
Tuesday, February 20, 2024

FORTY-SECOND DAY

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

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

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

The Clerk proceeded to read the Journal of Monday, February 19, 2024, being the first order of business, when the further reading thereof was dispensed with and the same approved.

Committee Reports

On motion for leave, a bill was introduced (Originating in the Committee on Government Organization and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegate Phillips:

H. B. 5694 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-13-1, §5A-13-2, §5A-13-3, §5A-13-4, §5A-13-5, and §5A-13-6, all relating to the Firearms Industry Nondiscrimination Act; establishing the short title; defining terms; establishing application of act to certain government contracts; providing an exception; setting forth when certain contracts are void; prohibiting financial institutions from discriminating against a firearm entity or firearm trade association; specifying the applicability of the prohibition; providing civil remedies for a violation by an individual; providing for enforcement by the Attorney General; providing that an enforcement action by the Attorney General does not prohibit a civil action by an individual; providing remedies in an action by the Attorney General; requiring the Attorney General to submit names of financial institutions in violation to the Governor and to request that the state terminate any business relationship with the financial institution; providing a statute of limitations for actions; and providing exceptions to the prohibition."

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. 5569, Requiring an appraiser to pay for a background check required by the AMC as a condition of being added to the AMCs panel of appraisers,

And,

H. B. 5582, Modifying exceptions for real estate appraisal licensure,

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

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. 5536, Relating to the assessment of interest on overpayments by the Bureau for Medical Services,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5536 - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-34, relating to assessment of interest on overpayments by Bureau for Medical Services; establishing interest rate and method for accrual; and retention of interest received,"

With the recommendation that the committee substitute do pass.

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

S. B. 172, Revising requirements of local school improvement councils,

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

Delegate Ellington, Chair of the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration:

H. B. 5162, Establish a program to promote creation and expansion of registered apprenticeship programs,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5162 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7g, to amend and reenact §21-1E-2 of said Code, to amend and reenact §21-1E-3 of said Code, to amend and reenact §21-6-2 of said Code, all relating to creating the Youth Apprenticeship Program and expanding registered apprenticeship programs,"

And,

H. B. 5180, Removing requirements to submit certain evidence on behalf of home schooled children,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5180 - "A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to removing requirements to submit certain evidence on behalf of home-schooled children,"

With the recommendation that the committee substitutes each do pass.

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. 5245, Supplementing, amending, and increasing existing items of appropriation from the State Road Fund to the Department of Transportation, Division of Highways,

H. B. 5647, Increasing and maintaining the bracketed tax rates on the privilege of establishing or operating a health maintenance organization,

And,

S. B. 658, Supplementing and amending appropriations to Department of Administration, Public Defender Services,

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

Delegate Fast, Chair of the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration:

H. B. 5520, Relating to juvenile competency,

And reports the same back with the recommendation that it 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. 5031, Relating to human trafficking,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5031 - "A Bill to amend and reenact §61-14-1, §61-14-2, and §61-14-7 of the Code of West Virginia, 1931, as amended, all relating to human trafficking, adding a definition for "illegal alien"; general provisions and penalties; and providing that illegal aliens are not eligible for restitution,"

H. B. 5043, Relating to requirements, prohibitions and regulation of foreign principals or agents of foreign principals, lobbying by or on behalf of such foreign principals or their agents,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5043 - "A Bill to amend §6B-3-1, §6B-3-2, §6B-3-4, §6B-3-6, and §6B-3-7 of the Code of West Virginia, 1931, as amended, and by adding thereto a new article, designated §6B-3A-1, §6B-3A-2, §6B-3A-3, §6B-3A-4, §6B-3A-5, §6B-3A-6, §6B-3A-7, §6B-3A-8, §6B-3A-9, §6B-3A-10, and §6B-3A-11, all relating to the requirements, prohibitions, and regulation of foreign principals or agents of foreign principals, lobbying by or on behalf of such foreign principals or their agents,; providing definitions; amending provisions relating to the

registration and reporting duties of lobbyists; amending provisions relating to the employment of unregistered lobbyists and the duties of lobbyists; establishing criminal liabilities and fines for violations of the requirements applicable to such foreign principals or their agents,"

H. B. 5235, To double the criminal penalty for anyone found guilty of sexual assault on a minor,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5235 - "A Bill to amend and reenact §61-8B-5 and §61-8B-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8D-5 and §61-8D-6 of the Code of West Virginia, 1931, as amended, all relating to increasing penalties for child sexual assault and sexual abuse, and for distributing, possessing, and transporting material depicting a child engaged in sexually explicit conduct, and to clarify that failure to report sexual assault, sexual abuse, or sexual exploitation of a child is a felony,"

H. B. 5395, Repeal section relating to Board a necessary party to judicial action; legal counsel,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5395 - "A Bill to amend and reenact §21A-7-17 of the Code of West Virginia, 1931, as amended, relating to judicial review of Board decisions; and amending the status of the commissioner shall in relation to judicial review of Board decisions; and to repeal §21A-7-20 of said code, relating to repealing the section making the Board of Review of the West Virginia Bureau of Employment a party to judicial action and identifying the Board's legal counsel,"

H. B. 5561, Relating to permitting the electronic execution of trusts,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5561 - "A Bill to amend and reenact §44D-1-103, §44D-4-402, §44D-5-503c, §44D-7-701, §44D-7-704, §44D-7-705, §44D-8B-2, and §44D-10-1011 of the Code of West Virginia, 1931, as amended, all relating to permitting the electronic execution of trusts,"

H. B. 5621, Prohibiting the termination of employment of an employee who defends themselves from an attack inside workplace,

And reports back a committee substitute therefor, as follows:

Com. Sub. for H. B. 5621 - "A Bill to amend and reenact §55-7-22 of the Code of West Virginia, 1931, as amended, relating to employment protections for employees who utilize reasonable and proportionate force in defending themselves or others; and providing that such person may use deadly force against an attacker in their place of employment, without a duty to retreat, if the person reasonably believes that he or she or another is in imminent danger of death or serious bodily harm from which he or she or another can only be saved by the use of deadly force against the intruder or attacker,"

And,

H. B. 5662, Relating to adding "person in a position of trust" to certain crimes,

And reports back a committee substitute therefor, as follows:

Com. Sub. for 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,"

With the recommendation that the committee substitutes 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. 5593, Relating to the creation, composition, qualifications, and compensation of the State Board of Risk and Insurance Management,

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

Reports of Select Committees

On motion for leave, a bill was introduced (Originating in the Select Committee on Artificial Intelligence and reported with the recommendation that it do pass), which was read by its title, as follows:

By Delegates Cannon, Maynor, Coop-Gonzalez, Kimble and Stephens:

H. B. 5690 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-6-9, related to creating a "West Virginia Task Force on Artificial Intelligence"; setting forth the membership of the same; providing for appointment of members; delineating responsibilities of the task force; providing it complete a report and specifying contents of same; and providing a date for termination of the task force."

Messages from the Executive

and Other Communications

The Clerk announced that S. B. 171, Com. Sub. for S. B. 354 and Com. Sub. for H. B. 4801 were presented to the Governor on February 19, 2024.

A communication from His Excellency, the Governor, advised that on February 19, 2024, he approved Com. Sub. for S. B. 300.

Messages from the Senate

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, to take effect July 1, 2024, a bill of the House of Delegates, as follows:

H. B. 5261, Relating to the definition of small arms for purposes of taxation.

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

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

A message from the Senate, by

The Clerk of the Senate, announced that the Senate had passed, without amendment, a bill of the House of Delegates, as follows:

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.

A message from the Senate, by

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

Com. Sub. for S. B. 292 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-22-1, §18B-22-2, §18B-22-3, and §18B-22-4, all relating to creating the Hunger-Free Campus Act; providing for a short title; establishing the Hunger-Free Grant Program; providing for a legislative purpose; providing qualifications for a campus to be designated as hunger-free campus; requiring, subject to the availability of funding, Chancellor of the Higher Education Policy Commission to allocate grant funding to each institution designated as a hunger-free campus; and requiring a report to the Governor and Legislature no later than two years after the establishment of the program"; 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

S. B. 602 - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, and §18-2L-4, all relating to cardiac emergency response plans; defining terms; establishing requirements for cardiac emergency response plan; and addressing funding."

At the respective requests of Delegate Householder, and by unanimous consent, reference of the bill (S. B. 602) to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from the Senate, by

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

S. B. 687 - "A Bill to amend and reenact §4-2-3, §4-2-4, §4-2-6, and §4-2-8 of the Code of West Virginia, 1931, as amended; to repeal §4-2-5 of said code; to amend and reenact §4-3-3c of said code; to amend and reenact §4-10-3, §4-10-6, §4-10-7, §4-10-9, and §4-10-10 of said code; and to repeal §4-10-8 of said code, all relating to the Legislative Auditor; establishing that auditor is responsible to Joint Committee on Government and Finance; clarifying that auditor may exercise powers at direction of Senate President or Speaker of the House of Delegates; restating authority of auditor to inspect properties, equipment, and records; providing for publication of post audit reports; prohibiting auditor from using external auditing entities to conduct audits except as directed by Senate President or Speaker; modifying obligations of auditor regarding budgetary matters; providing that committee has authority to hire employees to assist auditor in performance of obligations; clarifying hiring authority of committee; providing that department presentations are to be made at Senate President's or Speaker's direction; mandating that state agencies be reviewed within certain time period; eliminating requirement that agency and regulatory board reviews be conducted according to certain auditing standards; revising schedule of regulatory board reviews; and providing that agency and regulatory board reviews may be conducted more frequently than mandated"; which was referred to the Committee on Government Organization.

Resolutions Introduced

Resolutions were introduced and severally referred as follows:

By Delegates Howell, W. Clark, Campbell, Lucas, E. Pritt, Fehrenbacher, Moore, Thorne, Dittman, DeVault and Willis:

H. C. R. 84 - "Requesting the Joint Committee on Government and Finance study the effect of having an interstate compact on food truck health department licensing reciprocity"; to the Committee on Rules.

By Delegates Howell, W. Clark, Campbell, Lucas, E. Pritt, Fehrenbacher, Moore, Thorne, Dittman, DeVault and Willis:

H. C. R. 85 - "Requesting the Joint Committee on Government and Finance study the effect of the state requiring public service districts to move forward when projects are fully funded"; to the Committee on Rules.

Special Calendar

Unfinished Business

The following resolutions, coming up in regular order, as unfinished business, were reported by the Clerk:

H. C. R. 2, U.S. Army SPC Steven W. Herron Memorial Bridge,

Com. Sub. for H. C. R. 3, Legg Brothers WWII Veterans Memorial Bridge,

H. C. R. 5, George M. Hall Memorial Bridge,

Com. Sub. for H. C. R. 7, U. S. Navy Radarman 3rd Class Craig W. Haines Memorial Bridge,

Com. Sub. for H. C. R. 9, Private Jefferson Howell Memorial Road,

H. C. R. 11, VFD Gregory Linn Haught Memorial Bridge,

Com. Sub. for H. C. R. 12, “U. S. Marine Private First Class Calvin Lee Loudin Memorial Bridge”,

H. C. R. 14, Assistant Chief David Timothy “Tim” Wilson Memorial Road,

H. C. R. 15, USMC Private Timith Daley Nunn Memorial Bridge,

H. C. R. 16, Thomas Leo Starsick Memorial Bridge,

H. C. R. 17, Ab and Laura Baisden Bridge,

H. C. R. 18, Caldwell Brothers Memorial Bridge,

Com. Sub. for H. C. R. 19, CPL Thomas Lowell Wines Memorial Bridge,

H. C. R. 20, SP4 Donnie Lee Hackney Memorial Bridge,

Com. Sub. for H. C. R. 22, “U.S. Army Corporal William Edgar Hancock Memorial Bridge”,

H. C. R. 23, Cody J. Mullens Memorial Bridge,

H. C. R. 25, U. S. Navy Sonarman First Class William C. Harris Memorial Bridge,

Com. Sub. for H. C. R. 26, PFC Jerry Lee Bassett Memorial Bridge,

H. C. R. 27, U. S. Army Sergeant Jerry Lee Harris Memorial Bridge,

H. C. R. 28, Karantonis Brothers Armed Forces Memorial Bridge,

H. C. R. 29, U.S. Army Sgt Thomas Lawson Memorial Bridge,

H. C. R. 30, Jack L. Hart Memorial Bridge,

H. C. R. 31, Stanley W. and Evelyn C. See Memorial Bridge,

H. C. R. 32, Sloan Brothers Memorial Bridge,

Com. Sub. for H. C. R. 33, U. S. Army PFC Gale Hall Memorial Bridge,

Com. Sub. for H. C. R. 34, U.S. Army Staff Sgt. Harlie Steven Gabbert Memorial Bridge,

H. C. R. 35, Gulf War Veteran’s Memorial Bridge,

H. C. R. 36, Chief Master Sgt. Dan Chandler Bridge,

Com. Sub. for H. C. R. 37, U. S. Army PFC Carl. J. Osburn Bridge,

H. C. R. 38, US Army PFC William Gorman Memorial Bridge,

Com. Sub. for H. C. R. 39, US Army SP3 Delbert Sherdan “Buck” Huffman Sr. Memorial Bridge,

Com. Sub. for H. C. R. 40, USMC MSG Edward P. & MP Carl A. McCray Memorial Bridge,
H. C. R. 41, Thurman W. Whisner Memorial Bridge,
H. C. R. 42, U.S. Army SSG William E. Miller Memorial Bridge,
H. C. R. 44, Frank Walker Mosley Memorial Bridge,
H. C. R. 45, Alexander Arbuckle "Abe" McLaughlin Memorial Bridge,
H. C. R. 46, Jacob "Jack" Taylor Rudolph, Sr. Memorial Bridge,
H. C. R. 50, Jack A. Hatfield Memorial Bridge,
H. C. R. 51, U. S. Army Colonel Merlin C. Kerns Memorial Bridge,
H. C. R. 53, U. S. Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge,
H. C. R. 59, Asa H. Kisamore, Jr. Memorial Bridge,
H. C. R. 60, Terra Dawn Lewis Memorial Road and Bridge,
H. C. R. 61, Mollohan Brothers Memorial Bridge,
Com. Sub. for H. C. R. 62, U.S. Army First Sergeant Clarence Shirley Blake Memorial Bridge,
And,
H. C. R. 68, U. S. Army Air Force, Major (Ret.) Willis "Scottie" Adams Memorial Bridge.

Delegate Ridenour requested that Com. Sub. for H. C. R. 7, Com. Sub. for H. C. R. 12, Com. Sub. for H. C. R. 19, H. C. R. 20, Com. Sub. for H. C. R. 22, Com. Sub. for H. C. R. 33, Com. Sub. for H. C. R. 37, Com. Sub. for H. C. R. 40 and H. C. R. 53, be taken up for individual consideration, and Delegate Espinosa requested that H. C. R. 31 be taken up for individual consideration.

The remaining resolutions were, in the absence of objection, considered en masse.

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

The yeas and nays having been ordered, they were taken (**Roll No. 222**), 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: Bridges.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolutions (H. C. R. 2, Com. Sub. for H. C. R. 3, H. C. R. 5, Com. Sub. for H. C. R. 9, H. C. R. 11, H. C. R. 14, H. C. R. 15, H. C. R. 16, H. C. R. 17, H. C. R. 18, H. C. R. 23, H. C. R. 25, Com. Sub. for H. C. R. 26, H. C. R. 27, H. C. R. 28, H. C. R. 29, H. C. R. 30, H. C. R. 31, H. C. R. 32, Com. Sub. for H. C. R. 34, H. C. R. 35, H. C. R. 36, H. C. R. 38, Com. Sub. for H. C.

R. 39, H. C. R. 41, H. C. R. 42, H. C. R. 44, H. C. R. 45, H. C. R. 46, H. C. R. 50, H. C. R. 51, H. C. R. 59, H. C. R. 60, H. C. R. 61, Com. Sub. for H. C. R. 62 and H. C. R. 68) adopted.

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

At the request of Delegate Householder, and by unanimous consent Com. Sub. for H. C. R. 7, Com. Sub. for H. C. R. 12, Com. Sub. for H. C. R. 19, H. C. R. 20 and Com. Sub. for H. C. R. 37 were postponed one day.

The House then proceeded to consideration of the following resolutions.

Com. Sub. for H. C. R. 22, U.S. Army Corporal William Edgar Hancock Memorial Bridge.

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

The yeas and nays having been ordered, they were taken (**Roll No. 223**), and there were-- yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Linville and Street.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. C. R. 22) 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. 31, Stanley W. and Evelyn C. See Memorial Bridge.

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

The yeas and nays having been ordered, they were taken (**Roll No. 224**), 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: Bridges and Street.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 31) adopted.

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. C. R. 33, U. S. Army PFC Gale Hall Memorial Bridge.

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

The yeas and nays having been ordered, they were taken (**Roll No. 225**), 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: Bridges and Street.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. C. R. 33) adopted.

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. C. R. 40, USMC MSG Edward P. & MP Carl A. McCray Memorial Bridge.

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

The yeas and nays having been ordered, they were taken (**Roll No. 226**), and there were--yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Garcia and Street.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (Com. Sub. for H. C. R. 40) 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. 53, U. S. Navy Quartermaster Third Class Lawrence Earl Boggs Memorial Bridge.

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

The yeas and nays having been ordered, they were taken (**Roll No. 227**), 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: Bridges and Hamilton.

So, a majority of the members present and voting having voted in the affirmative, the Speaker declared the resolution (H. C. R. 53) 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

Com. Sub. for S. B. 400, Creating limited waiver from certificate of public convenience and necessity requirement for certain water or sewer services projects; 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. 228**), 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: Bridges and Fluharty.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 400) passed.

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

On this question, the yeas and nays were taken (**Roll No. 229**), and there were--yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty and Willis.

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 S. B. 400) 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.

S. B. 507, Relating to repeal of WV EDGE; 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. 230**), and there were--yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Fluharty and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (S. B. 507) passed.

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

Com. Sub. for S. B. 544, Raising threshold for bid requirement of municipal public works projects; 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. 231**), and there were--yeas 94, nays 4, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Brooks, Dillon, Kirby and Longanacre.

Absent and Not Voting: Bridges and Willis.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for S. B. 544) passed.

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

Com. Sub. for S. B. 544 - "A Bill to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-13A-7 of said code; and to amend and reenact §16-13D-4 of said code, all relating to raising the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects, including any municipal public utility projects, and for public service district projects; establishing the threshold at \$50,000 for bids for

projects under the Regional Water And Wastewater And Stormwater Authority Act; and exempting emergency repairs from bidding requirements.”

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. 4971, Relating to Critical Materials Manufacturing Tax; 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. 232**), and there were--yeas 96, nays 1, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Kirby.

Absent and Not Voting: Bridges, Cooper and Mallow.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 4971) 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. 5017, Relating to mobile food establishment reciprocity; 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. 233**), and there were--yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper and Foggin.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5017) 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. 5082, Exempt those with 25 years holding an insurance license from attaining additional CEUs; on third reading, coming up in regular order, was read a third time.

Delegates Westfall, Jeffries, Hott, Hall, Green, Williams, Hornbuckle and Steele requested to be excused from voting under the provisions of House Rule 49.

The Speaker ruled that the Delegates were members of a class of persons possibly to be affected and did not excuse the Members from voting.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 234**), and there were--yeas 82, nays 16, absent and not voting 2, with the nays and the absent and not voting being as follows:

Nays: Akers, Fluharty, Garcia, Griffith, Hamilton, Hansen, Heckert, Hornbuckle, Kimble, Lewis, Pushkin, Rowe, Street, Ward, Williams and Young.

Absent and Not Voting: Bridges and Ferrell.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5082) passed.

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

Com. Sub. for H. B. 5082 - "A Bill to amend and reenact §33-12-8 of the Code of West Virginia, 1931, as amended, relating to creating an exception to certain continuing-education requirements for certain holders of insurance licenses; providing that persons who have held an insurance license for 25 continuous years or more are exempt from continuing-education requirements; providing that holders of insurance licenses who fall under the exception are still permitted to attend continuing-education courses; providing that persons qualifying for the exemption are still required to meet any continuing-education requirements that pertain to ethics."

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. 5159, Relating generally to child labor; on third reading, coming up in regular order, was reported by the Clerk.

No objections being heard, unanimous consent was obtained to offer an amendment on third reading.

On motion of Delegate Phillips, the bill was amended on page 2, section 5, line 3, by striking the words "work permits" and inserting in lieu thereof "age certificates".

Having been engrossed, the bill was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 235**), and there were--yeas 83, nays 16, absent and not voting 1, with the nays and the absent and not voting being as follows:

Nays: Cannon, Fluharty, Foggin, Garcia, Griffith, Hamilton, Hansen, Heckert, Hornbuckle, Kirby, E. Pritt, Pushkin, Rowe, Shamblin, Williams and Young.

Absent and Not Voting: Bridges.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5159) 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. 5175, Eliminate funding for the Center for Nursing and transfer its duties and authorities to the Higher Education Policy Commission; 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. 236**), and there were--yeas 97, nays none, absent and not voting 3, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Espinosa and Griffith.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5175) 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. 5223, To create the Southern Coalfield Resiliency and Revitalization Program; on third reading, coming up in regular order, was read a third time.

Delegate Hamilton asked and obtained unanimous consent to be added as a cosponsor of the bill (Com. Sub. for H. B. 5223).

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 237**), and there were--yeas 90, nays 5, absent and not voting 5, with the nays and the absent and not voting being as follows:

Nays: Coop-Gonzalez, Dillon, Kirby, Kump and Thorne.

Absent and Not Voting: Bridges, Cooper, Espinosa, C. Pritt and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5223) 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. 5540, Relating to fentanyl prevention and awareness Education (Laken's Law); on third reading, coming up in regular order, was read a third time.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 238**), and there were--yeas 95, nays none, absent and not voting 5, with the absent and not voting being as follows:

Absent and Not Voting: Bridges, Cooper, Espinosa, Foggin and Street.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5540) passed.

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

Delegate Lewis asked and obtained unanimous consent to be added as a cosponsor of Com. Sub. for H. B. 5540.

H. B. 5549, Allowing license plates, road signs, or markers to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them; on third reading, coming up in regular order, was reported by the Clerk.

Delegate Brooks asked and obtained unanimous consent to offer an amendment on third reading.

On motion of Delegate Brooks, the bill was amended on page 1, section 15, immediately following the enacting clause by striking everything after the enacting clause and inserting in lieu thereof the following:

“ARTICLE 4. CORRECTIONS MANAGEMENT.

§15A-4-15. Manufacture of license plates, road signs or markers; securing signs and markers when federal government reimburses state for cost thereof.

For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this state and road signs or markers of any description for state roads, the commissioner is hereby authorized and empowered on behalf of the state, to establish and operate a plant for the manufacture of the license plates and road signs or markers in his or her institution.

~~It shall be unlawful for any state official or employee to manufacture or obtain the license plates, road signs, or markers otherwise than as herein specified: *Provided*, That the Commissioner of Highways may originally secure road signs or markers from sources other than that provided herein. The Commissioner of Motor Vehicles may secure license plates from alternative sources if the division is unable to provide a six-month supply of said plates based on a shortage of resources, labor, or other circumstance beyond the control of the division.”~~

Having been engrossed, the bill was read a third time.

Delegate Hardy asked unanimous consent to recommit the bill (H. B. 5549) to the Committee on Finance, objection being heard.

Delegate Hardy then so moved.

On the question of committing the bill to the Committee on Finance, the yeas and nays were demanded, which demand was sustained.

Having been ordered, the yeas and nays were taken (**Roll No. 239**), and there were--yeas 28, nays 70, absent and not voting 2, with the yeas and the absent and not voting being as follows:

Yeas: Brooks, Cooper, Criss, Dillon, Ferrell, Fluharty, Foggin, Forsht, Griffith, Hamilton, Hansen, Hardy, Heckert, Hornbuckle, Horst, Jennings, Lewis, Martin, Nestor, Pinson, Pushkin, Riley, Rowe, Street, Thorne, Westfall, Williams and Young.

Absent and Not Voting: Bridges and Espinosa.

So, a majority of the members present not having voted in the affirmative, the motion was rejected.

The question being on the passage of the bill, the yeas and nays were taken (**Roll No. 240**), and there were--yeas 68, nays 29, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Cooper, Criss, Ferrell, Fluharty, Hamilton, Hansen, Hardy, Heckert, Hornbuckle, Horst, Jeffries, Jennings, Kimble, Lewis, Longanacre, Pinson, Pushkin, Riley, Ross, Rowe, Shamblin, Steele, Thorne, Toney, Ward, Westfall, Williams, Winzenreid and Young.

Absent and Not Voting: Bridges, Espinosa and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (H. B. 5549) passed.

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

H. B. 5549 - "A Bill to amend and reenact §15A-4-15 of the Code of West Virginia, 1931, as amended, relating to allowing license plates to be obtained from alternative sources when the Division of Corrections and Rehabilitation is unable to produce them."

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. 5553, To provide and change graduation requirements and change duties relating to academic content standards; 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. 241**), and there were--yeas 89, nays 7, absent and not voting 4, with the nays and the absent and not voting being as follows:

Nays: Dillon, Kimble, Pushkin, Summers, Thorne, Winzenreid and Young.

Absent and Not Voting: Bridges, Espinosa, Kirby and E. Pritt.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5553) 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. 5650, Allow suspended school personnel to enter school property functions open to the public; 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. 242**), and there were--yeas 93, nays 4, absent and not voting 3, with the nays and the absent and not voting being as follows:

Nays: Griffith, Pushkin, Rowe and Thorne.

Absent and Not Voting: Bridges, Espinosa and Linville.

So, a majority of the members present having voted in the affirmative, the Speaker declared the bill (Com. Sub. for H. B. 5650) 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

S. B. 461, Relating to county economic opportunity development districts; 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 S. B. 668, Increasing amount of certain controlled substances persons may purchase annually; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Summers, the bill was amended on page 1, line 3, by removing the words "61 and two-tenths" and inserting the words "86 and four-tenths" in lieu thereof.

The bill was then ordered to third reading.

H. B. 4299, Permit teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer; on second reading, coming up in regular order, was read a second time.

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

Com. Sub. for H. B. 5065, Regarding continuing education requirements and compensation of Guardians Ad Litem; on second reading, coming up in regular order, was read a second time.

An amendment recommended by the Committee on Finance was reported by the Clerk.

Whereupon,

Delegate Criss asked and obtained unanimous consent to have the amendment withdrawn.

Delegate Criss then asked and obtained unanimous consent to withdraw the previous request.

The Committee on Finance moved to amend the bill on page 1, following the enacting clause, by striking out the remainder of the bill and inserting in lieu thereof the following:

"CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 21. PUBLIC DEFENDER SERVICES.

§29-21-13a. Compensation and expenses for panel attorneys.

(a) All panel attorneys shall maintain detailed and accurate records of the time expended and expenses incurred on behalf of eligible clients, and which records are to be maintained in a form

that will enable the attorney to determine for any day the periods of time expended in tenths of an hour on behalf of any eligible client and the total time expended in tenths of an hour on that day on behalf of all eligible clients: *Provided*, That in no event may panel attorneys be required to maintain or submit the actual start and finish times of work performed.

(b) Upon completion of each case, exclusive of appeal, panel attorneys shall submit to Public Defender Services a voucher for services. Public Defender Services shall electronically acknowledge the submission of a voucher. Claims for fees and expense reimbursements shall be submitted to Public Defender Services on forms approved by the executive director. The executive director shall establish guidelines for the submission of vouchers and claims for fees and expense reimbursements under this section. Claims submitted more than 90 business days after the last date of service shall be rejected unless, for good cause, the appointing court authorizes in writing an extension.

(c) Public Defender Services shall review the voucher to determine if the time and expense claims are reasonable, necessary, and valid. A voucher found to be correct shall be processed and payment promptly directed within 45 business days of submission of the voucher.

(d)(1) If Public Defender Services rejects a voucher, the attorney submitting the voucher shall be notified electronically of the rejection and provided detailed reasons for the rejection within 30 business days of submission of the voucher. The attorney may resubmit the voucher accompanied by copies of his or her records supporting the voucher and certification from the appointing court that the services or expenses were performed or incurred, and were reasonable and necessary, within 15 business days of receipt of notification. The executive director shall make a final agency decision regarding the rejection of the voucher within 15 business days of receipt of the submitted records and certification. Under no circumstances may the executive director have the authority or require any panel attorney to submit privileged client information.

(2) If the final agency decision is to reject the voucher, Public Defender Services shall request review of the final agency decision by motion to the appointing court filed within 15 business days of notice of the final agency decision. After a hearing providing the attorney and Public Defender Services an opportunity to be heard, the appointing court shall have final authority to resolve the issue of payment and to order all remedies available under the West Virginia Rules of Civil Procedure.

(e) If Public Defender Services reduces the amount of compensation claimed or reimbursement requested, the attorney submitting the voucher shall be notified electronically of the reduction and detailed reasons for the reduction within 30 business days of the submission of the voucher. The attorney may:

(1) Agree with the reduction and certify his or her agreement electronically to Public Defender Services which shall then proceed to process payment; or

(2) Disagree with the reduction and request payment of the reduced amount while preserving the ability to contest the reduction;

(3) An attorney proceeding pursuant to this subsection shall inform Public Defender Services of his or her decision by electronic means within 15 business days of receipt of the notice of reduction. If there is no communication from the attorney within 15 business days of receipt of the notice of reduction, then the reduction is deemed to be accepted by the attorney;

(4) The attorney may submit records and certification from the appointing court that the services or expenses reflected in the amount reduced were performed or incurred and were reasonable and necessary. The executive director shall then make a final agency decision regarding the reduction within 15 business days of receipt of the submitted records and certification. Under no circumstances may the executive director have the authority to require any panel attorney to submit privileged client information;

(5) If the attorney disagrees with the final agency decision, and the attorney and the executive director cannot reach an agreement regarding the reduction within 15 business days of the receipt of the notice of the final agency decision, Public Defender Services shall request review of the final agency decision by motion to the appointing court filed within 15 business days of notice of the final agency decision. After a hearing providing the attorney and Public Defender Services an opportunity to be heard, the appointing court shall have final authority to resolve the issue of payment, and to order all remedies available under the West Virginia Rules of Civil Procedure;

(6) If there is no communication from Public Defender Services within 30 business days of the submission of the voucher, the voucher is deemed to have been approved for payment without reduction.

(f) Notwithstanding any provisions of this code to the contrary, the executive director may employ in-house counsel to represent Public Defender Services in hearings held pursuant to this article.

(g) Except for the emergency rule-making provision set forth in §29-21-6(h) (i) of this code, the provisions of the amendments to this article enacted during the 2019 regular session of the Legislature shall be effective July 1, 2019.

(h) Notwithstanding any other provision of this section to the contrary, Public Defender Services may pay by direct bill, prior to the completion of the case, litigation expenses incurred by attorneys appointed under this article.

(i) Notwithstanding any other provision of this section to the contrary, a panel attorney may be compensated for services rendered and reimbursed for expenses incurred prior to the completion of the case where: (1) More than six months have expired since the commencement of the panel attorney's representation in the case; and (2) no prior payment of attorney fees has been made to the panel attorney by Public Defender Services during the case. The executive director, in his or her discretion, may authorize periodic payments where ongoing representation extends beyond six months in duration. The amounts of any fees or expenses paid to the panel attorney on an interim basis, when combined with any amounts paid to the panel attorney at the conclusion of the case, shall not exceed the limitations on fees and expenses imposed by this section.

(j) In each case in which a panel attorney provides legal representation under this article, and in each appeal after conviction in circuit court, the panel attorney shall be compensated at the following rates for actual and necessary time expended for services performed and expenses incurred subsequent to the effective date of this article:

(1) For attorney's work performed out of court, compensation shall be at the rate of \$60 per hour; Provided, That a panel attorney who serves as legal counsel or guardian ad litem for a minor child in a child abuse or neglect proceeding shall be compensated for work performed out of court on or after July 1, 2024, at the rate of \$105 per hour.

Out-of-court work includes, but is not limited to, travel, interviews of clients or witnesses, preparation of pleadings, and prehearing or pretrial research;

(2) For attorney's work performed in court, compensation shall be at the rate of \$80 per hour; Provided, That a panel attorney who serves as legal counsel or guardian ad litem for a minor child in a child abuse or neglect proceeding shall be compensated for work performed in court on or after July 1, 2024, at the rate of \$125 per hour.

In-court work includes, but is not limited to, multidisciplinary team meetings convened pursuant to §49-4-405 of this code and, all time spent awaiting hearing or trial before a judge, magistrate, special master, or other judicial officer;

(3) Compensation for legal services performed for a panel attorney by a paralegal out-of-court is to be calculated using a rate of \$20 per hour and no such compensation is to be paid for in-court services performed for a panel attorney by a paralegal absent prior approval of the circuit court before whom the panel attorney is appearing and subject to maximum reimbursement amounts set by agency rule;

(4) The maximum amount of compensation for out-of-court and in-court work under this subsection is as follows: For proceedings of any kind involving felonies for which a penalty of life imprisonment may be imposed, the amount as the court may approve; for all other eligible proceedings, \$4,500 unless the court, for good cause shown, approves payment of a larger sum.

(k) Actual and necessary expenses incurred in providing legal representation for proceedings of any kind involving felonies for which a penalty of life imprisonment may be imposed, including, but not limited to, expenses for travel, transcripts, salaried or contracted investigative services, and expert witnesses, shall be reimbursed in an amount as the court may approve. For all other eligible proceedings, actual and necessary expenses incurred in providing legal representation, including, but not limited to, expenses for travel, transcripts, salaried or contracted investigative services and expert witnesses, shall be reimbursed to a maximum of \$2,500 unless the court, for good cause shown, approves reimbursement of a larger sum.

(l) Expense vouchers shall specifically set forth the nature, amount, and purpose of expenses incurred and shall provide receipts, invoices, or other documentation required by the executive director and the State Auditor as follows:

(1) Reimbursement of expenses for production of transcripts of proceedings reported by a court reporter is limited to the cost per original page and per copy page as set forth in §51-7-4 of this code;

(2) There may be no reimbursement of expenses for or production of a transcript of a preliminary hearing before a magistrate or juvenile referee, or of a magistrate court trial, where the hearing or trial has also been recorded electronically in accordance with the provisions of §50-5-8 of this code or court rule;

(3) Reimbursement of the expense of an appearance fee for a court reporter who reports a proceeding other than one described in subdivision (2) of this subsection is limited to \$25. Where a transcript of a proceeding is produced, there may be no reimbursement for the expense of any appearance fee;

(4) Except for the appearance fees provided in this subsection, there may be no reimbursement for hourly court reporters' fees or fees for other time expended by the court reporter, either at the proceeding or traveling to or from the proceeding;

(5) Reimbursement of the cost of transcription of tapes electronically recorded during preliminary hearings or magistrate court trials is limited to \$1 per page;

(6) Reimbursement for any travel expense incurred in an eligible proceeding is limited to the rates for the reimbursement of travel expenses established by rules promulgated by the Governor pursuant to the provisions of ~~§12-8-11~~ §12-3-11 of this code and administered by the Secretary of the Department of Administration pursuant to the provisions of §5A-3-48 of this code;

(7) Reimbursement for investigative services is limited to a rate of \$30 per hour for work performed by an investigator.

(m) For purposes of compensation under this section, an appeal from magistrate court to circuit court, an appeal from a final order of the circuit court, or a proceeding seeking an extraordinary remedy made to the Supreme Court of Appeals shall be considered a separate case.

(n) Vouchers submitted under this section shall specifically set forth the nature of the service rendered, the stage of proceeding or type of hearing involved, the date and place the service was rendered, and the amount of time expended in each instance. All time claimed on the vouchers shall be itemized to the nearest tenth of an hour. If the charge against the eligible client for which services were rendered is one of several charges involving multiple warrants or indictments, the voucher shall indicate the fact and sufficiently identify the several charges so as to enable Public Defender Services to avoid a duplication of compensation for services rendered. The executive director shall refuse to requisition payment for any voucher which is not in conformity with the recordkeeping, compensation, or other provisions of this article or the voucher guidelines established ~~issued~~ pursuant to this article and in such circumstance shall return the voucher to the court or to the service provider for further review or correction.

(o) Vouchers submitted under this section shall be reimbursed within 90 days of receipt. Reimbursements after 90 days shall bear interest from the 91st day at the legal rate in effect for the calendar year in which payment is due.

(p) Vouchers submitted for fees and expenses involving child abuse and neglect cases shall be processed for payment before processing vouchers submitted for all other cases.

(q) Upon a dismissal of or a finding of not guilty concerning a criminal charge, should the charge or charges for which the indigent defendant was afforded counsel qualify for an expungement of charges under §61-11-25 of this code, the defendant shall be afforded continued representation upon the terms specified in this section. The Panel Attorney shall include the services performed by panel attorneys in regard to an expungement on the same voucher or a subsequent voucher submitted concerning the same case number as the one submitted to Public Defender Services for the underlying criminal charge or charges. The maximum amount of compensation for out-of-court and in-court work under this section shall be limited to \$1,000 for expungement services in addition to the limits imposed on the underlying criminal charge or charges, unless the court, for good cause shown, approves payment of a larger sum. The actual and necessary expenses incurred in providing legal representation for expungement proceedings

under this section shall be reimbursed to a maximum of \$500 unless the court, for good cause shown, approves reimbursement of a larger sum.

CHAPTER 44. ADMINISTRATION OF ESTATES AND TRUSTS.

ARTICLE 10. GUARDIANS AND WARDS GENERALLY.

§44-10-14. Minor settlement proceedings.

This section shall be known as the "Minor Settlement Proceedings Reform Act".

(a) If a minor suffers injury to his or her person or property, the parent, guardian or next friend of the minor may negotiate a settlement of the minor's claim for damages prior to or subsequent to the filing of an action for damages.

(b) *Filing of petition or motion.* -- In order to secure a release of the party or parties allegedly responsible for the injury or loss, the parent, next friend or guardian of the minor shall file a verified petition in the circuit court of the county in which the minor resides or in which an action for damages may be filed in accordance with the provisions of ~~section one, article one, chapter fifty-six~~ §56-1-1 et seq. of this code: *Provided*, That if an action for damages of the minor is pending in circuit court, the petition shall be filed, verified and served as a motion in the pending action and may be filed by a parent, guardian or next friend.

(c) *Contents of petition or motion.* -- The petition or motion shall request approval by the court of the terms of the proposed settlement, the release of liability and the manner of distribution of settlement proceeds. The petition or motion shall also state the following:

- (1) The name, gender and age of the minor;
- (2) The facts of the injury and damages of the minor relied upon in requesting the court to consider and approve the proposed settlement and release;
- (3) The circumstances and events leading to the injury or loss at issue and the identities of the persons or entities alleged to be responsible for the injury or loss;
- (4) The identities of the persons or entities to be released;
- (5) The circumstances of the minor at the time of the petition or motion;
- (6) The relationship of the petitioner or moving party to the minor;
- (7) The nature and effect of the injury;
- (8) The sum of expenses expended for the treatment and care of the minor for the injuries at issue;
- (9) An estimate of future expenses for the treatment and care of the minor related to the injury and how such expenses would be satisfied from the settlement proceeds;
- (10) A proposal as to how the costs and expenses of processing the settlement and release are to be satisfied;

(11) A proposal for distribution of other settlement proceeds; and

(12) A request for such other relief as the court may determine is appropriate in the best interests of the child.

(d) *Guardian ad litem*. -- Upon the filing of a petition or motion, the court shall appoint an attorney to serve as a guardian ad litem to *Provided, That the attorney appointed pursuant to this subsection has completed the same continuing education requirements provided in §49-4-601 of this code for child and neglect proceedings.*

(e) An appointed guardian ad litem shall:

(1) Review and confirm the facts set forth in the petition and the facts and circumstances of the minor, including the injuries and losses of the minor alleged to have been caused by the party or parties to be released as alleged in the petition or motion; the treatment and conditions past, present and in the foreseeable future of the minor as a result of the injuries and losses at issue; the proposed amounts and procedures for distribution of settlement proceeds; and other relevant information appearing in the petition or motion or otherwise; and

(2) File an answer to the petition or motion on behalf of the minor, stating the opinion of the guardian ad litem as to whether or not the proposed settlement and release and the proposed distribution of proceeds are in the best interest of the minor.

~~(e)~~ (f) *Hearing*. -- A hearing shall be conducted on the petition or motion, at which time the court shall take testimony and consider arguments regarding the alleged injuries or losses and the proposals for the settlement, release, initial payment of expenses and the distribution of settlement proceeds: *Provided, That the court may order that the minor appear and testify if the court finds that his or her appearance or testimony is appropriate for consideration by the court of the proposed settlement.*

~~(f)~~ (g) *Release form*. -- If the court grants the requested relief, a release of the claim of the minor against the persons or entities alleged to be responsible for the injuries or losses and who are identified in the petition or motion to be released from liability, any other persons or entities making payment on behalf of those persons or entities and any subsidiaries or successor persons or entities shall be executed by a party authorized by the court to execute the release. The release shall be in form or effect as follows:

I,....., the [guardian or other person authorized to execute the release] of....., a minor, in consideration of the sum of \$....., and under authority of an order of the circuit court of..... County, entered on the..... day of....., 20....., pursuant to West Virginia Code 44-10-14, do hereby release..... from all claims and demands on account of injuries allegedly inflicted upon the minor and any property of the minor on the..... day of....., at.....

(Signature)

[Guardian or other person authorized by the court to execute the release] of.....

~~(g)~~ (h) *Order approving or rejecting settlement.* -- The court shall enter an order with findings of fact and granting or rejecting the proposed settlement, release and distribution of settlement proceeds. If the requested relief is granted, the court shall provide by order that an attorney appearing in the proceeding or other responsible person shall negotiate, satisfy and pay initial expense payments from settlement proceeds, the costs and fees incurred for the settlement and any bond required therefor, expenses for treatment of the minor related to the injury at issue, payments to satisfy any liens on settlement proceeds, if any, and such other directives as the court finds appropriate to complete the settlement and secure the proceeds for the minor.

(1) In allowing the payment of settlement proceeds for attorney fees, legal expenses, court costs and other costs of securing the settlement in such reasonable amounts as the court finds in its discretion to be appropriate, the court shall consider the amount to be paid as damages, the age and necessities of the minor, the nature of the injury, the difficulties involved in effecting the settlement, legal expenses and fees paid to attorneys in similar cases and any other matters which the court determines should be considered in achieving a proper and equitable distribution of settlement proceeds.

(2) In allowing any sums to be paid to the minor or to another person to be used for the immediate personal benefit of the minor, the court shall state further the terms under which such payments shall be made, including the use for which such sums may be expended and the times on which such payments shall be made: *Provided*, That such payments shall be made no later than twenty-four months after entry of the order.

(3) The order shall provide that settlement proceeds remaining after the initial payment of expenses shall be deemed net settlement trust proceeds.

(4) If the net settlement proceeds are less than \$25,000, the court may order that the person authorized to pay the initial expenses deposit net settlement trust proceeds into a regulated financial institution or institutions with a principal place of business in this state, in interest bearing certificates of deposit or accounts or securities that are fully insured by federal deposit insurance, in the name of the minor and payable by the financial institution only to the minor upon presentation of proper identification after the minor attains the age of majority: *Provided*, That such person may be authorized by the court to transfer funds to a substitute qualified institution or institutions from the financial institution or institutions initially selected: *Provided, however*, That any substitution shall be reported to any fiduciary commissioner or supervisor of the county that the court has designated to review of the status of the investment and security of net settlement trust proceeds: *Provided further*, That whenever net settlement trust proceeds are deposited into a bank pursuant to the provisions of this paragraph, such bank shall, within ten days of receipt of such funds, file with the clerk of the court an acknowledgment that the funds have been received and that such funds may be withdrawn only by the minor upon his or her reaching the age of majority or upon order of the court.

(5) The order shall provide that within sixty days of the entry of the order, a statement of initial expense payments and an inventory of net settlement trust proceeds and any income earned thereon shall be filed by the person authorized to pay initial expenses with the fiduciary commissioner or supervisor of the county commission designated by the court to review the status of settlement proceeds for the minor.

(6) The order shall direct that a certified copy of the order of the court approving the settlement be provided by the clerk of the circuit court to the fiduciary commissioner or supervisor designated by the court to review the status of settlement proceeds.

(7) The order shall provide that the appointed guardian ad litem be reimbursed for any actual and necessary expenses incurred in performance of their duties pursuant to this article and compensated for legal services at a rate of \$200 per hour.

~~(h)~~ (i) *Appointment of conservator and reports to fiduciary officers.* -- The court may appoint a conservator to serve as the person responsible for investment and control of net settlement trust proceeds until the minor attains the age of majority or at such later time as the court may order upon terms the court finds to be in the best interest of the minor, taking into consideration any special needs of the minor at any age. The conservator may be a guardian appointed pursuant to ~~section three of this article~~ §44-10-3 of this code or other responsible person.

(1) Neither the corpus nor income accumulated on net settlement trust proceeds shall be used for the maintenance or care of the minor during his or her minority, absent unusual circumstances or special needs of the minor specified in the order approving the settlement. The corpus or income earned thereon may not be invaded, revised or subjected to assignment, levy, garnishment or other order, except as shall be first approved by order of the court approving the settlement.

(2) The court shall determine the amount and necessity for bond of the conservator and for any surety of the bond of the conservator, payable on behalf of the minor in an amount sufficient to protect the principal of net settlement trust proceeds, unless the court finds the conservator is already under bond and surety of bond sufficient for the purpose. The bond of the conservator and surety for the bond of the conservator shall be in form and type acceptable to the fiduciary commissioner or supervisor of the county commission designated by the court to review the reports of the conservator and shall be conditioned to account for and pay over the amount of net settlement trust proceeds as provided for by the order of the court. The clerk of the circuit court shall provide to the office of such fiduciary commissioner or supervisor a certified copy of the court's order approving the settlement and distribution of proceeds and such fiduciary commissioner or supervisor shall file and record the order with any bond of the conservator that may be required by the court approving the settlement and distribution of proceeds.

(3) A report of net settlement trust proceeds and income earned thereon for each calendar year shall be filed by the conservator by February 1 next following the end of the calendar year in which the order approving the settlement is entered and every year thereafter in accordance with the terms of the court order.

(4) If the amount of net settlement trust proceeds is less than \$25,000, the court may include in the order approving the settlement a waiver of any or all of the requirements regarding reference to a fiduciary officer, the filing of the order or of any other reports or statements of accounts with a fiduciary commissioner or supervisor of the county commission designated by the court, the posting of bond and corporate or other surety of bond of the conservator and any listing and publication of accounts.

CHAPTER 49. CHILD WELFARE.

ARTICLE 4. COURT ACTIONS.

PART VI. PROCEDURES IN CASES OF CHILD NEGLECT OR ABUSE

§49-4-601. Petition to court when child believed neglected or abused; venue; notice; right to counsel; continuing legal education; findings; proceedings; procedure.

(a) *Petitioner and venue.* -- If the department or a reputable person believes that a child is neglected or abused, the department or the person may present a petition setting forth the facts to the circuit court in the county in which the child resides, or if the petition is being brought by the department, in the county in which the custodial respondent or other named party abuser resides, or in which the abuse or neglect occurred, or to the judge of the court in vacation. Under no circumstance may a party file a petition in more than one county based on the same set of facts.

(b) *Contents of Petition.* -- The petition shall be verified by the oath of some credible person having knowledge of the facts. The petition shall allege specific conduct including time and place, how the conduct comes within the statutory definition of neglect or abuse with references thereto, any supportive services provided by the department to remedy the alleged circumstances and the relief sought.

(c) *Court action upon filing of petition.* -- Upon filing of the petition, the court shall set a time and place for a hearing and shall appoint counsel for the child. When there is an order for temporary custody pursuant to this article, the preliminary hearing shall be held within ten days of the order continuing or transferring custody, unless a continuance for a reasonable time is granted to a date certain, for good cause shown.

(d) *Department action upon filing of the petition.* -- At the time of the institution of any proceeding under this article, the department shall provide supportive services in an effort to remedy circumstances detrimental to a child.

(e) *Notice of hearing.* --

(1) The petition and notice of the hearing shall be served upon both parents and any other custodian, giving to the parents or custodian at least five days' actual notice of a preliminary hearing and at least ten days' notice of any other hearing.

(2) Notice shall be given to the department, any foster or preadoptive parent, and any relative providing care for the child.

(3) In cases where personal service within West Virginia cannot be obtained after due diligence upon any parent or other custodian, a copy of the petition and notice of the hearing shall be mailed to the person by certified mail, addressee only, return receipt requested, to the last known address of the person. If the person signs the certificate, service shall be complete and the certificate shall be filed as proof of the service with the clerk of the circuit court.

(4) If service cannot be obtained by personal service or by certified mail, notice shall be by publication as a Class II legal advertisement in compliance with ~~article three, chapter fifty nine~~ §59-3-1 et seq. of this code.

(5) A notice of hearing shall specify the time and place of the hearing, the right to counsel of the child and parents or other custodians at every stage of the proceedings and the fact that the proceedings can result in the permanent termination of the parental rights.

(6) Failure to object to defects in the petition and notice may not be construed as a waiver.

(f) *Right to counsel.* --

(1) In any proceeding under this article, the child, his or her parents and his or her legally established custodian or other persons standing in *loco parentis* to him or her has the right to be represented by counsel at every stage of the proceedings and shall be informed by the court of their right to be so represented and that if they cannot pay for the services of counsel, that counsel will be appointed.

(2) Counsel shall be appointed in the initial order. For parents, legal guardians, and other persons standing in *loco parentis*, the representation may only continue after the first appearance if the parent or other persons standing in *loco parentis* cannot pay for the services of counsel.

(3) Counsel for other parties shall only be appointed upon request for appointment of counsel. If the requesting parties have not retained counsel and cannot pay for the services of counsel, the court shall, by order entered of record, appoint an attorney or attorneys to represent the other party or parties and so inform the parties.

(4) Under no circumstances may the same attorney represent both the child and the other party or parties, nor may the same attorney represent both parents or custodians. However, one attorney may represent both parents or custodians where both parents or guardians consent to this representation after the attorney fully discloses to the client the possible conflict and where the attorney assures the court that she or he is able to represent each client without impairing her or his professional judgment; however, if more than one child from a family is involved in the proceeding, one attorney may represent all the children.

(5) A parent who is a copetitioner is entitled to his or her own attorney. The court may allow to each attorney so appointed a fee in the same amount which appointed counsel can receive in felony cases.

~~(g) Continuing education for counsel. -- Any attorney representing a party under this article shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. In addition to this requirement, any~~ Any attorney representing a party under this article shall receive a minimum of eight hours of continuing legal education training per reporting period on child abuse and neglect procedure and practice. Any attorney appointed to represent a child or serve as a guardian ad litem must first complete training on representation of children that is approved by the administrative office of the Supreme Court of Appeals. The Supreme Court of Appeals shall develop procedures for approval and certification of training required under this section. ~~Where no attorney has completed the training required by this subsection, the court shall appoint a competent attorney with demonstrated knowledge of child welfare law to represent the parent or child.~~ Any attorney appointed pursuant to this section shall perform all duties required of an attorney licensed to practice law in the State of West Virginia.

(h) *Right to be heard.* -- In any proceeding pursuant to this article, the party or parties having custodial or other parental rights or responsibilities to the child shall be afforded a meaningful opportunity to be heard, including the opportunity to testify and to present and cross-examine witnesses. Foster parents, preadoptive parents, and relative caregivers shall also have a meaningful opportunity to be heard.

(i) *Findings of the court.* -- Where relevant, the court shall consider the efforts of the department to remedy the alleged circumstances. At the conclusion of the adjudicatory hearing, the court shall make a determination based upon the evidence and shall make findings of fact and conclusions of law as to whether the child is abused or neglected and whether the respondent

is abusing, neglecting, or, if applicable, a battered parent, all of which shall be incorporated into the order of the court. The findings must be based upon conditions existing at the time of the filing of the petition and proven by clear and convincing evidence.

(j) *Priority of proceedings.* -- Any petition filed and any proceeding held under this article shall, to the extent practicable, be given priority over any other civil action before the court, except proceedings under ~~section three hundred nine, article twenty-seven, chapter forty-eight~~ §48-27-309 of this code and actions in which trial is in progress. Any petition filed under this article shall be docketed immediately upon filing. Any hearing to be held at the end of an improvement period and any other hearing to be held during any proceedings under this article shall be held as nearly as practicable on successive days and, with respect to the hearing to be held at the end of an improvement period, shall be held as close in time as possible after the end of the improvement period and shall be held within thirty days of the termination of the improvement period.

(k) *Procedural safeguards.* -- The petition may not be taken as confessed. A transcript or recording shall be made of all proceedings unless waived by all parties to the proceeding. The rules of evidence shall apply. Following the court's determination, it shall be inquired of the parents or custodians whether or not appeal is desired and the response transcribed. A negative response may not be construed as a waiver. The evidence shall be transcribed and made available to the parties or their counsel as soon as practicable, if the same is required for purposes of further proceedings. If an indigent person intends to pursue further proceedings, the court reporter shall furnish a transcript of the hearing without cost to the indigent person if an affidavit is filed stating that he or she cannot pay therefor."

On motion of Delegates Burkhammer and Pinson, the amendment was amended on page 7, section 13a, line 172, by inserting the following language after the word "sum.":

(r) Beginning on July 1, 2024, Public Defender Services shall annually provide to the Legislative Oversight Commission on Health and Human Resources, the Foster Care Ombudsman, and the West Virginia Supreme Court of Appeals a report summarizing legal services that are being provided by the submission of a voucher by panel attorneys serving as guardians ad litem in the courts the state. Each agency report will contain a summary of the following legal services being provided by panel attorneys serving as guardians ad litem:

(1) The average per case number of multidisciplinary team meetings attended by appointed guardians ad litem from the initial appointment date until permanency for the child has been achieved as reflected by court order;

(2) The average amount of cases an appointed panel attorney served as a guardian ad litem;

(3) The average length of time that a child abuse or neglect proceeding lasts from the date of the initial appointment of a panel guardian ad litem until an order is entered that finds that permanency for the child has been achieved;

(4) The average number of in-person visits or conferences that appointed guardians ad litem have with their clients, or when appropriate the client's parents or caretaker, including the aggregate number of cases that appointed guardians ad litem have an in-person visit, or conference, with their client, or when appropriate a client's parents or caretaker, and the aggregate number of cases that guardians ad litem did not have an in-person visit or conference with their client, or client's parents or caretaker: *Provided*, That nothing in this subsection will

require the disclosure by any guardian ad litem of any information protected by attorney client privilege.

(5) The average number of out-of-court hours itemized and billed in each case by an appointed panel attorney serving as guardian ad litem from the initial appointment date until permanency for the child has been achieved as reflected by court order;

(6) The average number of in-court hours itemized and billed in each case by an appointed panel attorney serving as guardian ad litem from the initial appointment date until permanency for the child has been achieved as reflected by court order;

(7) The average number of hours itemized and billed in each case as travel time by an appointed panel attorney serving as guardian ad litem from the initial appointment date until permanency for the child has been achieved as reflected by court order.”

An amendment offered by Delegates Burkhammer and Pinson was reported by the Clerk.

Whereupon,

Delegate Burkhammer asked and obtained unanimous consent to withdraw the amendment.

The amendment recommended by the Committee on Finance, as amended, was then adopted.

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 5347, Relating to establishing a program for emergency medical services personnel to become certified paramedics; on second reading, coming up in regular order, was read a second time.

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

"§16-4C-6. Powers and duties of commissioner secretary.

The ~~commissioner~~ secretary has the following powers and duties:

(a) To propose rules for legislative approval, in consultation with the state health officer, in accordance with the provisions of §29A-3-1 *et seq.* of this code: *Provided*, That the rules have been submitted at least 30 days in advance for review by the Emergency Medical Services Advisory Council, who may act only in the presence of a quorum. The rules may include:

(1) Standards and requirements for certification and recertification of emergency medical service personnel, including, but not limited to:

(A) Age, training, testing, and continuing education;

(B) Procedures for certification and recertification, and for denying, suspending, revoking, reinstating, and limiting a certification or recertification;

(C) Levels of certification and the scopes of practice for each level;

(D) Standards of conduct; and

(E) Causes for disciplinary action and sanctions which may be imposed.

(2) Standards and requirements for licensure and licensure renewals of emergency medical service agencies, including:

(A) Operational standards, levels of service, personnel qualifications and training, communications, public access, records management, reporting requirements, medical direction, quality assurance and review, and other requirements necessary for safe and efficient operation;

(B) Inspection standards and establishment of improvement periods to ensure maintenance of the standards;

(C) Fee schedules for licensure, renewal of licensure, and other necessary costs;

(D) Procedures for denying, suspending, revoking, reinstating, or limiting an agency licensure;

(E) Causes for disciplinary action against agencies; and

(F) Administrative penalties, fines, and other disciplinary sanctions which may be imposed on agencies;

(3) Standards and requirements for emergency medical services vehicles, including classifications and specifications;

(4) Standards and requirements for training institutions, including approval or accreditation of sponsors of continuing education, course curricula, and personnel;

(5) Standards and requirements for a State Medical Direction System, including qualifications for a state emergency medical services medical director and regional medical directors, the establishment of a State Medical Policy and Care Committee, and the designation of regional medical command centers;

(6) Provision of services by emergency medical services personnel in hospital emergency rooms;

(7) Authorization to temporarily suspend the certification of an individual emergency medical services provider prior to a hearing or notice if the ~~commissioner~~ secretary finds there is probable cause that the conduct or continued service or practice of any individual certificate holder has or may create a danger to public health or safety: *Provided*, That the ~~commissioner~~ secretary may rely on information received from a physician that serves as a medical director in finding that probable cause exists to temporarily suspend the certification; and

(8) Any other rules necessary to carry out the provisions of this article;

(b) To apply for, receive, and expend advances, grants, contributions, and other forms of assistance from the state or federal government or from any private or public agencies or foundations to carry out the provisions of this article;

(c) To design, develop, and review, in consultation with the state health officer, a Statewide Emergency Medical Services Implementation Plan. The plan shall recommend aid and assistance and all other acts necessary to carry out the purposes of this article:

(1) To encourage local participation by area, county, and community officials, and regional emergency medical services boards of directors; and

(2) To develop a system for monitoring and evaluating emergency medical services programs throughout the state;

(d) To provide professional and technical assistance and to make information available to regional emergency medical services boards of directors and other potential applicants or program sponsors of emergency medical services for purposes of developing and maintaining a statewide system of services;

(e) To assist local government agencies, regional emergency medical services boards of directors, and other public or private entities in obtaining federal, state, or other available funds and services;

(f) To cooperate and work with federal, state, and local governmental agencies, private organizations, and other entities as may be necessary to carry out the purposes of this article;

(g) To acquire in the name of the state by grant, purchase, gift, devise, or any other methods appropriate, real and personal property as may be reasonable and necessary to carry out the purposes of this article;

(h) To make grants and allocations of funds and property so acquired or which may have been appropriated to the agency to other agencies of state and local government as may be appropriate to carry out the purposes of this article;

(i) To expend and distribute by grant or bailment funds and property to all state and local agencies for the purpose of performing the duties and responsibilities of the agency all funds which it may have so acquired or which may have been appropriated by the Legislature of this state;

(j) To develop, in consultation with the state health officer, a program to inform the public concerning emergency medical services;

(k) To review and disseminate information regarding federal grant assistance relating to emergency medical services;

(l) To prepare and submit to the Governor and Legislature recommendations for legislation in the area of emergency medical services;

(m) To review, make recommendations for, and assist, in consultation with the state health officer, in all projects and programs that provide for emergency medical services whether or not the projects or programs are funded through the Office of Emergency Medical Services. A review and approval shall be required for all emergency medical services projects, programs, or services for which application is made to receive state or federal funds for their operation after the effective date of this act;

(n) To cooperate with the Department of Administration, Purchasing Division to establish one or more statewide contracts for equipment and supplies utilized by emergency medical services agencies in accordance with §5A-3-1 *et seq.* of this code:

(1) Any statewide contract established hereunder shall be made available to any emergency medical services agency licensed under §16-4C-6a of this code that is designated to provide emergency response by one or more county emergency dispatch centers.

(2) The office may develop uniform standards for equipment and supplies used by emergency medical services agencies in accordance with §5A-3-1 *et seq.* of this code.

(3) The office shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to effectuate the provisions of this subsection; ~~and~~

(o) To take all necessary and appropriate action to encourage and foster the cooperation of all emergency medical service providers and facilities within this state; and

(p) To establish a program for emergency medical service personnel, who, after three years of serving as an emergency medical service personnel or as an emergency medical technician, are eligible for state assistance through the fund established in §16-4C-24 of this code to become a certified paramedic.

§16-4C-24. Emergency Medical Services Equipment and Training Fund; establishment of a grant program for equipment and training of emergency medical service providers and personnel.

(a) There is ~~hereby created~~ continued in the State Treasury a special revenue fund to be known as the Emergency Medical Services Equipment and Training Fund. Expenditures from the fund by the Office of Emergency Medical Services and Bureau for Public Health, are authorized from collections. The fund may only be used for the purpose of providing grants to equip emergency medical services providers and train emergency medical services personnel, as defined in §16-4C-3 of this code, and for the program established in §16-4C-6(p). Any balance remaining in the fund at the end of any fiscal year does not revert to the General Revenue Fund but remains in the special revenue fund.

(b) The ~~Commissioner of the Bureau for Public Health~~ secretary shall establish a grant program for equipment and training of emergency medical services providers and personnel. Such grant program shall be open to all emergency medical services personnel and providers, but priority shall be given to rural and volunteer emergency medical services providers.

(c) The ~~Commissioner of the Bureau for Public Health~~ secretary shall propose legislative rules for promulgation in accordance with §29A-3-1 *et seq.* of this code to implement the grant program established pursuant to this section and for the program established in §16-4C-6(p)."

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 5361, Relating to allowing influenza immunizations to be offered to hospital patients; on second reading, coming up in regular order, was read a second time.

On motion of Delegate Foster, the bill was amended on page 1, section 21, line 1, after the word "offer" by inserting the words "at no cost".

The bill was then ordered to engrossment and third reading.

Com. Sub. for H. B. 5635, Relating to allowing patients to direct prescribers to list the illness or condition for which a prescription is being issued on the label of the prescription; on second reading, coming up in regular order, was read a second time.

The following two amendments were reported by the Clerk:

Delegate Tully moved to amend the bill on page 2, line 29, by striking the period, inserting a colon and the following:

"Provided, That this subsection does not apply when a prescriber transmits an electronic prescription to the pharmacy which includes an ICD-10 code or description. The pharmacy shall use this information and place on the bottle label."

Delegate Griffith moved to amend the bill on page 2, Section 308, lines 27 through 29, by striking out subsection (e) in its entirety and inserting in lieu thereof, the following:

"(e) A prescriber issuing a new prescription shall ask the patient or authorized guardian if the patient wishes to have the intended use for the medication or the medical condition included in the directions of the patient's prescription container label."

In the absence of objection, the amendment offered by Delegate Griffith was voted on first and adopted.

On the question of adoption of the amendment by Delegate Tully, the same was put and the amendment was rejected.

The bill was then ordered to engrossment and third reading.

H. B. 5691, Relating to a biennial capitation rate review to be conducted by the Bureau of Medical Services; on second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

First Reading

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

Com. Sub. for H. B. 4008, To amend the time required for providing notice of an entry on to land for visiting a grave from ten days to three,

Com. Sub. for H. B. 4191, Relating to requirements imposed on social media companies to prevent corruption and provide transparency of election-related content made available on social media websites,

Com. Sub. for H. B. 4706, Creating the utility pole rights of way and easement mapping initiative,

Com. Sub. for H. B. 4880, Relating to personal income tax social security exemption,

Com. Sub. for H. B. 5020, Relating to deferred adjudication and pre-trial diversions for first offense DUI cases,

Com. Sub. for H. B. 5024, Relating to exempting non-grantor trusts administered in this state from the personal income tax,

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

Com. Sub. for H. B. 5238, Mandating that all courts provide adjudication for juvenile offenders for traffic violations to the Division of Motor Vehicles,

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

Com. Sub. for H. B. 5544, Relating to requiring certain reporting from the Mountaineer Trail Network Authority each year,

And,

Com. Sub. for H. B. 5606, Relating generally to money laundering.

Leaves of Absence

At the request of Delegate Jeffries, and by unanimous consent, leave of absence for the day was granted Delegate Bridges.

Miscellaneous Business

At the request of Delegate Ridenour, consent was obtained for the comments of the Delegate regarding H. C. R. 22, H. C. R. 33, Com. Sub. for H. C. R. 40 and H. C. R. 53 to be printed in the Appendix to the Journal.

Delegate Espinosa noted to the Clerk that had he been present when the votes were taken on Com. Sub. for H. B. 5175, Com. Sub. for H. B. 5223, Com. Sub. for H. B. 5540 and H. B. 5549, he would have voted "Yea" thereon; and had he been present when the votes were taken Com. Sub. for H. B. 5553 and Com. Sub. for H. B. 5650 he would have voted "Nay" thereon.

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

H. B. 4909: Delegate Forsht;

H. B. 5024: Delegate Hott;

H. B. 5565: Delegate Young;

H. B. 5662: Delegate Kelly;

H. B. 5694: Delegate Householder;

H. C. R. 70: Delegate Hillenbrand;

And,

H. C. R. 83: Delegate Mazzocchi.

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

H. C. R. 70: Delegate Kimble.

At 2:40 p.m., the House of Delegates adjourned until 11:00 a.m., Wednesday, February 21, 2024.

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