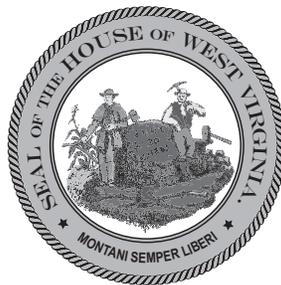


West Virginia Legislature

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February 6, 2024  
TWENTY-EIGHTH DAY



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Tuesday, February 6, 2024

**TWENTY-EIGHTH 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 Monday, February 5, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

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. 4707**, Relating to the management of personal service appropriations for vacant positions,

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. 4707) was referred to the Committee on Finance.

Delegate McGeehan, Vice-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. 4224**, Relating to performance metrics for the West Virginia Division of Highways,

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

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

Your Committee on Government Organization has had under consideration:

**S. B. 428**, Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals,

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

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. 5251**, Relating to the Telephone Consumer Protection Act,

And,

**Com. Sub. for S. B. 318**, Modifying process of when parental rights are terminated,

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. 4233**, Non-binary not permitted on birth certificates,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4233** - "A Bill to amend and reenact §16-5-10 of the Code of West Virginia, 1931, as amended, relating to listing of sex on birth certificates and prohibiting the use of "non-binary" as a sex description on birth certificates,"

**H. B. 4758**, Creating of the Joint Oversight Committee on the Fusion Center,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4758** - "A Bill to amend and reenact §15A-12-1, §15A-12-2, §15A-12-3, §15A-12-4, §15A-12-5 and §15A-12-7 of the Code of West Virginia, 1931, as amended, all relating to the Fusion Center; providing the creation of the Joint Oversight Committee on the Fusion Center and defining the composition and duties associated with the Committee; exempting the Joint Oversight Committee from the open meetings act; providing non-disclosure agreement requirements; defining terrorism; clarifying the Fusion Center's duties, functions, reporting requirements, prohibitions and restrictions when information or intelligence is gathered for prohibited purposes; providing reporting requirements for information or intelligence gathered regarding election fraud or tampering; requiring that an annual report be provided to the Committee and clarifying the information required in the report; and creating criminal penalties for violations of prohibitions and restrictions applicable to the West Virginia Fusion Center,"

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

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4786** - "A Bill to amend the Code of West Virginia 1931, as amended, by adding thereto a new article, designated §33-63-1, §33-63-2, §33-63-3, §33-63-4, §33-63-5, and §33-63-6, all relating to the Delivery Network Company Insurance Act; providing for definitions; defining interaction with other laws; providing for insurance requirements; providing for disclosures to Delivery Network Drivers; providing for exclusions in motor vehicle liability insurance policies; and creating an effective date,"

**H. B. 4845**, To prohibit swatting,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4845** - "A Bill to amend and reenact §61-6-20 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for certain instances of false reporting of an emergency incident, and clarifying the applicability of this section,"

**H. B. 5232**, The Business Liability Protection Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5232** - "A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to updating the Business Liability Protection Act; clarifying when a property owner may inquire as to lawful firearm possession; clarifying when a property owner may not remove a person from the property based on lawful firearm possession; and clarifying that an employer may not terminate or take other adverse action against an employee in certain circumstances,"

**H. B. 5243**, Relating to Women's Bill of Rights,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5243** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, and §16-67-5, all relating to the Women's Bill of Rights; providing short title; setting forth purpose; establishing application of act; defining terms; establishing the state interest in certain single sex environments; creating parameters for certain data collection; and allowing severability,"

And,

**H. B. 5250**, Relating to combatting gift card fraud,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5250** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-9-1, §46A-9-2, §46A-9-3, §46A-9-4, §46A-9-5, and §46A-9-6 all relating to defining terms, establishing required notices, and describing necessary training to combat gift card fraud as well as describing the penalties associated with violating these provisions,"

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, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 331** - "A Bill to amend and reenact §7-21-3 of the Code of West Virginia, 1931, as amended, relating to eliminating the cap on the maximum amount of money in a county's financial stabilization fund and allowing investment of moneys in fund with state investment entities"; which was referred to the Committee on Political Subdivisions then Finance.

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. 436** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-11a, relating to prohibiting drivers on highways from operating motor vehicles that have been intentionally modified to cause smoke or other visible emission; and providing penalties"; which was referred to the Committee on Technology and Infrastructure.

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. 466** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-44, relating to requiring the West Virginia Board of Education to develop a Safety While Accessing Technology education program; specifying topics of instruction to be included in the program; allowing the state board to develop and provide age-appropriate instructional materials and resources to assist county boards in establishing and implementing the program; requiring each county board to adopt policies requiring all elementary and secondary schools in the district to provide the education program to students in grades three through 12 at least once each school year; requiring policies to include process for parent, guardian, or custodian to review program instructional materials; requiring policies to include option for parent, guardian, or custodian to opt his or her child out of program participation; making implementation of program effective for the 2025-2026 school year; and requiring program to be based on certain concepts"; 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, and requested the concurrence of the House of Delegates in the passage, of

**Com. Sub. for S. B. 539** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-12-9, relating to requiring the West Virginia Fusion Center to create the cold case database; defining terms; requiring law-enforcement agencies to provide required information; explaining the types of cases to be included in the cold case database; explaining the state agency developing the cold case database; delineating the information that must be provided for inclusion in the cold case database for each investigation; and delineating the information that may be provided for inclusion in the cold case database for each investigation if applicable to either the victim of the crime or the suspect in the crime"; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

A resolution was introduced and referred as follows:

**By Delegates Hamilton, Young, Adkins, Lucas, Longanacre, Akers, Anderson, Bridges, Campbell, Cooper, Crouse, Dean, Espinosa, Forsht, Griffith, W. Hall, Hansen, Heckert, Hott, Householder, Jeffries, Kimble, Kirby, Marple, Maynor, Pushkin, Rohrbach, Ross, Shamblin, Smith, Steele, Ward, Worrell and Zatezalo:**

**H. C. R. 70** – “Requesting the West Virginia Legislature declare June 12th Women Veterans Appreciation Day in the State of West Virginia”; to the Committee on Veterans’ Affairs and Homeland Security then Rules.

### **Bills Introduced**

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

**By Delegates Shamblin, Jennings, Westfall, W. Hall and Rohrbach:**

**H. B. 5481** - “A Bill to amend and reenact §16-5B-19 of the Code of West Virginia, 1931, as amended, relating to providing immunity from liability for hospitals that have established a hospital police department if a loss or claim results from the failure to provide police protection”; to the Committee on Health and Human Resources then the Judiciary.

**By Delegates Campbell, Hornbuckle, Jeffries, Lucas, Dean, Marple, Ward, Foggin, Heckert, Adkins and Hott:**

**H. B. 5482** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14j, relating to creating specially priced registration plates for organ donors and creating the Patrolman Cassie Marie Johnson Organ Donor Act”; to the Committee on Technology and Infrastructure then Finance.

**By Delegates Coop-Gonzalez, Ridenour, Foster and Foggin:**

**H. B. 5483** - “A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the State of Texas for the acquisition of razor wire for the border, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024”; to the Committee on Finance.

**By Delegates Dillon, Foster, Kirby, Ridenour, Coop-Gonzalez, Ross, Ellington, Kelly, Willis, Martin and Longanacre:**

**H. B. 5484** - “A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to empowering the state board of education to direct guidance to all local education agencies on what is appropriate for pre-kindergarten through five to be taught regarding health education”; to the Committee on Education.

**By Delegates Kirby and Campbell:**

**H. B. 5485** - “A Bill to amend and reenact §17A-3-17 of the Code of West Virginia, 1931, as amended, relating to ensuring the \$1 service fee for the renewal of vehicle registration is dedicated to the county sheriff for contribution to the county general fund and the deputy sheriff’s retirement system”; to the Committee on Finance.

**By Delegates Hite, Dean, Vance, Rohrbach, Longanacre, Smith, E. Pritt, Maynor, Ferrell and Campbell:**

**H. B. 5486** - “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-4a, relating to the creation of the ‘County Home Rule Program’”; to the Committee on Government Organization then Finance.

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

**H. B. 5487** - "A Bill to amend and reenact §17B-3-3a of the Code of West Virginia, 1931, as amended, relating to suspension of licenses for failure to respond or appear in court when charged with a motor vehicle violation; requiring written notice of all fees owed and impending suspension prior to license suspension; and requiring the citation issuing magistrate court or municipal court to forward administrative fee collected to division"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Howell, Willis, Fehrenbacher, Kump, Martin, Horst, Petitto and Campbell:**

**H. B. 5488** - "A Bill to amend and reenact §16A-5-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-8-3 of said Code; and to amend and reenact §61-7-7 of said Code, all relating to giving notice to medical marijuana patients of the Gun Control Act of 1968's prohibition against users of controlled substances, specifically marijuana, from shipping, transporting, receiving, or possessing a firearm or ammunition"; to the Committee on the Judiciary.

**By Delegate Criss:**

**H. B. 5489** - "A Bill to repeal §31C-2-8 of the Code of West Virginia, 1931, as amended, relating to removing the tax exemption for credit unions"; to the Committee on Banking and Insurance then Finance.

**By Delegates Young, Cannon, Hanshaw (Mr. Speaker), Maynor, Rohrbach, Campbell, Linville, Shamblin, Stephens, Coop-Gonzalez and Willis:**

**H. B. 5490** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6-9, related to creating a 'Generative AI and Natural Language Processing Task Force"; to the Committee on Artificial Intelligence then Technology and Infrastructure.

**By Delegate Summers:**

**H. B. 5491** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-44-1, §30-44-2, §30-44-3, §30-44-4, §30-44-5, §30-44-6, §30-44-7, §30-44-8, §30-44-9, §30-44-10, §30-44-11, §30-44-12, §30-44-13, §30-44-14, §30-44-14a, §30-44-14b, §30-44-15, §30-44-16, and §30-44-17, all relating generally to certified professional midwives; providing for definitions; setting forth the license required to practice; providing requirements for the license; providing for the license renewal and reinstatement; establishing temporary permits; detailing the contents of the license or certificate, providing for continuing education; clarifying the use of titles; providing for the denial, revocation, or suspension of license; listing exceptions; establishing prohibitions and penalties; creating an injunction or other relief against unlawful acts; providing for regulations governing the practice of midwifery; defining established medical tests, legend drug formulary, and medical devices; creating a drugs legend; creating a medical tests legend; providing for midwife responsibilities; providing for confidentiality; and providing for immunity"; to the Committee on Government Organization.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle****[By Request of the Executive]:**

**H. B. 5492** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Homeland Security, Division of Emergency Management, fund 8727, fiscal year 2024, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle****[By Request of the Executive]:**

**H. B. 5493** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2024, organization 0612, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle****[By Request of the Executive]:**

**H. B. 5494** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8743, fiscal year 2024, organization 0926, and Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division, fund 8744, fiscal year 2024, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle****[By Request of the Executive]:**

**H. B. 5495** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2024, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle****[By Request of the Executive]:**

**H. B. 5496** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Executive, Department of Agriculture – Agriculture Fees Fund, fund 1401, fiscal year 2024, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle****[By Request of the Executive]:**

**H. B. 5497** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2024, organization 0926, Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division – Public Service Commission Pipeline Safety Fund, fund 8624, fiscal year 2024, organization 0926, and Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8625, fiscal year 2024, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle****[By Request of the Executive]:**

**H. B. 5498** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Executive, Department of Agriculture – West Virginia Spay Neuter Assistance Fund, fund

1481, fiscal year 2024, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle**

**[By Request of the Executive]:**

**H. B. 5499** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Arts, Culture, and History, National Coal Heritage Area Authority, fund 8869, fiscal year 2024, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle**

**[By Request of the Executive]:**

**H. B. 5500** - "A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2024, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024"; to the Committee on Finance.

**By Delegates Hanshaw (Mr. Speaker) and Hornbuckle**

**[By Request of the Executive]:**

**H. B. 5501** - "A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2024, to the Department of Agriculture, fund 8736, fiscal year 2024, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2024. WHEREAS, The Governor has established the availability of federal funds for expenditure in the fiscal year ending June 30, 2024, which are hereby appropriated by the terms of this supplementary appropriation bill; therefore"; to the Committee on Finance.

## **Special Calendar**

### **Third Reading**

**H. J. R. 21**, Amending the Constitution to prohibit persons not United States citizens from voting in any election held within this state; on third reading, coming up in regular order, was read a third time.

On the adoption of the resolution, the yeas and nays were taken (**Roll No. 100**), and there were—yeas 96, nays none, absent and not voting 4, with the yeas, nays, and absent and not voting being as follows:

Yeas: Adkins, Akers, Anderson, Barnhart, Bridges, Brooks, Burkhammer, Butler, Campbell, Cannon, Chiarelli, T. Clark, W. Clark, Cooper, Coop-Gonzalez, Criss, Crouse, Dean, DeVault, Dillon, Dittman, Ellington, Espinosa, Fast, Fehrenbacher, Ferrell, Fluharty, Foggin, Forsht, Foster, Garcia, Gearheart, Green, Griffith, Hall, Hamilton, Hansen, Hardy, Heckert, Hillenbrand, Hite, Holstein, Hornbuckle, Hornby, Horst, Hott, Howell, Jeffries, Jennings, Kelly, Kimble, Kump, Lewis, Linville, Longanacre, Lucas, Mallow, Marple, Martin, Maynor, Mazzocchi, McGeehan, Miller, Moore, Petitto, Phillips, Pinson, C. Pritt, E. Pritt, Pushkin, Riley, Rohrbach, Ross, Rowe, Shamblin, Sheedy, Smith, Statler, Steele, Stephens, Street, Summers, Thorne, Toney, Tully, Vance, Ward, Warner, Westfall, Williams, Willis, Winzenreid, Worrell, Young, Zatezalo and Hanshaw (Mr. Speaker).

Nays: None.

Absent and Not Voting: Householder, Kirby, Nestor and Ridenour.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the resolution (H. J. R. 21) adopted, as follows:

**H. J. R. 21** - "Proposing an amendment to the Constitution of the State of West Virginia amending section 1, Article IV thereof to prohibit persons not United States citizens from voting in any election held within this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment."

*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2024, which proposed amendment is that section 1, Article IV thereof, be amended, to read as follows:

#### **ARTICLE IV. ELECTION AND OFFICERS.**

##### **4-1. Election and officers.**

The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of the state and of the county in which he offers to vote, for thirty days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this state by reason of being stationed therein, nor shall any person who is not a citizen of the United States be entitled to vote at any election held within this state.

*Resolved further,* That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered "Amendment 1" and designated as the "Citizens Voting Amendment" and the purpose of the proposed amendment is summarized as follows: "The purpose of this amendment is to recognize that persons who are not citizens of the United States cannot vote in West Virginia elections."

*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. 4851,** To allow for public and private schools in West Virginia to employ security personnel; on third reading, coming up in regular order, with amendment pending, 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. 4940,** A squatter cannot be considered a tenant in WV; 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. 101**), 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: Householder, Kirby, Nestor and Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4940) 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. 5018**, To provide for oversight and authority governing community air monitoring programs; on third reading, coming up in regular order, was read a third time.

Delegate Fast 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. 102**), and there were—yeas 76, nays 19, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Dittman, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Kimble, Lewis, E. Pritt, Pushkin, Rowe, Steele, Toney, Tully, Vance, Williams, Worrell and Young.

Absent and Not Voting: Householder, Kirby, Nestor, C. Pritt and Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5018) 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. 5084**, Require retailers to verify identification and age upon purchase of vape products; 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. 103**), and there were—yeas 94, nays none, absent and not voting 6, with the absent and not voting being as follows:

Absent and Not Voting: Householder, Kirby, Nestor, C. Pritt, Ridenour and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5084) passed.

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

**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, state identification card, or any valid and unexpired federally issued identification card such as a passport or military 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.”

*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. 5091**, West Virginia Critical Infrastructure Protection Act; on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 104**), and there were—yeas 88, nays 7, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Garcia, Hamilton, Hansen, Pushkin, Rowe, Williams and Young.

Absent and Not Voting: Householder, Kirby, Nestor, Ridenour and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5091) 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. 5122**, Relating to civil service for deputy sheriffs; 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. 105**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Householder, Kirby, Nestor, Ridenour and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5122) 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. 5257**, Relating generally to allowing the Supreme Court of Appeals discretion to create uniform pay scales for all levels of judicial support staff; 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. 106**), and there were—yeas 94, nays 1, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Vance.

Absent and Not Voting: Householder, Kirby, Nestor, Ridenour and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5257) 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. 5348**, Changing the name of the “Raleigh County Recreation Authority” to the “Raleigh County Parks and Recreation Authority”; 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. 107**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Householder, Kirby, Nestor, Ridenour and Steele.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5348) passed.

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

### **Messages from the Senate**

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 reported by the Clerk:

**S. C. R. 24** – “Recognizing and honoring the First Responders Honor Board's nominees for the Medal of Valor.”

At the respective requests of Delegate Jeffries, and by unanimous consent, reference of the resolution (S. C. R. 24) to a committee was dispensed with, and it was taken up for immediate consideration.

The resolution was read by the Clerk.

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

The yeas and nays having been ordered, they were taken (**Roll No. 108**), and there were—yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Householder, Kirby, Nestor, Ridenour and Steele.

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

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

### Second Reading

**Com. Sub. for H. B. 4704**, Creating Infrastructure Ready Jurisdictions; on second 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.

**H. B. 4863**, Patriotic Access to Students in Schools Act; on second reading, coming up in regular order, was read a second time.

Delegate Young moved to amend the bill on page 1, Section 44, line 3, following the words "each public" by inserting the words: "and private".

The question then being on the adoption of the amendment, the same was put and did not prevail.

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 4933**, Relating to Medicaid dental coverage; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 1, section 12a, line 15, by striking "count not" and inserting "not count" in lieu thereof.

The bill was then ordered to engrossment and third reading.

**H. B. 5038**, Relating to research and economic development agreements for state institutions of higher education; on second 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.

**H. B. 5050**, Relating to authorizing legislative rules regarding higher education; on second 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. 5054**, Relating to the licensure of birthing centers; on second 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.

**H. B. 5056**, Relating to substitute service personnel positions; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**H. B. 5064**, Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer; on second 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. 5083**, Create mechanism for towing companies in WV to quickly access owner information; on second 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.

**H. B. 5153**, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship; 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. 5158**, Relating to making technical corrections to the special education code; 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. 5179**, Relating to the creation of "Jaycie's Law"; on second reading, coming up in regular order, was read a second time.

An amendment sponsored by Delegates Longanacre, E. Pritt, Thorne, and Chiarelli was reported by the Clerk on page 2, section (6), line 24, by striking out the word "may" and inserting in lieu thereof "shall".

And,

On page 2, section (6), line 24, by inserting "by providing a list of pregnancy or postpartum assistance organizations within the county and surrounding counties" after the words "pregnancy help organization".

Delegate Young moved to amend the amendment on page 1, following the words "by providing a list of" by inserting the words "women's health care providers as defined in §33-42-3 of this code, and";

And,

Following the words "surrounding counties" by inserting the words "and information regarding governmental services and resources available during pregnancy and for parents of newborn children."

The question then being on the adoption of the amendment to the amendment, the same was put and did not prevail.

The question being on the adoption of the amendment offered by Delegates Longanacre, E. Pritt, Thorne, and Chiarelli, the same was put and the amendment was adopted.

On motion of Delegate Young, the bill was amended on page 2, section 2, following the words "refer the" by inserting the words "pregnant and".

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 5200**, Requiring that school counselors serving students in preschool through the 12th grade participate in the School Counselors Conference at least once every two years; on second reading, coming up in regular order, was read a second time.

Delegate Summers moved to amend the bill on page 2, line 24, by striking the word, "shall" and inserting in lieu thereof the word, "may";

And,

On page 2, line 27, by striking the word, "shall" and inserting in lieu thereof the word, "may".

The question then being on the adoption of the amendment, the same was put and did not prevail.

On motion Delegate Foster, the bill was amended on page 3, line 52, after the word, "education" by striking the remainder of the sentence and inserting in lieu thereof the following, "and provided at no cost to the counselors."

The bill was then ordered to engrossment and third reading.

**Com. Sub. for H. B. 5248**, Relating to the regulation of behavioral health centers; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 5, line 102, by striking the words, "than a requirements" and inserting in lieu thereof the word, "that a requirement";

And,

On page 20, line 6 after the word, "position" by inserting the word, "to";

And,

On page 25, line 22, by striking the word, "if" and inserting in lieu thereof the word, "of".

The bill was then ordered to engrossment and third reading.

**H. B. 5252**, Requiring certain minimum experience for the director or coordinator of services class title involving school transportation; on second 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.

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

**Com. Sub. for H. B. 4885**, Relating to blocking roadways,

**Com. Sub. for H. B. 5057**, To raise the threshold for nominal referral fees from \$25 to \$100,

**H. B. 5298**, Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election.

### **Leaves of Absence**

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

### **Miscellaneous Business**

Delegate Linville asked and obtained unanimous consent that the text of S. C. R. 24 be printed in the Appendix to the Journal.

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

**H. B. 4882**: Delegates Cooper and Heckert.

At 1:11 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 7, 2024.

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

## **SPECIAL CALENDAR**

**Wednesday, February 7, 2024**

**29th Day**

**11:00 A.M.**

### **THIRD READING**

- Com. Sub. for H. B. 4851 - To allow for public and private schools in West Virginia to employ security personnel.
- H. B. 4863 - Patriotic Access to Students in Schools Act
- Com. Sub. for H. B. 4933 - Relating to Medicaid dental coverage
- H. B. 5056 - Relating to substitute service personnel positions
- H. B. 5153 - Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship.
- Com. Sub. for H. B. 5158 - Relating to making technical corrections to the special education code
- Com. Sub. for H. B. 5179 - Relating to the creation of "Jaycie's Law."
- Com. Sub. for H. B. 5200 - Requiring that school counselors serving students in preschool through the 12th grade participate in the School Counselors Conference at least once every two years
- Com. Sub. for H. B. 5248 - Relating to the regulation of behavioral health centers

### **SECOND READING**

- Com. Sub. for H. B. 4320 - Relating to access for minor children's medical records
- Com. Sub. for H. B. 4704 - Creating Infrastructure Ready Jurisdictions
- Com. Sub. for H. B. 4885 - Relating to blocking roadways
- H. B. 5038 - Relating to research and economic development agreements for state institutions of higher education
- H. B. 5050 - Relating to authorizing legislative rules regarding higher education.
- Com. Sub. for H. B. 5054 - Relating to the licensure of birthing centers
- Com. Sub. for H. B. 5057 - To raise the threshold for nominal referral fees from \$25 to \$100.

- H. B. 5064 - Relating to obtaining title to abandoned or junked motor vehicles abandoned on the property or place of business of an automobile dealer
- Com. Sub. for H. B. 5083 - Create mechanism for towing companies in WV to quickly access owner information.
- H. B. 5252 - Requiring certain minimum experience for the director or coordinator of services class title involving school transportation.
- H. B. 5298 - Relating to prohibiting a candidate who failed to secure the nomination of a political party in a primary election from seeking the same elected office as an affiliate with a different political party in the subsequent general election

### **FIRST READING**

- Com. Sub. for S. B. 318 - Modifying process of when parental rights are terminated
- S. B. 428 - Establishing appeals from administrative rulings are to be filed with Intermediate Court of Appeals
- H. B. 4224 - Relating to performance metrics for the West Virginia Division of Highways
- Com. Sub. for H. B. 4233 - Non-binary not permitted on birth certificates
- Com. Sub. for H. B. 4758 - Creation of the Joint Oversight Committee on the Fusion Center
- Com. Sub. for H. B. 4786 - Delivery Network Company (DNC) Insurance Model Act
- Com. Sub. for H. B. 4845 - To prohibit swatting
- Com. Sub. for H. B. 5232 - The Business Liability Protection Act
- Com. Sub. for H. B. 5243 - Relating to Women's Bill of Rights
- Com. Sub. for H. B. 5250 - Relating to combatting gift card fraud
- H. B. 5251 - Relating to the Telephone Consumer Protection Act

## **HOUSE CALENDAR**

**Wednesday, February 7, 2024**

**29th 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

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WEDNESDAY, FEBRUARY 7, 2024

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HOUSE CONVENES AT 11:00 A.M.

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

COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES  
9:15 A.M. – FINANCE COMMITTEE ROOM

COMMITTEE ON PREVENTION AND TREATMENT OF SUBSTANCE ABUSE  
9:15 A.M. – EAST WING COMMITTEE ROOM

SELECT COMMITTEE ON ARTIFICIAL INTELLIGENCE  
9:30 A.M. – EDUCATION COMMITTEE ROOM

COMMITTEE ON WORKFORCE DEVELOPMENT  
10:00 A.M. – JUDICIARY COMMITTEE ROOM

COMMITTEE ON FINANCE  
1:00 P.M. – FINANCE COMMITTEE ROOM

COMMITTEE ON THE JUDICIARY  
1:00 P.M. – JUDICIARY COMMITTEE ROOM

COMMITTEE ON EDUCATION  
2:00 P.M. EDUCATION COMMITTEE ROOM

COMMITTEE ON GOVERNMENT ORGANIZATION  
3:00 P.M. EAST WING COMMITTEE ROOM

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THURSDAY, FEBRUARY 8, 2024

PUBLIC HEARING  
COMMITTEE ON THE JUDICIARY  
8:30 A.M. – HOUSE CHAMBER  
HB 5243 -- RELATING TO WOMEN'S BILL OF RIGHTS.

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