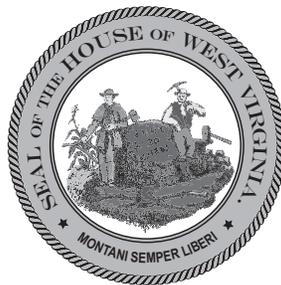


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Sixth Legislature  
Second Regular Session

Held at Charleston  
Published by the Clerk of the House



February 13, 2024  
THIRTY-FIFTH DAY



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Tuesday, February 13, 2024

**THIRTY-FIFTH 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 12, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 5128**, Directing transfer of moneys into fire protection funds at the end of each year,

And,

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

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

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. 4364**, Relating to the limitations on the financial relationships with foreign entities that have values antithetical to those of the State of West Virginia,

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. 4364) was referred to the Committee on the Judiciary.

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 4640**, Relating to the transfer of certain revenues derived from lottery activities,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4640** - "A Bill to amend and reenact §29-22A-10d and §29-22A-10e of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22C-27a of said code, all relating to changes in distribution of racetrack video lottery net terminal income, racetrack video lottery excess net terminal income, and lottery racetrack table games adjusted gross receipts; restoring distributions to purse funds and development funds that have previously been redirected since 2014; and removing obsolete provisions,"

And,

**H. B. 4850**, Removing the sunset clause from Oil and Gas Personal Property Tax,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4850** - "A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to the valuation of industrial property and natural resources property by the Tax Commissioner; removing a sunset provision concerning valuation of property producing oil, natural gas, and natural gas liquids; and making technical corrections,"

With the recommendation that the committee substitutes 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. 4654**, Removing bona fide schools, public libraries, and museums from the list of exemptions from criminal liability relating to distribution and display to minor of obscene matter,

And,

**H. B. 5337**, Establishing the legislative oversight committee of the Division of Corrections and Rehabilitation,

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

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. 5137**, To require an audit of all county board of educations,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5137** - "A Bill to amend and reenact §12-4A-2 of the Code of West Virginia, 1931, as amended, relating to requiring the State Auditor to conduct audits of all county boards of education and their funds and income, regardless of source,"

Note: H. B. 5159 was also on this report but a corrected committee substitute is to be reported tomorrow.

And,

**H. B. 5294**, Revising state law regulating farm wineries,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5294** - "A Bill to amend and reenact §60-1-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3b of said code; to amend and reenact §60-6-1 of said code; to amend and reenact §60-8-2, §60-8-3, §60-8-6c, and §60-8-32a of said code; to amend said code by adding thereto a new section, designated §60-8-8; and to amend and reenact §60-8A-5 of said code, all relating to revising and updating the code regulating farm wineries in West Virginia to allow the state's farm winery industry to be more competitive with farm wineries in adjacent states; creating new classes of farm winery based on volume of production; requiring that certain class-dependent percentages of fruit and agricultural products must be grown or produced on the farm winery and providing for exceptions and alternative ways of meeting these sourcing requirements; limiting certain county and local regulation of farm wineries; eliminating the requirement that farm winery samples be complimentary; revising allowable sample amounts; eliminating the requirement that farm wineries selling wine by the glass and by the bottle for consumption on the premises be required to also serve prepared food and allowing pre-packaged food; revising winery and farm winery licensing; adding definition of farm winery; permitting West Virginia Farm Wineries with Class A licenses to sell and serve wine by the glass and bottle at West Virginia Fairs and Festivals; and removing the requirements that prepared food be provided and that samples be complimentary, and allowing for the provision of pre-packaged food for hard cider sales at farm wineries, all relating to revising and updating the code regulating farm wineries in West Virginia to allow the state's farm winery industry to be more competitive with farm wineries in adjacent states,"

With the recommendation that the committee substitutes 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. 4807**, To require telecommunications providers that fail to provide subscribed customers service for five (5) or more days (120 hours) to automatically credit the customer's account for the lack of service proportional to the number of days disrupted services,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4807** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to establishing limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days (120 hours); requiring providers to automatically credit the customer's account for the lack of service proportional to the number of days disrupted services providers relating to customer outages; requiring credits to accounts; Attorney General to enforce; and establishing civil penalties,"

**H. B. 4809**, Health Care Sharing Ministries Freedom to Share Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 4809** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §35-1B-1, §35-1B-2, §35-1B-3, §35-1B-4, §35-1B-5, and §35-1B-6, all relating to creating the Health Care Sharing Ministries Freedom to Share Act; exempting a health care sharing ministry from the state's insurance laws; providing definitions; setting forth requirements for health care sharing ministries to qualify for ; providing that membership in a health care sharing ministry satisfies a requirement to have health care insurance by a public institution of higher education; and providing that a health care sharing ministry is not a third-party payer for any purposes,"

**H. B. 5319**, Creating the offense of exposing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel to opioids,

And reports back a committee substitute therefor, as follows:

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

And,

**H. B. 5345**, Relating to the registration requirements in the Sex Offender Registration Act,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 5345** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-12-1b; and to amend and reenact §15-12-2 of said code, all relating to the registration requirements in the Sex Offender Registration Act; providing for definitions; and clarifying how those required to register sex offenders, who have no permanent residence, can satisfy their legal obligation,"

With the recommendation that the committee substitutes each do pass.

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

Communications from the Clerk of the Senate to His Excellency, the Governor, advised that Com. Sub. for S. B. 31 was presented to the Governor on February 9, 2024; and that Com. Sub. for S. B. 300 was presented to the Governor on February 13, 2024.

### Messages from the Senate

A message from the Senate, by

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

**S. B. 351** - "A Bill to amend and reenact §11-15-9u of the Code of West Virginia, 1931, as amended, relating to the definition of small arms for purposes of taxation; defining terms, and expanding definition of 'small arms' to include receiver or frame as part of the small arm"; which was referred to the Committee on Finance.

A message from the Senate, by

The Clerk of the Senate, announced concurrence in the amendment of the House of Delegates and the passage, as amended, of

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

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. 542** - "A Bill to amend and reenact §3-10-7 of the Code of West Virginia, 1931, as amended, relating to amending procedure for filling vacancy in offices of county clerk, or county commissioner, or council person for commissions or councils having more than three commissioners or council persons"; 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. 587** - "A Bill to amend and reenact §15A-11-8 of the Code of West Virginia, 1931, as amended, relating to enabling the State Fire Commission to propose legislative rules and promulgate interpretive and procedural rules for legislative approval"; 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. 590** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-8-1, §1-8-2, §1-8-3, and §1-8-4, all relating to prohibiting political subdivisions from requiring private employers to pay employees a wage higher than that set by applicable state or federal law, establishing a locally based wage or employee benefit rate, or establishing work hours or scheduling requirements; defining terms; creating exceptions; voiding any prior actions of political subdivisions enacted prior to the effective date of this article; clarifying that the provisions of the article are inapplicable to the employees of a political subdivision; clarifying that nothing in the article prohibits political subdivisions from enforcing agreements voluntarily entered into by the parties prior to the effective date of this article; and clarifying that provisions of the article do not limit the ability of the political subdivisions

to comply with statutes and policies related to drug and alcohol testing"; 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. 614** - "A Bill to amend and reenact §18A-5-1 of the Code of West Virginia, 1931, as amended, relating to elementary behavior intervention and safety; clarifying that nothing herein may be construed to conflict with certain federal laws; and specifying requirements applicable to when a grade kindergarten through six teacher in an elementary setting determines that the behavior of a student is violent, threatening, or intimidating toward staff or peers, or creates an unsafe learning environment, or impedes on other students' ability to learn in a safe environment"; 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. 616** - "A Bill to amend and reenact §48-27-204 of the Code of West Virginia, 1931, as amended, relating to the definition of "family or household members" for purposes of prevention and treatment of domestic violence; and adding brother-in-law and sister-in-law to the definition of 'family or household members' subject to domestic violence laws"; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, to take effect from passage, a bill of the House of Delegates, as follows:

**H. B. 4594**, Relating to extending managed care.

On motion of Delegate Householder, the House concurred in the following amendment of the bill by the Senate:

On page one, by striking out everything after the enacting clause and inserting in lieu thereof the following:

**"ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-27. Transitioning foster care into managed care.**

(a) 'Eligible services' means acute care, including medical, pharmacy, dental, and behavioral health services.

(b) The secretary shall transition to a capitated Medicaid program for a child classified as a foster child and a child placed in foster care under Title IV-E of the Social Security Act who is living in the state by January 1, 2020. The program shall be statewide, fully integrated, and risk based; shall integrate Medicaid-reimbursed eligible services; and shall align incentives to ensure the appropriate care is delivered in the most appropriate place and time.

(c) The secretary shall make payments for the eligible services, including home and community-based services, using a managed care model.

(d) The secretary shall submit, if necessary, applications to the United States Department of Health and Human Services for waivers of federal Medicaid requirements that would otherwise be violated in the implementation of the program and shall consolidate any additional waivers where appropriate: *Provided*, That this subsection does not apply to the Aged and Disabled Waiver, the Intellectual/Developmental Disabilities Waiver, and the Traumatic Brain Injury Waiver.

(e) If a selected managed care organization ceases to contract with the Department of Health and Human Services to provide Medicaid managed care services, it must provide all patient records, including medical records, to the next selected managed care organization to ensure the Eligible Medicaid Beneficiaries do not experience an interruption in care.

(f) In designing the program, the secretary shall ensure that the program:

(1) Reduces fragmentation and offers a seamless approach to meeting participants' needs;

(2) Delivers needed supports and services in the most integrated, appropriate, and cost-effective way possible;

(3) Offers a continuum of acute care services, which includes an array of home and community-based options; and

(4) Includes a comprehensive quality approach across the entire continuum of care services. and

~~(5) Consult stakeholders in the program development process, and the managed care organization that is awarded the contract shall create a voluntary advisory group of foster, adoptive, and kinship parents, which shall meet every quarter for the first year following the effective date of the changes made to this section during the 2019 Regular Session of the Legislature and then every six months thereafter, to discuss issues they are encountering with the managed care organization and recommend solutions. The managed care organization shall report on the recommendations of the advisory group and address how and why procedures have or have not changed based on those recommendations. This report shall be submitted to the secretary and the Legislative Oversight Commission on Health and Human Resources Accountability as set forth in §16-29E-1 et seq. of this code, and the public in a timely fashion and shall be available on the managed care organization's webpage.~~

~~(g) The department shall evaluate the transition to managed care and shall collect and annually report on the following items: the number of claims submitted, the number of claims approved, the number of claims denied, the number of claims appealed, the resolution of appealed claims, the average time of an appeal, the average length of stay in a child residential care center, and health outcomes. The initial report will be filed by July 1, 2021, with the Legislative Oversight Commission on Health and Human Resources Accountability and the Foster Care Ombudsman with a final report submitted July 1, 2023.~~

~~(h) The transition of foster care to managed care shall terminate on June 30, 2024, unless cancelled by the secretary at an earlier date.~~

~~(i) (1) The Office of the Inspector General shall employ an independent foster care ombudsman, with experience as a former foster parent or experience in the area of child welfare;~~

~~(2) The duties of the ombudsman shall include, but are not limited to, the following:~~

~~(A) Advocating for the rights of foster children and foster parents;~~

~~(B) Participating in any procedure to investigate, and resolve complaints filed on behalf of a foster child or foster parent, relating to action, inaction or decisions of providers of managed care services, or the representatives of such providers, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare and rights of the foster child or foster parent;~~

~~(C) Monitoring the development and implementation of federal, state and local legislation, regulations and policies with respect to foster care services; and~~

~~(D) Establishing and maintaining a statewide uniform reporting system to collect and analyze data relating to complaints for the purpose of identifying and resolving significant problems faced by foster children and foster parents as a class. The data shall be submitted to the Bureau of Children and Families within the Department of Health and Human Resources and the Legislative Oversight Commission on Health and Human Resources Accountability on a quarterly basis;~~

~~(3) The ombudsman shall participate in ongoing training programs related to his or her duties or responsibilities.~~

~~(j) (g) An employee of the department who, as a function of that employment, has engaged in the development of any contract developed pursuant to the requirements of this section may not for a period of two years thereafter be employed by any agency or company that has benefitted or stands to benefit directly from a contract between the department and that agency or company.~~

~~(k) (h) Any managed care company selected as the managed care contractor pursuant to the provisions of this article shall have at least 80 percent of the total full-time equivalent positions allocated to manage care of foster children in West Virginia according to the contract must have a primary workplace in the state of West Virginia."~~

And,

By amending the title of the bill to read as follows:

**H. B. 4594** – "A Bill to amend and reenact §9-5-27 of the Code of West Virginia, 1931, as amended, relating to foster care; removing stakeholder requirements; removing reporting requirements; removing termination date of foster care contract; and removing duties of Foster Care Ombudsman."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 155**), and there were--yeas 99, nays none, absent and not voting 1, with the absent and not voting being as follows:

Absent and Not Voting: C. Pritt.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4594) passed.

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

On this question, the yeas and nays were taken (**Roll No. 156**), and there were--yeas 100, nays none, absent and not voting none.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 4594) takes effect from its passage.

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, with amendment, a bill of the House of Delegates, as follows:

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

On motion of Delegate Householder, the House of Delegates concurred in the following amendment of the bill by the Senate:

On page one by striking out everything after the enacting clause and inserting in lieu thereof the following:

**“ARTICLE 11. WATER POLLUTION CONTROL ACT.**

**§22-11-4. General powers and duties of director with respect to pollution.**

(a) In addition to all other powers and duties the director has and may exercise, subject to specific grants of authority to the chief or the board in this article or elsewhere in this code, the director has the following powers and authority and shall perform the following duties:

(1) To perform any and all acts necessary to carry out the purposes and requirements of this article and of the "Federal Water Pollution Control Act," 33 U.S.C. §1251 *et seq.*, as amended, relating to this state's participation in the "National Pollutant Discharge Elimination System," 33 U.S.C. §1342, established under that act;

(2) To encourage voluntary cooperation by all persons in the conservation, improvement, and development of water resources and in controlling and reducing the pollution of the waters of this state, and to advise, consult, and cooperate with all persons, all agencies of this state, the federal government, or other states, and with interstate agencies in the furtherance of the purposes of this article, and to this end and for the purpose of studies, scientific or other investigations, research, experiments, and demonstrations pertaining thereto, the division may receive moneys from such agencies, officers, and persons on behalf of the state. The division shall pay all moneys so received into a special fund hereby created in the state Treasury, which fund shall be expended under the direction of the director solely for the purpose or purposes for which the grant, gift, or contribution was made;

(3) To encourage the formulation and execution of plans by cooperative groups or associations of municipal corporations, industries, industrial users, and other users of waters of the state, who, jointly or severally, are or may be the source of pollution of such waters, for the control and reduction of pollution;

(4) To encourage, participate in, or conduct, or cause to be conducted studies, scientific or other investigations, research, experiments, and demonstrations relating to the water resources of the state and water pollution and its causes, control and reduction, and to collect data with respect thereto, all as may be deemed advisable and necessary to carry out the purposes of this article;

(5) To study and investigate all problems concerning water flow, water pollution, and the control and reduction of pollution of the waters of the state, and to make reports and recommendations with respect thereto;

(6) To collect and disseminate information relating to water pollution and the control and reduction thereof;

(7) To develop a public education and promotion program to aid and assist in publicizing the need for, and securing support for, pollution control and abatement;

(8) To sample ground and surface water with sufficient frequency to ascertain the standards of purity or quality from time to time of the waters of the state;

(9) To develop programs for the control and reduction of the pollution of the waters of the state;

(10) To exercise general supervision over the administration and enforcement of the provisions of this article, and all rules, permits and orders issued pursuant to the provisions of this article, §22-11-1 *et seq.*, §22-11A-1 *et seq.*, §22-11B-1 *et seq.*, of this code and §22B-1-1 *et seq.* of this code;

(11) In cooperation with the college of engineering at West Virginia University and the schools and departments of engineering at other institutions of higher education operated by this state, to conduct studies, scientific or other investigations, research, experiments, and demonstrations in an effort to discover economical and practical methods for the elimination, disposal, control, and treatment of sewage, industrial wastes, and other wastes, and the control and reduction of water pollution, and to this end, the director may cooperate with any public or private agency and receive therefrom, on behalf of the state, and for deposit in the state Treasury, any moneys which such agency may contribute as its part of the expenses thereof, and all gifts, donations or contributions received as aforesaid shall be expended by the director according to the requirements or directions of the donor or contributor without the necessity of an appropriation therefor, except that an accounting thereof shall be made in the fiscal reports of the division;

(12) To require the prior submission of plans, specifications, and other data relative to, and to inspect the construction and operation of, any activity or activities in connection with the issuance and revocation of such permits as are required by this article, §22-11A-1 *et seq.* and §22-11B-1 *et seq.*, of this code or the rules promulgated thereunder;

(13) To require any and all persons directly or indirectly discharging, depositing, or disposing of treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into

or near any waters of the state or into any underground strata, and any and all persons operating an establishment which produces or which may produce or from which escapes, releases or emanates or may escape, release or emanate treated or untreated sewage, industrial wastes or other wastes, or the effluent therefrom, into or near any waters of the state or into any underground strata, to file with the division such information as the director may require in a form or manner prescribed for such purpose, including, but not limited to, data as to the kind, characteristics, amount, and rate of flow of any such discharge, deposit, escape, release, or disposition;

(14) To adopt, modify, or repeal procedural rules and interpretive rules in accordance with the provisions of Chapter 29A of this code administering and implementing the powers, duties and responsibilities vested in the director by the provisions of this article, and §22-11A-1 et seq. and §22-11B-1 et seq. of this code;

(15) To cooperate with interstate agencies for the purpose of formulating, for submission to the Legislature, interstate compacts and agreements relating to:

(A) The control and reduction of water pollution; and

(B) the state's share of waters in watercourses bordering the state;

(16) To adopt, modify, repeal, and enforce rules, in accordance with the provisions of chapter twenty-nine-a of this code:

(A) Implementing and making effective the declaration of policy contained in section one of this article and the powers, duties and responsibilities vested in the director and the chief by the provisions of this article and otherwise by law;

(B) preventing, controlling and abating pollution; and

(C) facilitating the state's participation in the "National Pollutant Discharge Elimination System" pursuant to the "Federal Water Pollution Control Act," as amended: *Provided*, That no rule adopted by the director shall specify the design of equipment, type of construction or particular method which a person shall use to reduce the discharge of a pollutant; and

(17) To advise all users of water resources as to the availability of water resources and the most practicable method of water diversion, use, development, and conservation.

(b) Whenever required to carry out the objectives of this article, §22-11A-1 et seq. or §22-11B-1 et seq. of this code, the director shall require the owner or operator of any point source or establishment to:

(i) Establish and maintain such records;

(ii) make such reports;

(iii) install, use, and maintain such monitoring equipment or methods;

(iv) sample such effluents in accordance with such methods, at such locations, at such intervals, and in such manner as the director shall prescribe; and

(v) provide such other information as the director may reasonably require.

(c) The director upon presentation of credentials:

(i) Has a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under subsection (b) of this section are located; and

(ii) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection (b) of this section, and sample any streams in the area as well as sample any effluents which the owner or operator of such source is required to sample under subsection (b) of this section. Nothing in this subsection eliminates any obligation to follow any process that may be required by law.

(d) The director ~~is hereby authorized and empowered to~~ may investigate and ascertain the need and factual basis for the establishment of public service districts as a means of controlling and reducing pollution from unincorporated communities and areas of the state, investigate and ascertain, with the assistance of the Public Service Commission, the financial feasibility and projected financial capability of the future operation of any such public service district or districts, and to present reports and recommendations thereon to the county commissions of the areas concerned, together with a request that such county commissions create a public service district or districts, as therein shown to be needed and required and as provided in §16-13A-1 *et seq.* of this code. In the event a county commission fails to act to establish a county-wide public service district or districts, the director shall act jointly with the Commissioner of the Bureau of Public Health to further investigate and ascertain the financial feasibility and projected financial capability and, subject to the approval of the Public Service Commission, order the county commission to take action to establish such public service district or districts as may be necessary to control, reduce, or abate the pollution, and when so ordered, the county commission members must act to establish such a county-wide public service district or districts.

(e) The director ~~has the authority to~~ may enter at all reasonable times upon any private or public property for the purpose of making surveys, examinations, investigations, and studies needed in the gathering of facts concerning the water resources of the state and their use, subject to responsibility for any damage to the property entered. Upon entering, and before making any survey, examination, investigation, and study, such person shall immediately present himself or herself to the occupant of the property. Upon entering property used in any manufacturing, mining, or other commercial enterprise, or by any municipality or governmental agency or subdivision, and before making any survey, examination, investigation, and study, such person shall immediately present himself or herself to the person in charge of the operation, and if he or she is not available, to a managerial employee. All persons shall cooperate fully with the person entering such property for such purposes. Upon refusal of the person owning or controlling such property to permit such entrance or the making of such surveys, examinations, investigations, and studies, the director may apply to the circuit court of the county in which such property is located, or to the judge thereof in vacation, for an order permitting such entrance or the making of such surveys, examinations, investigations, and studies; and jurisdiction is hereby conferred upon such court to enter such order upon a showing that the relief asked is necessary for the proper enforcement of this article: *Provided*, That nothing in this subsection eliminates any obligation to follow any process that may be required by law.

#### **§22-11-22. Civil penalties and injunctive relief; administrative penalties.**

(a) Any person who violates any provision of any permit issued under or subject to the provisions of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code is subject to a civil penalty not to exceed \$25,000 ~~per~~ a day of such violation and any person who violates any provision of this article, §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code or of any rule or who

violates any standard or order promulgated or made and entered under the provisions of this article, §22-11A-1 et seq., §22-11B-1 et seq. of this code or §22B-1-1 et seq. of this code is subject to a civil penalty not to exceed \$25,000 per a day of such violation. Any such civil penalty may be imposed and collected only by a civil action instituted by the director in the circuit court of the county in which the violation occurred or is occurring or of the county in which the waters thereof are polluted as the result of such violation.

Upon application by the director, the circuit courts of the state or the judges thereof in vacation may by injunction compel compliance with and enjoin violations of the provisions of this article, §22-11A-1 et seq., and §22-11B-1 et seq. of this code, the rules of the board or director, effluent limitations, the terms and conditions of any permit granted under the provisions of this article, or §22-11A-1 et seq., and §22-11B-1 et seq. of this code or any order of the director or board, and the venue of any such actions shall be the county in which the violations or noncompliance exists or is taking place or in any county in which the waters thereof are polluted as the result of such violation or noncompliance. The court or the judge thereof in vacation may issue a temporary or preliminary injunction in any case pending a decision on the merits of any injunction application filed. Any other section of this code to the contrary notwithstanding, the state is not required to furnish bond as a prerequisite to obtaining injunctive relief under this article, or §22-11A-1 et seq., and §22-11B-1 et seq. of this code. An application for an injunction under the provisions of this section may be filed and injunctive relief granted notwithstanding that all of the administrative remedies provided for in this article have not been pursued or invoked against the person or persons against whom such relief is sought and notwithstanding that the person or persons against whom such relief is sought have not been prosecuted or convicted under the provisions of this article.

The judgment of the circuit court upon any application filed or in any civil action instituted under the provisions of this section is final unless reversed, vacated, or modified on appeal to the Supreme Court of Appeals. Any such appeal shall be sought in the manner provided by law for appeals from circuit courts in other civil cases, except that the petition seeking review in any injunctive proceeding must be filed with said Supreme Court of Appeals within 90 days from the date of entry of the judgment of the circuit court.

Legal counsel and services for the chief, director, or the board in all civil penalty and injunction proceedings in the circuit court and in the Supreme Court of Appeals of this state shall be provided by the Attorney General or his or her assistants and by the prosecuting attorneys of the several counties as well, all without additional compensation, or the chief, director, or the board, with the written approval of the Attorney General, may employ counsel to represent him or her or it in a particular proceeding.

(b) In addition to the powers and authority granted to the director by this chapter to enter into consent agreements, settlements and otherwise enforce this chapter, the director shall propose, for legislative promulgation, rules in accordance with ~~the provisions of~~ §29A-3-1 et seq. of this code to establish a mechanism for the administrative resolution of violations set forth in this section through consent order or agreement as an alternative to instituting a civil action.

**§22-11-22a. Civil penalties and injunctive relief; civil administrative penalties for coal mining operations.**

(a) Any person who holds a permit to operate a coal mining operation issued under article three of this chapter who violates any provision of any permit issued under or subject to the provisions of this article, or §22-11A-1 et seq., and §22-11B-1 et seq. of this code is subject to a

civil penalty not to exceed \$25,000 ~~per a~~ day of the violation and any person who violates any provision of this article or of any rule or who violates any standard or order promulgated or made and entered under the provisions of this article, §22-11A-1 et seq. of this code or §22-11B-1 et seq. of this code is subject to a civil penalty not to exceed \$25,000 ~~per a~~ day of the violation: *Provided*, That any penalty imposed pursuant to the Surface Coal Mining and Reclamation Act [§22-3-1 et seq.] shall be credited against any enforcement action under this article for violations of standards protecting state waters.

(1) Any such civil penalty may be imposed and collected only by a civil action instituted by the secretary in the circuit court of the county in which the violation occurred or is occurring or of the county in which the waters thereof are polluted as the result of such violation.

(2) In determining the amount of a civil penalty, the circuit court shall consider the seriousness of the violation or violations, the economic benefit, if any, resulting from the violation, any history of the violations, any good-faith efforts to comply with the applicable requirements, cooperation by the permittee with the secretary, the economic impact of the penalty on the violator, and other matters as justice may require.

(3) Upon application by the secretary, the circuit courts of the state or the judges thereof in vacation may by injunction compel compliance with and enjoin violations of the provisions of this article, ~~§22-7A-1~~ §22-11A-1 et seq., and §22-11B-1 et seq. of this code, the rules of the board or secretary, effluent limitations, the terms and conditions of any permit granted under the provisions of this article, §22-11A-1 et seq., and §22-11B-1 et seq. or of this code or any order of the secretary or board, and the venue of any such actions shall be the county in which the violations or noncompliance exists or is taking place or in any county in which the waters thereof are polluted as the result of the violation or noncompliance. The court or the judge thereof in vacation may issue a temporary or preliminary injunction in any case pending a decision on the merits of any injunction application filed. Any other section of this code to the contrary notwithstanding, the state is not required to furnish bond as a prerequisite to obtaining injunctive relief under this article, or §22-11A-1 et seq., and §22-11B-1 et seq. of this code. An application for an injunction under the provisions of this section may be filed and injunctive relief granted notwithstanding that all of the administrative remedies provided in this article have not been pursued or invoked against the person or persons against whom such relief is sought and notwithstanding that the person or persons against whom such relief is sought have not been prosecuted or convicted under the provisions of this article.

(4) The judgment of the circuit court upon any application filed or in any civil action instituted under the provisions of this section is final unless reversed, vacated, or modified on appeal to the Supreme Court of Appeals. Any such appeal shall be sought in the manner provided by law for appeals from circuit courts in other civil cases, except that the petition seeking review in any injunctive proceeding must be filed with said Supreme Court of Appeals within 90 days from the date of entry of the judgment of the circuit court.

(5) Legal counsel and services for the director, secretary, or the board in all civil penalty and injunction proceedings in the circuit court and in the Supreme Court of Appeals of this state shall be provided by legal counsel employed by the department, the Attorney General or his or her assistants and by the prosecuting attorneys of the several counties as well, all without additional compensation, or the director, secretary, or the board may employ counsel to represent him or her or it in a particular proceeding.

(b) The secretary may assess a civil administrative penalty whenever he or she finds that a person who holds a permit to operate a coal mining operation issued under article three of this chapter has violated any provision of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, any permit issued under or subject to the provisions of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code or any rule or order issued pursuant to this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code. A civil administrative penalty may be assessed unilaterally by the director in accordance with this subsection.

(1) Any civil administrative penalty assessed pursuant to this section shall not exceed \$10,000 per violation and the maximum amount of any civil administrative penalty assessed pursuant to this section shall ~~may~~ not exceed \$125,000: *Provided*, That any stipulated penalties accrued after the date of the draft order shall ~~may~~ not be included for purposes of determining the total amount of the civil administrative penalty. For purposes of this section, a single operational upset which leads to simultaneous violations of more than one pollutant parameter, shall be treated as a single violation.

(2) In determining the amount of any civil administrative penalty assessed under this subsection, the secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of good faith, economic benefit or savings, if any, resulting from the violation, cooperation of the alleged violator, and such other matters as justice may require.

(3) No assessment may be levied pursuant to this subsection until after the alleged violator has been notified by certified mail or personal service pursuant to the West Virginia rules of civil procedure. The notice shall include a proposed order which refers to the provision of the statute, rule, order, or permit alleged to have been violated, a concise statement of the facts alleged to constitute the violation, a statement of the amount of the administrative penalty to be imposed, and a statement of the alleged violator's right to an informal hearing prior to the issuance of the proposed order.

(A) The alleged violator has 30 calendar days from receipt of the notice within which to deliver to the secretary a written request for an informal hearing.

(B) If no hearing is requested, the proposed order becomes a draft order after the expiration of the ~~thirty-~~ 30-day period.

(C) If an informal hearing is requested, the director shall inform the alleged violator of the time and place of the hearing. The secretary may appoint an assessment officer to conduct the informal hearing and make a written recommendation to the secretary concerning the proposed order and the assessment of a civil administrative penalty.

(D) Within 30 days following the informal hearing, the secretary shall render and furnish to the alleged violator a written decision, and the reasons therefor, concerning the assessment of a civil administrative penalty. The proposed order shall be revised, if necessary, and shall become a draft order.

(4) The secretary shall provide the opportunity for the public to comment on any draft order by publishing a Class II legal advertisement in the newspaper with the largest circulation in the county in which the violation occurred, and by other such means as the secretary deems appropriate, which shall provide notice of the draft order, including the civil administrative penalty assessment. The secretary shall consider any comments received in determining whether to

revise the draft order before issuance of a final order. During the 30-day public comment period, any person may request a public hearing regarding the draft order and the secretary may grant or deny the request at his or her discretion. If a request for a public hearing is denied, the secretary shall provide notice to the person requesting a hearing and reasons for such denial.

(5) Within 30 days of the close of the public comment period on a draft order, the secretary shall issue a final order or make a determination not to issue a final order, and shall provide written notice by certified mail or personal service pursuant to the West Virginia rules of civil procedure to the alleged violator and shall provide notice by certified mail or personal service pursuant to the West Virginia rules of civil procedure to those persons who submitted written comments on the draft order during the public comment period.

(6) The issuance of a final order assessing a civil administrative penalty pursuant to subsection (b) of this section may be appealed to the environmental quality board pursuant to §22-11-21 of this code. Any person who submitted written comments on a draft order during the public comment period shall have the right to file such an appeal or intervene in any appeal filed by the alleged violator.

(7) The authority to levy a civil administrative penalty is in addition to all other enforcement provisions of this article and the payment of any assessment does not affect the availability of any other enforcement provision in connection with the violation for which the assessment is levied: *Provided*, That no combination of assessments against a violator under this section shall exceed \$25,000 for each violation: *Provided, however*, That any violation for which the violator has paid a civil administrative penalty assessed under this section may not be the subject of a separate civil penalty action. No assessment levied pursuant to this section becomes due and payable until at least ~~thirty~~ 30 days after receipt of the final order or the procedures for review of the assessment, including any appeals, have been completed, whichever is later.

(c) In addition to the authorities set forth in this section, the secretary may also enter into agreements, settlements, and other consent orders resolving alleged violations of this chapter.

(d) The secretary shall propose, for legislative review, rules, including emergency rules, in accordance with the provisions of §29A-3-1 *et seq.* of this code to establish procedures for assessing civil administrative penalties in accordance with this section by no later than July 1, 2015.

#### **§22-11-24. Violations; criminal penalties.**

(a) Any person who causes pollution or who fails or refuses to discharge any duty imposed upon him or her by this article, by §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code or by any rule of the board or director, promulgated pursuant to the provisions and intent of this article, or 22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, or by an order of the director or board, or who fails or refuses to apply for and obtain a permit as required by the provisions of this article, or §22-11A-1 *et seq.*, or §22-11B-1 *et seq.* of this code, or who fails or refuses to comply with any term or condition of such permit, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$1,000, or ~~by imprisonment in the county confined in jail~~ confined in jail for a period not exceeding six months, or by both fine and ~~imprisonment~~ confinement.

(b) Any person who intentionally misrepresents any material fact in an application, record, report, plan, or other document filed or required to be maintained under the provisions of this

article, §22-11A-1 et seq., or §22-11B-1 et seq. of this code or any rules promulgated by the director thereunder is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1,000 nor more than \$10,000 or ~~by imprisonment~~ confined in jail not exceeding six months, or by both fine and ~~imprisonment~~ confinement.

(c) Any person who willfully or negligently violates any provision of any permit issued under or subject to the provisions of this article, or §22-11A-1 et seq., or §22-11B-1 et seq. of this code or who willfully or negligently violates any provision of this article, or §22-11A-1 et seq., or §22-11B-1 et seq. of this code, any rule of the board or director, any effluent limitation, or any order of the director or board is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation or by ~~imprisonment~~ confinement in jail not exceeding one year or by both fine and ~~imprisonment~~ confinement.

(d) Any person convicted of a second or subsequent willful violation of subsections (b) or (c) of this section or knowingly and willfully violates any provision of any permit, rule, or order issued under or subject to the provisions of this article, or §22-11A-1 et seq., or §22-11B-1 et seq. of this code, or knowingly and willfully violates any provision of this article, or §22-11A-1 et seq., or §22-11B-1 et seq. of this code, is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than one nor more than three years, or fined not more than \$50,000 for each day of violation, or both fined and imprisoned.

(e) Any person may be prosecuted and convicted under the provisions of this section notwithstanding that none of the administrative remedies provided in this article have been pursued or invoked against said person and notwithstanding that civil action for the imposition and collection of a civil penalty or an application for an injunction under the provisions of this article has not been filed against such person.

(f) Where a person holding a permit is carrying out a program of pollution abatement or remedial action in compliance with the conditions and terms of the permit, the person is not subject to criminal prosecution for pollution recognized and authorized by the permit.

#### **§22-11-25. Civil liability; Natural Resources Game Fish and Aquatic Life Fund; use of funds.**

If any loss of game fish or aquatic life results from a person or persons' failure or refusal to discharge any duty imposed upon such person by this article, section seven, article six of this chapter, or §22-11A-1 et seq., or §22-11B-1 et seq. of this code, either the West Virginia Division of Natural Resources or the Division of Environmental Protection, or both jointly may initiate a civil action on behalf of the State of West Virginia to recover from such person or persons causing such loss a sum equal to the cost of replacing such game fish or aquatic life. Any moneys so collected shall be deposited in a special revenue fund entitled "Natural Resources Game Fish and Aquatic Life Fund" and shall be expended as hereinafter provided. The fund shall be expended to stock waters of this state with game fish and aquatic life. Where feasible, the Director of the Division of Natural Resources shall use any sum collected in accordance with the provisions of this section to stock waters in the area in which the loss resulting in the collection of such sum occurred. Any balance of such sum shall remain in said fund and be expended to stock state-owned and -operated fishing lakes and ponds, wherever located in this state, with game fish and aquatic life.

### **ARTICLE 11B. UNDERGROUND CARBON DIOXIDE SEQUESTRATION AND STORAGE**

**§22-11B-3. Prohibition of underground carbon dioxide sequestration without a permit; injection of carbon dioxide for the purpose of enhancing the recovery of oil or other minerals not subject to the provisions of this article.**

(a) It is unlawful for any person to commence work on, or to operate, a carbon dioxide sequestration facility or storage site without first securing a Class VI underground injection control permit from the secretary or from the US EPA.

(b) The injection of carbon dioxide for purposes of enhancing the recovery of oil or other minerals pursuant to a project approved by the secretary shall not be subject to the provisions of this article.

(c) If an oil, natural gas, or coalbed methane well operator proposes to convert its operations to carbon dioxide sequestration, then the underground carbon dioxide sequestration facility shall be regulated pursuant to this article and §22-11-1 *et seq.* of this code.

(d) All applications for permits submitted after the effective date of this article shall be governed by the provisions of this article and the provisions of §22-11-1 *et seq.* of this code. Permits issued and applications submitted prior to the effective date of this article shall be governed by the provisions of §22-11-1 *et seq.* and §22-11A-1 *et seq.* of this code. If the holder of a Class VI underground injection control permit or other carbon dioxide sequestration permit, granted prior to the effective date of this article, seeks a modification of that permit after this article becomes effective, then the permit holder shall have the option to proceed either according to the provisions of this article or the provisions of §22-11A-1 *et seq.* of this code.

#### **§22-11B-12. Certificate of project completion, release, transfer of title and custody, filing.**

(a) After carbon dioxide injections into a reservoir end, and the storage operator has fulfilled all requirements of its Class VI underground injection control permit including requirements related to post-injection site care and site closure, and upon application by the storage operator demonstrating compliance with this article, the secretary may issue a Certificate of Underground Carbon Dioxide Storage Project Completion ("completion certificate").

(b) The completion certificate may only be issued after public notice and hearing. The secretary shall establish notice requirements for this hearing by legislative rule.

(c) The completion certificate may not be issued until at least ~~40~~ 50 years after carbon dioxide injections end or other time frame established on a site-specific basis in accordance with the legislative rules regarding the timeframe for post-injection site care and site closure.

(d) The completion certificate may only be issued if the storage operator:

(1) Is in full compliance with all laws and other requirements governing the storage facility, and has fulfilled all requirements including, without limitation, the terms of any underground injection control permit associated with the facility including permit requirements related to post-injection site care and site closure, legislative rules regarding post-injection site care and site closure, and other applicable requirements;

(2) Demonstrates that it has addressed all pending claims regarding the storage facility's operation; and

(3) Demonstrates that the storage reservoir is reasonably expected to retain the carbon dioxide stored in it.

(e) As of the effective date of a completion certificate:

(1) Ownership of the stored carbon dioxide transfers, without payment of any compensation, to the owners of the pore space as established in §22-11B-18 of this code;

(2) Ownership acquired by the pore space owners under subdivision (e)(1) of this section includes all rights and interests in the stored carbon dioxide and any associated leasing rights; *Provided*, That all liability other than contractual obligations and criminal liability and regulatory requirements associated with the stored carbon dioxide shall become the responsibility of the state and the state shall defend, indemnify, and hold harmless the pore space and surface owners against all claims using only funds from the Carbon Dioxide Storage Facility Trust Fund;

(3) The storage operator and all persons who transported and/or generated any stored carbon dioxide are released from all liability other than contractual obligations and criminal liability and regulatory requirements associated with the storage facility;

(4) Any bonds posted by the storage operator shall be released; and

(5) Notwithstanding ownership of the stored carbon dioxide in the pore space owners as provided herein, monitoring, and managing the storage facility shall become the state's responsibility to be overseen by the secretary utilizing only money from the Carbon Dioxide Storage Facility Trust Fund until such time as the federal government assumes responsibility for the long-term monitoring and management of storage facilities. The release of liability under this section shall not apply to a current or former owner or operator of a storage facility when such liability arises from that owner or operator's noncompliance with applicable underground injection control laws, regulations, or permits prior to issuance of the certificate of completion of injection operations nor shall it apply when the director determines that there is fluid migration for which the operator is responsible that causes or threatens imminent and substantial endangerment to an underground source of drinking water.

(f) The secretary shall require that a copy of the completion certificate and a survey of the storage field be filed with the county recorder in the county or counties where the carbon dioxide storage facility is located.

(g) The secretary shall implement this article in a manner consistent with and as he or she deems necessary to carry out the purposes and requirements of the federal Safe Drinking Water Act, as amended, and its implementing regulations relating to the State's primary enforcement authority for the underground injection control program established under that Act with respect to the storage and sequestration of carbon dioxide, including but not limited to the State's authority to immediately and effectively restrain any person from engaging in any unauthorized activity which is endangering or causing damage to public health or the environment. Additionally, in no event may the release of liability under this section interfere with the US EPA's authority under Section 1431 of the federal Safe Drinking Water Act."

The bill, as amended by the Senate, was then put upon its passage.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 157**), and there were--yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Dillon and Vance.

So, a majority of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5045) passed.

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

### **Resolutions Introduced**

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

**By Delegate Steele:**

**H. J. R. 29** - "Proposing an amendment to the Constitution of the State of West Virginia amending section 1, article X thereof, relating to authorizing the Legislature to exempt tangible inventory personal property directly used in business activity from ad valorem property taxation by general law; providing that the question of ratification or rejection of the amendment be submitted to the voters of the state at the next general election to be held in the year 2024; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

**By Delegate Forsht:**

**H. J. R. 30** - "Proposing an amendment to the Constitution of the State of West Virginia Article V, section1, Article VII, section1, and adding Article XIV, section 3, all relating to clarifying the powers and division of powers of the branches of state government; changing the legislative, executive and judicial departments to branches; and establishing a legislative authority to appoint a government body to implement constitutional amendments as needed and to establish a schedule for implementation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on the Judiciary.

### **Bills Introduced**

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

**By Delegate Summers:**

**H. B. 4001** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-31, all relating to requiring the Bureau of Medical Services to apply for waiver"; to the Committee on Health and Human Resources.

**By Delegate Crouse:**

**H. B. 4002** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-2-131, relating to services rendered to children of child care program employees"; to the Committee on Senior, Children, and Family Issues then Finance.

**By Delegates Ridenour, Thorne and Vance:**

**H. B. 4003** - "A Bill to amend the Code of West Virginia, 193, as amended by adding thereto a new article, designated §37-3-1 and §37-3-2 relating to amending the law concerning ownership and possession of real property by hostile foreign entities"; to the Committee on the Judiciary.

**By Delegate Heckert:**

**H. B. 4004** - "A Bill to amend and reenact §3-3-2 of the Code of West Virginia, 1931, as amended, relating to formerly incarcerated individuals' voting rights; and eliminating restrictions to voting rights following an individual's release from incarceration through pardon, probation, parole, or completion of sentence"; to the Committee on the Judiciary.

**By Delegate Kirby:**

**H. B. 4005** - "A Bill to amend and reenact §16A-3-2 and §16A-3-3 of the Code of West Virginia, 1931, as amended, both relating to removing the prohibition against selling medical cannabis in edible form"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Kelly:**

**H. B. 4006** - "A Bill to amend and reenact §20-18-2, §20-18-8, §20-18-20, §20-18-25 and §20-18-26 of the Code of West Virginia, 1931, as amended, all relating to Natural Resource Police Officer Retirement; modifying the accrued benefit of members of the West Virginia Natural Resources Police Officer Retirement System who retire on or after January 1, 2027; permitting the employer contribution to be set by the board; providing or additional funding under the West Virginia Natural Police Officer Retirement System; clarifying payment upon death of member with less than 10 years of contributing service; and clarifying surviving spouse benefits when the member dies from duty related or non-duty related cause"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Westfall:**

**H. B. 4007** - "A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended, relating to allowing city attorneys or municipal court clerks to file judgment liens; and ensuring that if a person establishes a payment plan, but does not make at least one payment within six months either from the date of setting up the payment plan, or from the date of the most recent payment, that person's driver's license may be suspended"; to the Committee on the Judiciary.

**By Delegate Summers:**

**H. B. 4008** - "A Bill to amend and reenact §37-13A-1 of the Code of West Virginia, 1931, as amended, relating to amending the time required for providing notice of an entry on to land for visiting a grave from ten days to three"; to the Committee on the Judiciary.

**By Delegates Pushkin, Hansen, Garcia, Williams, Young, Hamilton and Griffith:**

**H. B. 4009** - "A Bill to amend and reenact §24-1-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §24-1-3a; to amend said code by adding thereto a new section, designated §24-2-22; and to amend §24-2A-1 of said code, all relating to the Public Service Commission; providing that Commission members be elected non-partisan positions; allowing for staggered appointments for initial election; revising provisions relating to duties of the Commission and its employees; establishing process for election of Commission members; providing mechanism of removal for commission members and employees by initiating judicial action; requiring electronic access for certain public hearings; creating a process for notice and comment by customers of a utility relating to a proposed or enacted utility rate increase; and increasing the discount rate for utility costs for certain low income persons"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Pushkin, Hansen, Garcia, Williams, Young and Linville:**

**H. B. 4010** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-22, relating to providing notification of utility service disruption to its' customers; and authoring the Public Service Commission to approve each utility's notification plan"; to the Committee on Technology and Infrastructure.

**By Delegate DeVault:**

**H. B. 5644** - "A Bill to amend and reenact §§17A-3-14i of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17A-3-14j; and to

amend and reenact §17C-13-6, all relating to creating a special military license plate and placard for 80% disabled veterans"; to the Committee on Technology and Infrastructure.

**By Delegate Brooks:**

**H. B. 5645** - "A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to granting additional local and state law enforcement privileges to commissioned law enforcement officers of the National Park Service"; to the Committee on the Judiciary.

**By Delegates Dillon and Ross:**

**H. B. 5646** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15-7a, relating to requiring the Economic Development Authority to provide matching funds to county commissions for supporting basic services such as Emergency Medical Services"; to the Committee on Economic Development and Tourism then Finance.

**By Delegates Criss and Rohrbach:**

**H. B. 5647** - "A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to increasing and maintaining the bracketed tax rates on the privilege of establishing or operating a health maintenance organization; specifying effective dates; and providing a process for rates to be certified to the tax commissioner and notice to be provided"; to the Committee on Finance.

**By Delegate Mazzocchi:**

**H. B. 5648** - "A Bill to amend and reenact §32A-2-5 of the Code of West Virginia, 1931, as amended, relating to fees for checks and money order sales, money transmission services, transportation and currency exchange; providing for the Commissioner of Financial Institutions to charge and collect fees; providing for application and licensing fees; providing for license renewal fees; providing for change-of-address fees; providing for penalty fees for late-filed renewal applications or financial statements; providing for international transaction fees; providing for rulemaking authority; providing for deposit of fee revenues"; to the Committee on the Judiciary.

**By Delegate Ridenour:**

**H. B. 5649** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-10-1, §12-10-2, §12-10-3, §12-10-4, §12-10-5, §12-10-6, §12-10-7, §12-10-8, and §12-10-9, and to amend and reenact §47-6-4 of said code, all relating generally to the use of gold and silver as legal tender in the State of West Virginia; defining terms; authorizing the State Treasurer to establish the West Virginia Bullion Depository within the State Treasury; making the State Treasurer the administrator of the depository; providing that deposits are held in trust for account holders and are not subject to appropriation; prohibiting payment of interest on deposits; establishing the West Virginia Bullion Depository administrative account; setting forth the duties of the administrator; enumerating the powers of the administrator; setting forth requirements for deposits; authorizing the depository to issue transactional currency; requiring the administrator to promulgate legislative rules and emergency rules subject to certain requirements; exempting depository account contents from state taxation; providing for the confidentiality of depository records; recognizing gold coin issued by the United States as legal tender in West Virginia; and recognizing bullion, specie, and transaction currency, issued by the depository, as legal tender in West Virginia"; to the Committee on Banking and Insurance then Finance.

**By Delegates Foggin, Gearheart, Foster, Heckert, Ellington, Statler, Toney, Hornby and Young:**

**H. B. 5650** - "A Bill to amend and reenact §18A-2-8 of the Code of West Virginia, 1931, amended, relating to permitting a suspended employee who presents no clear and present danger of disruption, disorder, riot of the event, or an immediate threat to public safety to attend public events on school property while serving their suspension; and permitting the suspended employee who has children or grandchildren attending the school to exercise normal functions of a parent or guardian with regards to the school while suspended"; to the Committee on Education.

**By Delegates Hite, Crouse, Ward, Horst, Warner, Stephens, Vance, Fehrenbacher and Kump:**

**H. B. 5651** - "A Bill to repeal §55-2-1 of the Code of West Virginia, 1931, as amended, related to the limitation period to bring an action to enter upon or recover lands"; to the Committee on the Judiciary.

**By Delegates Howell, W. Clark, Rohrbach, Dittman, DeVault, Riley, Martin, Criss, Maynor, Householder and Mallow:**

**H. B. 5652** - "A Bill to amend and reenact §17-16F-29 of the Code of West Virginia, 1931, as amended, relating to providing a statutory program for loaning financial assistance to local airports for airplane hangar construction in this State"; to the Committee on Finance.

**By Delegate Rowe:**

**H. B. 5653** - "A Bill to amend and reenact §18-2-25e of the Code of West Virginia, 1931, as amended, relating to removing the one-time free transfer for high school student-athletes and grandfather students who transferred during the 2023-2024 school year"; to the Committee on Education.

**By Delegate Rowe:**

**H. B. 5654** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22, relating to the creation of a mandatory education program for all incarcerated individuals"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate Rowe:**

**H. B. 5655** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22, relating to the creation of a mandatory education program for all incarcerated individuals"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegate McGeehan:**

**H. B. 5656** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-1D-1, §12-1D-2, §12-1D-3, §12-1D-4, and §12-1D-5, all relating to protecting and advancing the substantial public policies of this state; making legislative findings; defining terms; prohibiting both public entities and private entities that receive any form of state funds from contravening certain substantial public policies of this state; enumerating certain substantial public policies; requiring private entities to file an affidavit of noncontravention to be eligible to receive or to be awarded state contracts, grants, or incentives; providing for enforcement by the Attorney General; providing for a private right of action against employers found to be in violation of this article"; to the Committee on Economic Development and Tourism then Government Organization.

**By Delegate Rowe:**

**H. B. 5657** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-2-9; and to amend and reenact §8-1-3 of said code, all relating to allowing county commissions to designate certain distinct residential communities as villages;

allowing the Division of Highways to affix signs that designate these communities as villages; and ensuring that current tax code is not affected by any classification of a community as a village for symbolic or tourism purposes"; to the Committee on Political Subdivisions then Finance.

**By Delegates Rowe, Griffith, Hamilton and Lewis:**

**H. B. 5658** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9D-22, relating to requiring the School Building Authority to assess school safety and make a determination as to whether school safety construction is part of the project"; to the Committee on Education.

**By Delegate Steele:**

**H. B. 5659** - "A Bill to amend and reenact §62-1C-1a and §62-1C-2 of the Code of West Virginia, 1931, as amended, all relating to pretrial release; clarifying right to pretrial release; clarifying maximum bail amount for charges for multiple misdemeanor offenses; revising definition of 'bail'; establishing that defendant has right to select method of securing bail; clarifying that personal recognizance bonds shall include an unsecured monetary amount; prohibiting magistrate from setting 'cash only' or 'property only' bail; authorizing judicial officer to impose reasonably necessary conditions to assure defendant will appear as required, including releasing defendant on his or her own recognizance; clarifying that magistrate may not release defendant charged with felony offense on his or her own recognizance; and making technical corrections"; to the Committee on the Judiciary.

**By Delegates Hardy, Hornby, Hite and Statler:**

**H. B. 5660** - "A Bill to amend and reenact §7-17-12 of the Code of West Virginia, 1931, as amended, relating to giving power to modify county fire service fees to the county commission instead of the county fire board"; to the Committee on Political Subdivisions then Government Organization.

**By Delegates Young and Hamilton:**

**H. B. 5661** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-52, relating to providing free feminine hygiene products to female students in public schools"; to the Committee on Education then Finance.

**By Delegates Kelly and Hott:**

**H. B. 5662** - "A Bill to amend and reenact §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, and §61-8D-4a of the Code of West Virginia, 1931, as amended, all relating to murder of a child; child abuse resulting in injury; child abuse creating risk of injury; female genital mutilation; child neglect resulting in injury; child neglect creating risk of injury; child neglect resulting in death"; to the Committee on the Judiciary.

**By Delegates Kelly and Hott:**

**H. B. 5663** - "A Bill to amend and reenact §61-2-3 of the Code of West Virginia, 1931, as amended, relating to parole eligibility for the crime of murder in the second degree"; to the Committee on the Judiciary.

**By Delegates Marple, Dean, Dittman, Petitto, Hornby, Phillips, Foggin, DeVault, Adkins, Mallow and Heckert:**

**H. B. 5664** - "A Bill to amend the Code of West Virginia, 1931, as amended, to add thereto a new article, designated §18-30B-1, all related to establishing the Mountaineer Scholars Grant Program; defining terms; establishing eligibility requirements; requiring the Department of Human Services to provide certain information to Treasurer to administer program; providing that each

eligible child shall be awarded a \$100 grant to establish an account"; to the Committee on Education then Finance.

**By Delegate McGeehan:**

**H. B. 5665** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2S-1, §16-2S-2, §16-2S-3, and §16-2S-4, all relating to regulating billboards displaying messages about the availability of abortions in states bordering West Virginia; setting forth legislative findings; defining terms; prohibiting billboards that display messages about the availability of abortion in bordering states or that reference any facilities, physicians, or other health-care providers that perform abortions in bordering states; making it unlawful to assist another person who is causing or attempting to cause a billboard displaying a prohibited message; providing for enforcement and penalties, including the permanent revocation of business licenses and permits; and granting the Secretary of State permission to promulgate legislative rules"; to the Committee on the Judiciary.

**By Delegate Kimble:**

**H. B. 5666** - "A Bill to amend and reenact §18B-20-1, §18B-20-3, §18B-20-5, §18B-20-6, §18B-20-7, and §18B-20-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §18B-20-10 and §18B-20-11, all relating to establishing the Forming Open and Robust University Minds (FORUM) Act through strengthening existing free expression on campus laws; providing for legislative findings regarding the exercise of First Amendment rights on public university campuses in this state as being critical components of the education experience for students; clarifying the definition of public forums; modifying certain time, place, and manner restrictions; strengthening development of policies and procedures; ensuring a reporting requirement and establishing the framework for reporting requirements; clarifying the statute of limitations; providing for immunity; and providing for severability"; to the Committee on Education then the Judiciary.

**By Delegates Cannon, Chiarelli, Smith, Willis, Maynor and W. Clark:**

**H. B. 5667** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22F-1, §29-22F-2, §29-22F-3, §29-22F-4, §29-22F-5, §29-22F-6, §29-22F-7, §29-22F-8, §29-22F-9, and §29-22F-10 all relating to permitting the operation of daily fantasy sports contests in which participants own, manage, or coach imaginary teams in competition against the operator responsible for creating, administering or operating such contest; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; establishing license requirements and prohibitions; defining duties of an operator conducting daily fantasy sports contests; authorizing Lottery Commission to collect licensing fees for daily fantasy sports contest operators; requiring independent audits of daily fantasy sports contests; requiring investigation of prohibited conduct and authorizing the reporting of same to law enforcement; authorizing the West Virginia Lottery Commission to levy and collect a tax on the privilege of operating daily fantasy sports contests of 15 percent of adjusted gross daily fantasy sports contest receipts; creating the West Virginia Daily Fantasy Sports Contests Fund; defining how moneys deposited in the West Virginia Daily Fantasy Sports Contests Fund shall be distributed; and providing for compulsive gaming assistance and requiring daily fantasy sports contest operators to provide for self-exclusion from contests"; to the Committee on Technology and Infrastructure.

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

**H. B. 5668** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-22-30, relating to the creation of the Responsible Gaming and

Research Act; creating a short title; providing for gaming data collection and sharing for scholarly purposes, and providing for preparation of the report"; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 5669** - "A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to removing prohibitions against persons carrying guns in state or municipal buildings where security is inadequate"; to the Committee on Political Subdivisions then the Judiciary.

**By Delegate C. Pritt:**

**H. B. 5670** - "A Bill to amend and reenact §48-9-206 of the Code of West Virginia, 1931, as amended, by relating to, except of emergency medical treatment, requiring a parent who has been allocated custodial responsibility to provide the other parent notice prior to medical expenses being incurred that may be greater than \$200"; to the Committee on Health and Human Resources then the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 5671** - "A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to allowing injured athletes to have two extra semesters of high school eligibility if they are injured and unable to compete"; to the Committee on Education.

**By Delegate Howell:**

**H. B. 5672** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-16, relating to the transportation, towing, repair, dismantling, and storage of damaged electric motor vehicles; and authorizing the Division of Motor Vehicles and the State Fire Marshal to promulgate safety rules for the implementation of these protections"; to the Committee on Technology and Infrastructure.

**By Delegate Mallow:**

**H. B. 5673** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, all relating to the unification of county school districts in the state; establishing findings; require county school districts be unified with other county school districts by July 1, 2027; require State Board of Education to study and provide recommendation regarding school district unification by October 31, 2024; creating School District Unification Committee to assist State Board of Education; and authorizing rulemaking to aid in the transition process"; to the Committee on Education.

**By Delegates Dean, Ward, Bridges, Vance, Kelly, Kirby and Pinson:**

**H. B. 5674** - [Introduced February 13, 2024; Referred to the Committee on Pensions and Retirement then Finance] "A Bill to amend and reenact §7-14D-5 of the Code of West Virginia, 1931, as amended, relating to the Deputy Sheriff Retirement System Act; and permitting deputy sheriffs to retire after 20 years of honorable and actual service, with full benefits"; to the Committee on Pensions and Retirement then Finance.

**By Delegates Dean, Ward, Bridges, Vance, Smith, Kelly, Kirby and Pinson:**

**H. B. 5675** - "A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the multiplier for the deputy sheriff retirement accrued benefit from two and a half percent to three percent"; to the Committee on Pensions and Retirement then Finance.

**By Delegate Winzenreid:**

**H. B. 5676** - "A Bill to amend and reenact §44-2-1 of the Code of West Virginia, 1931, as amended, relating to changing the maximum amount a County Clerk can charge to settle an estate and removing reference to Fiduciary Commissioner"; to the Committee on the Judiciary.

**By Delegate Phillips:**

**H. B. 5677** - "A Bill to amend and reenact §6C-2-5 and §6C-2-8 of the Code of West Virginia, 1931, as amended, relating to the appellate court for appeals of level 3 decisions issued by the Public Employees Grievance Board"; to the Committee on the Judiciary.

**By Delegate C. Pritt:**

**H. B. 5678** - "A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, by raising the compensation rates of panel attorneys; raise the compensation rates for investigators; and for dismissed or not guilty charge expungement only, providing the panel attorney to continue providing representation after the dismissal to achieve the expungement"; to the Committee on the Judiciary then Finance.

**By Delegates Sheedy, Stephens and DeVault:**

**H. B. 5679** - "A Bill to amend and reenact §5F-2-8 of the Code of West Virginia, 1931, as amended relating to compensation and classification of certain employees of the Division of Highways"; to the Committee on Technology and Infrastructure then Finance.

**By Delegate Mallow:**

**H. B. 5680** - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to designated accessible parking for persons with a mobility impairment; increasing certain penalties for illegally parking, stopping, standing or blocking access to a designated accessible parking space, or illegally creating, obtaining and use of special plates or windshield cards issued to mobility impaired persons; establishing a program to increase public awareness of the applicable law, criminal penalties and the consequences of illegally parking, stopping or standing in designated accessible parking spaces and illegally creating, obtaining and using of special plates or windshield cards issued to mobility impaired persons"; to the Committee on Technology and Infrastructure.

**By Delegate Sheedy:**

**H. B. 5681** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-11C-1, §33-11C-2, §33-11C-3, and §33-11C-4, all relating to prohibiting the use of credit or insurance rating to deny, cancel, or refuse to renew personal insurance; providing definitions, rulemaking, and providing an enacting date"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Young:**

**H. B. 5682** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-8C-1, §16-8C-2, §16-8C-3, §16-8C-4, §16-8C-5, §16-8C-6, §16-8C-7, §16-8C-8, §16-8C-9, §16-8C-10, §16-8C-11, §16-8C-12, §16-8C-13, §16-8C-14, §16-8C-15, and §16-8C-16 relating to establishing the West Virginia Prescription Drug Affordability Board, providing definitions, listing membership requirements for the board, creating the Prescription Drug Affordability Stakeholder Council and establishing requirements for membership on that council, establishing meeting requirements, prohibiting the acceptance of gratuities for the board and council members, requiring a study and report from the board and the council, outlining how data is to be collected, requiring a cost review of prescription drug products with affordability challenges, listing confidentiality requirements, providing for enforcement, establishing a fund,

listing the process for setting upper payment limits for prescription drug products, listing eligible drug products, providing remedies, and listing all report requirements"; to the Committee on Health and Human Resources then Government Organization.

**By Delegate Rohrbach:**

**H. B. 5683** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §9-3-7; and to amend and reenact §16-9G-1 of said code, all relating to a Medicaid state plan amendment; providing that the Bureau of Medical Services shall seek a state plan amendment; providing that the state plan amendment provide for cost sharing and/or premiums for certain populations; allowing that the state plan amendment may provide for a demonstration project; and providing for an effective date"; to the Committee on Health and Human Resources then Finance.

**By Delegate Rohrbach:**

**H. B. 5684** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-32, relating to prioritizing providing medical services to West Virginia Medicaid beneficiaries within West Virginia"; to the Committee on Finance.

**By Delegate Rohrbach:**

**H. B. 5685** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, all relating to Medicaid; adding requirement that Medicaid submit certain waivers and plan amendments over \$3 million through the legislative rulemaking process; requiring Medicaid to study and provide reports to the Legislature regarding the costs of the program and recommendations to contain costs"; to the Committee on Finance.

**By Delegate Rohrbach:**

**H. B. 5686** - "A Bill to amend and reenact §9-4-3 of the Code of West Virginia, 1931, as amended, relating to modifying the membership requirements of the Medical Services Fund Advisory Council, augmenting its purpose, requiring that it employ an actuary, requiring certain actions from the Commissioner for the Bureau for Medical Services, and addressing the six-year plan to mitigate long-term financial liabilities"; to the Committee on Health and Human Resources.

**By Delegate Warner:**

**H. B. 5687** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-10R-1, §18-10R-2, §18-10R-3, §18-10R-4, §18-10R-5, §18-10R-6, and §18-10R-7; and to amend and reenact §19-20-10 of said code, as amended, all relating to establishing the West Virginia School Patrol Canine Program, provide definitions, and to provide for the funding and use of patrol dogs in state schools for security and drug detection purposes, provide an evaluation and reporting requirement, require insurance, and establish severability"; to the Committee on Education.

**By Delegates Westfall, W. Hall, Ferrell, Shamblin, Foster and Cannon:**

**H. B. 5688** - "A Bill to amend and reenact §55-7H-2, §55-7H-3 and §55-7H-4 of the Code of West Virginia, 1931, as amended, all relating to providing immunity from civil liability for accredited academic hospitals"; to the Committee on the Judiciary.

**By Delegate Hornbuckle:**

**H. B. 5689** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, §7-28-2, §7-28-3, §7-28-4, §7-28-5, and §7-28-6, all relating to providing for the establishment of county daycares"; to the Committee on Senior, Children, and Family Issues then Finance.

### Motions

Delegate Fast asked and obtained unanimous consent to be added as a cosponsor to H. R. 6.

### Special Calendar

#### Unfinished Business

**H. R. 6**, A resolution reaffirming support for the town of Thurmond, the historic buildings within the community, and the strong coal mining history associated with it; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

**H. C. R. 24**, To create a study resolution to examine the school aid formula; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

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

**H. C. R. 71**, Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families; coming up in regular order, as unfinished business, was reported by the Clerk, and adopted.

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

### Third Reading

**S. B. 171**, Prohibiting county commissions from adopting authorization that exceeds state law regarding agriculture operations; 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. 158**), and there were--yeas 84, nays 16, absent and not voting none, with the nays being as follows:

Nays: Bridges, Dillon, Fluharty, Garcia, Griffith, Hamilton, Hansen, Hornbuckle, Lewis, Pushkin, Rowe, Vance, Ward, Williams, Young and Zatezalo.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 171) passed.

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

**Com. Sub. for S. B. 354**, Relating to the WV Advanced Energy and Economic Corridor 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. 159**), and there were--yeas 80, nays 20, absent and not voting none, with the nays being as follows:

Nays: Brooks, Burkhammer, Butler, Coop-Gonzalez, Dean, Dillon, Foster, Hillenbrand, Horst, Kimble, Kirby, Longanacre, Martin, McGeehan, C. Pritt, Ridenour, Street, Thorne, Vance and Ward.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 354) 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. 4782**, Preventing municipalities from targeting protected businesses with planning and zoning ordinances more restrictive than those placed upon other businesses; 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. 160**), and there were--yeas 92, nays 8, absent and not voting none, with the nays being as follows:

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

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4782) 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. 4951**, To facilitate the interstate practice of School Psychology in educational or school settings; 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. 161**), and there were--yeas 98, nays 2, absent and not voting none, with the nays being as follows:

Nays: Coop-Gonzalez and Dillon.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4951) 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. 4986**, Relating to computer science and cybersecurity instruction for adult learners; 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. 162**), and there were--yeas 95, nays 4, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Dillon, Longanacre, Summers and Winzenreid.

Absent and Not Voting: Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4986) 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. 5002**, To require at least 1 baby changing station to existing and future rest areas in this state for both male and female restrooms; 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. 163**), and there were--yeas 96, nays 3, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Gearheart, Horst and Ward.

Absent and Not Voting: Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5002) passed.

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

Delegate Williams asked and obtained unanimous consent to be added as a cosponsor of H. B. 5002.

**H. B. 5261**, Relating to the definition of small arms for purposes of taxation; 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. 164**), and there were--yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Dean and Ridenour.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5261) passed.

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

On this question, the yeas and nays were taken (**Roll No. 165**), 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: Dean, Dillon, Linville and Ridenour.

So, two thirds of the members elected to the House of Delegates having voted in the affirmative, the Speaker declared the bill (H. B. 5261) 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.

**Com. Sub. for H. B. 5262**, Relating generally to teacher's bill of rights; 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. 166**), and there were--yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5262) 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. 5267**, Relating to the Deputy Sheriff Retirement System; 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. 167**), and there were--yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5267) 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. 5273**, Relating to the Emergency Medical Services Retirement System and clarifying payment upon death of member with less than 10 years of contributory service; 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. 168**), and there were--yeas 100, nays none, absent and not voting none.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5273) 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. 5295**, Authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders; 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. 169**), and there were--yeas 70, nays 29, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, Chiarelli, Coop-Gonzalez, Dillon, Fast, Ferrell, Foster, Green, Holstein, Jeffries, Jennings, Kirby, Kump, Longanacre, Mallow, Martin, Mazzocchi, Moore, Pinson, Ross, Street, Toney, Vance, Ward, Worrell and Hanshaw (Mr. Speaker).

Absent and Not Voting: Criss.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5295) passed.

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

**Com. Sub. for H. B. 5295** - "A Bill to amend and reenact §8-12-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-7-2a, §60-7-8a, and §60-7-8g of said code, all relating to expressly authorizing a private outdoor designated area to simultaneously host multiple qualified permit holders; providing that private outdoor designated areas may simultaneously host multiple qualified permit holders; providing that the dual licensing of private fairs and festivals simultaneous to other qualified permit holders is permissible; defining a term; providing that any Class A, Class B, or Class S2 license holder that has received a Class S4 license can operate as a qualified permit holder within a private outdoor designated area; providing that qualified permit holders within a private outdoor designated area do not share liability or responsibility; removing a provision requiring qualified permit holders to execute an agreement stating that all qualified permit holders are jointly and severally liable for any improper acts or conduct; providing that the holder of a Class A, Class B, or Class S2 license is eligible to be a qualified permit holder subject to the private outdoor designated area hours of operation and not to private club hours of operation; providing that the holder of a Class A, Class B, or Class S2 license is eligible to be a qualified permit holder without meeting and being subject to all private club license type requirements; providing that the commissioner shall enforce certain code violations by qualified permit holders against their permit and their Class A, Class B, or Class S2 license."

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

On this question, the yeas and nays were taken (**Roll No. 170**), and there were--yeas 74, nays 24, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Barnhart, Brooks, Burkhammer, Butler, Coop-Gonzalez, Dillon, Fast, Ferrell, Foster, Green, Holstein, Jennings, Kump, Longanacre, Mallow, Martin, Pinson, Ross, Statler, Street, Toney, Vance, Ward and Worrell.

Absent and Not Voting: Criss and Kelly.

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. 5295) takes effect from its passage.

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

**H. B. 5343**, Relating to adding an athletic trainer to the Board of Physical Therapy; 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. 171**), and there were--yeas 98, nays none, absent and not voting 2, with the absent and not voting being as follows:

Absent and Not Voting: Criss and Kelly.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5343) 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 S. B. 17**, Authorizing Department of Health to promulgate legislative rules; on second reading, coming up in regular order, was reported by the Clerk.

Delegate Householder asked unanimous consent that the bill be postponed one day, objection being heard.

Delegate Householder then so moved.

On this motion, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 172**), and there were--yeas 80, nays 11, absent and not voting 9, with the nays and the absent and not voting being as follows:

Nays: Brooks, Burkhammer, Butler, Coop-Gonzalez, Dean, Dillon, Hillenbrand, Petitto, Summers, Tully and Winzenreid.

Absent and Not Voting: Bridges, Criss, Hite, Horst, Kelly, Ross, Rowe, Worrell and Zatezalo.

So, a majority of the members present having voted in the affirmative, the motion was adopted, and the bill was postponed one day.

**S. B. 219**, Relating to Uniform Controlled Substances Act; on second reading, coming up in regular order, was read a second time.

An amendment was recommended by the Committee the Judiciary, and adopted, on page 1, section 416, line 14, by striking the following language: "(c) As used in this section:"

And,

On page 1, section 416, line 17, after the word "use" by striking ", or knowingly facilitating illegal drug abuse by the other person so engaged".

The bill was then ordered to third reading.

**Com. Sub. for S. B. 441**, Restricting driving in left lane of multi-lane highways in WV; on second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for H. B. 4086**, Authorizing certain agencies of the Department of Commerce to promulgate legislative rules; 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. 4943**, To facilitate the creation of home-based businesses; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Whereupon,

There being no objection, the bill was recalled to second reading for a day.

**Com. Sub. for H. B. 5317**, Making it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations; 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. 5326**, Relating to prohibition of unfair real estate service agreements; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Fast, the bill was amended on page 3, section 5, subsection (b), line 5, by inserting the following language after the word "\$25,000":

“: *Provided*, That the provisions of this subsection do not apply to the county clerk, a county commissioner, a deputy county clerk, any person employed by the county commission, or any person employed by the office of the county clerk that are acting within the scope of their employment.”

The bill was then ordered to engrossment and third reading.

### First Reading

**Com. Sub. for H. J. R. 28**, Protection from medically-assisted suicide or euthanasia in West Virginia Amendment; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4110**, Authorizing certain miscellaneous agencies and boards to promulgate legislative rules; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4297**, Law Enforcement Officers Safety Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4381**, West Virginia Consumer Privacy Act of 2024; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 4399**, Creating the equitable right to expungement; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4700**, Banning certain persons from sport wagering activities; on first reading, coming up in regular order, was reported by the Clerk.

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

**H. B. 4717**, Relating to terminating the authority of the Director of the Purchasing Division to impose a certain annual fee upon vendors; on first reading, coming up in regular order, was read a first time and ordered to second reading.

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

Service Tax; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 4984**, Relating to repealing tax credit for employing former employees of Colin Anderson Center; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5318**, Clarifying that elected municipal police chiefs shall be certified law-enforcement officers; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**Com. Sub. for H. B. 5354**, Relating to the Grant Transparency and Accountability Act; on first reading, coming up in regular order, was read a first time and ordered to second reading.

**H. B. 5443**, Clarifying that electronic data processing services are to be included in the valuation of specialized high-technology property; on first reading, coming up in regular order, was read a first time and ordered to second reading.

### **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. 4001**: Delegate Tully;

**H. B. 4313**: Delegate Mazzocchi;

**H. B. 4654**: Delegate Foster;

**H. B. 4720**: Delegate Toney;

**H. B. 4722**: Delegate Toney;

**H. B. 4962**: Delegate Martin;

**H. B. 5128**: Delegates Hott and Rohrbach;

**H. B. 5340**: Delegate Hott;

**H. B. 5528**: Delegate Young;

**H. B. 5564**: Delegate Horst;

**H. B. 5570**: Delegate Young;

And,

**H. B. 5642**: Delegate Foster.

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

**H. B. 5105:** Delegate Heckert;

**H. B. 5197:** Delegate Espinosa;

And,

**H. B. 5591:** Delegate Westfall.

At 1:00 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 14, 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 14, 2024**

**36th Day**

**11:00 A.M.**

### **THIRD READING**

- S. B. 219 - Relating to Uniform Controlled Substances Act
- Com. Sub. for H. B. 4086 - Authorizing certain agencies of the Department of Commerce to promulgate legislative rules
- Com. Sub. for H. B. 5317 - Making it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations
- Com. Sub. for H. B. 5326 - Relating to prohibition of unfair real estate service agreements

### **SECOND READING**

- Com. Sub. for S. B. 17 - Authorizing Department of Health to promulgate legislative rules
- Com. Sub. for H. J. R. 28 - Protection from medically-assisted suicide or euthanasia in West Virginia Amendment
- Com. Sub. for S. B. 441 - Restricting driving in left lane of multi-lane highways in WV
- Com. Sub. for H. B. 4110 - Authorizing certain miscellaneous agencies and boards to promulgate legislative rules
- H. B. 4297 - Law Enforcement Officers Safety Act
- Com. Sub. for H. B. 4381 - West Virginia Consumer Privacy Act of 2024
- Com. Sub. for H. B. 4399 - Creating the equitable right to expungement
- H. B. 4717 - Relating to terminating the authority of the Director of the Purchasing Division to impose a certain annual fee upon vendors
- Com. Sub. for H. B. 4754 - Exempting the processing of beef, pork or lamb by a slaughterhouse for an individual owner of the product processed from the Consumer Sales and Service Tax
- Com. Sub. for H. B. 4943 - To facilitate the creation of home-based businesses
- H. B. 4984 - Relating to repealing tax credit for employing former employees of Colin Anderson Center

- Com. Sub. for H. B. 5318 - Clarifying that elected municipal police chiefs shall be certified law-enforcement officers.
- Com. Sub. for H. B. 5354 - Relating to the Grant Transparency and Accountability Act
- H. B. 5443 - Clarifying that electronic data processing services are to be included in the valuation of specialized high-technology property

### **FIRST READING**

- Com. Sub. for H. B. 4640 - Relating to the transfer of certain revenues derived from lottery activities
- H. B. 4654 - Removing bona fide schools, public libraries, and museums from the list of exemptions from criminal liability relating to distribution and display to minor of obscene matter
- H. B. 4700 - Banning certain persons from sport wagering activities
- Com. Sub. for H. B. 4807 - Establishing limitations on billing practices of Internet or telecommunications providers that fail to provide subscribed customers service for five or more days
- Com. Sub. for H. B. 4809 - Health Care Sharing Ministries Freedom to Share Act
- Com. Sub. for H. B. 4850 - Removing the sunset clause from Oil and Gas Personal Property Tax
- H. B. 5128 - Directing transfer of moneys into fire protection funds at the end of each year
- Com. Sub. for H. B. 5137 - Relating to requiring the State Auditor to conduct audits of all county boards of education
- H. B. 5170 - Increasing the size of matching grants for local economic development from \$30,000 to \$50,000.
- Com. Sub. for H. B. 5294 - Revising state law regulating farm wineries
- Com. Sub. for H. B. 5319 - Creating the offense of exposing a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, a deputy or assistant fire marshal, firefighter, or emergency medical service personnel to fentanyl
- H. B. 5337 - Establishing the legislative oversight committee of the Division of Corrections and Rehabilitation.
- Com. Sub. for H. B. 5345 - Relating to the registration requirements in the Sex Offender Registration Act.

## HOUSE CALENDAR

Wednesday, February 14, 2024

36th Day

11:00 A.M.

### THIRD READING

Com. Sub. for H. B. 5243 - Relating to Women's Bill of Rights

### 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.
- H. B. 5263 - Relating to the Consolidated Public Retirement Board and requiring participating public employers to remit retirement contributions and fees by electronic funds transfer
- H. B. 5269 - Relating to the Municipal Police Officers and Firefighters Retirement System
- H. B. 5270 - Relating to the Natural Resources Police Officers Retirement System

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

# WEST VIRGINIA HOUSE OF DELEGATES

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WEDNESDAY, FEBRUARY 14, 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 JUDICIARY  
PUBLIC HEARING  
HB 4850 REMOVING THE SUNSET CLAUSE FROM OIL AND GAS  
PERSONAL PROPERTY TAX  
8:45 A.M. – HOUSE CHAMBER

SELECT COMMITTEE ON ARTIFICIAL INTELLIGENCE  
9:00 A.M. – EDUCATION COMMITTEE ROOM

COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES  
9:15 A.M. – FINANCE 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 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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HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470