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TWENTY-NINTH DAY

Wednesday, February 7, 2024

TWENTY-NINTH DAY

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

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

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

The Clerk proceeded to read the Journal of Tuesday, February 6, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Reordering of the Calendar

Pursuant to the action of the Committee on Rules, Delegate Householder announced that Com. Sub. for H. B. 4851, on Third Reading, Special Calendar, had been transferred to the House Calendar; and H. B. 5038 and H. B. 5050, on Second Reading, Special Calendar, had been transferred to the House Calendar.

Committee Reports

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

Your Committee on Technology and Infrastructure has had under consideration:

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

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5161 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-1-132, relating to creating a digital wallet to collect and organize learning and employment records, certifications, and licensures on the Secretary of State's one-stop business portal; defining responsibilities for maintenance; and defining what types of information can be stored in the digital wallet,"

And,

H. B. 5287, Relating generally to traffic safety,

And reports back a committee substitute therefor, as follows:

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

With the recommendation that the committee substitutes each do pass.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 5237, Prohibiting driving slow in left lane except under certain circumstances,

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

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 5280, West Virginia Short Line Railroad Modernization Act,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5280) was referred to the Committee on Finance.

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

Your Committee on Technology and Infrastructure has had under consideration:

H. B. 4963, Prohibiting the use of AI to attribute remarks to a political candidate that were never made,

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. 4963) was referred to the Committee on the Judiciary.

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

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

H. B. 5286, Eliminating the ability to sub-contract under Certificate of Need,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5286 - "A Bill to amend and reenact §16-2D-17 of the Code of West Virginia, 1931, as amended, relating to eliminating the ability to sub-contract in the certificate of need process,"

With the recommendation that the committee substitute do pass.

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

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

H. B. 5175, Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5175) was referred to the Committee on Education.

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

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

Com. Sub. for S. B. 474, Creating critical incident review team,

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 (Com. Sub. for S. B. 474) was referred to the Committee on the Judiciary.

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

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

H. B. 5304, Creating the Small Business Payroll Tax Credit,

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. 5304) was referred to the Committee on Finance.

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

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

H. B. 5350, Expanding the definition “recreational purposes” to include mountain biking activities,

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. 5350) was referred to the Committee on the Judiciary.

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

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

Com. Sub. for S. B. 354, Relating to the WV Advanced Energy and Economic Corridor Authority,

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

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

Your Committee on Energy and Manufacturing has had under consideration:

H. B. 5268, Relating to the enhanced recovery of oil and natural gas in horizontal wells,

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

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 5417, To provide for transparency of the expenditure of dental health care plan premiums,

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

In accordance with the former direction of the Speaker, the bill (H. B. 5417) was referred to the Committee on Health and Human Resources.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 5241, Requiring the West Virginia Office of the Insurance Commissioner to audit certain PEIA claims,

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. 5241) was referred to the Committee on the Judiciary.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 5178, Requiring car dealerships in this state to utilize a search engine to determine if buyers of vehicles have valid motor vehicle insurance,

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. 5178) was referred to the Committee on Government Organization.

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

Your Committee on Banking and Insurance has had under consideration:

H. B. 5419, Relating to the licensure and regulation of mortgage brokers, lenders, and loan originators,

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. 5419) was referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 4849, Allow the mayors to also serve as the chief of police,

And,

H. B. 4970, Relating to Limitations upon local municipalities' ability to retain revenue received from minor traffic violations,

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

In accordance with the former direction of the Speaker, the bills (H. B. 4849 and H. B. 4970) were each referred to the Committee on the Judiciary.

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

Your Committee on Political Subdivisions has had under consideration:

H. B. 4864, To prohibit municipalities from shutting off water service for the nonpayment of stormwater management fees,

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. 4864) was referred to the Committee on the Judiciary.

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

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

H. B. 5134, Deceased Disabled Veteran Real Property Exemption for Widowed Spouses,

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. 5134) was referred to the Committee on Finance.

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

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

H. B. 5381, Creating a poster providing contact information and resource information on veteran benefits and services,

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. 5381) was referred to the Committee on Government Organization.

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

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

H. B. 4803, Relating to the hiring requirements of West Virginia law enforcement employees,

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. 4803) was referred to the Committee on the Judiciary.

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

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

H. B. 5188, Relating to awards and benefits for duty related disability in the municipal police officers and firefighters retirement system,

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. 5188) was referred to the Committee on Finance.

Messages from the Executive and Other Communications

A communication from His Excellency, the Governor, advised that on February 2, 2024, he approved **Com. Sub. for S. B. 269**.

Messages from the Senate

A message from the Senate, by

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

Com. Sub. for S. B. 504 - "A Bill to amend and reenact §61-8B-11b of the Code of West Virginia, 1931, as amended, relating to felony offense involving sexual intercourse, intrusion, or contact with a student; clarifying that the offense applies to a student of any private or public elementary or secondary school; and providing an exception for secondary students participating in the teacher pathway youth apprenticeship program"; 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

Com. Sub. for S. B. 516 - "A Bill to amend and reenact §48-9-105 of the Code of West Virginia, 1931, as amended, relating to determining venue for custodial allocation actions; providing venue options for initial custody determinations; providing venue for modification or enforcement of custodial allocation; providing for transfer of venue for modification or enforcement of custodial allocation arising out of a finalized divorce proceeding or independent of divorce if certain conditions are met; allowing family court to decline transfer of venue; and providing for transfer of venue for child support and paternity where the venue for modification or enforcement of a custody determination is transferred"; 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. 543 - "A Bill to amend and reenact §18B-12-3, §18B-12-4, and §18B-12-10 of the Code of West Virginia, 1931, as amended, all relating to research and economic development agreements for state institutions of higher education; and clarifying that the governing boards of state institutions of higher education are authorized to enter into agreements and contractual

relationships with corporations formed with respect to such state institutions of higher education for purposes of fostering economic development efforts."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 543) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

Com. Sub. for S. B. 571 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-12-1, §5B-12-2, §5B-12-3, and §5B-12-4, all relating to creating the Corridor H Advanced Energy and Economic Corridor Authority; providing for legislative findings; appointing authority members; providing for terms of membership; providing for certain membership and meeting requirements; providing that members are not compensated; providing for certain powers and duties; and requiring annual reporting to the Joint Committee on Government and Finance"; which was referred to the Committee on Economic Development and Tourism then Finance.

Bills Introduced

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

By Delegate Young:

H. B. 5502 - "A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, to repeal §15-12-2b of said code; and to amend and reenact §15-12-3, §15-12-4, §15-12-5, §15-12-7, §15-12-8 and §15-12-10 of said code, all relating to the sex offender registration act; allowing minors convicted of certain sexual offenses be required to register; expanding the information relating to registrant criminal history to be submitted by registrant; modifying the timing of required registration; requiring collection of registrants DNA sample; modifying periodic registrant reporting requirements; repealing the sex offender registration advisory board; changing time periods for registration; modifying certain crimes reporting requirements; and establishing a criminal penalty for living near a public or private school or a daycare facility"; to the Committee on the Judiciary.

By Delegate Young:

H. B. 5503 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designate §3-1-52, relating to creating the 'Resign to Run' law; and restrictions on qualifying for public office; providing that no person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other; and resignation"; to the Committee on the Judiciary.

By Delegates Young, Statler, Toney and Crouse:

H. B. 5504 - "A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to early childhood education programs; and providing that funds from the Lottery Education Fund, the State Lottery fund, and the Excess Lottery Fund be used for childhood education in the state"; to the Committee on Finance.

By Delegates Crouse, Moore, Dittman, Lucas, Ward, Young, Mazzocchi and Petitto:

H. B. 5505 - "A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to expanding certain insurance coverages for pregnant women; defining terms;

requiring the Bureau for Medical Services to file a state plan amendment; defining services subject to state plan amendment; and providing an effective date"; to the Committee on Health and Human Resources then Finance.

By Delegates Crouse, Young, Moore, Dittman, W. Hall, DeVault, Winzenreid, Lucas, Ward, Mazzocchi and Petitto:

H. B. 5506 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-12-101, §49-12-102, §49-12-103, §49-12-104, §49-12-105, §49-12-106, §49-12-107, and §49-12-108, relating to the Employee Child Care Assistance Partnership Program; establishing findings; defining terms; establishing program and the duties and powers of the Department of Human Services; providing authorization for rulemaking; establishing the Employee Child Care Assistance Partnership Program Fund; establishing requirements for distributions from fund; establishing parameters for contracts between employers, employees, and the department; providing circumstances under which contracts created for program be terminated; and allowing program be incorporated into contracts for economic development incentives provided by the Department of Economic Development"; to the Committee on Senior, Children, and Family Issues then Finance.

By Delegates Foster, Brooks, Dillon, Martin, Worrell, Burkhammer, Jeffries, Ridenour, Kimble, McGeehan and Phillips:

H. B. 5507 - "A Bill to amend and reenact §15-5-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the Governor's powers regarding a state of emergency or state of preparedness, changing the expiration of a state of emergency or state of preparedness to 30 days, prohibiting the closure of businesses by type, and limiting the ingress and egress into or out of a disaster area or other area subject to a state of emergency or state of preparedness and the limitation of movement of persons and occupation of property to certain areas and not the entire state"; to the Committee on Government Organization then the Judiciary.

By Delegates Cannon, Foster, Steele and C. Pritt:

H. B. 5508 - "A Bill to amend and reenact §16-4C-24 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-10 of said code; and to amend and reenact §33-3-33 of said code, all relating to requiring certain transfers and disbursements of funds; and providing that the West Virginia Racing Commission annually transfer \$8,000,000 from the West Virginia Greyhound Breeding Development Fund to the Fire Protection Fund and the Emergency Medical Services Equipment and Training Fund"; to the Committee on Finance.

By Delegates Campbell, Dean, Marple, Ward, Foggin, Heckert, Adkins, Hott, T. Clark and Ferrell:

H. B. 5509 - "A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to describing the information that the Division of Motor Vehicles shall maintain for law enforcement reference when making a traffic stop or assisting a driver"; to the Committee on Technology and Infrastructure.

By Delegates Winzenreid, Garcia, Fluharty, McGeehan, Zatezalo, Westfall and Mallow:

H. B. 5510 - "A Bill to amend and reenact §61-5-27 of the Code of West Virginia, 1931, as amended relating to crimes against public justice, criminal offenses and penalties for intimidation, retaliation against public officers and employees, jurors, and witnesses; fraudulent official proceedings and legal processes against public officials and employees; or making public threats directed at inciting lawless action that could cause bodily harm and is likely to incite or produce such action"; to the Committee on the Judiciary.

By Delegates Hardy, Steele, Ward, Westfall, Hite, Marple, Statler, Hott and Maynor:

H. B. 5511 - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-8-1 of said code; and to amend and reenact §60A-9-4 of said code, all relating generally to medical cannabis; modifying allowable forms of medical cannabis to include edible form; specifying certain requirements applicable to medical cannabis dispensed in edible form; modifying the unlawful use of medical cannabis; relating to the controlled substance monitoring database; adding the reporting of dispensing medical cannabis to the controlled substance monitoring database; and relating to certain required information for controlled substances monitoring"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kimble, Butler, Horst, Worrell, Jeffries, Phillips, McGeehan, Hott, C. Pritt, Ridenour and Foster:

H. B. 5512 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, and §16-4G-4, all relating to protecting the genetic privacy of newborn infants; defining terms; requiring consent of parent or guardian for genetic screening, retention of blood samples, and retention of test results; mandating the proposal of legislative rules to limit the amount of blood that may be sampled or taken from newborn infants; limiting the purposes for which blood samples and test results may be used; and declaring that the requirement for informed, voluntary consent may not be abrogated"; to the Committee on Health and Human Resources then the Judiciary.

By Delegates Kimble, Tully, Burkhammer, Summers, Phillips, Moore, Pinson, Hott, Petitto, Marple and Riley:

H. B. 5513 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-3G-1, §18B-3G-2, §18B-3G-3, and §18B-3G-4, all relating to the creation of the Pierpont Community and Technical College Great Expectations Pilot Program; providing for legislative findings; providing for the enactment of the program; establishing funding; and creating the length of the pilot program"; to the Committee on Education then Finance.

By Delegates Statler and Toney:

H. B. 5514 - "A Bill to amend and reenact §18-5-1a and §18-5-4 of the Code of West Virginia, 1931, as amended, relating to county boards of education members; increasing the number of annual training hours for county board members; modifying the subjects on which county board members must be trained; authorizing the State Board to require board members to complete additional training upon request from the State Superintendent; adding ex officio members to the county board member training standards review committee; requiring the State Superintendent to make an annual report to the Legislative Oversight Commission on Education Accountability relating to county board member training; increasing compensation for attending meetings; reducing the number of meetings board members may be compensated to attend; and prohibiting county board members from receiving compensation if training requirements are not met"; to the Committee on Education then Finance.

By Delegates Burkhammer, Steele and Pinson:

H. B. 5515 - "A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §29-21A-101, §29-21A-102, §29-21A-103, §29-21A-104, §29-21A-105, §29-21A-106, §29-21A-107, §29-21A-108, §29-21A-109, §29-21A-110, §29-21A-111, §29-21A-112, §29-21A-113, §29-21A-114, §29-21A-115, §29-21A-116, §29-21A-117, all related to establishing the West Virginia Public Guardian ad Litem Services and authorizing a three year pilot program relating to the West Virginia Public Guardian ad Litem Services; providing legislative findings; defining terms; establishing the West Virginia Public Guardian ad Litem Services;

relating to establishing three year pilot program; relating to a sunset date for pilot program; relating to the creation of the Guardian ad Litem Commission; relating to the purpose and duties of the West Virginia Public Guardian ad Litem Services; relating to the executive director of the West Virginia Public Guardian ad Litem Services; relating to the powers, duties, and limitations of the West Virginia Public Guardian ad Litem Services; relating to the creation of West Virginia Public Guardian ad Litem Corporations, establishment thereof, and requesting the West Virginia Supreme Court of Appeals to select three circuits for pilot program; relating to qualified panel attorneys serving as guardian ad litem; relating to approval of guardian ad litem corporation applications, funding, recordkeeping by guardian ad litem corporations, relating to compensation and expenses of qualified panel attorneys; relating to voucher submission by a qualified panel guardian ad litem for payment purposes; relating to limitation on use of funds and exceptions; relating to and establishing the Board of Directors for a West Virginia Public Guardian ad Litem Corporation; relating to the private practice of law by a public guardian ad litem; relating to the duties of record creation, record making, and record keeping of the West Virginia Public Guardian ad Litem Services and a West Virginia Public Guardian ad Litem Corporation; relating to the duties of creating, maintaining, and availability of required reports of the West Virginia Public Guardian ad Litem Services and a West Virginia Public Guardian ad Litem Corporation"; to the Committee on the Judiciary then Finance.

By Delegates Cannon, Kimble, Pinson, Holstein, Maynor, Burkhammer, Chiarelli, Kelly, Young, W. Clark and Akers:

H. B. 5516 - "A Bill to amend and reenact §61-8-28 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8C-1 of said code, all relating to prohibiting the use of deep fake images for the criminal invasion of privacy or the unlawful depiction of nude or partially nude minors or minors engaged in sexually explicit conduct; establishing such conduct as criminal offenses, subject to criminal penalties"; to the Committee on Artificial Intelligence then the Judiciary.

By Delegates Campbell, Foggin, Stephens, Ferrell, Dittman, Shamblin, E. Pritt, Dean, Ross and Lucas:

H. B. 5517 - "A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to establishing limits on the start and end of the school year; and modifying the number of remote learning days"; to the Committee on Education.

By Delegates Campbell, E. Pritt, Dittman, Shamblin, Toney, Dean, Ross, Foggin, Heckert, Ferrell and Stephens:

H. B. 5518 - "A Bill to amend and reenact §18-9A-7 of the Code of West Virginia, 1931, as amended, relating to adjusting the school aid formula's transportation calculations from its current standard of student enrollment to school bus mileage traveled daily to provide assistance to larger counties that are currently mandated to offer school bus transportation to all students"; to the Committee on Education then Finance.

By Delegates Howell, Westfall, Burkhammer, Phillips, W. Clark and Hott:

H. B. 5519 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-4a, relating to authorizing the director of the Division of Forestry to contract for the management of state-owned and leased forests and wooded lands for purposes of preventing forest fires; providing for procedures and requirements to enter into land management contract; establishing competitive bidding process; and authorizing the directly to directly award a contract under certain circumstances when necessary for an economic development project"; to the Committee on Government Organization.

Special Calendar**Third Reading**

H. B. 4863, Patriotic Access to Students in Schools 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. 109**), 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: Dillon, Moore, Nestor, Ridenour and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 4863) 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. 4933, Relating to Medicaid dental coverage; 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. 110**), 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: Dillon, Moore, Nestor, Petitto, Ridenour and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4933) passed.

Delegate Householder moved that the bill take effect July 1, 2024.

On this question, the yeas and nays were taken (**Roll No. 111**), 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: Dillon, Moore, Nestor, Petitto, Ridenour and Ross.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4933) takes effect July 1, 2024.

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

H. B. 5056, Relating to substitute service personnel positions; 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. 112**), 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: Dillon, Moore, Nestor, Ridenour and Ross.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5056) 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. 5153, Relating to revising, updating and streamlining the requirements governing the West Virginia Science, Technology, Engineering, and Mathematics Scholarship; 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. 113**), 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: Dillon, Moore, Nestor and Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5153) 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. 5158, Relating to making technical corrections to the special education code; 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. 114**), 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: Dillon, Moore, 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. 5158) 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. 5179, Relating to the creation of “Jaycie’s Law.”; 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. 115**), 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: Dillon, Moore, 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. 5179) 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. 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 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. 116**), and there were—yeas 79, nays 17, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Burkhammer, Coop-Gonzalez, Crouse, Espinosa, Hardy, Hite, Holstein, Kump, Lewis, Linville, Pinson, Riley, Summers, Ward, Winzenreid and Young.

Absent and Not Voting: Dillon, Moore, 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. 5200) 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. 5248, Relating to the regulation of behavioral health centers; 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. 117**), 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: Dillon, Moore, 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. 5248) 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

Com. Sub. for H. B. 4320, Relating to access for minor children's medical records; on second reading, coming up in regular order, was read a second time.

On motion of Delegates Summers and Burkhammer, the bill was amended on page 1, by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 29. HEALTH CARE RECORDS.

§16-29-1. Copies of health care records to be furnished to patients.

(a) Any licensed, certified or registered health care provider so licensed, certified or registered under the laws of this state shall, upon the written request of a patient, his or her personal representative, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended, and any rules promulgated pursuant to the act, and his or her authorized agent or authorized representative, within no more than thirty days from the receipt of the request, furnish a copy in the form of a paper copy or, if requested and if the provider routinely stores

records electronically and has the ability to so provide, a copy in an electronic format including, but not limited to, a downloadable format through a secure web portal, a copy saved upon a computer disc, an electronically mailed copy or a copy saved upon a portable memory device of all or a portion of the patient's record to the patient, his or her personal representative, or authorized agent or authorized representative subject to the following exceptions:

(1) unless, in the case of a patient receiving mental health treatment, ~~for psychiatric or psychological problems,~~ a summary of the record shall be made available to the patient, personal representative, or his or her authorized agent or authorized representative following termination of the treatment. ~~program.~~

(2) The furnishing of a copy, as requested, of the reports of x-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article.

~~(b) Nothing in this article shall be construed to require a health care provider responsible for diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease according to any provision of this code, to release patient records of such diagnosis, treatment or provision of health care as aforesaid to a parent or guardian, without prior written consent therefor from the patient, nor shall anything in this article be construed to apply to persons regulated under the provisions of chapter eighteen of this code or the rules and regulations established thereunder.~~

~~(c)~~ This article does not apply to records subpoenaed or otherwise requested through court process, except for the fee provisions in §16-29-2, which do apply to subpoenaed records.

~~(d)~~ (c) The provisions of this article may be enforced by a patient, personal representative, authorized agent or authorized representative. ~~and any~~ A health care provider found to be in violation of this article shall pay any attorney fees and costs, including court costs incurred in the course of such enforcement.

~~(e) Nothing in this article shall be construed to apply to health care records maintained by health care providers governed by the AIDS-related Medical Testing and Records Confidentiality Act under the provisions of article three c of this chapter.~~

§16-29-3. Access to minor's records.

(a) A parent or guardian may not be denied access to the health records of their minor child unless otherwise ordered by a court or pursuant to subsection (b) of this section.

(b) A parent is not permitted to access the health records of that parent's minor child if:

(1) The child has graduated high school or equivalent;

(2) The child is emancipated; or

(3) The child is married.

(c) Except as provided in subsection (b) of this section, no release, authorization, nor any form of permission from or by the minor child shall be required or requested as a prerequisite for the parent or legal guardian to obtain the medical records."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 4704, Creating Infrastructure Ready Jurisdictions; on second reading, coming up in regular order, was read a second time.

At the request of Delegate Householder, and by unanimous consent, the bill was advanced to third reading with the right to amend, and the rule was suspended to permit the offering and consideration of amendments on that reading.

Com. Sub. for H. B. 4885, Relating to blocking roadways; 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. 5054, Relating to the licensure of birthing centers; 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. 5057, To raise the threshold for nominal referral fees from \$25 to \$100; 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 read a second time and ordered to engrossment and third reading.

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 read a second time.

Delegate Brooks moved to amend the bill on page 2, section 7, line 30, immediately following the word "services" by inserting the following:

“, which are regulated the Public Service Commission,”.

Whereupon, Delegate Brooks asked and obtained unanimous consent to reform the wording of the amendment as follows:

“, which are regulated by the Public Service Commission,”.

The question being on the adoption of the amendment, the same was put and the amendment was adopted.

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 read a second time.

On motion of Delegates Toney and Foster, the bill was amended on page 9, section 8, line 201, after the word "an", by striking the word "apprentice";

And,

On page 9, section 8, line 205, after the word "employed", by striking the words "at the apprentice level";

And,

On page 10, section 8, lines 230-231, after the word "employed", by striking the words "at the apprentice level";

And,

On page 10, section 8, lines 239-240, by striking out the definition for "key punch operator" in its entirety.

The bill was then ordered to engrossment and third reading.

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; 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. 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,

And,

H. B. 5251, Relating to the Telephone Consumer Protection Act.

Leaves of Absence

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

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. 4700: Delegate Cannon;

H. B. 4892: Delegate Hornbuckle;

H. B. 4925: Delegate Pushkin;

H. B. 5087: Delegate Hornby;

H. B. 5250: Delegate Hott;

H. B. 5276: Delegate Hornby;

H. B. 5417: Delegates Hott and Riley;

H. B. 5419: Delegate Hott;

H. B. 5424: Delegate Hornby;

And,

H. B. 5491: Delegate Crouse.

At 12:06 p.m., the House of Delegates adjourned until 11:00 a.m., Thursday, February 8, 2024.

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

SPECIAL CALENDAR

Thursday, February 8, 2024

30th Day

11:00 A.M.

THIRD 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
- 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

SECOND 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
- S. B. 543 - Relating to research and economic development agreements for state institutions of higher education
- 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

FIRST READING

Com. Sub. for S. B. 354 - Relating to the WV Advanced Energy and Economic Corridor Authority
Com. Sub. for H. B. 5161 - To create a "digital wallet" to keep all certifications/licensure accrued by the person in one place
H. B. 5237 - Prohibiting driving slow in left lane except under certain circumstances
H. B. 5268 - Relating to the enhanced recovery of oil and natural gas in horizontal wells
Com. Sub. for H. B. 5286 - Eliminating the ability to sub-contract under Certificate of Need
Com. Sub. for H. B. 5287 - Relating generally to traffic safety

HOUSE CALENDAR

Thursday, February 8, 2024

30th 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.

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
- 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.

FIRST READING

- H. B. 4429 - Relating to excluding test strips from the definition of drug paraphernalia
- H. B. 4777 - Allow staff members in public schools to eat lunch for free if there is food left over after every student has been fed
- H. B. 5194 - Requiring purchases of certain commodities and services from state use program partners

WEST VIRGINIA HOUSE OF DELEGATES

THURSDAY, FEBRUARY 8, 2024

HOUSE CONVENES AT 11:00 A.M.

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

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

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

**COMMITTEE ON FIRE DEPARTMENTS AND EMERGENCY MEDICAL
SERVICES
9:30 A.M. – EDUCATION COMMITTEE ROOM**

**COMMITTEE ON JAILS AND PRISONS
9:45 A.M. – JUDICIARY COMMITTEE ROOM**

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

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

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

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