attorneys"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the adoption by the Senate and requested the concurrence of the House of Delegates in the adoption of the following concurrent resolution, which was read by its title and referred to the Committee on Rules as follows:

S. C. R. 20 – "Proclaiming the fourth Saturday of November to be designated annually in West Virginia as 'Ukrainian Holodomor-Genocide Remembrance Day'."

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegate McGeehan:

H. R. 8 - "Defending Life by Rejecting Euthanasia"; to the Committee on the Judiciary then Rules.

By Delegates Ridenour, Adkins, Barnhart, Butler, Coop-Gonzalez, Dillon, Fehrenbacher, Foster, Gearheart, Heckert, Hillenbrand, Horst, Kimble, Kirby, Kump, Mallow, Marple, Martin, Mazzocchi, Moore, Petitto, C. Pritt and Vance:

H. C. R. 58 - "Requesting an inquiry into the COVID-19 pandemic"; to the Committee on Health and Human Resources then Rules.

By Delegate Hott:

H. C. R. 59 - "Requesting the Division of Highways name the bridge numbered 12-005/00-000.13(12A010), (39.05079, -79.10992) locally known as ARTHUR BRIDGE, carrying CR 05 over LUNICE CREEK in Grant County, the 'Asa H. Kisamore, Jr. Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegates Dittman, Mazzocchi, Moore and Rohrbach:

H. C. R. 60 – "Requesting the Division of Highways name a portion of Arnett Road, approximately 250 feet from the intersection of Arnett Road and Copen Road on W V 2/4, together with the small bridge in front of the Providence Baptist Church in Braxton County, the 'Terra Dawn Lewis Memorial Road and Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegates Dittman, Mazzocchi, Moore and Rohrbach:

H. C. R. 61 —"Requesting the Division of Highways name Bridge Numbers: 04-079/00-046.18 (NB & SB) (04A103, 04A104), (38.61716, -80.95085) locally known as SERVIA ICHG N & S, carrying IS 79 over Co 11 in Braxton County, the 'Mollohan Brothers Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegate Linville:

H. C. R. 62 —"Requesting the Division of Highways name a bridge bearing the Bridge Number: 10-025/02-000.10 (10A126), (37.95606, -81.07894) locally known as THURMOND BRIDGE, carrying CR 25/02 over NEW RIVER in Fayette County, as the 'U.S. Army First Sergeant Clarence Shirley Blake Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegates Ridenour, Kirby, C. Pritt, Ward, Steele, Hillenbrand, Foster, Coop-Gonzalez, Adkins, Barnhart, Butler, Crouse, Dillon, Heckert, Horst, Kump, Longanacre, Mallow, Marple, Martin and Petitto:

H. C. R. 63 - "Requesting that the State of West Virginia acknowledge and identify that the People's Republic of China is conducting an illegal, asymmetric war against the United States of America and West Virginia"; to the Committee on the Judiciary then Rules.

On motion for leave, a Joint Resolution was introduced and referred as follows:

By Delegates Hanshaw (Mr. Speaker), McGeehan, Phillips, Kimble, Barnhart, Chiarelli, Street, Rohrbach, C. Pritt, Ellington and Jeffries:

H. J. R. 28 - "Proposing an amendment to the Constitution of the State of West Virginia amending Article III thereof by adding thereto a new section, designated section twenty-three, relating to the protection from medically-assisted suicide or euthanasia in West Virginia; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary then Rules.

Bills Introduced

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

By Delegates Campbell, Howell, W. Clark, Lucas, Dean, Westfall, Ward, Kirby, Maynor, Foggin and Heckert:

H. B. 5373 - "A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to prohibiting the changing of party affiliation from Independent or no party to a party affiliation fewer than 60 days prior to running for office"; to the Committee on the Judiciary.

By Delegate Worrell:

H. B. 5374 - "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, and §11-13NN-3 creating a Strong Family Tax Credit to eligible charitable organizations that are exempt from federal income taxation under §501(c)(3) of the Internal Revenue Code and that are located in West Virginia providing services approved by the Department of Human Services; and providing that the State Tax Commissioner promulgate legislative rules regarding the applicability, method of claiming of the credit, recapture of the credit"; to the Committee on Finance.

By Delegate Worrell:

H. B. 5375 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §5B-2P-1, all relating to creating the 'Work Protection Act' prohibiting a state agency or local government from enacting or enforcing a universal basic income program"; to the Committee on Workforce Development then Government Organization.

By Delegates Campbell, Cooper, Foggin, Ferrell, Miller, Butler, W. Hall, Dean and Ward:

H. B. 5376 - "A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and allowing the children and grandchildren of a landowner in West Virginia to hunt and fish on the private land regardless of residency status without a permit or license, hunt and fish on their own land during open seasons in accordance with laws and rules so long as a valid photographic identification is produced"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegates Hite, Stephens, Hillenbrand, Winzenreid, Willis, Kump, Chiarelli and Hornby:

H. B. 5377 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §21-18-1; and to amend said code by adding thereto a new section designated §57-3-11, all relating to peer support teams, peer support services, and generally allow for privileged testimonial communications between a peer support team member and an individual receiving peer support services or advice from the team member"; to the Committee on the Judiciary.

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

H. B. 5378 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-22, relating to discrimination, prohibiting discrimination on the basis of hairstyle or texture"; to the Committee on Government Organization then the Judiciary.

By Delegates Summers and Tully:

H. B. 5379 - "A Bill to amend and reenact §33-15-4t of the Code of West Virginia, 1931, as amended; to amend and reenact §33-16-3ee of said code; to amend and reenact §33-15-4t of said code; to amend and reenact §33-24-7t of said code; to amend and reenact §33-25-8q of said code; and to amend and reenact §33-25A-8t of said code; all relating to financial assistance available for a prescription drug; defining terms; and providing for civil penalties"; to the Committee on Health and Human Resources then Finance.

By Delegates Rohrbach and Tully:

H. B. 5380 - "A Bill to amend and reenact §9-5-20 of the Code of West Virginia, 1931, as amended, relating to Medicaid coverage for blood pressure monitoring devices to be offered to certain persons who have been diagnosed with hypertension; requiring benefits be provided; and requiring reimbursement for related costs"; to the Committee on Health and Human Resources then Finance.

By Delegate Cooper:

H. B. 5381 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §9A-1-17, relating to creating a poster providing contact information and resource information on veteran benefits and services; clarifying employers required to display the poster; and clarifying how to display the poster"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

By Delegates Jeffries, Akers, C. Pritt, Shamblin and W. Hall:

H. B. 5382 - "A Bill to amend and reenact §7-18-13a of the Code of West Virginia, 1931, as amended, relating to setting a date by which convention and visitor's bureaus shall be accredited in order to be eligible for distribution of hotel occupancy tax proceeds"; to the Committee on Government Organization then Finance.

By Delegates Ridenour, Steele, Martin, Foster, Hillenbrand, Ward, Phillips, Mallow, Marple, Warner and Dean:

H. B. 5383 - "A Bill to amend and reenact §3-5-6a of the Code of West Virginia, 1931, as amended, relating to moving the election of Supreme Court justices to the general election rather than the primary election"; to the Committee on the Judiciary.

By Delegates Ridenour, Steele, Martin, Foster, Hillenbrand, Ward, Phillips, Mallow, Marple, Warner and Dean:

H. B. 5384 - "A Bill to amend and reenact §3-5-6e of the Code of West Virginia, 1931, as amended, relating to changing the date for election of judges of the Intermediate Court of Appeals to the same date as the general election"; to the Committee on the Judiciary.

By Delegates Sheedy and Stephens:

H. B. 5385 - "A Bill to amend and reenact §17C-17-2 of the Code of West Virginia, 1931, as amended, relating to regulating the modification of vehicle tires"; to the Committee on Technology and Infrastructure.

By Delegates Sheedy, Willis and Foggin:

H. B. 5386 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2-1, relating to the creating expectations for the removal of 'flagger ahead' signs on WV roadways"; to the Committee on Technology and Infrastructure.

By Delegates Sheedy, Stephens and Foggin:

H. B. 5387 - "A Bill to amend the Code of West Virginia, 1931, by adding thereto a new section, designated §17C-14-16, all relating to requiring a motor vehicle to display emergency flashers when operating at 10 miles per hour below the posted speed limit on any public road; and providing for a penalty"; to the Committee on Technology and Infrastructure.

By Delegates Sheedy, Foggin and Stephens:

H. B. 5388 - "A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as amended, relating to disposition of surplus materials, including asphalt grindings or millings, by the commissioner of highways"; to the Committee on Technology and Infrastructure.

By Delegates Sheedy, Willis, Foggin, Stephens, Barnhart and Anderson:

H. B. 5389 - "A Bill to amend and reenact §5-10-22c of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Retirement Act; and restoring the special rule of 80 for a member's retirement when a member's age plus years of contributing service equals or exceeds 80"; to the Committee on Pensions and Retirement then Finance.

By Delegates Steele, McGeehan, C. Pritt, Fluharty, Garcia, Young, Kirby, Akers, Rowe, Smith and E. Pritt:

H. B. 5390 - "A Bill to amend and reenact §61-3C-13 of the West Virginia Code, 1931, as amended, to proscribe a new penalty that is subject to the value limitations, and to provide for calculation of the value of the criminal act in determining the appropriate sentence"; to the Committee on the Judiciary.

By Delegates Steele, Fluharty, Garcia, Kirby, Akers, Nestor, Smith, Gearheart, C. Pritt, McGeehan and Phillips:

H. B. 5391 - "A Bill to amend and reenact §9-7-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §14-4-1, §14-4-2, §14-4-3, §14-4-4, §14-4-5, §14-4-6, §14-4-7, §14-4-8, §14-4-9, §14-4-10, §14-4-11, and §14-4-12; all relating to creating the False Claims Act; amending the fraud and abuse provisions in Medicaid program to provide for damages under the False Claims Act; setting forth prohibited acts, damages, costs, and civil penalties, limitations on damages, and responsibilities of the Attorney General; providing for civil actions by private persons, rights of parties to qui tam proceedings, awards to qui tam plaintiffs, the barring of certain civil actions; providing that state is not liable for the expenses of private litigants; providing for private action for retaliatory conduct, limitation of actions, retroactive application, and state intervention in action by private person; addressing estoppel, jurisdiction and venue, nonexclusivity of act, liberality of construction, and distribution of proceeds"; to the Committee on Health and Human Resources then the Judiciary.

By Delegate Howell:

H. B. 5392 - "A Bill to repeal §11-14C-1, §11-14C-2, §11-14C-3, §11-14C-4, §11-14C-5, §11-14C-6, §11-14C-6a, §11-14C-7, §11-14C-8, §11-14C-9, §11-14C-9a, §11-14C-10, §11-14C-11, §11-14C-12, §11-14C-13, §11-14C-14, §11-14C-15, §11-14C-16, §11-14C-17, §11-14C-18, §11-14C-19, §11-14C-20, §11-14C-21, §11-14C-22, §11-14C-23, §11-14C-24, §11-14C-25, §11-14C-26, §11-14C-27, §11-14C-28, §11-14C-29, §11-14C-30, §11-14C-31, §11-14C-32, §11-14C-33, §11-14C-34, §11-14C-35, §11-14C-36, §11-14C-37, §11-14C-38, §11-14C-39, §11-14C-40, §11-14C-41, §11-14C-42, §11-14C-43, §11-14C-44, §11-14C-45, §11-14C-46, §11-14C-47, and §11-14C-48 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §11-14D-1, §11-14D-2, and §11-14D-3, all relating to the elimination of the motor fuel excise tax; providing legislative findings in support of the elimination of the motor fuel excise tax; establishing the elimination of the motor fuel excise tax and implementing an equivalent increase in sales tax collected; and providing for an effective date for the article"; to the Committee on Finance.

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

H. B. 5393 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-37; and to amend said code by adding thereto a new section, designated §18-7A-26z, all relating to providing a cost-of-living provision for certain persons retired under the Public Employees Retirement System and the Teachers Retirement System"; to the Committee on Pensions and Retirement then Finance.

By Delegates Campbell, Shamblin, Rohrbach, Jeffries, Toney, Ellington, Foggin, E. Pritt, Dean, Ross and Stephens:

H. B. 5394 - "A Bill to amend and reenact §16-9A-2 of the Code of West Virginia, 1931, as amended, relating to increasing penalties for the sale of e-cigarettes, vapes, or cartridges to anyone under 18 years of age, making it a misdemeanor and increasing the fines and penalties for the employee and business that sells these items to minors"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Steele and Hanshaw (Mr. Speaker):

H. B. 5395 - "A Bill to repeal §21A-7-20 of the Code of West Virginia, 1931, as amended, relating to repealing the section making the Board of Review of the West Virginia Bureau of Employment a party to judicial action and identifying the Board's legal counsel"; to the Committee on the Judiciary.

By Delegates C. Pritt, McGeehan, Phillips, Kimble, Steele, Jeffries, Coop-Gonzalez, Kirby, Crouse, Dean and Dillon:

H. B. 5396 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-7C-1, §61-7C-2, and §61-7C-3, all relating to creating the Second Amendment Freedom and Enforcement (SAFE) Act"; to the Committee on the Judiciary.

By Delegates Steele, Kelly, Cannon, Smith, Hanshaw (Mr. Speaker), Maynor, Akers, Kirby, Riley and Dean:

H. B. 5397 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-21A-101, §47-21A-102, §47-21A-103, §47-21A-104, §47-21A-105, §47-21A-106, §47-21A-107, §47-21A-108, §47-21A-109, §47-21A-110, §47-21A-111, §47-21A-112, §47-21A-113, §47-21A-114, §47-21A-115, §47-21A-116, §47-21A-117, §47-21A-118, §47-21A-119, §47-21A-120, §47-21A-121, §47-21A-122, §47-21A-123, §47-21A-124, §47-21A-125, §47-21A-126, §47-21A-127, §47-21A-128, §47-21A-129, and §47-21A-130, all relating to creating online charitable raffles"; to the Committee on the Judiciary then Finance.

By Delegates Brooks, Ridenour and Martin:

H. B. 5398 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §49-2-128a, all relating to establishing a drug screening program for adults who apply to serve as foster parents, kinship parents, or caregivers to children in the legal custody of the Department of Human Services"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Rohrbach, Statler, Mallow, DeVault, Petitto, Jennings, Heckert, Miller, Summers, Hillenbrand and Householder:

H. B. 5399 - "A Bill to repeal §12-4-14a of the Code of West Virginia, 1931, as amended, and to amend and reenact §12-4-14 and §12-4-4b of said code; and to amend and reenact §33-3-33 of said code, all relating to volunteer and part-volunteer fire departments expenditures; repealing an expired code section; directing state audit functions of volunteer and part-volunteer fire

departments to the State Auditor; requiring periodic audits; prohibiting distributing state funds to volunteer and part-volunteer fire departments that fail to comply with audit requirements; providing for restitution be paid to volunteer and part-volunteer fire departments double the amount of property unlawfully taken; requiring posting a notice of penalty in volunteer and part-volunteer fire departments; and establishing a pilot project of volunteer and part-volunteer fire departments to evaluate implementation of the State Auditor's Checkbook accounting system"; to the Committee on Government Organization then Finance.

By Delegates Brooks, Martin, Coop-Gonzalez, Foster and Kump:

H. B. 5400 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-14-1 and §15A-14-2, all relating to transportation of inspected unauthorized aliens; defining the term 'inspected unauthorized alien'; providing legislative findings; creating the Unauthorized Alien Transport Program within the Department of Homeland Security's Division of Administrative Services to facilitate the transport of inspected unauthorized aliens within the United States; authorizing the division to contract for services to implement the program; authorizing the division to adopt rules to implement the program; providing for future expiration"; to the Committee on the Judiciary then Finance.

Special Calendar

Third Reading

Com. Sub. for H. B. 4376, Relating to surgical smoke evacuation; 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. 67**), and there were—yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, W. Clark and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4376) 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. 4776, Relating to adding elementary schools into school disciplinary measures; 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. 68**), and there were—yeas 92, nays 4, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Hornbuckle, Pushkin, Rowe and Young.

Absent and Not Voting: Barnhart, W. Clark, DeVault and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4776) 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. 4817, Relating to updating the practice of nursing; 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. 69**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, W. Clark, DeVault and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4817) 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. 4830, To address the professional development of teachers; 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. 70**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, W. Clark, DeVault and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4830) 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. 4832, Relating to state superintendent's reports regarding the finances of school districts; 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. 71**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, W. Clark, DeVault and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4832) 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. 4838, Require county boards of education to provide long-term substitute teachers, upon hiring, with certain information; 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. 72**), and there were—yeas 96, nays none, absent and not voting 4, with the absent and not voting being as follows:

Absent and Not Voting: Barnhart, W. Clark, DeVault and Hardy.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4838) passed.

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

Second Reading

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

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

And,

Com. Sub. for H. B. 4837, Clarifying the duty of banks to retain and procure records.

First Reading

H. B. 4292, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production; 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 Jeffries, and by unanimous consent, the bill (Com. Sub. for H. B. 4315) was recommitted on the Committee on the Judiciary.

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

At the request of Delegate Jeffries, and by unanimous consent, the bill (Com. Sub. for H. B. 4621) was recommitted on the Committee on the Judiciary.

Com. Sub. for H. B. 4867, Require pornography websites to utilize age verification methods to prevent minors from accessing content; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 4940, A squatter cannot be considered a tenant in WV; on first reading, coming up in regular order, was reported by the Clerk.

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

Com. Sub. for H. B. 4965, Mandating restitution to children of victims of negligent homicide or driving under the influence causing death; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 4998, Modifying penalties for third offense shoplifting; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 5014, Supplementing and amending appropriations to West Virginia University General Administration Fund; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 5016, Allow women to work on inmate road crews; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 5096, Change the requirement for posting public notices at the state and federal level for PSDs; on first reading, coming up in regular order, was read a first time and ordered to second reading.

H. B. 5117, Relating generally to waiver of initial licensing fees for certain individuals; on first reading, coming up in regular order, was read a first time and ordered to second reading.

Com. Sub. for H. B. 5157, Relating to contingent increase of tax rate on certain eligible acute care hospitals; 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 Jeffries, and by unanimous consent, leaves of absence for the day were granted Delegates Barnhart, W. Clark and Hardy.

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. 4221: Delegate Horst;

H. B. 4232: Delegate Mazzocchi;

H. B. 4320: Delegate Horst;

H. B. 4338: Delegates Garcia, Griffith, Hansen, Hornbuckle, Lewis, Pushkin, Williams and Young;

H. B. 4373: Delegate Dillon;

H. B. 4491: Delegates Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Pushkin, Rowe, Williams and Young;

H. B. 4618: Delegates Fluharty, Garcia, Griffith, Hamilton, Hornbuckle, Lewis, Pushkin, Williams and Young;

H. B. 4631: Delegates Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe and Williams;

H. B. 4656: Delegate Ellington;

H. B. 4779: Delegate Kump;

H. B. 4829: Delegate Holstein;

H. B. 4834: Delegates Garcia, Griffith, Hamilton, Hornbuckle, Pushkin and Rowe;

H. B. 4873: Delegates Hamilton, Hornbuckle, Lewis and Williams;

H. B. 4882: Delegates Kimble and Warner;

H. B. 5006: Delegate Hott;

H. B. 5018: Delegates Hott and Horst;

H. B. 5029: Delegate Toney;

H. B. 5038: Delegate Hornby;

H. B. 5045: Delegate Horst;

H. B. 5056: Delegate Burkhammer;

H. B. 5087: Delegate Fehrenbacher;

H. B. 5103: Delegate Young;

H. B. 5155: Delegate Young;

H. B. 5159: Delegates Foster and Worrell;

H. B. 5161: Delegate Kimble;

H. B. 5170: Delegate Young;

H. B. 5176: Delegate Young;

H. B. 5187: Delegate Horst;

H. B. 5193: Delegate Young;

H. B. 5204: Delegate Young;

H. B. 5208: Delegate Young;

H. B. 5221: Delegate Young;
H. B. 5239: Delegate Young;
H. B. 5247: Delegate Ridenour;
H. B. 5255: Delegate Young;
H. B. 5259: Delegate Young;
H. B. 5260: Delegate Young;
H. B. 5262: Delegate Longanacre;
H. B. 5265: Delegate Young;
H. B. 5281: Delegate Brooks;
H. B. 5297: Delegate Ridenour;
H. B. 5298: Delegate Young;
H. B. 5306: Delegate Young;
H. B. 5312: Delegate Young;
H. B. 5332: Delegate Young;
And,
H. B. 5358: Delegate Young.

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

H. B. 5081: Delegate Young;
And,
H. B. 5226: Delegate Young.

At 11:50 a.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 1, 2024.

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

SPECIAL CALENDAR

Thursday, February 1, 2024

23rd Day

11:00 A.M.

THIRD READING

- 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

SECOND READING

- H. B. 4292 - Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production
- Com. Sub. for H. B. 4867 - Require pornography websites to utilize age verification methods to prevent minors from accessing content
- Com. Sub. for H. B. 4965 - Mandating restitution to children of victims of negligent homicide or driving under the influence causing death
- H. B. 4998 - Modifying penalties for third offense shoplifting
- H. B. 5014 - Supplementing and amending appropriations to West Virginia University General Administration Fund
- Com. Sub. for H. B. 5016 - Allow women to work on inmate road crews
- H. B. 5096 - Change the requirement for posting public notices at the state and federal level for PSDs.
- H. B. 5117 - Relating generally to waiver of initial licensing fees for certain individuals
- Com. Sub. for H. B. 5157 - Relating to contingent increase of tax rate on certain eligible acute care hospitals

FIRST READING

- Com. Sub. for S. B. 31 - Authorizing Department of Human Services to promulgate legislative rules
- Com. Sub. for S. B. 300 - Relating to organization of Office of Inspector General

- Com. Sub. for H. B. 4940 - A squatter cannot be considered a tenant in WV.
- H. B. 5006 - Relating to the administration of the A. James Manchin Rehabilitation Environmental Action Plan
- Com. Sub. for H. B. 5018 - To provide for oversight and authority governing community air monitoring programs.
- H. B. 5019 - Relating to surrender and return of license not required for disqualifying or downgrading a driver's license
- Com. Sub. for H. B. 5045 - Related to the administration of the West Virginia Water Pollution Control Act, and Underground Carbon Dioxide Sequestration and Storage
- Com. Sub. for H. B. 5127 - Including Potomac State College in the definition of community and technical college education program for participation in the "Learn and Earn Program"
- H. B. 5310 - Remote Patient Outcome Improvement Act

HOUSE CALENDAR

Thursday, February 1, 2024

23rd 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. 4855 - Require Division of Purchasing to write contracts in an unbiased manner
- 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
- H. B. 4957 - Relating generally to lobbying rules

FIRST READING

- H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia
- 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. 5194 - Requiring purchases of certain commodities and services from state use program partners

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 1, 2024

HOUSE CONVENES AT 11:00 A.M.

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

COMMITTEE ON JAILS AND PRISONS
9:00 A.M. – JUDICIARY COMMITTEE ROOM

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

COMMITTEE ON FIRE DEPARTMENTS AND EMERGENCY MEDICAL
SERVICES
9:30 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

FRIDAY, FEBRUARY 2, 2024

PUBLIC HEARING
COMMITTEE ON ENERGY AND MANUFACTURING
9:00 A.M. – HOUSE CHAMBER
HB 5018 TO PROVIDE FOR OVERSIGHT AND AUTHORITY GOVERNING
COMMUNITY AIR MONITORING PROGRAMS.

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