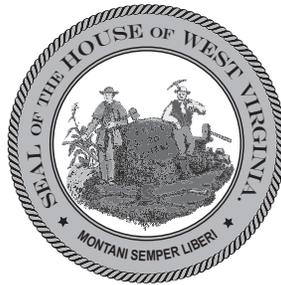


West Virginia Legislature

JOURNAL
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February 1, 2024
TWENTY-THIRD DAY

Thursday, February 1, 2024

TWENTY-THIRD DAY

[DELEGATE HANSHAW, MR. SPEAKER, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Roger Hanshaw, Speaker.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Wednesday, January 31, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

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

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

H. B. 4974, To create the Save our Farmland and Protect our National Security 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4974) was referred to the Committee on the Judiciary.

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

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

H. J. R. 8, Guaranteeing the right of the citizens of West Virginia to hunt and fish,

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

In accordance with the former direction of the Speaker, the resolution (H. J. R. 8) was referred to the Committee on the Judiciary.

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

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

H. B. 4280, Relating to tax credit for disabled veterans for lifetime hunting, trapping and fishing license,

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. 4280) was referred to the Committee on Finance.

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

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

H. B. 5239, Require all recovery residences to be registered with the state,

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. 5239) was referred to the Committee on the Judiciary.

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

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

H. B. 5079, Relating generally to the funds for patients of in state 28 day addiction clinics who do not complete the 28 day program,

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. 5079) was referred to the Committee on the Judiciary.

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

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

H. B. 4754, Exempting the processing of beef, pork or lamb by a slaughterhouse for an individual owner of the product processed from the Consumer Sales and Service Tax,

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. 4754) was referred to the Committee on Finance.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

H. B. 5159, Relating generally to child labor,

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. 5159) was referred to the Committee on Government Organization.

Delegate Worrell, Chair of the Committee on Workforce Development, submitted the following report, which was received:

Your Committee on Workforce Development has had under consideration:

H. B. 4229, Ban the Box 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 the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 4229) was referred to the Committee on the Judiciary.

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

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

H. B. 4745, Exempting Coturnix quail from the game farm requirement if they are owned for agricultural purposes,

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. 4745) was referred to the Committee on Government Organization.

Delegate Phillips, Chair of the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration:

H. B. 5257, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff,

And,

H. B. 5348, Changing the name of the "Raleigh County Recreation Authority" to the "Raleigh County Parks and Recreation Authority",

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

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. 5065, Regarding continuing education requirements and compensation of Guardians Ad Litem,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5065 - "A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended; to amend and reenact §44-10-14 of said code; and to amend and reenact §49-4-601 of said code; relating to compensation of a guardian ad litem in cases involving the West Virginia Public Defender Services; relating to requirements and rates of compensation for a guardian ad litem in a minor settlement proceeding; and relating to continuing education requirements of Guardians Ad Litem,"

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

In accordance with the former direction of the Speaker, the bill (Com. Sub. for H. B. 5065) was referred to the Committee on Finance.

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. J. R. 21, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state,

And reports the same back with the recommendation that it be adopted.

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. 5332, Excepting persons previously commissioned as a notary public from requirement to have a high school diploma or its equivalent in order to be recommissioned as a notary public,

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

Delegate Kimble asked unanimous consent that the bill (H. B. 5332) be taken up for immediate consideration and read a first time, and that the constitutional rule requiring the bill to be fully and distinctly read on three different days be dispensed with and the bill be read a second and third time and put upon its passage.

There being no objection, the bill (H. B. 5332) was taken up for immediate consideration, read a first time and ordered to second reading.

On the question of dispensing with the constitutional rule requiring the bill to be fully and distinctly read on three different days, the yeas and nays were taken (**Roll No. 73**), and there were—yeas 92, nays 1, absent and not voting 7, with the nays and the absent and not voting being as follows:

Nays: Dillon.

Absent and Not Voting: Ellington, Hardy, Hornbuckle, Kirby, McGeehan, C. Pritt and Westfall.

So, four fifths of the members present having voted in the affirmative, the constitutional rule was dispensed with.

The bill (H. B. 5332) was then read a second time and ordered to engrossment and third reading.

The bill (H. B. 5332) was then read a third time and put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 74**), and there were—yeas 90, nays 4, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon, Gearheart, Horst and Steele.

Absent and Not Voting: Ellington, Hardy, Hornbuckle, Kirby, McGeehan and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5332) passed.

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

On this question, the yeas and nays were taken (**Roll No. 75**), and there were—yeas 92, nays 2, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Dillon and Horst.

Absent and Not Voting: Ellington, Hardy, Hornbuckle, Kirby, McGeehan and Westfall.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5332) 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.

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. 4851, To allow for public and private schools in West Virginia to employ security personnel,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 4851 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-52; to amend and reenact §15-2D-3 of said code; and to amend and reenact §61-7-11a of said code, all relating to creating school security officers; requiring the director of the Division of Protective Services to establish standards for school security officers and issue a certificate; providing definitions; authorizing local school boards, public charter schools, and private or religious schools to employ school security officers; providing standards for a school security officer to carry a firearm on school grounds; requiring a background check; specifying the detention powers of a school security officer and limitations on detention powers; requiring data sharing with the Division of Protective Services; specifying payment for equipment; requiring insurance for schools employing a school security officer; and clarifying that the prohibitions on carry a firearm in a school zone do not apply to certified school security officers,"

H. B. 5084, Require retailers to verify identification and age upon purchase of vape products,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5084 - "A Bill to amend and reenact §16-9A-2 of the Code of West Virginia, 1931, as amended, all relating to requiring that a valid driver's license or state identification card be presented to verify the minimum age of eighteen for the purchase or acceptance of tobacco related products; relating to increasing penalties for any firm or corporation, or business entity that violates the provisions of this section of the code; and relating to increasing penalties for any person, or employee of any firm or corporation, or business entity that violates the provisions of this section of the code,"

H. B. 5091, West Virginia Critical Infrastructure Protection Act,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5091 - "A Bill to amend and reenact §61-10-34 of the Code of West Virginia, 1931, as amended, relating to the "West Virginia Critical Infrastructure Protection Act"; removing the requirement that a critical infrastructure facility be enclosed by a fence or other physical barrier or be clearly marked with a sign or signs; increasing felony penalties and adding second offense penalties for a person who willfully damages, destroys, vandalizes, defaces, or tampers with equipment in a critical infrastructure facility causing damage in excess of \$2,500; providing for forfeiture of items of personal property which are used, have been used, or are intended for use in perpetration of theft or damage to infrastructure, including all conveyances, including aircraft, vehicles or vessels; and providing that the forfeiture provisions of this bill be governed by the applicable provisions of the West Virginia Contraband Forfeiture Act,"

And,

H. B. 5122, Relating to civil service for deputy sheriffs,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5122 - "A Bill to amend and reenact §7-14-8 and §8-14-12 of the Code of West Virginia, 1931, as amended, relating to civil service for deputy sheriffs; renumbering certain sections; removing age restrictions for original appointments as a deputy sheriff; clarifying the requirements for return to work of a deputy sheriff; and removing the age restrictions for original appointment as a municipal police officer,"

With the recommendation that the committee substitutes each do pass.

Reports of Select Committees

Delegate Cannon, Chair of the Select Committee on Artificial Intelligence, submitted the following report, which was received:

Your Select Committee on Artificial Intelligence has had under consideration:

H. B. 5161, To create a “digital wallet” to keep all certifications/licensure accrued by the person in one place,

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 Technology and Infrastructure.

In accordance with the former direction of the Speaker, the bill (H. B. 5161) was referred to the Committee on Technology and Infrastructure.

Messages from the Executive and Other Communications

Communications from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 269 was presented to the Governor on January 30, 2024; and that S. B. 462 and S. B. 483 were presented to the Governor on February 1, 2024.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect ninety days from passage, a bill of the House of Delegates, as follows:

H. B. 4252, Uniform Recognition and Enforcement of Canadian Domestic Violence Protective Orders Act.

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. 265 - "A Bill to amend and reenact §8-12-18 of the Code of West Virginia, 1931, as amended, relating to increasing the value at which municipal property must be sold through public auction, and allowing for the negotiated sale of real property to adjacent property owners"; which was referred to the Committee on Government Organization.

A message from the Senate, by

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

S. B. 402 - "A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to codifying the United States Concealed Carry Association to provide concealed carry classes in West Virginia"; 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. 461 - "A Bill to amend and reenact §7-22-9 of the Code of West Virginia, 1931, as amended, relating to county economic opportunity development districts; extending when the Fort Henry Economic Opportunity Development District may be abolished or terminated; and increasing the land area within the Ridges Economic Opportunity Development District subject to the special district excise tax"; which was referred to the Committee on Economic Development and Tourism.

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. 474 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-12B-1, §61-12B-2, §61-12B-3, §61-12B-4, and §61-12B-5, all relating to critical incident reporting; creating a Critical Incident Review Team; setting forth duties of the Critical Incident Review Team; requiring reporting of the Critical Incident Review Team; setting forth date of report; providing Critical Incident Review Team with access to information; and setting forth confidentiality"; which was referred to the Committee on Health and Human Resources 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. 475 - "A Bill amend and reenact §16-59-1, §16-59-2, and §16-59-3, of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-59-4; and to amend and reenact §16-62-1 and §16-62-2 of said code, all relating to recovery residences; defining terms; amending the accreditation program to include protecting residents from human trafficking and patient brokering; requiring the collection of data from recovery residences; requiring the data collected be uniform among recovery residences; requiring rulemaking regarding the data to be collected; requiring stakeholder engagement to develop the rules; setting forth minimum data content; providing that the data shall be shared; providing privacy restrictions on data; requiring documentation verifying initial and continued registration be submitted; permitting an immediate jeopardy notice to be served in person; prohibiting recovery residence that has received a suspension or revocation notice from taking new residents; providing procedure for immediate jeopardy; permitting immediate revocation of certification if immediate jeopardy is not corrected prior to certifying agency leaving the premises; requiring transfer of residents in event immediate jeopardy is not corrected and setting forth timeframe; prohibiting recovery residence without a certificate of compliance from receiving a referral from stated entities; providing for a penalty if the referral is received in violation of this article; deleting requirement that certifying agency maintain and publish a list of recovery residences; clarifying that referral shall not be made unless recovery residence has a valid certificate of compliance; prohibiting all recovery residences from receiving funds from a resident that is in the form of a state benefit unless it holds a valid certificate of compliance; increasing penalties for violations; requiring all recovery residences to register with the Office of Health Facility Licensure and Certification; setting forth procedure for registration; permitting fee; setting term of registration as one year; providing for penalty for failure to register; providing due process;

clarifying that recovery residences are subject to the patient brokering act; requiring the Office of the Inspector General to review data to determine if violations of the patient brokering act have occurred; requiring referral to state, or local law-enforcement authorities to coordinate, investigate, or prosecute violations; requiring state or local law enforcement to investigate referral; requiring the Office of Inspector General to receive data regarding recovery residences; and specifying document handling specifications"; which was referred to the Committee on Health and Human Resources 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. 477 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-25; and to amend said code by adding thereto a new section, designated §61-3C-14d, all relating to providing for removal of health care worker's personal information from records on the internet in certain circumstances; prohibiting public disclosure of health care worker's personal information on the internet in certain circumstances; defining terms; and providing penalties"; 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. 487 - "A Bill to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended, relating to providing for periodic reviews of required professional development for teachers and education staff"; which was referred to the Committee on Education.

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 resolutions, which were read by their titles and referred to the Committee on Technology and Infrastructure then Rules as follows:

Com. Sub. for S. C. R. 11 - "Requesting the Division of Highways name bridge number 44-119/00-011.79 (44A110), locally known as Big Lick Run Bridge, carrying US Route 119 over Big Lick Run in Roane County, the 'U. S. Marine Corps PFC Noel Harper Fields Memorial Bridge'."

Com. Sub. for S. C. R. 14 - "Requesting the Division of Highways name bridge 17-079/00-115.33 (NB-SB) (17A251,17A252), also known as the Quiet Dell Overpass and beginning at 39.22594, -80.29692, located in Clarksburg, Harrison County, the 'U.S. Army PFC William Gorman Memorial Bridge'."

S. C. R. 18 - "Requesting the Division of Highways name bridge number 16-020/01-000.18 (16A044), (38.87673, -78.86634) locally known as Stanley See Bridge, carrying CR 20/01 over Lost River in Hardy County, the 'Stanley W. and Evelyn C. See Memorial Bridge'."

S. C. R. 19 - "Requesting the Division of Highways name bridge number 20-057/00-024.17 (20A137), (38.44920, -81.45593) locally known as Blue Creek Bridge, carrying CR 57 over Elk River in Kanawha County, the 'U. S. Army PFC Henry W. Baldwin Memorial Bridge'."

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates McGeehan, Adkins, Akers, Anderson, Barnhart, Bridges, Brooks, Burkhammer, Butler, Campbell, Cannon, Chiarelli, T Clark, Cooper, Coop-Gonzalez, Criss, Crouse, Dean, DeVault, Dittman, Ellington, Espinosa, Fast, Fehrenbacher, Ferrell, Foggin, Forsht, Foster, Gearheart, Green, W. Hall, Hanshaw (Mr. Speaker), Heckert, Hillenbrand, Hite, Holstein, Hornby, Horst, Hott, Householder, Jeffries, Jennings, Kelly, Kimble, Kirby, Kump, Linville, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, Moore, Nestor, Petitto, Phillips, C. Pritt, E. Pritt, Riley, Rohrbach, Ross, Shamblin, Sheedy, Smith, Statler, Steele, Stephens, Street, Summers, Thorne, Toney, Tully, Vance, Ward, Warner, Willis, Winzenreid, Worrell and Zatezalo:

H. C. R. 64 - "In the spirit of our great Republic binding the states of our shared country, we, the Legislature of West Virginia, in solemn assembly, do hereby avow support for our sister state, Texas, which faces a crisis of unprecedented scale at our nation's southern border"; to the Committee on Rules.

By Delegates Crouse, Hanshaw (Mr. Speaker), Warner, Tully, Young, Fehrenbacher, Dittman and Mazzocchi:

H. C. R. 65 - "Urging Marshall University and West Virginia University to lead a child care consortium, in consultation with the Department of Human Services and the Department of Education, stakeholders, and experts, to create a cost of care estimator tool, which enables the state to model actual costs of child care"; to the Committee on Senior, Children, and Family Issues then Rules.

By Delegates Ferrell, Stephens, Hite, DeVault, Mallow, Sheedy, Toney, Statler and Winzenreid:

H. C. R. 66 - "Requesting the Division of Highways name Bridge Numbers: 20-077/00-110.10 (NB & SB) (20A228, 20A446), (38.46281, -81.64366) locally known as I-77 TUPPER CREEK BRIDGES 110.10 NB & SB, carrying IS 77 over CR 29 in Kanawha County. the 'U. S. Army SP4 Lonnie 'Bill' Walker Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

By Delegates Cannon, Crouse, Foster and Butler:

H. C. R. 67 - "Requesting the Division of Highways name the bridge where U.S. Route 60 crosses Hurricane Creek, near the intersection of U.S. Route 60 and State Route 34, the 'Kenneth R. Lucas Memorial Bridge"; to the Committee on Technology and Infrastructure then Rules.

Bills Introduced

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

By Delegates Campbell, Westfall, Ferrell, E. Pritt, Adkins, T Clark and Miller:

H. B. 5401 - "A Bill to amend and reenact §20-2-5l of the Code of West Virginia, 1931, as amended, related to moving muzzleloader hunting season to the week before rifle deer hunting season in November"; to the Committee on Agriculture and Natural Resources then Government Organization.

By Delegate Dillon:

H. B. 5402 - "A Bill to repeal §6B-3-1, §6B-3-2, §6B-3-3, §6B-3-4, §6B-3-5, §6B-3-6, §6B-3-7, §6B-3-8, §6B-3-9, §6B-3-10, and §6B-3-11 of the Code of West Virginia, 1931, as amended;

and to amend said code by adding thereto a new section, designated §61-2-17, all relating to repealing the lobbyist article and paying someone to lobby or influence any member of the Legislature or receiving money to lobby or influence any member of the Legislature; and felony penalties"; to the Committee on the Judiciary.

By Delegates Sheedy, Toney, Adkins, Willis and Stephens:

H. B. 5403 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §24A-3-7, relating to placing a \$1.00 charge on Uber, Lyft, and all like services per ride, and Uber Eats, Door Dash, and all like services per delivery, with the proceeds to be disbursed to the Division of Highways and equally applied to each county's annual budget"; to the Committee on Finance.

By Delegates Winzenreid, Willis, Heckert, Fluharty, Zatezalo, Kelly, Hott, Foster, Westfall and Hillenbrand:

H. B. 5404 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-11a, relating to defining 'burglar's tool'; adding the crime of 'Possession of Burglarious Tools' to the West Virginia Code; and providing penalties"; to the Committee on the Judiciary.

By Delegates Statler, Toney and Ellington:

H. B. 5405 - "A Bill to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-3C-3 of said code, all relating to increasing support and professional development for educators; including numbers of full-time equivalent teachers less than fully certified for teaching an academic core subject for which they are employed; utilizing state aid funding formula allocations to support teacher and leader induction and professional growth; authorizing retention of additional funding for 2024 – 2025 school year by Department of Education for regional professional cadres program expansion; requiring certain amount of the state aid funding formula be retained for continued support and expansion of the regional professional cadres program beginning with 2025 – 2026 school year; and, adding additional requirements to county boards of education plan for comprehensive system of support for improving professional practice"; to the Committee on Education then Finance.

By Delegates Campbell, Lucas, Ross, Willis, Martin, Westfall, Ferrell, Maynor and E. Pritt:

H. B. 5406 - "A Bill to amend and reenact §17A-3-3 of the Code of West Virginia, 1931, as amended, relating to taking 50 cents from every new vehicle registration or renewal of a registration in West Virginia and to allocate that money to the Deputy Sheriff's Retirement Fund"; to the Committee on Pensions and Retirement then Finance.

By Delegates Campbell, Lucas and Warner:

H. B. 5407 - "A Bill to amend and reenact §37-4-3 of the Code of West Virginia, 1931, as amended, relating to partition of real property and giving a party to a partition proceeding with more than 50 percent interest in the real property first right of refusal to purchase the entire subject property"; to the Committee on the Judiciary.

By Delegates Crouse, Tully, Phillips, Williams, Dean, Cannon, Hornby and Young:

H. B. 5408 - "A Bill to amend and reenact §16-9E-1, §16-9E-3, §16-9E-4, and §16-9E-5, of the Code of West Virginia, 1931, as amended, all relating to the delivery sales of tobacco; providing definitions; authorizing the delivery sales within State boundaries by retail sellers and remote delivery services; providing age verification requirements for online delivery sales; altering

labeling requirements; and providing record retention requirements for information relating to delivery sales of tobacco products"; to the Committee on the Judiciary.

By Delegates Heckert, Zatezalo, Kimble, Mazzocchi, DeVault, Sheedy, Crouse, Hornby, Hite, Householder and Fehrenbacher:

H. B. 5409 - "A Bill to amend and reenact §49-4-605 and §49-4-610 of the Code of West Virginia, 1931, as amended, all relating to limiting the number of improvement periods a parent may have per child or actions in abuse and neglect proceedings"; to the Committee on the Judiciary.

By Delegate W. Clark:

H. B. 5410 - "A Bill to mend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3aa, relating to authorizing county commission to designate a third party to sign or approve checks when there is a familial relationship between two persons in county government who are otherwise authorized to sign or approve county checks"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Howell, Thorne, Willis, Adkins, Campbell, DeVault, Jeffries, Ferrell and Cannon:

H. B. 5411 - "A Bill to amend and reenact §17A-3-3a of the Code of West Virginia, 1931, as amended, relating to eliminate need to present a receipt indicating payment of personal property tax on motor vehicles"; to the Committee on Technology and Infrastructure.

By Delegate C. Pritt:

H. B. 5412 - "A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to increasing the hourly rate of investigators working for Public Defender Services from \$30 to \$65"; to the Committee on the Judiciary then Finance.

By Delegate Howell:

H. B. 5413 - "A Bill to amend and reenact §24-2-1b of the Code of West Virginia, 1931, as amended, relating generally to Public Service Commission's jurisdiction over the collection fees charged by private commercial carriers of solid waste in West Virginia border counties; requiring commission survey of fees in those counties and establishment of a maximum rate for solid waste collection and transportation; and allowing carriers of solid waste to adjust their rates up to the maximum rate with notice to customers"; to the Committee on Political Subdivisions then the Judiciary.

By Delegates Hansen, Young, Petitto and Dean:

H. B. 5414 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, and §22-10A-9, all relating to the creation of the Orphan Oil and Gas Well Prevention Act of 2024; preventing oil and gas wells from being orphaned on surface owner's land with no responsible driller or operator with the resources to plug the well; the procedures for prevention of orphaned wells; and requiring plugging money set aside as escrow in the office of the State Treasurer"; to the Committee on Energy and Manufacturing then Finance.

By Delegates Ridenour, Steele, Martin, Foster, Kirby, Hillenbrand, Ward, Kimble, Phillips, Mallow and Marple:

H. B. 5415 - "A Bill to amend and reenact §15-2-24 of the Code of West Virginia, as amended, to amend said code by adding thereto four new sections, designated §29-12A-19, §29-12A-20, §29-12A-21, and §29-12A-22; to amend said code by adding thereto a new article, designated

§61-17-1, §61-17-2, §61-17-3, and §61-17-4; to amend and reenact §62-11C-11 of said code; to amend and reenact §62-12-2 and §62-12-13 of said code; and to amend said code by adding thereto a new article, designated §62-17-1, §62-17-2, and §62-17-3, all relating to procedures regarding illegal entry into the state; requiring the Criminal Identification Bureau maintain certain records regarding illegal entry into state; providing immunity to local and state officials for actions taken to enforce law regarding illegal entry into state; establishing findings and definitions regarding illegal entry into state; creating the offense of illegal entry into state; creating the offense of illegal reentry into state; creating the offense of refusal to comply with an order; prohibiting community supervision for person convicted of certain offenses; prohibiting parole for persons convicted of illegal entry or reentry; prohibiting enforcement of crimes of illegal entry or reentry in certain locations; establishing procedures for court to order deportation of certain individuals; and providing no abatement of prosecution for defendants whose status is not determined by federal government"; to the Committee on Veterans' Affairs and Homeland Security then the Judiciary.

By Delegate Hansen:

H. B. 5416 - "A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to allowing the use of degraded properties as an approved location to place solar panels utilized by power generating units; and providing conditions thereto"; to the Committee on Energy and Manufacturing then Finance.

By Delegate Westfall:

H. B. 5417 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, and §33-63-6, all relating to dental health care service plans; providing for transparency of expenditures of patient premiums; requiring carriers to file annual reports; requiring annual rebates to patients if funds spent for patient care are less than a certain percentage of premium funds; and requiring legislative and emergency rules"; to the Committee on Banking and Insurance then Health and Human Resources.

By Delegates Campbell, Ward, Adkins, Jennings, Marple, Kelly, Heckert and Foggin:

H. B. 5418 - "A Bill to amend and reenact §51-3-15 of the Code of West Virginia, 1931, as amended, relating to vesting the power of overall approval of the requirements for the position of bailiff"; to the Committee on the Judiciary.

Special Calendar

Third Reading

Com. Sub. for H. B. 4801, Relating generally to the banking authority of the State Treasurer's Office; 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. 76**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Ellington, Hardy, Hornbuckle, Kirby, McGeehan and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4801) 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. 4837, Clarifying the duty of banks to retain and procure records; on third reading, coming up in regular order, was read a third time.

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

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

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 77**), and there were—yeas 93, nays 1, absent and not voting 6, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Ellington, Hardy, Hornbuckle, Kirby, McGeehan and Westfall.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4837) 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

H. B. 4292, Providing for enhanced damages for non-payment of royalties due from oil, natural gas, or natural gas liquids production; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for H. B. 4867, Require pornography websites to utilize age verification methods to prevent minors from accessing content; on first reading, coming up in regular order, was reported by the Clerk.

At the request of Delegate Kimble, 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 second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

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

On motion of Delegate Lewis, the bill was amended on page 1, section 3, line 18, following the period, by inserting the following sentence:

"As part of the presentence investigation, if the court finds that evidence exists that the person convicted of third or subsequent offense was abusing drugs or alcohol at the time of his or her arrest, the Court shall order an evaluation to determine whether the person has a substance use disorder. Upon a finding by the Court that the person convicted of third or subsequent offense

has been diagnosed with a substance use disorder, in addition to the other penalties provided pursuant to this subsection, the Court shall order the person undergo treatment for the substance use disorder."

The bill was then ordered to engrossment and third reading.

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

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

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

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

Com. Sub. for H. B. 5157, Relating to contingent increase of tax rate on certain eligible acute care hospitals; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for 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",

And,

H. B. 5310, Remote Patient Outcome Improvement Act.

Leaves of Absence

At the request of Delegate Kimble, and by unanimous consent, leaves of absence for the day were granted Delegates Ellington, Hardy, Hornbuckle, Kirby, McGeehan and Westfall.

Miscellaneous Business

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

H. B. 4191: Delegate Hillenbrand;

H. B. 4829: Delegate W. Clark;

H. B. 4863: Delegate Chiarelli;

H. B. 5128: Delegate Mallow;

And,

H. B. 5392: Delegate Kump.

At 11:54 a.m., the House of Delegates adjourned until 11:00 a.m., Friday, February 2, 2024.

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

SPECIAL CALENDAR

Friday, February 2, 2024

24th Day

11:00 A.M.

THIRD 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. 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

SECOND 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. 4867 - Require pornography websites to utilize age verification methods to prevent minors from accessing content
- 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

FIRST READING

H. J. R. 21 - Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state

Com. Sub. for H. B. 4851 - To allow for public and private schools in West Virginia to employ security personnel.

Com. Sub. for H. B. 5084 - Require retailers to verify identification and age upon purchase of vape products

Com. Sub. for H. B. 5091 - West Virginia Critical Infrastructure Protection Act

Com. Sub. for H. B. 5122 - Relating to civil service for deputy sheriffs

H. B. 5257 - Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff.

H. B. 5348 - Changing the name of the "Raleigh County Recreation Authority" to the "Raleigh County Parks and Recreation Authority"

HOUSE CALENDAR

Friday, February 2, 2024

24th 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

FRIDAY, FEBRUARY 2, 2024

HOUSE CONVENES AT 11:00 A.M.

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

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

**COMMITTEE ON JUDICIARY
9:30 A.M. – JUDICIARY COMMITTEE ROOM**

**COMMITTEE ON EDUCATION
10:00 A.M. – EDUCATION COMMITTEE ROOM**

**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